



## Planning Committee

**Wednesday 21 November 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  
Sneddon  
Beck  
Ogunro  
Lorber  
Harrison  
Powney  
Mashari

**For further information contact:** Joe Kwateng, Democratic Services Officer  
020 8937 1354, [joe.kwateng@brent.gov.uk](mailto: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](http://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 pecuniary interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting held on 24 October 2012		1 - 8
<b>Extract of Planning Code of Practice</b>		
<b>NORTHERN AREA</b>		
3. 61 Walm Lane, London, NW2 4QR (Ref. 12/2465)	Mapesbury	13 - 18
4. The Crest Boys' Academy, Crest Road, London, NW2 7SN (Ref. 12/2310)	Dollis Hill	19 - 38
<b>WESTERN AREA</b>		
5. Garages rear of 77-80, Riverside Gardens, Wembley (Ref. 12/1301)	Alperton	39 - 54
6. 128 Windermere Avenue, Wembley, HA9 8RB (Ref. 12/1667)	Preston	55 - 66
7. First Central, Coronation Road/Lakeside Avenue, Park Royal, NW10 (Ref. 12/2380)	Stonebridge	67 - 74
<b>PLANNING APPEALS</b>		
8. Planning Appeals 1- 31 October 2012		75 - 114
9. 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 17 NOVEMBER 2012

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
12/1301	Garages rear of 77-80, Riverside Gardens, Wembley	5	Alperton	9:35	39 - 54
12/1667	128 Windermere Avenue, Wembley, HA9 8RB	6	Preston	10.05	55 - 66

### **Date of the next meeting: Wednesday 12 December 2012**

The site visits for that meeting will take place the preceding Saturday 8 December 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 24 October 2012 at 7.00 pm

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

Apologies for absence were received from Councillors RS Patel and Singh

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

None.

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

RESOLVED:-

that the minutes of the previous meeting held on 27 September 2012 be approved as an accurate record of the meeting.

#### 3. **72-74 Chamberlayne Road, London, NW10 3JJ (Ref. 12/2150)**

PROPOSAL: Change of use of the ground floor from a private members club (Sui Generis) use to a property lettings and estate agency (Use Class A2).

RECOMMENDATION: Grant planning permission subject to conditions as amended in condition 2 and informatives.

Andy Bates, Area Planning Manager informed members that amended plans had been submitted which removed the proposed alterations to the front forecourt. He therefore recommended an amendment to condition 2 to take account of the amended plans.

DECISION: Planning permission granted as recommended.

#### 4. **1-5 Opal Mews, London, NW6 (Ref.12/2292)**

PROPOSAL:

Proposed change of use of upper floors to 5 residential units retaining B1 (office) at ground floors, erection of front dormer windows and replacement windows at ground and first floors, installation of 2 rear rooflights to unit 2, associated landscaping including soft landscaping and parking.

RECOMMENDATION: Grant planning permission subject to conditions as amended in condition 7, an additional condition to demonstrate the self-containment of the residential and commercial uses within unit 5, 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.

With reference to the tabled supplementary report, Andy Bates, Area Planning Manager responded to the issues that were raised during the site visit. In addressing the relationship of the proposal with Aldershot Road, he stated that by positioning the main habitable parts of the units away from Aldershot Road noise impact would be limited and would thus not be detrimental to neighbouring residential amenities. He also referred to the conclusion reached by the Planning Inspector (under appeal reference 10/3274 for 8 self-contained flats which was refused) to support the view that the level of noise that would be produced would not be significant.

Andy Bates continued that although officers were satisfied that the parking spaces were accessible, further details of soft landscaping would be required. He also referred to additional representations received which largely supported the application and additional conditions as set out in the tabled supplementary report.

Mrs Joanna Manca, an objector expressed concerns about loss of privacy and increased noise generation which would result from the proposed development. She added the current use of the site for office (B1) did not interfere with residential amenities unlike the proposed development.

Mrs Beck in objecting stated that security of the neighbourhood would be compromised as it would become possible for anyone to jump over their garden fence and into their gardens. She also expressed concerns about worsening waste management at the site and highway safety as a result of increased movement of traffic.

Mr Mark Pender, the applicant's agent in addressing the issues raised stated that the proposed development would improve the existing situation and protect the residential amenities including privacy. He added that overlooking would not result as the ground floor window would be obscure glazed and non-openable, the first floor skyline about 2.3m above floor level. Mr Pender continued that as the scheme would be gated and traffic controlled (unlike the existing situation), security and safety would be improved.

During question time, Councillor Daly sought from the agent evidence about the site being a crime hotspot and which could have impeded its marketing and employment use. Mr Pender stated that due to fly tipping and suspected drug taking at the site, the marketing response of the site since 2008 had been extremely poor. In response to Councillor Hashmi's enquiry about distance from windows, the agent stated that the ground floor distance of 5metres and the first floor distance of 6metres to the outrigger would be maintained and that the windows would be obscure glazed and non-openable.

The Chair invited the agent to comment on the issue of security, noise and landscaping. Mark Pender submitted that the boundary wall fronting Aldershot Road would be retained at approximately 3metres high and that the mix of soft communal amenities and hard landscaping as well as “green wall” would enhance residential amenities. He continued that the contractor had signed up to Considerate Construction Scheme (CCS) under a Section 106 legal agreement which would ensure that construction noise would be kept to the minimum.

In responding to members’ questions about on-site waste management, Andy Bates stated that the submitted drawings, showing clearly the area marked out for refuse collection, conformed to Brent’s waste management plan. He added that if it was felt desirable, he could seek additional details from Streetcare. He reiterated that condition 3 as set out in the main report sought to protect residential amenity. Steve Weeks, Head of Area Planning recommended an additional condition to require details of separate residential and commercial waste management and amendment to condition 7 requiring details of boundary treatment to be agreed.

DECISION: Planning permission granted as recommended subject to additional conditions to cover waste management and an amendment to condition 7 to include boundary treatment.

**5. Saya Enterprise, Shree Swaminarayan Hindu Mission, 54 Meadow Garth, London, NW10 8HD (Ref.11/2628)**

PROPOSAL: Change of use of part of the building from ancillary storage to residential accommodation for 35 priests; with associated internal and external alterations (Revised description).

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.

DECISION: Planning permission granted as recommended.

**6. Northwick Park Hospital, Watford Road, Harrow, HA1 3UJ (Ref.12/1615)**

PROPOSAL:

Demolition of existing single storey building and the erection of a part 1, part 2 and part 3 storey building in order to provide a new accident and emergency department on land adjacent to blocks G and E of Northwick Park Hospital. Proposal includes a partial realignment of the existing site access road the creation of new access roads, new ambulance and public drop off areas, pedestrian ramps and footpaths, plant room, new retaining walls and landscaping.

RECOMMENDATION: Grant planning permission subject to conditions as amended in conditions 2, 5 and 9, addition of conditions 10 and 11 and delegate authority to the Head of Area Planning, or other duly authorised person, to agree the exact terms thereof as amended, on advice from the Director of Legal and

Procurement. If the applicant fails to demonstrate the ability to provide for the s106 terms and meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an agreement within an appropriate timescale, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

Councillor Daly noted that the supplementary report contained more information than the main report and requested officers to encourage applicants to submit the required information at an early stage. Neil McClellan stated that this application was an exception and explained that it was due to reduced time on the part of the applicant.

DECISION: Planning permission granted as recommended.

## **7. Land Adjacent to Morrith House, Talbot Road, Wembley, HA0 (Ref.12/1383)**

### **PROPOSAL:**

Construction of a pair of 2-storey semi-detached houses with rear gardens and parking spaces to the front on land to the rear of Morrith House, fronting Talbot Road and the creation of a 6 new car parking spaces to the rear of the site for the use of residents of Morrith House, with associated landscaping and refuse storage.

RECOMMENDATION: Grant planning permission subject to 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 Services and Procurement.

Neil McClellan, Area Planning Manager with reference to the tabled supplementary report responded to the following issues that were raised during the site visit:

#### *Access arrangements and pedestrian safety*

The access arrangements had been assessed by Transportation officers who advised that its width was sufficient to serve the number of spaces and would allow vehicles to pass one another. With a controlled access, an automated barrier and access to serve only serves 6 spaces, the site was unlikely to experience high volumes of car movements. For the above reasons the access was considered unlikely to pose a risk to pedestrian safety.

#### *Compliance with Supplementary Planning Guidance 17 (SPG17).*

The scheme was not considered to be over dominant nor would it result in an overbearing impact on Morrith House. In addition as the size and siting of the proposed houses generally complied with the 30 degree rule, the scheme complied with SPG17. A number of flats would also benefit from much improved outlook through the removal of the existing garage block.

#### *Waste management*



Refuse bins would be collected from a dedicated refuse storage area in Talbot Road which was considered more accessible for collection and an improvement on the existing arrangement.

#### *Tree and landscaping*

The Arboricultural report concurred by the Tree Preservation Officer found that the existing horse chestnut tree had severe deficiencies and trunk decay was also evident. As its long term prospects were limited, the report recommended that it be felled. Against this background, the current scheme was supported by a site wide landscaping scheme including proposals for 6 new trees.

#### *Parking spaces*

The Area Planning Manager confirmed that there were 16 spaces in total in the redundant garage block although the block had not been used for a considerable period of time (in excess of 10 years).

Miss Catherine O'Callaghan in objecting to the proposed development expressed concerns about the access road and parked vehicles, fly tipping and loss of light. She added that with the possibility of the houses being rented out for multiple-occupation, the development could give rise to over-population resulting with increased pressure on residential amenities.

Mr Shapulavar an objector expressed concerns about the access road and the likely risk it would pose to the safety of young children within the development. He continued that as the bins were located in close proximity to the block, they would result health hazard for the residents. Mr Shapulavar alleged that not all residents were consulted about the meeting thus denying them the opportunity to give their views about the proposal which would also lead to loss of light, contrary to the view expressed by the officer.

Mr Brian Peppiatt, the applicant's agent brought an architectural model to support his presentation to the Committee. With reference to the model, Mr Peppiatt stated that the scheme had been designed to be compatible with the area, giving an open feel to the development and using grasscrete, would result in a green outlook. He continued that the controlled (key or card) barrier arrangement would be available to all residents of Morrill House. He continued that in addition to each house having its own car parking space, there would be five informal parking spaces for use by residents which would on the basis of first come first served.

In response to members' enquiries, Mr Peppiatt stated that fencing would be provided from one end to the other which would prevent children from crossing and thus minimise any danger to them. He added that the current proposal would discourage irregular use such as on-site dumping of rubbish. Mr Peppiatt agreed to an additional condition recommended by Steve Weeks, Head of Area Planning, requiring the applicant to submit detail landscaping to enable disabled access to facilitate the use of wheel chairs.

The Chair requested the officer to comment on inadequate consultation, parking on the access road, measures to discourage the use of bin areas by non-residents and light impact. Neil McClellan responded that all residents who responded to the initial consultation were informed about the meeting. He advised that the issue

of parking on the access road would have to be dealt with by the managing agents via parking enforcement including wheel clamping. He drew members' attention to condition 9 which addressed issues on bin enclosures and added that whilst there would be reduced direct light at certain times, the impact was not considered significant to warrant refusal on those grounds. The Head of Area Planning recommended a further condition requiring details of the barrier arrangement which was accepted.

DECISION: Planning permission granted as recommended subject to additional conditions for submission of further details of disabled access and barrier arrangement.

Note: In accordance with the Planning Code of Practice Councillor Aden could not vote on this application as he was not present throughout the meeting during consideration of the application.

**8. 280 Watford Road, Harrow, HA1 3TZ (Ref.12/2110)**

PROPOSAL:

Submission of details pursuant to Condition 3 (laying of topsoil and grass); Condition 4 (details of landscaping) and Condition 6 (parking management plan) of planning permission dated 22/12/2006 (LPA Ref: 06/0768) for the creation of an overflow car-park and a grassed area for special-events parking.

RECOMMENDATION: Grant planning consent.

DECISION: Planning permission granted as recommended.

**9. 280 Watford Road, Harrow, HA1 3TZ (Ref.12/0316)**

PROPOSAL: Internal and external works to the existing golf centre building to enable part of the ground floor to be used as a cafe.

RECOMMENDATION: Grant planning permission subject to conditions.

Mr Robin Harper an objector stated that the application would not constitute an acceptable use in Metropolitan Open Land (MOL). He added that under the current lease agreement with Playgolf Northwick Park Ltd, the operators of the existing restaurant had exclusive rights to be the sole caterers in respect of the application building and that no other caterers would be permitted to use any part of the building. He continued that as there were existing informal dining facilities on the premises to serve the needs of the primary use, the additional café was not necessary and would be contrary to the development policies seeking to protect Metropolitan Open Land under policy OS2.

Mr Harper also submitted that the proposals would inevitably generate some additional parking demand from passing trade which could not be accommodated within the existing car parking provision. This would result in further inappropriate

overspill parking on the access road contrary to highway safety and would detract from the character and visual quality of the MOL.

Mr Murray Ross the applicant's agent stated that the proposal which accorded with the development plan policies of the Council would not impact on the MOL. He expressed a view that the existing restaurant was not suited to better provide the range of services required by the users of the golf club. Mr Ross urged members to endorse the officer's recommendation for approval.

Neil McClellan clarified that the proposal would not expand the footprint of the building and in terms of scale, control and management of the car park, the application was considered to be ancillary to the golf course.

DECISION: Planning permission granted subject to conditions.

#### **10. Planning Appeals - September 2012**

RESOLVED:

that the planning appeals for September 2012 be noted.

#### **11. Any Other Urgent Business**

##### ***Anthony Vincett***

The Chair informed the Committee that Anthony Vincett, Senior Property Lawyer and the legal representative for the Committee will be retiring at the end of October 2012. Members were unanimous in expressing their appreciation for the advice given by Mr Vincett over the years and wished him long and happy retirement.

In response, Mr Vincett thanked members for their kind and appreciative tribute.

The meeting ended at 8:30pm

COUNCILLOR KETAN SHETH  
Chair

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## **EXTRACT OF THE PLANNING CODE OF PRACTICE**

### **Purpose of this Code**

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

### **Accountability and Interests**

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

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

### **Meetings of the Planning Committee**

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

### **STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE**

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

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

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

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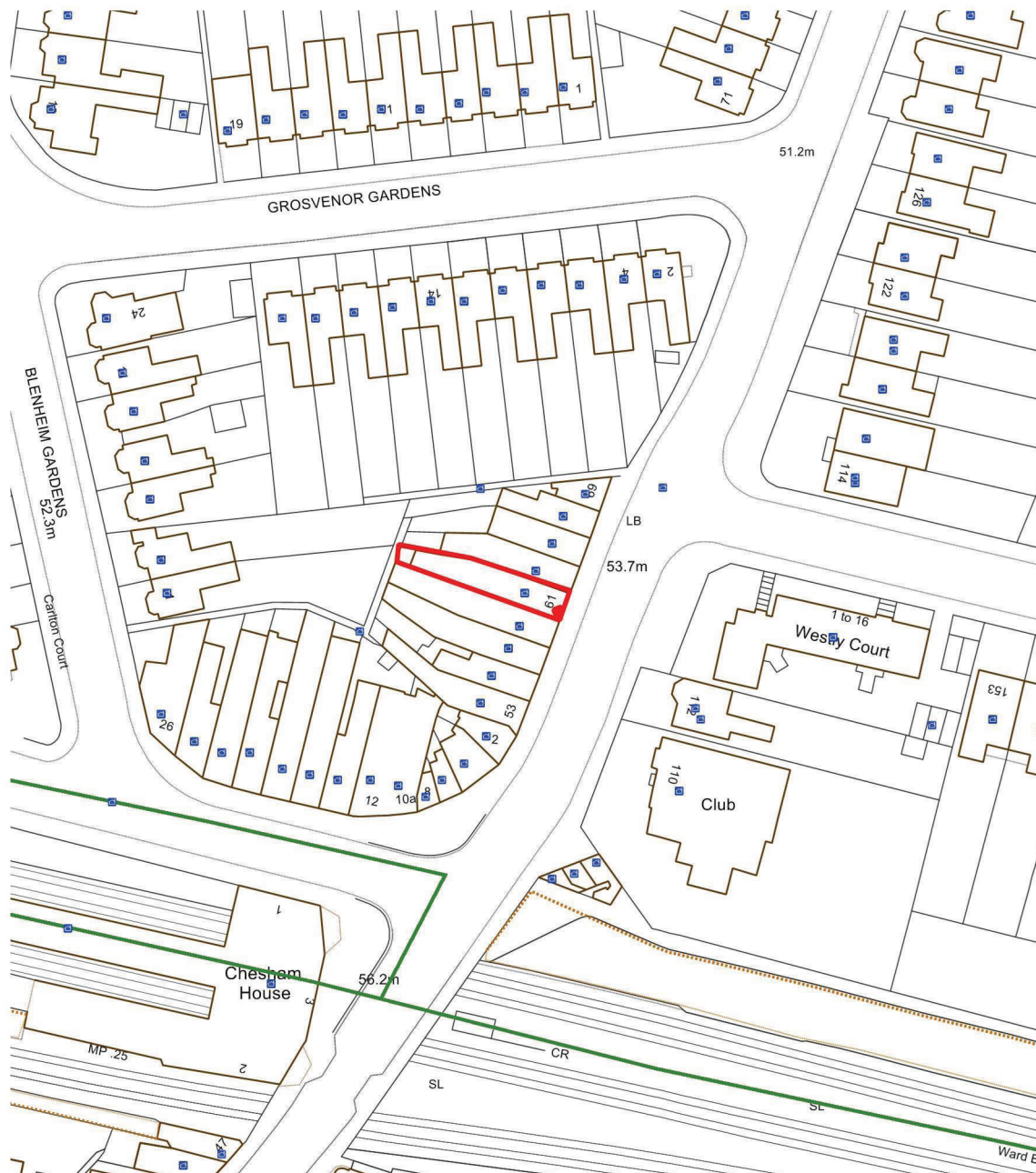




### Planning Committee Map

Site address: 61 Walm Lane, London, NW2 4QR

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This map is indicative only.

**RECEIVED:** 12 September, 2012

**WARD:** Mapesbury

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

**LOCATION:** 61 Walm Lane, London, NW2 4QR

**PROPOSAL:** Change of use from Wine Bar (A4) to Restaurant/Hot Food Take Away (A3/A5)

**APPLICANT:** Mr Mohammed Munir Chughtai

**CONTACT:** J & H Licensing Consultants

**PLAN NO'S:**  
61 Walm Lane OS Plan, Plan of Premises (scale 1:100)

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## **RECOMMENDATION**

Refuse Consent

## **EXISTING**

The application site comprises a 2 storey mid terraced property located within a parade along Walm Lane. It contains a wine bar (A4) at ground floor and residential at 1st and 2nd floor above. The other ground floor units of the parade are a mixture of commercial units with residential flats above which also run along Station Parade.

The parade is a designated secondary shopping frontage which abuts an area of distinctive residential character (ARDC) to the north of the application site and is opposite the Mapesbury Conservation Area to the east and the Grade II listed Willesden Green tube station to the south.

## **PROPOSAL**

The application proposes to change the use of the ground floor unit from a Wine Bar (A4) to Restaurant/Hot Food Take Away (A3/A5)

## **HISTORY**

**E/12/0278** - *Case opened 27/06/2012*

The change of use of the premises to a restaurant

**91/0957 - CON 1289** *Allowed on Appeal ; APP/C/91/T5150/615588/p6*

Retention of Change of Use to Wine Bar

**90/1907** - *Refused, 08/05/1991*

Change of Use from retail to wine bar

**84/1728** - *Refused, 28/11/1984*

Change of Use to restaurant

**83/1328** - *Granted, 04/10/1983*

Erection of single storey rear extension to shop & external staircase to 1st floor

## **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.

## **Brent's Unitary Development Plan (2004)**

*BE2* - Townscape: Local Context & Character:

*BE3* - Urban Structure: Space & Movement:

*BE7* - Public Realm: Street scene:

*BE9* - Architectural Quality:

*BE17* – Building Services Equipment

*PS9* - Parking standards for A3

*PS20* - Parking Standards for A3 servicing

*SH9* - Secondary Shopping Frontage

*SH10* – Food and Drink (A3) uses

*SH11* – Conditions for A3 Uses

*SH19* – Rear Servicing

*EP2* - Noise & Vibration

*H22*- Protection of Residential Amenity

## **CONSULTATION**

*Consultation Start Date:* 26 Sept 2012 - 17 Oct 2012

A total of 34 neighbouring properties & Mapesbury Conservation Area Resident Association were consulted regarding the application. The following objections were received:

Two objections from residents raising the following concerns:

- History of associated disturbance including evidence of noise, disturbance and criminal activity;
- Noise and disturbance from people entering and leaving the premises - particular concern due to opening hours to 2am;
- Too many takeaways which have roller shutters and do not contribute positively to the high street appearance particularly during the day time;
- Concern regarding litter from take-away.

A letter from Sarah Teather MP on behalf of a constituent who has raised concerns regarding the use of the first floor (61A) as a brothel. As this is a separate unit to the application property, this does not prevent the determination of this planning application. Notwithstanding this, Planning Enforcement have been notified and will investigate this matter.

Metropolitan Police (Licensing)

Police representations primarily deal with noise nuisance, anti-social behaviour and crime. Comments state the premises is associated with alcohol related anti-social behaviour; its customers with drunkenness and drug abuse; and, the owner with general mismanagement of the wine bar and its clientele. There is concern that a 2am restaurant/takeaway venue would allow a repeat of these issues and have a negative impact to local residents who have suffered vast amounts of anxiety in the past as a result of the wine bar. An earlier closing time of 11pm may alleviate concerns about anti-social behaviours.

*Internal:*

*Environmental Health:* The applicant has not submitted sufficient information regarding the proposed kitchen ventilation/extraction system with associated ducting. There is an absence of information about sound insulation to mitigate noise. This information must be supplied prior to any permission being granted.

*Transportation:* No objection in principle. The proposal will comply with parking standards. There are on street parking bays along the frontage of 55-69 Walm Lane which are pay & display and as such for short-term parking use in line with food collection from the takeaway (A5) element of this proposal.

## **REMARKS**

### ***Background & Context***

The premises has operated as a wine bar since 1992. The premises has recently been refurbished and a new sign displayed to the front of shop unit naming it as "BBQ 2 NITE". An enforcement case was opened and site investigation carried out in March 2011; at the time of the site visit, the sign outside the unit was 'Sparkles Wine Bar' and it was found that no change of use to the premises was apparent. This planning application was submitted in September 2012.

***The key issues for this proposal are:***

1. Principle
2. Residential Amenity:
3. Transport
4. Character and Appearance

1. Principle - Change of Use

Planning permission is not needed when both the present and proposed uses fall within the same 'class', or if the Town and Country Planning (Use Classes) Order says that a change of class is permitted to another specified class. Planning permission is not required for the A4 unit (wine bar) to become an A3 unit (restaurant) however as the proposal also incorporates an A5 use (hot food take away), planning permission is required.

The unit is located in a secondary shopping frontage where the change of use unit should comply with UDP(2004) policy SH9. The parade has a range of businesses where no specific type of use dominates. This policy states that non-retail uses that provide a service to visiting member of the general public will be permitted subject to residential amenity, highway and traffic considerations. As such, the principle of the change of use can be accepted subject to consideration of these matters.

2. Residential Amenity

*(a) Extraction system for kitchen*

No information has been provided with the planning application regarding the proposed extraction flue. An appropriate extraction system would be required to disperse fumes from cooking associated with the restaurant and the proposed take away. This is of particular concern due to the proximity of the residential premises above the parade and the potential impact of an extractor duct on nearby residents, particularly no. 61A, which is most likely to be in closest proximity to any extraction system. An extraction flue/duct, if inappropriately positioned or of an unacceptable specification, can block outlook to habitable room windows and create smells, noise and disturbance when in use. As such, full details of the extraction system are fundamental to the acceptability of the proposal and it would not be appropriate to require this information by condition. It is noted that the applicant has set out in supporting documents that the existing extraction system will be used; this does not benefit from planning permission and given the termination height and its position obstructing a residential window, it would not be of an acceptable standard. In addition, further information regarding this extraction system has not been submitted for assessment. As such, the proposal is contrary to UDP(2004) policy SH10(e) which requires appropriate extract duct and ventilation that does not have an adverse impact on residential amenity.

*(b) Proposed Restaurant Use and Hot Food Take Away*

The existing use of the premises is as a wine bar; there are no planning controls in terms of the hours of operation. The proposed change of use, which incorporates a take away, is likely to result in a greater number of customers coming and going from the premises; this type of use is characterised by people spending a short time at the premises collecting their order and has the potential for people to congregate outside the establishment if not properly controlled. Given the proposed hours of use from 12pm to 2am everyday; the problems cited by the Metropolitan Police for the existing business which is under the same management as the proposal; and, the increase in coming and going of customers associated with a take away use and possible overspill onto the street, it is considered the proposal will have an unacceptable impact in terms of noise and disturbance to the residential occupiers above and opposite the parade.

In the comments received from the Licensing Constable (Metropolitan Police), Nicola McDonald, it is suggested that related anti-social behaviour could be alleviated by a closing time of 11pm. In addition, further information would be required regarding the management of premises to demonstrate that the above matters could be addressed. However, as submitted, the proposal would fail to comply with policies SH9 and SH10 of the UDP(2004).

3. Transport & Servicing

Parking standards and servicing requirements for an A3 and A5 use are set out in PS9 and PS20 in the UDP(2004) which states that 1 car space can be permitted per up to 400sqm of floor area, whilst a servicing bay from a "transit" sized vehicle will be necessary. Additionally, with A5 takeaway uses, there is often an

association with increase on-street parking and stopping as drivers attempt to get as close as possible to the A5 in order to collect their food order.

In this location, on-street car parking bays operate along the front of 55-69 Walm Lane, which provide pay & display spaces. As such, these bays are suitable for short-term parking while collecting food. There is no highways concern to pedestrian and road safety as a result of this change of use. It is noteworthy to add that the Council has a rotatable CCTV camera within 40m of the site which will allow any offenders to be caught and issued with a Fixed Penalty Notice (FPN) if caught parking/stopping on the highway illegally. The existing unit is serviced from the street as there is no vehicular access to the rear of the premises; this will remain unchanged and is considered acceptable

For waste disposal, the shop unit will already have in existence a waste storage system. However, given the increased use of food on site, plans for bin storage at the rear of the premises will be required. Disposal of waste occurs by bringing the waste bags to the front of the shop for collection. Further information as to how this will be managed would be required.

#### 4. Character & Appearance

Plans showing the front elevation of the new premises have not been submitted. It is thought that the frontage will be as existing with closed shutters. If the premises is not open until 12pm daily, the frontage of no. 61 will appear as a shuttered frontage during the day time, considered detrimental to the vitality and vibrancy of this small secondary frontage. A new frontage design can be requested without a shutter in order to provide a more active appearance to its frontage .

#### *Conclusion*

The proposed change of use is not considered acceptable by reason of the absence of details regarding and extractor flue/duct considered the detrimental impact on the amenity of neighbouring residents above and will not comply with relevant planning policy. As such the proposal is recommended for refusal.

### **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Refuse Consent

### **CONDITIONS/REASONS:**

- (1) No information has been provided regarding the proposed kitchen extraction/ ventilation system to ensure that the proposal does not have an unacceptable impact in terms of noise from equipment and cooking fumes to nearby residential occupiers. Additionally, it has not been demonstrated that a flue can be acceptably located without impacting on the outlook of residents to the first floor flat, no. 61A. As such, the proposal is contrary to policies EP2, H22, SH9 and SH10 of Brent's Unitary Development Plan (2004) which seek to protect residential amenity.
- (2) In the absence of information about noise insulation to the premises for use as a restaurant and hot food take away (A3/A5), the proposal is considered detrimental to the amenity of occupiers in the residential premises above the parade and those in the locality contrary to policy EP2, H22, SH10 of the Unitary Development Plan (2004).
- (3) The proposed change of use incorporating a hot food take away is likely to result in an intensification of customers entering and leaving the premises, the potential for people to congregate outside the establishment if not properly controlled and given the proposed late night opening, is likely to have an unacceptable impact on nearby residents in terms of noise and disturbance. As such, the proposal is contrary to Policies EP2, H22, SH9 and SH10 of the Unitary Development Plan (2004).


### **INFORMATIVES:**

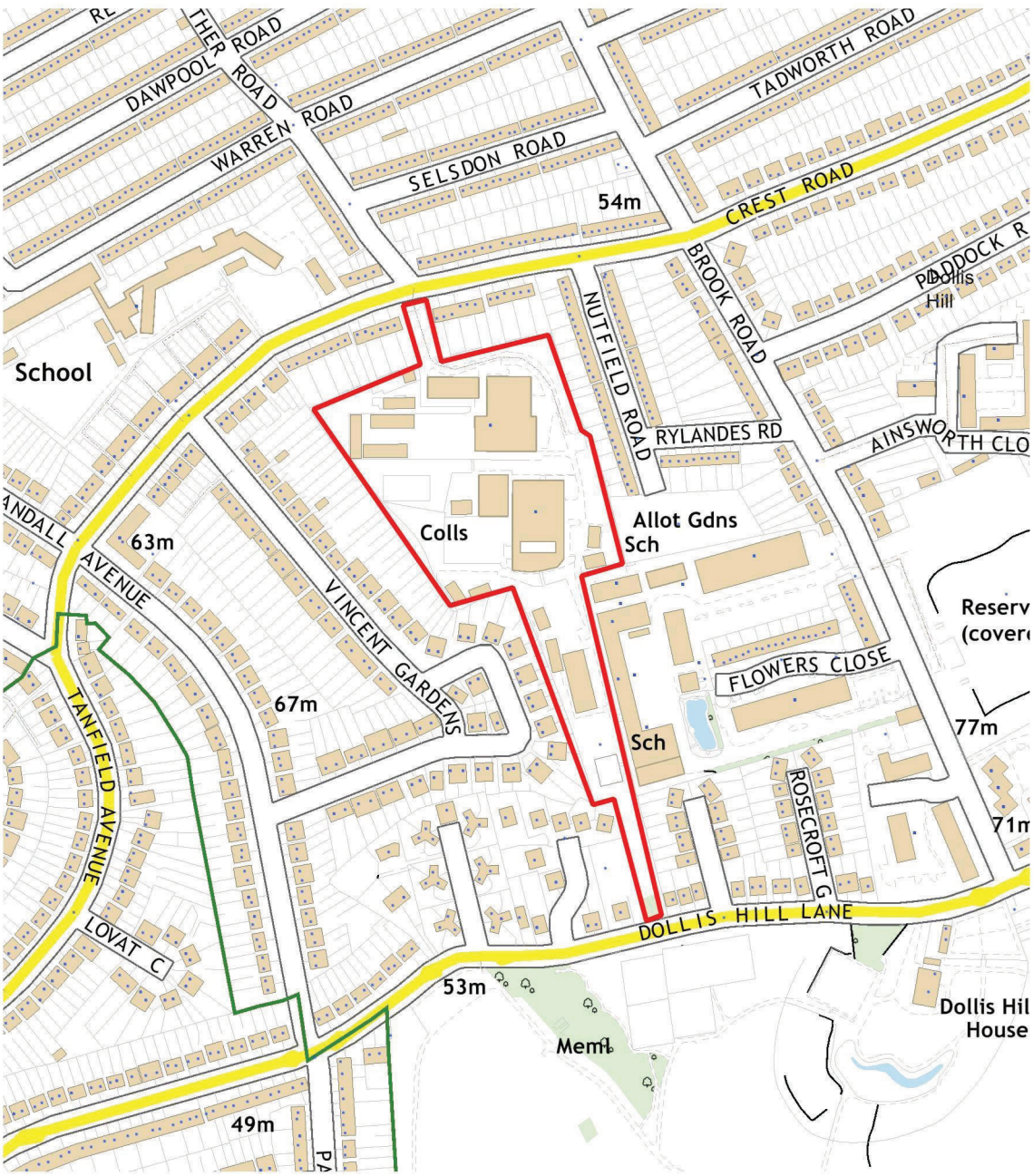
- (1) With resubmission of this application, further details for a kitchen extraction system should be submitted, and details for sound insulation to the shop unit to prevent noise disturbance to residential above. It is also requested that the shop front be kept open without fully closed shutters in order to prevent dead frontage to the unit.

- (2) A management plan for clientele congregation should be submitted with any re-submission of this proposal which has been prepared in discussion with the local police.

**REFERENCE DOCUMENTS:**

Any person wishing to inspect the above papers should contact Harini Boteju, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5015

 **Planning Committee Map**  
Site address: The Crest Boy's Academy, Crest Road, London, NW2 7SN  
© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

**RECEIVED:** 24 August, 2012

**WARD:** Dollis Hill

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** The Crest Boy's Academy, Crest Road, London, NW2 7SN

**PROPOSAL:** Variation of condition 3 (development to be carried out in accordance with approved plans and documents) of full planning permission 11/1698 dated 19/10/2011 (as varied by planning permission 11/3393 dated 15/03/2012 for *Phased development comprising enabling works including demolition of existing temporary structures, formation of new access road from Dollis Hill Lane and car park (44 spaces), erection of temporary school accommodation (2.5 year permission); Phase 1: erection of new school buildings comprising four no. four- to six-storey blocks with four-storey linking structures, associated hard and soft landscaping works and car park providing 61 spaces (6 accessible spaces), 238 no. cycle spaces, internal service road from Crest Road, grading, cutting and filling of ground, provision of building mounted mobile telephone antennae; and Phase 2: demolition of permanent school buildings, associated hard and soft landscaping works including one no. Multi Use Games Areas and one no. all-weather pitch with floodlighting (as amended by plans received 31/08/11) to allow minor material amendments to:*

Condition 3

- (i) remove all rooftop teaching areas
- (ii) add rooftop photovoltaic panels
- (iii) addition of Combined Heat and Power (CHP) boiler
- (iv) removal of stair and lift access and thus reduction in height of part of Blocks 1, 2 and 3
- (v) removal of sixth form social area on Block 2 and increase in height to reduction in height of Block 2
- (vi) increase in height of Pod 1 between Blocks 1 and 2
- (vii) make changes to the pods' footprint and position of external doors
- (viii) reduce the width of Block 3 by 1.3m
- (ix) alter the landscaping following the above changes in (vii) and (viii)

**APPLICANT:** Crest Boys and Crest Girls Academies

**CONTACT:** Planning and Development Associates

**PLAN NO'S:**  
See Condition 3

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## RECOMMENDATION

To delegate authority to the Head of Area Planning to approve the application subject to consideration of comments received from the Greater London Authority and any associated conditions.

## EXISTING

The 3.6ha site is located in the Dollis Hill ward of the borough, lying between the North Circular Road to the north and Gladstone Park to the south. It is a backland site, bound by the rear gardens of suburban housing in most parts although one part of the boundary is shared with the Dollis Hill Estate, a former industrial estate in mixed education and light industrial uses with planning permission for comprehensive redevelopment for residential purposes (ref: 10/1388).

The site is currently in education use (Use Class D1), with the existing buildings housing the Crest Boys and Crest Girls Academies, formally the Jon Kelly Technology Colleges. Constructed in the mid-50s, the existing buildings are generally poor quality and lack any architectural merit; to accommodate the number of pupils



the schools rely on a large number of inadequate temporary accommodation.

Planning permission 11/1698 was granted on 19 October 2011 with the following description:

*Phased development comprising enabling works including demolition of existing temporary structures, formation of new access road from Dollis Hill Lane and car park (44 spaces), erection of temporary school accommodation (2.5 year permission); Phase 1: erection of new school buildings comprising four no. four- to six-storey blocks with four-storey linking structures, associated hard and soft landscaping works and car park providing 61 spaces (6 accessible spaces), 238 no. cycle spaces, internal service road from Crest Road, grading, cutting and filling of ground, provision of building mounted mobile telephone antennae; and Phase 2: demolition of permanent school buildings, associated hard and soft landscaping works including one no. Multi Use Games Areas and one no. all-weather pitch with floodlighting (as amended by plans received 31/08/11)*

A number of details pursuant applications have been made to satisfy various pre-commencement conditions; some have been granted and others are pending a decision.

## PROPOSAL

The proposal is to make minor material amendments to the approved scheme which have come about as a result of a re-planning exercise, undertaken following a need to accommodate a revised brief from the Academy Sponsor, EAct. The changes reflect how the school management team wish to operate their premises to assist with improving behaviour and educational attainment for the benefit of pupils at the Crest Academies.

- (i) remove all rooftop teaching areas
- (ii) add rooftop photovoltaic panels
- (iii) addition of Combined Heat and Power (CHP) boiler
- (iv) removal of stair and lift access and thus reduction in height of part of Blocks 1, 2 and 3
- (v) removal of sixth form social area on Block 2 and increase in height to reduction in height of Block 2
- (vi) increase in height of Pod 1 between Blocks 1 and 2
- (vii) make changes to the pods' footprint and position of external doors
- (viii) reduce the width of Block 3 by 1.3m
- (ix) alter the landscaping following the above changes in (vii) and (viii)

## HISTORY

**12/0363** Details pursuant to condition 3 (materials) of full planning permission 11/3206 for Erection of electricity sub-station adjacent to shared boundary with Nos. 110 & 112 Crest Road **Granted** 08/03/2012

**12/0148** Details pursuant to condition 11(b) (phase 1 external materials), 12(b) (phase 1 tree protection plan), 13(b) (phase 1 arboricultural method statement), 14(i)-(iv) (soft landscaping) and 15 (landscape management plan) of full planning permission 11/1698 **Granted** 13/02/2012

**11/3393** Variation of condition 3 (development to be carried out in accordance with approved plans and documents) and condition 32 (details of facade/cladding works) of full planning permission 11/1698 dated 19/10/2011 for *Phased development comprising enabling works including demolition of existing temporary structures, formation of new access road from Dollis Hill Lane and car park (44 spaces), erection of temporary school accommodation (2.5 year permission); Phase 1: erection of new school buildings comprising four no. four- to six-storey blocks with four-storey linking structures, associated hard and soft landscaping works and car park providing 61 spaces (6 accessible spaces), 238 no. cycle spaces, internal service road from Crest Road, grading, cutting and filling of ground, provision of building mounted mobile telephone antennae; and Phase 2: demolition of permanent school buildings, associated hard and soft landscaping works including one no. Multi Use Games Areas and one no. all-weather pitch with floodlighting (as amended by plans received 31/08/11)* to allow minor material amendments to:

Condition 3

- (i) reduce the width of Block 3 by moving southern elevation northwards by 900mm and eastern elevation westward by 1m;
- (ii) move Block 4 northwards by 900mm towards Block 3 to maintain building separation;
- (iii) omit part of the basement of Block 3
- (iv) remove one storey from Entrance Pod;

- (v) amend the shape of the sprinkler tank;
- (vi) show new sub-station as approved by LPA ref: 11/3206; and
- (vii) minor amendment to fenestration on southern elevation of Block 3

#### Condition 32

allow the details to be submitted prior to commencement of each part of the facade work in Phase 1.  
**Granted** 15/03/12

**11/3348** Details pursuant to condition 22 (access road gates), 23 (electric vehicle charging points), 24 (cycle storage), 30 (rainwater harvesting measures), 31 (photovoltaic cells and wind turbine), 35 (green roof), 36 (further details of internal layouts) and 37 (disabled parking bays) of full planning permission 11/1698  
**Granted** 10/02/2012

**11/3206** Erection of electricity sub-station adjacent to shared boundary with Nos. 110 & 112 Crest Road  
**Granted** 03/02/2012

**11/3181** Details pursuant to condition no.26 (agreement with local highway authority or highway construction funding) and condition no.38(a) (bus strategy), of the full planning application reference 11/1698 **Under Consideration**

**11/2802** Details pursuant to condition no.11(a) (details of external materials), condition no.12(a) (Tree Protection Plan), condition no.13(a) (Arboricultural Method Statement), condition no.16 (part thereof) (soil contamination test details), condition no.18(i) (programme of archaeological work), condition no.19 (Surface Water Scheme), condition no.27 (PERS assessment) and condition no.34 (wheel wash facilities) of full planning application reference 11/1698 **Granted** 16/12/2011

**11/1698** Phased development comprising enabling works including demolition of existing temporary structures, formation of new access road from Dollis Hill Lane and car park (44 spaces), erection of temporary school accommodation (2.5 year permission); Phase 1: erection of new school buildings comprising four no. four- to six-storey blocks with four-storey linking structures, associated hard and soft landscaping works and car park providing 61 spaces (6 accessible spaces), 238 no. cycle spaces, internal service road from Crest Road, grading, cutting and filling of ground, provision of building mounted mobile telephone antennae; and Phase 2: demolition of permanent school buildings, associated hard and soft landscaping works including one no. Multi Use Games Areas and one no. all-weather pitch with floodlighting (as amended by plans received 31/08/11) **Granted** 19/10/2011

## **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

#### 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 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.

**CONSULTATION**

A total of 87 adjoining owner/occupiers were consulted regarding the application, site notice displayed adjacent to the site and the application was publicised in the local press. No comments or objections were received.

**Greater London Authority (GLA)**

Further details have been required regarding the CHP and a revised estimate of the reduction in regulated CO2 emissions. In addition, further information has been requested regarding the proposed PV panels. Subject to this information being provided and assessed against the levels achieved by the consented scheme, the GLA has advised they are likely to be satisfied with the amendments.

**Environment Agency**

The alterations to the building design appear to be minimal and has not altered the surface drainage scheme for the scheme. No further comments made.

**REMARKS**

**Background**

This application is for minor material amendments to the previously approved scheme. Changes to Government policy has meant that since 2009 applicants have been able to submit applications for amendments "whose scale and nature results in a development which is not substantially different from the one which has been approved." (CLG, 2009); this is assessed by way of a variation of condition application.

**Assessment**

***Remove all rooftop teaching areas***

The rooftop teaching areas were incorporated in the scheme to provide additional supervised areas to be used by the students. The proposal required 1.8m high acoustic screening to the rooftop amenity areas to the north and west sides of Blocks 1 and to the south side of Block 4. As a result of the removal of the rooftop teaching areas, these screens will no longer be required and have been omitted from the scheme.

When the application was originally considered, concern was raised by residents regarding the use of the proposed teaching areas. Whilst the incorporation of these teaching areas was not considered to result in harm to the amenity of nearby residents, their removal is likely to assist in reducing the perception of harm to neighbouring residents.

#### ***Addition of Combined Heat and Power (CHP) boiler & add rooftop photovoltaic panels***

The following changes are proposed to sustainability measures:

- Replace mechanically induced natural ventilation with single-sided natural ventilation to relevant classrooms (via motorised louvers and operable windows).
- Addition of CHP and appropriate thermal storage to provide hot water for kitchen and changing room showers.
- Addition of roof-mounted photovoltaic arrays on roofs of buildings.
- Sports Hall on Levels 00 and 03 utilise natural ventilation (previously mechanically ventilated) with ventilation provided in atrium.

The applicant has confirmed that BREEAM Excellent will be achieved. Subject to confirmation from the GLA that these changes meet their policy requirements, the proposal is considered acceptable.

#### ***Changes to the height of the blocks and pods & associated landscape changes***

The internal arrangement has been completely re-planned in response to the new brief. The changes have been designed to have a minimal impact on the external appearance of the building. The main aims of the proposal are:

- to improve circulation routes;
- provide additional staff bases for passive supervision;
- reduce open plan learning spaces (to improve acoustics, supervision and control).

The main external changes are set out below:

- Reduction in height at one end of Blocks 1, 2 & 3 to reflect the removal of stair and lift access for pupils to roof area;
- Relocation of sixth form area so that Block 2 is one storey lower in height overall although it is slightly raised on the eastern side of the building by 0.45m (away from the neighbouring houses) to maintain the Sport England guidance clear height of stacked sports halls to avoid any loss of potential sports usage;
- Increase height of Pod 1 by one storey to accommodate vertical circulation into Block 2 (increase in height by 2.75m);
- Minor relocation of the pod footprint and new position of external entrance doors to reflect new internal layout;
- Block 3 narrowed by 1.3m which increases its distance from the boundary;
- Narrowing of Block 3 and relocation of pod footprint (further from residential boundaries) has resulted in minor changes to the landscaping.

The proposal is not considered to significantly change the overall design and appearance of the building. Whilst the height of the building has been increased in part, the impact on the overall massing of the development is offset by the areas of reduction. There will be no significant amenity impacts as the elements where there is an increase in height are set away from the boundaries with residential properties. Revised section drawings have been provided to confirm compliance with SPG17.

#### **Conclusions**

The changes proposed are not considered to significantly change the approved scheme, but are necessary to make alterations to accord with the new operational requirements of the school management team. Subject to confirmation from the GLA that they considered sustainability matters are acceptable, approval of the minor material amendments is recommended.

#### **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent

#### **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004  
Brent Core Strategy 2010  
London Plan 2011  
Central Government Guidance  
Council's Supplementary Planning Guidance

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

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
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 permission 11/1698 dated 19/10/2011.

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

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

(a) Enabling Works

The temporary building hereby permitted under 'Enabling Works' of the proposals shall be removed: (i) within a period of 48 months of the date of the first occupation of the temporary building, or (ii) within nine months of first occupation of the new academy buildings, whichever is sooner.

(b) Phase 1

The works hereby permitted under 'Phase 1' of the proposals shall be completed: (i) within a period of 48 months of the date of the first occupation of the temporary buildings, or (ii) prior to occupation of the new academy buildings, whichever is sooner.

(c) Phase 2

The works hereby permitted under 'Phase 2' of the proposals shall be commenced: (i) within a period of 48 months of the date of the first occupation of the temporary buildings, or (ii) within three months of the occupation of the new academy buildings.

The development shall be completed in full in accordance with the plans hereby approved and/or any such plans approved pursuant to any condition attached to this planning permission within eighteen months of the occupation of the new academy buildings.

Reason: To ensure the permission for the temporary building is time limited and that the first and second phases of the development are commenced and completed in full in good time to minimise disruption to pupils, in the interests of the amenity of local residents and users of the academy.

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

910001-P00 *Existing Site Location Plan*  
910002-P00 *Existing Site Plan*  
910004-P01 *Planning SPG17 Distance Plan*  
910005-P00 *Site Constraints*

910010-P01 *Proposed Site Plan*

062003 PL1

062004 PL1

062005 PL1

062006 PL1

062007 PL1

062010-P00 *Proposed Site Elevation (N, E)*

062011-P00 *Proposed Site Elevation (S, W)*

602020-P00 *Crest Road & Dollis Hill Lane Entrance Elevations*

061001 PL1

061011 PL1

061021 PL1

061031 PL1

061041 PL1

061051 PL1

061061 PL1

061071 PL1

063001 PL1

063002 PL1

063003 PL1

063004 PL1

063005 PL1

063001-P00 *Existing Site Sections A-C*

063002-P00 *Existing Site Sections D & 1-4*

063101-P01 *Typical External Wall Sections - Sheet 1 - Wing 1 & 4*

063102-P01 *Typical External Wall Sections - Sheet 2 - Wing 2 & 3*

063201-P00 *Planning SPG17 Sections Sheet 1*

063202-P00 *Planning SPG17 Sections Sheet 2*

060001-P00 *Daylight/Shadow Path Modelling Sheet 1*

060002-P00 *Daylight/Shadow Path Modelling Sheet 2*

060003-P00 *Daylight/Shadow Path Modelling Sheet 3*

060004-P00 *Daylight/Shadow Path Modelling Sheet 4*

060005-P00 *Daylight/Shadow Path Modelling Sheet 5*

910003-P00 *Temporary Accommodation Site Plan*

063203-P00 *Planning SPG17 Temporary Accommodation*

910501-P00 *Existing Site Plan with Tree Survey*

940502-P01 *Proposed Tree Removals and Tree Works*

940506-P01 *Existing tree impact sections Sheet 1 of 2*

940507-P00 *Existing tree impact sections Sheet 2 of 2*

940508-P01 *Existing tree impact sections Dollis Hill Lane access*

940510-PL1 *Proposed Landscape Masterplan*

940511-PL1 *Proposed Hard Landscape General Arrangement Plan Sheet 1 of 3*

940512-PL1 *Proposed Hard Landscape General Arrangement Plan Sheet 2 of 3*

940513-CP1 *Proposed Hard Landscape General Arrangement Plan Sheet 3 of 3*

940515-PL1 *Proposed Softworks General Arrangement*

940516-PL1 *Proposed Hard Landscape Soft Landscape General Arrangement Sheet 1 of 3*

940517-PL1 *Proposed Hard Landscape Soft Landscape General Arrangement Sheet 2 of 3*

940518-CP1 *Proposed Hard Landscape Soft Landscape General Arrangement Sheet 3 of 3*

940521-P01 *Proposed Site Sections A/B/C*

940522-P01 *Proposed Site Sections D/E/F*

940526-P02 *The Crest Girls' Academy All Weather Pitch Site Sections Sheet 1 of 2*

940527-P01 *The Crest Girls' Academy All Weather Pitch Site Sections Sheet 2 of 2*



940528-P01 *The Crest Boys' Academy Multi-Use Games Area Site Sections*  
940531-P00 *The Crest Academies Dollis Hill Lane Entrance Proposed Sections*

940541-P02 *The Crest Girls' Academy All Weather Pitch Court Setting Out Details*  
940542-P00 *The Crest Boys' Academy Multi-use Games Area Court Setting Out Details*  
940543-P00 *The Crest Boys' Academy Informal Ballcourt and Four Lane Cricket Net Setting Out Details*

940551-P01 *Proposed Site Boundary Fencing*

900400-P00 *Indicative Incoming Site Services Routes*  
900401-P01 *External Lighting Planning*  
900402-P03 *MUGA Lighting Plan*  
900405-P00 *Proposed External Lighting Layout*  
910020-P00 *Indicative Light Spill Diagram;*  
UKS7310-7-HSPILL *Horizontal Overspill;*  
UKS7310-7-VSPILL *Vertical Overspill*

060001 PL1 *Proposed Phase 1 Drainage Layout*  
060002 PL1 A *Proposed Phase 2 Drainage Layout*

TCP-01 *Tree Constraints Plan [Onsite trees]*  
TCP\_01\_REV1 *Tree Constraints Plan [Offsite trees]*

060011-P00 *View of Entrance and Crest Promenade*  
060012-P00 *View of Main Entrance*  
060013-P00 *View of Entrance to Girl's Academy*  
060014-P00 *View of Entrance to Boy's Academy*  
060015-P00 *View of Courtyard Boy's Academy*  
060016-P02 *View of Crest Academies from Vincent Gardens*  
060017-P00 *Aerial View of Crest Academies*  
060018-P00 *View of Entrance at Crest Road 1*  
060019-P00 *View of Entrance at Crest Road 2*  
060020-P00 *View of Entrance at Dollis Hill*

CS048373/H1/001 Rev C *Proposed Vehicular Access Works*

72/0008174-121 Rev E *Temporary Classroom Accommodation*  
72/0008174-122 Rev D *Temporary Classroom Accommodation*  
72/0008174-123 Rev D *Temporary Classroom Accommodation*  
G00054-CS-3009-PL1 *Indicative Roof Plant Information*

Manufacturer's literature for FlaktWoods eQ-027 and eQ-036  
Manufacturer's literature for Galglass Sprinkler Suction Tank Specification and LPS1276  
Manufacturer's literature for Abacus Lighting Challenger 1 AL5760 and Typical Mast Column Floodlight – Crest MUGA  
Manufacturer's literature for Hidria Extract Unit – Heat Recovery A-J and Air Handling Units General

### **Supporting documents**

*Arboricultural Impact Assessment* (Capita Symonds, July 2011)  
*Bat Emergence/Re-entry Survey Report* (Capita Symonds, ref CS\048373, June 2011)  
*BB101 Assessment* (Capita Symonds, June 2011)  
*Building Regulations Part L* (Capita Symonds, June 2011)  
*Community Use Statement* (Wates, June 2011)  
*Construction Method Statement* (Wates, June 2011)  
*Construction Vehicles Management Plan* (Wates, 12 September 2011)  
*Design & Access Statement* (Wates, June 2011) and *Sports Pitch Flood Lighting*  
*Ecological Verification Survey Report and Impact Assessment* (Capita Symonds, June 2011)  
*Education Statement* (Wates, June 2011)  
*Flood Risk Assessment* (Capita Symonds, June 2011)  
*Lighting Assessment* (Capita Symonds, June 2011)

*Noise Impact Assessment* (Capita Symonds, June 2011) and *Update to Mechanical Services Noise Impact Assessment* (Capita Symonds, 4 August 2011)  
*Operational Travel Plan* (Capita Symonds, June 2011)  
*Phase I Non-Intrusive Desk Study* (Risk Management, June 2011)  
*Phase II Intrusive Contamination Investigation* (Risk Management, June 2011)  
*Planning Statement* (Open Planning, ref P1195/AG-J, June 2011)  
*Sports Strategy Statement* (Wates, June 2011)  
*Statement of Community Involvement* (Arcatelier, June 2011) and *Response to Third Party Representations and Comments of Statutory Consultees*  
*Sustainability Statement – L11122-M-RP-100*  
*Sustainability Statement* (GLA Energy Review Response) - L11122-E-RP-002  
*Sustainability & Energy Statement* (Synergy Consulting Engineers, June 2011)  
*Telecoms Statement* (Wates, June 2011)  
*Temporary Accommodation* (Wates, June 2011)  
*Townscape and Visual Impact Assessment* (Capita Symonds, 2011)  
*Transport Impact Assessment* (Capita Symonds, CS/048373-18/D\_002, June 2011) and *Technical Note D\_006* and *Technical Note D\_007*

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

- (4) The 'Phase 1' works shall not be occupied and brought into use until the Dollis Hill Lane access road and associated car parking and turning areas shown on the approved plans have been constructed, surfaced and marked out to the satisfaction of the local planning authority. The car-parking and turning areas shall be used for no other purpose at any time unless otherwise agreed in writing with the local planning authority beforehand.

Reason: In the interests of free flow of traffic and highway safety

- (5) The proposed 16 no. 8m high column-mounted floodlights shall be erected on the site strictly in accordance with the approved details including directional details, style and baffles where applicable, and shall thereafter be maintained and operated in accordance with the manufacturer's guidelines unless otherwise agreed in writing by the local planning authority beforehand.

Reason: In the interest of safeguarding local amenity

- (6) The two sports pitches hereby approved shall only be permitted to be used between 08.00-21.00 Mondays to Fridays, 08.00-20.00 Saturdays and 09.00-19.00 Sundays and Bank Holidays any floodlights associated with the two sports pitches shall be switched off within 15 minutes of these times and the pitch vacated. Within these time parameters, the floodlights shall only be switched on when the court is in active use. The development shall operate within these parameters unless otherwise agreed in writing with the local planning authority beforehand.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties in respect of noise and light disturbance.

- (7) No other floodlights or lighting for any of the external sporting facilities other than the 16 no. 8m high column-mounted floodlights hereby approved shall be installed on site without the prior submission to and approval in writing by the Local Planning Authority. This shall include the specification, manufacturer, lux level, model, direction and the siting of each lamp. Thereafter the lights shall be installed and operated in accordance with the details so approved prior to installation.

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

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

Reason: To safeguard the amenities of the adjoining occupiers

- (9) The external lighting hereby approved, with the exception of the floodlights which are subject to separate control and those which are required for security purposes, shall be controlled by a photocell/time clock control and be arranged in such a manner that the photocell will switch the external lighting on once it becomes dark with a time clock switching the external lighting off at the pre-set time in line with the following core operating times: 08.00-21.00 Mondays to Fridays, 08.00-20.00 Saturdays and 09.00-19.00 Sundays and Bank Holiday, or with any later times agreed within the Community Access Plan. The photocell shall also be used to switch the external lighting off should it become light prior to the pre-set time in order to save energy. The development shall operate within these parameters unless otherwise agreed in writing with the local planning authority beforehand.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties in respect of noise and light disturbance.

- (10) Prior to use of the floodlights other than for testing purposes, the applicants shall submit post-completion testing results that demonstrate that the floodlights are in accordance with the approved lightspill and glare plot plans. If the results fail to demonstrate this, a mitigation strategy shall be submitted to the Local Planning Authority that considers one or a combination of the following:
- (a) additional floodlight baffles/shielding;
  - (b) alternative light designs;
  - (c) revised light directions;
  - (d) provision of partial lighting controls such that the option exists for lighting part of the pitch;
  - (e) reduced hours of use

This information shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the details so approved. The floodlights shall only operate in accordance with these details and no subsequent alterations to the floodlights shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To ensure the normal operation of the floodlights does not cause light nuisance to nearby residents

- (11) Prior to the commencement of Phase 2, details of external materials shall be submitted to and approved in writing by the local planning authority. Such details shall include materials, including samples and/or manufacturer's literature, for all external surfaces of the buildings, means of enclosure and hard surfacing.

The works for the Enabling Works shall be carried out in accordance with the details approved in application 11/2802, the works for Phase 1 shall be carried out in accordance with the details approved in application 12/0148, the works for Phase 2 shall be carried out in accordance with the approved details and the works shall be retained thereafter unless otherwise agreed in writing with the local planning authority.

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

- (12) No works shall commence for Phase 2 of the development before a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include method statements and plans which:
- (i) adhere to the principles embodied in BS5837:2005
  - (ii) indicate exactly how and when the retained trees, hedges and shrubs on-site or off-site near the site boundaries will be protected during each relevant phase; and
  - (iii) show root-protection zones

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

statement. All the development shall be carried out strictly in accordance with the agreed details, including the Enabling Works in accordance with details approved by application 11/2802 and Phase 1 in accordance with details approved by application 12/0148.

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

- (13) No Phase 2 works shall commence for before an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. Such details shall include:
- (i) A schedule of all works to trees on-site to facilitate the development or ensure the health of the tree(s)
  - (ii) For those areas to be treated by means of any hard landscape works including access roads or sports pitches, provide:
    - detailed drawing(s) of those areas to be so treated including identification of root-protection zones;
    - details of a no-dig solution for areas within root-protection zones using a cellular confinement system to include a method statement for such works (nb. contractor should demonstrate that they have experience in installing such a system successfully);
    - attendance of a qualified and experienced arboricultural consultant during sensitive operations;
    - works to trees should be carried out by an Arboricultural Association Approved Contractor in accordance with the latest industry guidance (British Standard 3998:2010); and
    - a schedule of materials and samples if appropriate.

The works for the Enabling Works shall be carried out in accordance with the details approved in application 11/2802, the works for Phase 1 shall be carried out in accordance with the details approved in application 12/0148, the works for Phase 2 shall be carried out in accordance with the approved details. The applicant shall give written notice to the local planning authority of seven days prior to carrying out the approved tree works and any operations that present a particular risk to trees

Reason: To ensure the ongoing health and vitality of the existing trees throughout the duration of the development, in the interests of the occupants and general public and to enable the Local Authority to monitor such measures

- (14) The works shall be carried out in accordance with the details of the soft landscaping hereby approved and by further details approved by application 12/0148 within 12 months of first occupation of the new academy buildings.

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

- (15) The works shall be carried out in accordance with the details of the Landscape Management Plan approved by application 12/0148 and the hard and soft landscaping shall be maintained in accordance with the approved Landscape Management Plan.

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 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.

- (16) Prior to bringing any soil for the purposes of soft landscaping onto the site during the development, the soil shall be tested for contamination in accordance with the testing methodology approved by application 11/2802 to ensure that it does not pose a risk to future site users in accordance with a scheme that will in advance be submitted to and approved in writing by the Local Planning Authority. Once the development is complete, a report shall be submitted to the Local Planning Authority stating that the imported soil is suitable for use.

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

- (17) Prior to the occupation of the new academy buildings, a Community Access Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall allow for a minimum of 30 hours of community use each week with at least one day (or equivalent hours) at the weekend within the core hours of use of between 08.00-21.00 Mondays to Fridays, 08.00-20.00 Saturdays and 09.00-19.00 Sundays and Bank Holidays. The Plan shall include details of:

- (i) written notification to the local planning authority of the date of implementation of the Plan within 21 days of commencement;
- (ii) the facilities to be made available including: the Girls' all-weather pitch; the Boys' large MUGA (including which sports the MUGA shall be used for); and which internal accommodation will be used;
- (iii) access by non-school users/non-members and management responsibilities including the ongoing promotion of the availability of the facilities for community use including up-to-date information about this on the school website;
- (iv) rates of hire based upon and comparable with those charged at other public facilities;
- (v) terms of access;
- (vi) hours of use of each facility; and
- (vii) the number and details of large community events;
- (viii) the number and details of late community events which would extend beyond the aforementioned core hours of use but not later than 23.00 on any day;
- (ix) the number and details, including timings, of those occasions when use of the Dollis Hill Lane vehicular access and upper car park is required; and
- (x) a mechanism for review after one year following implementation of the Plan with both upward or downward review open, depending on the impact on local amenity.

The approved scheme shall include arrangements for consultation and shall be brought into operation upon completion of the 'Phase 2' works and it shall remain in operation for the duration of the use of the development unless otherwise varied in writing with the local planning authority.

Reason: To secure well-managed, safe community access to the sports and other community facilities, to ensure sufficient benefit to the development of sport and to accord with local and regional policies for the maximum use of community facilities

- (18) Works shall be carried out in accordance with:

- (i) the Written Scheme of Investigation approved in application 11/2802; and
- (ii) an appropriate mitigation strategy, which may include archaeological excavation, in the event of significant archaeological remains being encountered

English Heritage will advise on whether archaeological remains are significant and the programme of archaeological work shall be implemented on commencement of works.

Reason: The development of this site may cause damage to heritage assets of archaeological interest.

- (19) Development shall be carried out in accordance with the details for surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, approved by application 11/2802 before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

- (20) Notwithstanding the plans hereby approved, further details of the telecommunications equipment shall be submitted to and approved in writing by the local planning authority prior to installation of the equipment. Such details shall include:

- (i) details of how the antennae will be matched to the underlying panels; and
- (ii) a full ICNIRP certificate for each set of equipment.

The equipment shall be installed in accordance with the approved details and be retained as such unless otherwise agreed in writing with the local planning authority beforehand and notwithstanding the provisions of Part 24 of the GPDO 1995 (as amended), no further telecommunications equipment shall be installed on the new academy buildings without the prior written approval of the local planning authority.

Reason: To ensure the equipment matches the facade of the building on which it is mounted and to ensure the equipment meets the International Commission for Non-Ionising Radiation Protection (ICNIRP) guidelines.

- (21) The new academy buildings shall not be occupied until a School Travel Plan of sufficient quality to score a PASS rating using TfL's ATTrBuTE programme, to incorporate targets for minimising car use, monitoring of those targets and associated measures to meet those targets, has been submitted to and approved in writing by the local planning authority and the details shall be fully implemented. The targets and monitoring shall include the following:

(i) Targets

- To reduce the existing car modal share by pupils to 16% and 58% by three years; and
- to reduce the existing car modal share by pupils to 15% and by staff (drivers) to 50% by five years

(ii) Monitoring

- Within 3 months of occupation, the Travel Plan shall be audited, with a site and staff ITrace- compliant survey and these details shall be submitted to the Local Planning Authority and approved in writing within 6 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.
- A review of the Travel Plan measures over the first 12 months of operation shall be submitted to the Local Planning Authority within 15 months of the commencement of the use and the review shall be approved in writing within 18 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.
- A review of the Travel Plan measures over the first 3 years of operation shall be submitted to the Local Planning Authority within 36 months of the commencement of the use and the review shall be approved in writing within 39 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.
- A review of the Travel Plan measures over the first 5 years of operation shall be submitted to the Local Planning Authority within 60 months of the commencement of the use and the review shall be approved in writing within 63 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to promote sustainable transport measures where on-street parking and manoeuvring may cause highway safety problems

- (22) The development shall be carried out in accordance with the details of the gates to the access roads approved by application 11/3348 and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: In the interests of the free flow of traffic and highway and pedestrian safety

- (23) The development shall be carried out in accordance with the details of the provision of electric vehicle charging points approved by application 11/3348 and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: In the interests of climate change mitigation and to comply with London Plan policy

- (24) The development shall be carried out in accordance with the details of the secure cycle storage approved by application 11/3348 and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: In the interests of climate change mitigation and to comply with London Plan policy.

- (25) Notwithstanding the plans hererby approved, a Coach Management Strategy shall be submitted to and approved in writing by the local planning authority prior to the commencement of the 'Phase 2' works. Such details shall include:

- (i) details of the existing arrangement to manage coaches waiting, loading and unloading;
- (ii) confirmation that this arrangement will be maintained;
- (iii) a reasonable estimate of the number of occassions coaches are required;
- (iv) written confirmation from all interested parties and particularly the Governors of Braintcroft Primary School of this arrangement; or
- (v) any other acceptable arrangement following consultation with the borough Highway & Transportation officer

The details shall be fully implemented and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: In the interests of highway and pedestrian safety and the free flow of traffic.

- (26) Prior to commencement of the development, the applicant shall make appropriate arrangements in writing to enter into an agreement with the Local Highway Authority to directly implement or otherwise fund construction of the highway works shown indicatively on plan CS048373/HI/001 Rev C, which for avoidance of doubt shall also include re-provision of the existing SCHOOL KEEP CLEAR zig-zag markings, together with any ancillary accommodation works or works to statutory undertakers' equipment arising as a result of these works.

The new academy buildings shall not be occupied until the above works have been completed to the satisfaction of the Local Highway Authority and have been certified in writing as being substantially complete by or on behalf of the local planning authority.

Reason: In the interests of highway and pedestrian safety.

- (27) The findings of the PERS assessment approved by application 11/2802 and any further works necessary shall be undertaken at the applicant's expense in accordance with a timetable agreed in writing by the local planning authority within the Bus Strategy required by condition 38.

Reason: In the interests of highway and pedestrian safety

- (28) Within 12 months of occupation of the new academy buildngs, a review by a BRE approved independent body which verifies that the development has met or exceeded a BREEAM 'Excellent' rating shall be submitted to and approved in writing by the local planning authority. If the review specifies that the development has failed to meet the above levels, compensatory measure to ensure the development meets or exceeds a BREEAM 'Excellent' rating shall be submitted to and approved in writing by the local planning authority within 24 months of

occupation of the new academy buildings.

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

- (29) Prior to the commencement of the 'Phase 2' works, a statement detailing how the ICE Demolition Protocol Methodology has been applied in setting DRI and/or NBRI targets for recycled materials or content will be submitted to and approved in writing by the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved details.

Reason: To accord with sustainability objectives.

- (30) The development shall be carried out in accordance with the details of the rainwater harvesting measures approved by application 11/3348 and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: To ensure satisfactory water efficiency measures are implemented to reduce water demand.

- (31) Prior to the commencement of works to the facades of the new academy buildings, further details of the proposed development shall be submitted to and approved in writing by the local planning authority. Such details shall include drawings, including sections where appropriate, at a suitably large scale (e.g. 1:5, 1:10, 1:20, 1:50) or manufacturer's literature which show:

- (i) the junctions of different materials e.g. timber cladding and render, timber cladding and brick, the entrance pavilion cladding and glazed wall;
- (ii) the junctions of the different building types e.g. the blocks with the glazed walkways, the glazed walkways with the pods, the glazed atrium with the blocks;
- (iii) the window and door reveals (including the entrance pavilion glazed wall), headers and sills, including the depth of the reveals and the junction of materials around the returns;
- (iv) the junctions around any wall mounted external vents, if applicable;
- (v) the frames for the glazed atrium, the glazed walkways and the glazed ground floor of the pods; and
- (vi) the window frames including materials, colour and samples if necessary.

The development shall be completed in accordance with the details so approved before the new academy buildings are occupied.

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

- (32) Prior to the commencement of the 'Phase 2' works, a Management and Maintenance Plan shall be submitted to and approved in writing by the local planning authority in consultation with the borough Sports officer, which shall include details of a scheme for a period of 20 years to include:

- (i) a maintenance schedule including regular and planned maintenance of the artificial surface of the Girls' all-weather pitch and the porous macadam surface of the Boys' large MUGA pitch and replacement as necessary of the fencing and lighting depending on the quality and safety of those features;
- (ii) measures to ensure the replacement of the artificial surface of the Girls' all-weather pitch within the next 8-12 years depending on the playing quality and safety of the pitch;
- (iii) measures to ensure the replacement of the porous macadam surface of the Boys' large MUGA pitch depending on the playing quality and safety of the pitch;
- (iv) management responsibilities; and
- (v) a mechanism for review.

The measures set out in the approved scheme shall be complied with in full, with effect from commencement of the use of the 'Phase 2' works.



Reason: to ensure that new facilities are capable of being managed and maintained to an acceptable standard which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport (PPG17 Para 14).

- (33) No works involving demolition or site clearance shall commence until the wheel wash facilities have been installed in accordance with the details approved by application 11/2802. Thereafter the facilities shall remain in place and operational until construction works have concluded.

Reason: In the interests of highway and pedestrian safety.

- (34) The development shall be carried out in accordance with the details of the 140sqm green roof to the entrance porch approved by application 11/3348 and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: In accordance with London Plan policy 5.11

- (35) The development shall be carried out in accordance with the details of the internal layouts as approved and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: In accordance with London Plan policy 7.2

- (36) The development shall be carried out in accordance with the details of the provision of 'blue badge' disabled parking bays approved by application 11/3348 and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: In the interests of inclusivity and accessibility

- (37) (a) Prior to commencement of the 'Enabling works', a Bus Strategy shall be submitted to and approved in writing by the local planning authority in consultation with Transport for London and shall include details of:
- (i) Bus Stop Improvement Works including a scope of works and schedule for implementation of improvements to a maximum of four no. bus stops in the vicinity of the development; and
  - (ii) Bus Capacity Enhancements including (1) a timetable to undertake a Bus Capacity Assessment to establish the impact of this development on existing conditions of morning peak capacity of bus routes within 800m of the site and (2) a scope of mitigation works and schedule for implementation of the Bus Capacity Enhancements if required.
- (b) Prior to the occupation of the new academy buildings, the applicant shall enter into an appropriate agreement with Transport for London, which shall be submitted to and approved in writing by the local planning authority in consultation with Transport for London, to directly implement or otherwise fund the (i) Bus Stop Improvement Works; and, in the event that the Bus Capacity Assessment identifies a shortfall in morning peak capacity on the 245 route or its successor as a result of this development, (ii) the Bus Capacity Enhancements in accordance with the approved scope of works and schedule for implementation within the approved Bus Strategy.


Reason: In the interests of public transport accessibility.

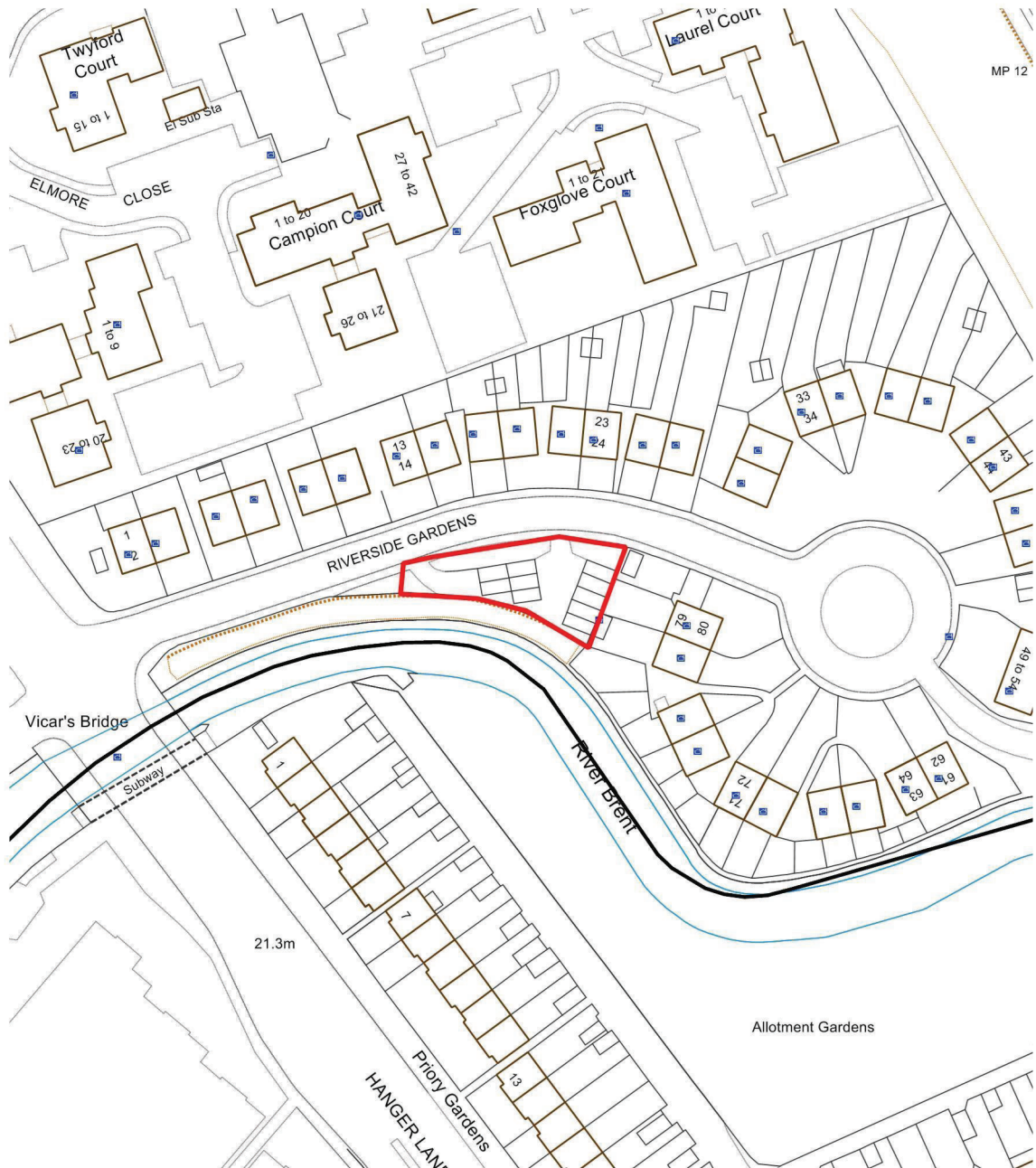
**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

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

 **Planning Committee Map**  
Site address: Garages rear of 77-80, Riverside Gardens, Wembley  
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This map is indicative only.

**RECEIVED:** 25 July, 2012

**WARD:** Alperton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** Garages rear of 77-80, Riverside Gardens, Wembley

**PROPOSAL:** Demolition of a block of ten garages and the erection of a three storey building comprising 5 flats (1 x 1-bed, 2 x 2-bed and 2 x 3-bed) including new landscaping, refuse and recycling storage, cycle storage and the provision of 5 off-street car parking spaces.

**APPLICANT:** Erin Homes Ltd.

**CONTACT:** Martin Evans Architects

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

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### **RECOMMENDATION**

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

If the applicant fails to demonstrate the ability to provide for the s106 terms and meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an agreement within an appropriate timescale, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

### **SECTION 106 DETAILS**

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

1. Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing performance.
2. A contribution of £27,000 (£3000 per bedroom created, with a total reduction of £6,000 for the provision of land to be offered for adoption as highway and associated works) due on material start and, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
3. A contribution of [amount to be confirmed as awaiting estimate for the cost of works] due on material start and index-linked from the date of committee for biodiversity works (such as the treatment of the Japanese Knotweed and Giant Hogweed) along the river corridor adjacent to this site or in the local area.
4. Enter into a S38/278 Agreement for the widening of the footway of Riverside Gardens by 1.0m, and to thereafter construct the footway at the applicants own expense (as well as making amendments to the vehicular access points to the site, together with adoption by Brent Council of the revised section of footway as highway maintainable at public expense)
5. Join and adhere to the Considerate Contractors scheme for the duration of construction and to submit a Certificate of Compliance for verification within 3 months of any occupation.

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 triangular piece of land containing 10 disused domestic garages, located on the south side of Riverside Gardens, Alperton. The road is a residential road, of mainly 2-storey maisonettes. Immediately to the south of the site is the bank of the River Brent. The River Brent in this area forms the boundary with London Borough of Ealing. The site is located within Flood Zone 2, and borders Flood Zone 3 to the south.

## 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	vacant land - null use	garages
2	Dwelling houses	

#### FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	131	0	131		
2	0	0	0	404	404

#### TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	131	0	131	404	404

Mayoril CIL multiplier is £35 per SQM of total net gain floorspace, therefore Amount Payable is £14,140.00.

## PROPOSAL

Demolition of a block of ten garages and the erection of a three storey building comprising 5 flats (1 x 1-bed, 2 x 2-bed and 2 x 3-bed) including new landscaping, refuse and recycling storage, cycle storage and the provision of 5 off-street car parking spaces.

## HISTORY

11/2712 - Demolition of 10 garages and the erection of a three storey building comprising 5 flats (1 x 1-bed, 3 x 2-bed and 1 x 3-bed) including new landscaping, refuse and recycling storage, cycle storage and the provision of 5 off-street car parking spaces. *Refused 14/12/2011*

11/0207 - Demolition of 10 garages and the erection of a four storey building comprising 7 flats (1 x 1-bed, 5 x 2-bed and 1 x 3-bed) including new landscaping, refuse and recycling storage, cycle storage and the provision of 7 off-street car parking spaces. *Application withdrawn 16/05/11*

91/11/02 Change of use of garages No.s 6-10 to use as workshop with ancillary storage. *Appeal Dismissed 19/05/1992*

## POLICY CONSIDERATIONS

National Planning Policy Framework 2012

The London Plan

Policy 3.5 – Quality and Design of Housing Developments – Minimum space standards for new development

Policy 5.12 – Flood Risk management  
Policy 5.13 – Sustainable Drainage  
Policy 7.19 – Biodiversity and Access to Nature  
Policy 7.30 – London’s Canals and other Rivers and Waterspaces

#### Brent Core Strategy 2010

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

CP2: Population and Housing Growth  
CP17: Protecting and Enhancing the Suburban Character of Brent  
CP18: Protection and Enhancement of Open Space, Sports and Biodiversity:  
CP21: A Balanced Housing Stock

#### Brent Unitary Development Plan 2004

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

BE2	Local Context
BE3	Urban Structure; Space and Movement
BE5	Urban Clarity and Safety
BE6	Public Realm; Landscape Design
BE7	Streetscene
BE9	Architectural Quality
EP2	Noise and Vibration
EP3	Local Air Quality Management
EP12	Flood Prevention
H12	Residential Quality- Layout considerations
TRN3	Environmental Impact of Traffic
TRN4	Measures to make transport impact acceptable
TRN10	Walkable Environments
TRN11	The London Cycle Network
TRN15	Forming an access to a road
TRN23	Parking standards – Residential developments
CF6	School Places
OS7	Provision of Public Open Space

#### Supplementary Planning Guidance/Documents

SPG3 - Forming an access onto a road  
SPG17 - Design Guide for New Development  
SPD- Planning Obligations- s106

### **CONSULTATION**

Consultation Period: 22<sup>nd</sup> August 2012 – 12<sup>th</sup> October 2012.

#### Public Consultation response

86 neighbouring properties were notified. 9 letters of representation have been received to date, including 7 letters of objection. The issues raised are summarised as follows:

- The proposed 3-storey building would be out of character with all the other properties in the road. The proposed building cannot be compared to the existing 3-storey block of flats on the other side of the roundabout which do not cause problems to other properties.
- Because of the disproportionate size, the proposed structure will impact greatly on the properties closest to it – in particular 77-80 Riverside Gardens

- The privacy of the residents of 6 Priory Gardens, W5, will be affected
- The submitted Design and Access Statement suggests that because the windows located in the east elevation are angled south, there is no loss of light. Whilst this may be the case from these windows, it appears as though residents of the new building will be able to go onto their balconies and be able to view the gardens of No.s 77-80 Riverside Gardens
- The proximity of the development may also effect the amount of sunlight received.
- The white render will be totally inappropriate for their surroundings
- The 5 off-street parking spaces are not sufficient for the development, as many have more than just one vehicle per household. Although Riverside Gardens is a quiet residential road, there are already 80 flats with their associated vehicles, some with more than one per household, and parking has always been a problem on this road
- There are existing issues of fly tipping on the roundabout. More people moving in would mean further rubbish worsening the environment of the road
- The value of properties on Riverside Gardens would be affected
- The application site should be turned into a play area or parking for the residents, not apartments that will further add to the problems on this road.
- The River could attract new people to dump their rubbish into it, as others have done in the past
- If granted, the impact of building works for the development, through noise, dust, and extra vehicular activities of HGVs coming and going would be tremendous
- The development would result in loss of light and outlook from nearby properties
- The design of the flats is out of place
- The increased volume in traffic which would arise from the development would result in safety issues for children playing on the road.
- The site on which the development is proposed is unstable ground. Any necessary engineering works would de-stabilise and cause detriment to the existing properties
- There is no playing area for children
- There have been recurring problems with the sewers in Riverside Gardens, and the sewers may not be able to cope with the increase of flats.
- Problems with sewers/drains in Riverside Gardens will become worse

#### Ward Councillors

Councillor Brown has written in on behalf of a neighbour. This neighbour has also written themselves, objecting to the application, and their concerns are included in the section above.

#### Highways and Transport Delivery

Riverside Gardens is defined as being heavily parked. The site lies outside of any current CPZ, but has good accessibility with a PTAL rating of level 4. Hanger Lane Station and Alperton Station are both within walking distance of the site and five bus routes are locally available.

The garages on the application site are disused, and inaccessible. As such there will be no loss of usable car parking as a result of this proposal. Nevertheless, the historical loss of the garage court for the use of residents has inevitably contributed to the high levels of parking stress experienced in the street, evidenced by obstructive footway parking and echelon parking around the turning head at night, which makes access for pedestrian and for service and emergency vehicles difficult.

To address this, it is considered essential that a 1m wide strip of land be dedicated for footway widening along the site frontage as part of this development. The extra width will provide opportunities for one of several options to be carried out. Either the carriageway may be widened, or the footway. If the footway is widened, this can allow partial footway parking to be tolerated without obstructing pedestrian access, or can allow bollards to be installed to safeguard pedestrian access. Essentially there will be flexibility to improve the parking situation in the street in a number of potential ways. Works would need to be undertaken through an agreement under S38/278 of the Highways Act 1980. The developer appears happy to acquiesce these requirements according to the revised site layout, which moves the boundary of the site away from the existing footway.

Relevant parking standards are set out in PS14 of the UDP for the proposed development. Since there is no CPZ in this location, the full standards are applied, where by the proposed 1-bed flat can be permitted 1.0 spaces, each 2-bed flat 1.2 car spaces and each 3-bed flat 1.6 car spaces. This gives a combined maximum standard for the proposed development of 6.6 car spaces. The proposed 5 off street car parking spaces, equivalent to 1 per dwelling is considered to be an acceptable level. A couple of the car parking spaces do not provide the correct 4.8m length of bay, however this is only due to the fact that the developer is offering

land for footway widening, and in this context can be therefore be accepted.

All works to form or alter crossovers and street marking will need to be carried out at the developer's expense. The location of the proposed refuse and recycling storage facilities is easily accessible by waste collection staff, and is welcomed. A secure set of cycle racks for up to eight bicycles has been shown, which exceeds the minimum requirements and is welcomed. However, it is not clear whether these are covered, and so clarification is required.

A standard financial contribution per dwelling is normally sought by Highway and Transport Deliver, towards improving highway safety, new parking controls and improving non-car accessibility, secured via S106 Agreement. However, since the applicant has agreed in principle to the widening of the footway on Riverside Gardens to improve pedestrian access, then this requirement will be waived in favour of securing the identified necessary highway works.

In conclusion, there are no objections, subject to the applicant entering a Section 38/278 agreement to facilitate highway works adjacent to the site at Riverside Gardens, widening the public highway by one metre, as well as making amendments to the vehicular access points to the site, together with adoption by Brent Council of the revised section of footway as highway maintainable at public expense, in order to ensure that the site can be safely and conveniently access by pedestrians (particularly those with pushchairs and wheelchairs) at all times, in order to comply with TRN3, TRN4 and TRN10 of Brent's UDP.

#### Landscape Officer

No objections to the application, subject to a high quality landscaping hard and soft scheme, and good quality garden amenity space. The main roof, at least, should be a living/green roof in order to retain the ecological value of the site. The detailed landscaping scheme should include proposed trees and other planting including species, location, pot sizes and numbers; all hard materials, boundary treatment, street furniture and surfacing type/colour/finish.

An existing tree is proposed for removal – no details of are provided for this tree or any other vegetation on the site. A survey is requested for all existing on site vegetation.

#### Environmental Health

No objections, subject to a 'Contaminated Land Watching Brief' informative; a noise insulation condition and a condition requiring measures for mitigating the impacts of dust during construction works.

#### Urban Design Officer

No objections to the design of the scheme. However, has highlighted the lack of private amenity space for proposed residents.

#### Statutory Consultees

##### Environment Agency

Having worked with the applicant at pre-application stage before re-submission of this proposal, there is no longer an objection to the proposal. This is subject to a Section 106 agreement to mitigate for the impact of the balconies from the development extending into the 8 metre buffer zone.

Concerns are raised due to the impact of the proposal on biodiversity and due to the proximity of the balconies to the bank. The S106 contributions should therefore provide mitigation against this impact on biodiversity. There are opportunities to provide mitigation nearby with the removal or treatment of Japanese Knotweed and Giant Hogweed which is known to be present here in the river corridor. There is a suitable 500m section of river upstream alongside Queensbury Avenue as Environment Agency have an access ramp here to the river channel, this should be considered as this site is accessible and has both Japanese Knotweed and Giant Hogweed contamination. Environment Agency expect a contribution of around £5,000 would cover these works. However, Brent Council should get a quote their contractors for the chemical treatment of the site. Alternatively, Environment Agency are supportive that the contribution should not be tied directly to one of the works but rather to measures to improve biodiversity in general.

Environment Agency request to see a copy of the S106 Agreement before it is signed and are happy to provide any further information as it is drawn up.



This is particularly important as the River Brent is currently classified as poor ecological status under the River Basin Management Plan which has been produced to achieve the Water Framework Directive requirements that water bodies achieve good ecological status by 2015 or the later period of 2027. The actions required to achieve good status of the River Brent are:

- The control and eradication of problem non-native species (Japanese Knotweed, Giant Hogweed etc) which are problematic with the Brent River corridor
- Measure to capture/contain contaminants that could pollute the river systems through surface water drainage/missed connections leading to improvements in water quality.
- Any opportunities to naturalise the river – from basic enhancement to full restoration techniques such as removal of concrete structures, return to natural bed and banks – should be taken whenever possible and encouraged through new development. Projects both upstream and downstream demonstrate locally what can be achieved.
- Subject to the Section 106 agreement, various conditions and informatives are also required on any planning permission granted.

### Ealing Council

No objections to the application

### **REMARKS**

#### Introduction

This application seeks planning permission for the demolition of the existing garage blocks on this site, and their replacement with a 3-storey building, comprising of 5 self contained flats with 5 off-street parking spaces. The proposed flats comprise of 1 x 1 bedroom flat; 2 x 2 bedroom flats and 2 x 3 bedroom flats. Along the northern boundary of the site, adjacent to the Riverside Gardens road frontage, a 1.0m wide strip of the application site is to be adopted as part of the public footpath adjacent to the site.

#### Previous application

A previous application has been refused for this site, for a number of reasons, in December 2011, under planning application reference 11/2712. The reasons for refusal are summarised as follows:

- The absence of an acceptable Flood Risk Assessment (FRA)
- Inadequate buffer zone to the River Brent, harmful to the biodiversity interests along the river corridor
- Proposal failed to demonstrate that the risk of pollution to controlled waters is acceptable
- By virtue of its height in proximity to neighbouring boundaries would be detrimental to the residential amenities of the occupiers of 77-80 Riverside Gardens
- The proposed development would provide a substandard form of accommodation for two of the proposed flats by reason of inadequate provision of outdoor amenity space
- In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, as well as increase pressure for the use of existing open space and sports facilities, or make contributions to improve the environment.

#### Design, Scale and Massing

The surrounding properties are 2-storey residential buildings, mainly comprising of maisonettes.

Brent's Supplementary Planning Guidance 17 on Design Guidance for New Development (SPG17), and Brent's Unitary Development Plan Policy BE9 states that proposals should be of a scale, massing and height that are appropriate to its setting.

The proposed development is to be 3-storey in height, with the proposed second floor set in to reduce its visual mass.

The proposal does differ in its design, overall massing and form from the existing dwellings in the street and objections have been received on this basis. However, your officers consider that it is not always necessary for new developments to replicate the existing dwellings. Most new development proposals look to have an appropriate regard to local context rather than to replicate it. Development that adjoins an open area, such as a canal, often exhibits a greater massing than those buildings that do not adjoin that open area. It is

considered that sufficient architectural devices have been incorporated into the scheme to ensure that the proposed building is appropriate in terms of its scale, massing and design.

### Impact on neighbouring properties

The proposed 3-storey building will have a height of 5.3m to 2-storey level and increasing to 7.8m at 3-storey level. At the second floor (3-storey level), the building is to be stepped in by 2.5m. The proposed building would be close to the adjoining neighbouring boundary with maisonettes at 77-80 Riverside Gardens. At its closest, the proposed building would measure 3.3m from the shared boundary with these properties.

Brent's Supplementary Planning Guidance 17 on Design Guide for New Development (SPG17), deals with impact of new development on neighbouring residential gardens. The proposed extension complies with both the 30 degree and 45 degree rules set out in this The building envelope is set below a line of 30 degrees from the nearest rear habitable room window of these adjoining existing properties, measured from a height of 2m above floor level. It is also set below a line of 45 degrees at the garden edge, measured from a height of 2m.

The windows on the eastern elevation of the proposed building are to be angled in order to ensure there would be no overlooking into the gardens of the nearby residential properties. The proposed balconies closest to these properties would also have screening to prevent overlooking. Further details of these screening measures will be required by planning condition should the application be supported.

Officers therefore consider that the development would not have an unduly harmful impact on the residential amenities of neighbours in terms of loss of light and outlook.

### Residential Quality for Future Residents

#### *Unit sizes*

London Plan floor space standards are set out in *London Plan Policy 3.5 – Minimum space standards for new development*.

An assessment of the current scheme indicates that all flats shown on the plans comply with these minimum standards. In summary:

- Ground Floor Flat 1 3 bedroom flat with 86sqm of floor space
- Ground Floor Flat 2 1 bedroom flat with 50sqm of floor space
- First Floor Flat 3 2 bedroom flat with 62sqm of floor space
- First Floor Flat 4 2 bedroom flat with 77sqm of floor space
- First Floor Flat 5 3 bedroom flat with 93sqm of floor space.

The proposed floor spaces for the proposed flats comply with the minimum floor space standards as set out in the London Plan.

#### *Private Amenity Space*

The ground floor flats 1 and 2 are to have private amenity, including a portion facing the River Brent. Proposed flats 3 and 5 on upper floors would both have private terraced areas. These four flats would have a minimum of 30sqm each of private amenity space, which is acceptable.

However, proposed flat 3 would have only a small balcony measuring just over 5sqm. This is significantly below the standards for private amenity space as set out in Brent's SPG17 guidance. In this instance, this lower level of private amenity space is considered acceptable for this particular flat, due to the proposed balcony facing south, with the River Brent for outlook. It is considered that the lack of private amenity space for this one flat in this particular instance does not warrant a refusal of the whole proposal.

#### *Stacking*

The stacking arrangements of flats do not in parts comply with SPG17 guidelines which states that ideally bedrooms should not be placed either above or below living room and kitchen areas in other units. However, as the proposed development is a new building, sound insulation between units can be achieved to meet minimum standards. A relevant condition will therefore be attached requiring such insulation should the application be granted.

#### *Outlook and light*

All flats proposed would have windows facing south to the River Brent, as well as windows within other elevations. The outlook and light received to all five flats proposed is therefore acceptable.

### Landscaping

Full details of all soft and hard landscaping for this development will be sought by planning condition. This should include details of any trees to be removed, and proposed new trees. The proposal also includes a green roof, of which full details will also be sought.

### Highway Considerations

Detailed response from the Council's Transportation officer are in the 'consultations' section of this report. In order to improve the existing footpath adjacent to the site along the northern boundary, the applicants have agreed to allow a 1.0m wide strip to be adopted as public highway. This would result in a wider public footpath on this side of Riverside Gardens, which would improve pedestrian safety.

The proposal includes the provision of 5 off street parking spaces, which allows for one space for flat proposed. This complies with the parking standards as set out in Brent's Unitary Development Plan.

Officers have agreed a reduced amount of the standard financial contributions for the improvement of Transport infrastructure in this case, due to the applicants agreeing to allowing 1.0m wide strip of land, as discussed above, to the public footpath. The reduced amount is in line with the guidance set out within Brent's SPD on Planning Obligations.

### Flood Risk Assessment

As the site is located within a Flood Zone 2 and is adjacent to Flood Zone 3, it is a requirement of the Environment Agency that the applicants submit a Flood Risk Assessment. The Environment Agency find the report acceptable, and have recommended a number of conditions be attached, as well as a contribution towards biodiversity works along the river corridor, to be secured through the S106 Agreement, to mitigate the impact of the development.

### Contributions to mitigate the impact of the development along the River Corridor

The Environment Agency has highlighted concerns regarding the impact of the proposal on the biodiversity of the adjoining river corridor but consider that this can be adequately mitigated through contributions towards works to improve biodiversity. The applicant has agreed to contribute towards costs to improve the biodiversity along the river corridor. The Environment Agency has suggested a contribution of £5,000 but have qualified this with a disclaimer that quotes or estimates should be sought to ensure that this amount would be sufficient. The Council's Landscape team have said that the level may not be sufficient and that it may cost a considerable amount more. They are accordingly seeking estimates for the cost of such works in order to determine what contributions are required. This agreement is in line with relevant London Plan policies 7.19 with regard to Biodiversity and Access to Nature and 7.30 with regard to development along London's Rivers.

### CIL Liability (Community Infrastructure Levy)

The proposed additional area of the proposal is 404m<sup>2</sup> (Gross Internal Area). As this is more than 100m<sup>2</sup>, the development is liable for the Community Infrastructure Levy (CIL) imposed by the Mayor of London. The total amount is therefore 404 x £35, equalling £14,140. As the existing garages have not been occupied for 6 of the last 12 months no exemption can be applied for the floorspace of these.

### Response to objections to the proposal not discussed elsewhere in report

The main issues for concern raised by objectors to this development, not discussed elsewhere in this report, are the design of the development and the increase in the impact of existing parking problems.

The proposal includes the provision of five off street parking spaces which the Council's Transportation officer consider to be sufficient for the proposed development. It is not considered that the limited level of traffic associated with 5 additional homes is likely to result in an unduly detriment level of impact. The applicants have agreed to allow a 1.0m wide strip to widen the existing footpath, which increase pedestrian safety.

Matters such as the property value and existing problems of fly-tipping are not material planning considerations and therefore cannot be considered within this application.

Officers have assessed the application with the balanced view of what may be permitted on site, taking into account the scale and character of existing development. The final revised scheme addresses the reasons for refusal on the previous application, reference 11/2712, and on balance is not considered of an appropriate scale.

Structural matters (including the stability of land) are covered by the Building Regulations and accordingly cannot be considered within this application.

Your officers are not aware of any issues relating to sewerage in the locality. Nevertheless, the standard condition regarding drainage will be attached to this consent.

### Conclusion

The proposal complies with requirements set out in the London Plan 2011, the Council's Core Strategy 2010 and Unitary Development Plan 2004, as well as relevant guidance contained within the Council's Supplementary Planning Guidance, and is considered to be an acceptable scheme on balance. The proposal is therefore recommended for approval subject to attached conditions, informatives and a S106 Agreement.

**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

Council's Supplementary Planning Guidance 17 Design Guide for New Development \$

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

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

### **CONDITIONS/REASONS:**

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning on 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;  
RIV-PL-GA-01-B;  
RIV-PL-GA-02-C;  
RIV-PL-GA-03-C;

RIV-PL-GA-04-C;  
RIV-PL-GA-06-C;  
RIV-PL-GA-07-C;  
RIV-PL-GA-08-C;  
RIV-PL-GA-09-C;  
RIV-PL-GA-10-C;  
RIV-PL-GA-11-C;  
RIV-PL-GA-13-A;  
RIV-PL-DE-01;  
RIV-PL-DE-02;  
Phase 1 Flood Risk Assessment Report, by ambiental dated September 2011;  
Flood Warning and Evacuation Strategy, by ambiental dated January 2012;  
Phase 1 land quality assessment, by Environmental Consultants, dated April 2012;  
Ecological Survey by phlorum, dated February 2012;  
Giant Hogweed Eradication Works Method Statement, by phlorum, dated May 2012,

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

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

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

- (4) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) ref 1457 dated September 2011 produced by Ambiental and the following mitigation measures detailed within the FRA:

(i) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

(ii) Finished floor levels are set no lower than 22.75 m above Ordnance Datum (AOD), as stated on page 11 of the FRA.

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: (i) To ensure safe access and egress from and to the site and (ii) To reduce the risk of flooding to the proposed development and future occupants.

- (5) No development shall take place until details which demonstrate that the construction of the development will take place entirely within the application site and not within the area between the application site and the river unless otherwise agreed by the Council. This shall include details of the working areas, compound areas, other areas for access and storage and any other areas associated with the construction of the development. This shall also include details of the construction boundary treatment to separate the application site from the adjoining land between the application site and the river. The construction of the development shall be carried out in full accordance with the approved details.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

- (6) No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- (i) A preliminary risk assessment which has identified:
- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site

(ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(iii) The results of the site investigation and detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The previous uses of the site may have resulted in contamination to soil and groundwater. The site is located on a Secondary A aquifer in the Taplow Gravels and this groundwater is likely to provide flow to the nearby River Brent.

- (7) No occupation of any part of the permitted development / of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: The previous uses of the site may have resulted in contamination to soil and groundwater. The site is located on a Secondary A aquifer in the Taplow Gravels and this groundwater is likely to provide flow to the nearby River Brent.

- (8) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: The previous uses of the site may have resulted in contamination to soil and groundwater. The site is located on a Secondary A aquifer in the Taplow Gravels and this groundwater is likely to provide flow to the nearby River Brent.

- (9) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: The previous uses of the site may have resulted in contamination to soil and groundwater. The site is located on a Secondary A aquifer in the Taplow Gravels and this groundwater is likely to provide flow to the nearby River Brent. Infiltration of surface water

could result in migration of contaminants at the site into the underlying Secondary A aquifer.

- (10) 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)

The development hereby approved shall not commence unless details of the proposed sound insulation measures which demonstrate that the above requirements will be met have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full.

Reason: To ensure a satisfactory standard of residential accommodation and due to the stacking of rooms within the building.

- (11) The development is within an Air Quality Management Area and construction and demolition works are likely to contribute to background air pollution levels. The applicant must employ measures to mitigate the impacts of dust and fine particles generated by the operation, the details of which must be submitted to and approved in writing by the Local Planning Authority, prior to commencement of the development and the approved details shall be implemented in full.

Reason: To minimise dust arising from the operation in the interest of local air quality.

- (12) Notwithstanding the details submitted, full details of proposed balcony materials, as well as measures for screening shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. The approved details shall thereafter be implemented in full and retained unless otherwise agreed in writing with the Local Planning Authority.

Reasons: In the interests of the privacy of adjoining neighbouring residents

- (13) All areas shown on the approved plans, including the proposed green roof and such other areas as 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 demolition/construction work on the site. The building shall not be occupied unless the landscape works have been completed in full and the landscaping scheme shall thereafter be maintained.

Such details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels.
- (ii) Details of all trees to be removed on site, and all proposed replacement trees, including species, size and location
- (iii) Hard surfaces details including locations, materials and finishes. Proposed boundary treatments including screening, walls and fencing, indicating materials and dimensions.
- (iv) All planting including location, species, size, density and number.
- (v) Full details of the proposed Green Roof, to include all planting, including location, species, size, density and number. Native, suitable plants should be specified as much as possible, where appropriate and the general arrangement of hard and soft landscape; construction details of roof, drainage; waterproofing proposals; indicative sections across roof
- (vi) A detailed (min 5 year) landscape management plan showing requirements for the

- ongoing maintenance of hard and soft landscape.
- (vii) Details of any new habitats to be provided
- (viii) Details of the method for checking for invasive species and if present, how these will be dealt with

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 in pursuance of section 197 of the Town and Country Planning Act 1990.

- (14) Development shall not commence until details of drainage including any on site drainage works and connections to the public system has been submitted to and approved by the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

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

- (15) No development shall take place until details which demonstrate that the construction of the development will take place entirely within the application site and not within the area between the application site and the river unless otherwise agreed by the Council. This shall include details of the working areas, compound areas, other areas for access and storage and any other areas associated with the construction of the development. This shall also include details of the construction boundary treatment to separate the application site from the adjoining land between the application site and the river. The construction of the development shall be carried out in full accordance with the approved details.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

#### **INFORMATIVES:**

- (1) In addition to planning permission, under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage Byelaws 1981, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank/foreshore of the Brent, designated a 'main river'.
- (2) No development shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), particularly the buffer alongside the River Brent shall be submitted to and approved in writing by the local planning authority. The landscape/ buffer management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- (i) detail extent and type of new planting (NB planting to be of native species)
- (ii) details of maintenance regimes
- (iii) details of any new habitat created on site
- (iv) details of methods for checking for invasive species and if present how they will be appropriately dealt with on site
- (v) details of how the bufferzone will be protected during development



(vi) details of management responsibilities


Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

**REFERENCE DOCUMENTS:**

The London Plan 2011  
Core Strategy  
Brent's UDP 2004  
SPG17 "Design Guide for New Development"  
S106: Planning Obligations  
Letters of Objection

Any person wishing to inspect the above papers should contact Avani Raven, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5016

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 **Planning Committee Map**  
Site address: 128 Windermere Avenue, Wembley, HA9 8RB  
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This map is indicative only.

**RECEIVED:** 25 June, 2012

**WARD:** Preston

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 128 Windermere Avenue, Wembley, HA9 8RB

**PROPOSAL:** Change of use of existing mini cab office (*Sui Generis*) to Islamic Culture and Education Community Centre (Use Class D1) (**re-submission following withdrawal of previous application Ref: 11/1590**).

**APPLICANT:** Mr Mohammad Hanafi

**CONTACT:** MCS Designs

**PLAN NO'S:**

site location plan  
Existing & proposed ground floor plan (Drg LMCRC/PLAN/01)  
Layout showing centres maximum capacity (Drg LMCRC/PLAN/02)  
Block Plan (Drg LMCRC/PLAN/02)

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**RECOMMENDATION**

Refuse

**EXISTING**

The application site is an end of terrace property within a Local Shopping parade on the western side of Windermere Avenue. The ground floor was previously in use as a mini-cab office, though this use ceased approximately 18 months ago. This unit has a ground floor area of approximately 90sqm. There are two separate flats on the upper floors, with access to these gained from Windermere Avenue, or via the rear. A rear service road to the unit is accessible via Windermere Grove.

The area is mixed in character, within the Local Centre there are a range of commercial uses including a post office, pharmacy and public house (The Windermere) but outside of the designated parade the area is predominantly residential, with streets of typical suburban housing.

The property is not within a Conservation Area, nor is the building Listed.

Members should be aware that the previous mini-cab operation has moved to another unit further along the parade, Members granted permission (ref; 11/0894) for this use at 108 Windermere Avenue at Committee on 03/08/11. The ground floor is already being used by the applicants, London Muslim Cultural and Recreational Charity (LMCRC) as a place of worship, for Friday prayers

**PROPOSAL**

Change of use of existing mini-cab office (*Sui Generis*) to Islamic Culture and Education Community Centre (Use Class D1) (this is a re-submission following the withdrawal of previous planning application ref; 11/1590).

**HISTORY**

**11/1590 – Application withdrawn**

Change of use of existing mini-cab office (*Sui Generis*) to Islamic Culture and Education Community Centre (Use Class D1).

*N.B > please note the application was withdrawn after it had been identified that the application had been submitted without serving of the correct notices to all those with a known interest in the land, to which the application relates. Following Legal advice where Officer's were advised the procedural failure would leave any decision open to a possible legal challenge the applicants chose therefore to withdraw the application*

and re-submit with the correct serving of notices.

**11/0409 – Refused under delegated powers on 19/05/11**

Change of use of existing mini-cab office (Sui Generis) to community centre (Use Class D1)

Reasons:

*The applicant has failed to demonstrate that adequate measures will be in place to mitigate the impact of the proposed use of the premises as a community centre, in terms of the likely increased demand for on-street parking and increased traffic congestion on surrounding roads, which cannot be accommodated locally without being to the detriment of pedestrian & highway safety, the amenities of local residents and the quality of the local environment. As a result, the proposal is contrary to policies TRN3, TRN4, TRN22 and TRN24 of the London Borough of Brent Unitary Development Plan 2004.*

*The proposed use would be likely to result in significant harm to neighbouring amenities, by reason of increased noise, disturbance and associated activity that will be generated by the proposed use of the premises as a community centre. As a result, the proposal is contrary to policies H22, EP2 and CF2 of Brent's UDP 2004.*

*The proposed main pedestrian access by reason of it being to the rear of the premises, accessed via the rear service road/yard would not be easily and safely accessible to pedestrians in contravention of policy TRN3 of the London Borough of Brent Unitary Development Plan 2004.*

**02/2616** - Variation of condition 3 (hours of opening) of planning permission (ref. 99/0862) dated 07/06/1999 to allow the existing use of the ground floor as a radio-controlled mini-cab office to operate on a 24-hour basis. **Granted**

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

**POLICY CONSIDERATIONS**

National Planning Policy Framework (2012)

**Unitary Development Plan [UDP] 2004**

**BE2** – Townscape- Local Context and Character  
**BE4** – Access for Disabled People  
**EP2** – Noise & Vibration  
**H22** – Protection of Residential Amenity  
**TRN3** – Environmental Impact of Traffic  
**TRN4** – Measures to Make Transport Impact Acceptable  
**TRN22** – Parking Standards Non-Residential Developments  
**TRN24** – On-street Parking  
**TRN34** – Servicing in New Development  
**TRN35** – Transport Access for Disabled People  
**SH16** – Local Centres  
**SH19** – Rear Servicing  
**CF2** – Location of Small Scale Community Facilities  
**CF14** – Places of Worship

**Brent Core Strategy – July 2010**

**CP16** – Town Centres & the Sequential Approach to Development

**Main Considerations**

Principle of D1 use in this location  
Transportation impact of proposed change of use  
Parking provision  
Impact on amenity of nearby residential neighbours

**CONSULTATION**

Consultation letters were sent out on the **26 July 2012**, a total of 199 individual properties were consulted. In

addition Ward Councillor's, Transportation, Environmental Health and the South Kenton & Preston Park Residents Association (SKPPRA) were consulted on proposals.

A total of 34 individual objections have been received to date. A total of 13 letters/emails in support of the proposal have also been received along with a petition of support containing 20 signatures. (Please note multiple representations from an address are counted as one only)

Summary of nature of objections:-

<b>Grounds of objection</b>	<b>Number of times raised</b>
The use is exclusive and not open to the whole community	6
Will cause parking problems in the local area	29
The use will add to traffic congestion along Windermere Avenue	16
Will result in increased noise & disturbance	9
The use is already taking place without the necessary planning permission	12
It will result in anti-social behaviour	1
Shopfront is visually harmful	2
Inaccuracies are presented in the application form & supporting documents	1
Will harm the vitality of the shopping parade	2
The use presents a health & safety risk with no proper fire escape	2
The location is inappropriate – this is a predominantly residential area	1
There is already an Islamic community centre on Preston Road, and there is no need for another one so close by.	5
This is an unsuitable location, directly opposite a public house	6
Premises are too small for use as a community centre.	5

Summary of responses in support of the proposal:-

<b>Reasons for support</b>	<b>Number of times raised</b>
Use will be convenient for local residents	5
Most of the users of the centre will live within walking distance, and are unlikely to drive.	4
Will be a benefit for local children & community	10
Increased footfall will benefit the local parade	1
Will result in more social cohesion	4
There is a local need for this facility	6

*Transport comments;* - The site has low access to public transportation, however there is close access to South Kenton Station, and Windermere Avenue is a local access road with bus route No.223.

The site is within the Wembley Stadium Event Day Parking Zone, otherwise on-street parking is un-restricted and available for residents and local businesses. Windermere Avenue has low levels of night time parking.

The main prayer meeting, where maximum numbers in the order of 80 persons are expected is likely to have a transportation impact in terms of pedestrian access and parking.

Transportation site surveys have carried out on-street parking surveys. It was noted that that there was high on-street parking on Windermere Avenue close to the unit and also between the junctions with Thirlmere Gardens and Allonby Gardens. A high incidence of illegal parking was also noted at the Windermere Grove junction, which caused obstruction to buses during Friday lunchtimes (between 1pm and 2pm).

Transportation recommends that the proposal should be resisted on the basis that the proposed change of use would be likely to have an unacceptable impact on traffic and parking conditions in the vicinity of the site, that cannot be effectively mitigated by the proposed Travel Plan or by parking controls in the foreseeable future, contrary to UDP policies TRN3 and TRN24.

*N.B. Since these original comments the applicants have provided further information about the intended use, and revised their Travel Plan. However Transportation have not withdrawn their objection.*

*Environmental Health;-* believes that there is potential to cause noise and nuisance to flats above. Due to these concerns it is recommended that planning conditions be attached requiring post-completion noise testing, and acoustic insulation, should permission be granted.

*Ward Councillors;-*

Councillor Harshadbhai Patel objects to the proposed use on the following grounds;-

- This is a mainly residential area, and should the application go ahead it will have an extremely detrimental effect on the surrounding residents, shop keepers, local customers and South Kenton rail users.
- Traffic problems are already a big issue in this location. Residents regularly complain about cars blocking driveways. In addition there is already regular congestion on WA in front of the parade, this problem is exacerbated by commuter parking, buses and refuse vehicles all sharing this narrow stretch of road. The proposed use will drastically increase traffic and pedestrian footfall to the area.
- The Council has already acknowledged the traffic problem in its refusal of application 11/0409 in April 2011. There has been no change to the surrounding streets since then, therefore the same objections must still be valid now.
- The area is already well served for worshippers, and there are several nearby mosques with very good transport facilities. Many users may come from outside of the area.
- The proposed use is considered to be an overdevelopment of a small site and will bring a number of traffic and environmental problems to the area.

*SKPPRA;-*

South Kenton & Preston Park Residents Association objects to the proposal on the following grounds;

- The application is considered to be invalid as the correct procedures have not been followed with regards to serving of notices to all those with an interest in the land.
- The proposal will increase demand for on-street parking and increase traffic congestion on surrounding roads. There is no capacity to accommodate this locally.
- The centre's use causes conflict with local residents due to the parking and traffic impacts created.
- The use has continued uninterrupted and unlawfully since January 2010.
- The Travel Plan misrepresents the present traffic and parking conditions in the vicinity of the site and is based on unreliable data/information. The proposal remains contrary to UDP policy TRN3.
- The existing building is unsuitable for use as a place of worship or community centre.
- The external treatment of the premises is contrary to Council policy on shopfronts.
- The proposal is harmful to residential amenity in the local area, caused by the intensification of use.
- The application form has been completed with false and misleading information.
- The applicants conduct in terms of the existing unlawful use of the building makes it impossible to determine the real nature of the use.

Photographic evidence has also been presented by SKPPRA to demonstrate the parking and traffic problems associated with the current use of the building for Friday prayer, these can be found on file.

*Sudbury Court Residents Association;-*

Objection raised as it is 'believed it is an inappropriate location and parking is a substantial nuisance in an already over parked area caused by the station and the hospital'.

## **REMARKS**

The proposed Islamic Culture and Education Community Centre is for occupation by the London Muslim Cultural & Recreational Charity (LMCRC), who are a registered Islamic cultural and recreational charity previously based in West London. They have previously stated their reason for re-locating is to meet the demands of the local muslim community in South Kenton, Preston Road, North Wembley and surrounding areas.

LMCRC have advised what activities would take place over the course of a typical week were the centre to be fully operational, these are set out in full in the D&A Statement. Friday prayer (1pm – 2pm) would be the

busiest time of the week and during this period it is stated that up to 80 persons are expected to attend. There are 5 times daily prayer times and the Centre will also be used for these prayers that last 15 to 30 minutes each, as set out below;

- Prayer Fajar (morning 7am to 7.30am) / 5-10 persons expected to attend
- Prayer Zohar (midday 1pm to 1.30pm) / 15-20 persons expected to attend
- Prayer Asr (mid afternoon 2.45pm to 3.00pm) / 10 to 20 persons expected to attend
- Prayer Magrib (dusk 3.45pm to 4.15pm) / 15 to 30 persons expected to attend
- Prayer Isha (evening 7.00pm to 7.30pm) / 20 to 30 persons expected to attend

Besides the religious worship aspect it is also proposed that the centre will provide library facilities, Islamic education as well as English language education classes and welfare advice sessions. These activities over the course of a typical week are set out below;

- Monday to Friday – Islamic Studies and Quran classes for children between 4.15pm and 6.30pm / 30 to 50 children expected to attend.
- Monday & Wednesday – Community and welfare advice session between 10am and 12pm / between 5 and 20 persons expected to attend.
- Wednesday – Ladies only education classes in Arabic and English language (10am to 12pm) / 10 to 20 persons expected to attend.
- Sunday – Community and welfare advice session between 11am and 12pm / 15 to 30 persons expected to attend
- Saturday – Childrens support school teaching English, science & mathematics between 9.30am and 12.00pm / 15 to 40 children expected to attend.
- Daily – Library use between 5pm and 8pm / 15 to 20 persons expected to attend.

Estimated visitor numbers for people attending, using figures provided by LMCRC, indicate that the centre will be at its busiest during Friday prayer, attracting up to 80 people. Over the course of the week, based on maximum figures estimated by the applicants the centre could potentially attract as many as 270 visitors to the premises, though dispersed across the entire week.

The use has already commenced in so far as it relates to Friday prayer and Officer's have been monitoring the centre's use at these times, over the past 15 months, in response to the objections received. This has provided first hand evidence of how the centre operates during this time, figures have been recorded of numbers of visitors and a better understanding of the parking and traffic impacts associated has also been gained. These observations will be discussed further on in this report where the transport impacts of the use are considered.

#### *Building layout*

The ground floor is sized at approximately 90sqm in area. To the front of this a main congregation prayer hall is proposed that is 60sqm, taking up some 66% of the unit. This space will also double up as a multi purpose room outside of prayer times to provide classroom space. Behind this a smaller ladies prayer room is proposed, partitioned off from the main congregation area. Then to the rear of this are toilets and a washroom.

#### **Principle of D1 use**

The Council's LDF – Core Strategy, Adopted in 2010 seeks to ensure that the continuing needs of Brent's diverse communities are met through the protection of existing, and the provision of new, community and cultural facilities, across the Borough.

The application site is situated on the edge of a designated Local Centre and UDP policy CF2 states that proposals for small scale community facilities serving a neighbourhood should be located in or adjoining town or local centres. And that such proposals are subject to the protection of neighbourhood amenity. The premises have residential flats above and dwellinghouses opposite and immediately outside of the designated parade then the area is almost entirely residential in character.

UDP policy CF14 deals with places of worship, stating that the provision of religious meeting places for all denominations is permitted, where there will be no significant loss of residential amenity or unacceptable transport impact.

Policy SH16 states that within local shopping centres non-retail uses will be permitted where the proposed use is considered appropriate, as identified by Policy SH6, or provides an essential service to visiting members of the public, and will result in no more than 35% of the shop units being in non-retail use.



The most recent survey of the parade revealed that the parade only has 38.4% of units in A1 use, however as the proposal would not see the loss of a A1 retail use then there would be no worsening of the retail offer, and it would not conflict with this policy.

In light of the above policy context there is no in principle policy objection to a community and education centre, on the edge of this centre and former retail premises have proved to be an option in catering for demand. However policies CF2 and CF14 preclude community uses or places or places of worship where the use would result in an unacceptable impact on residential amenity, and/or where there will be an unacceptable transport impact – so highways safety and parking concerns also need to be considered. As such this sets the parameters for determining the application and a major factor in considering both of these issues is the link with resulting intensity of the use.

**Impact on amenity of residential occupiers and residential amenity**

The previous use as a 24-hour mini-cab office would have seen activity day and night, albeit at a much lower level of intensity as the current use.

The D&A statement states that the centre is intended to be open as early as 7am on weekdays, through until at least 8pm seven days a week. Visitor numbers are anticipated to peak during Friday prayer (1pm to 2pm), with maximum numbers of 80 expected at this time by the applicants. The other uses throughout the week that are a mixture of prayer/worship, education or community advice sessions would be expected to operate at a lower level of intensity.

As Friday midday prayer is to be the busiest period of the week, where the impacts felt would be at their greatest, Officer's have undertaken a number of site visits to observe the centre's use at this critical time. Since July 2011 a series of site visits have been carried out to observe the centre's use during Friday prayer, this has allowed a good understanding of the centre's actual use at this time, both in terms of intensity of the use and parking and traffic conditions locally. The results of these Friday surveys are presented in the table below.

Date of site visit	Total number attending
22 July 2011 (1pm – 1.30pm)	0 (centre not in use)
10 Feb 2012 (1 – 2pm)	40
17 Feb 2012 (1 – 2pm)	67
10 Aug 2012 (1 – 2pm)	121
26 Oct 2012 (12:50 – 2pm)	84
2 Nov 2012 (12:30 – 2pm)	108

The results of these visits do show quite clearly that the Centre's use has significantly increased over the parameters set out in the applicants D&A statement. The applicant's original assumptions of visitor numbers which provide the baseline for their travel plan are based on maximum occupancy levels of 80 persons, during the busiest time of the week. The busiest time witnessed when 121 visitors were observed attending Friday prayer on 10-08-12 equates to operating levels at 67% above those stated by LMCRC, and the later data indicates a higher level of use. Clearly this reflects the centres popularity, but it also challenges parts of the suggested travel plan.

There are two residential flats immediately above the ground floor, these could potentially be harmed by the use, especially with the numbers of visitors it is already attracting, and when you consider the applicants wish to operate 7 days per week. Information set out in the D&A is intended to demonstrate that sound proofing measures will be put in place to safeguard the amenity of residents above. It recommends that ceilings and wall be upgraded to provide insulation against sound. It is also stated that no amplified sound or music will be played during the centre at any time.

Environmental Health Officer's have assessed the proposed use, as well as the proposed mitigation measures to improve sound insulation. It is felt that the use has the potential to noise nuisance, which may impact on the flats above, and it is not clear if the proposed mitigation measures will be sufficient to ensure residents above are protected from noise. In view of these concerns conditions are recommended (i) requiring post-completion testing to be undertaken at the nearest noise sensitive premises to demonstrate acceptable sound levels, and approval of such a report; and (ii) ensuring that the building is provided with adequate acoustic insulation, if planning permission is granted.

There can be no doubting the potential impacts of a centre, with visitors coming and going 7 days a week,

with over 100 visitors coming during peak time (Friday lunchtime) and potentially up to 300 visitors over the course of a typical week will have a greater impact on residents above that the previous mini-cab office once did. However for most of the week, barring Friday prayer the centre would receive relatively modest attendance, and it has been confirmed no amplified sound or music will be played. In the absence of an objection in principal from Environmental Health on these grounds then no objection based on harm to residential amenity in terms of noise and activity is raised.

However residential amenity can extend to matters such as increased parking, parking conflict and increased traffic congestion, as these can affect neighbourhood amenity, all of which are discussed below.

**Transportation impacts – parking and traffic**

UDP policy TRN1 states that developments will be assessed as appropriate to their transport impact.

Policy TRN3 states that where a planning application would cause or worsen an unacceptable environmental impact from traffic generated it will be refused, including where the anticipated level of car generation/attraction is greater than the parking to be provided on site, and any on-street parking would cause unacceptable traffic management problems or road safety problems, where the capacity of the highway network is unable to cope with additional traffic or where the proposal would cause a significant increase in the number of journeys made by private car.

There is no formal off-street parking available for the unit in question currently, though it is proposed to provide two disabled spaces to the rear of the building, accessed directly from the service road, via Windermere Grove. In principle the provision of disabled parking is welcomed, and goes some way towards satisfying standard PS15, although as shown these spaces would not be accessible through the gated access.

The regular site visits carried out by your Officer’s have built a picture of the number of visitors, how they are arriving, levels of cars visiting the site and on-street parking and traffic conditions, locally, during Friday prayer. The table below illustrates these observations.

Date site visited	Number of visitors	Number of vehicles	Modal split of vehicles
17/02/12	67	12	17.9%
10/08/12	121	26	21.4%
26/10/12	84	34	40.4%
02/11/12	108	12	11%

There is evidence that the number of users to the centre arriving by car is greater than the 17% modal split presented in the travel plan. The stretch of Windermere Avenue immediately in front of the parade of shops, extending as far as Allonby Gardens to the south and Thirlmere Gardens to the north experiences high levels of daytime parking in any event. Ennerdale Gardens and Allonby Gardens, which are accessed via this stretch of road also, experience high levels of daytime parking. It is likely that commuters and shoppers to the parade attribute to much of the high levels of parking on street along this stretch of Windermere Avenue. It has been observed that the demand for parking generated by the use at this peak period is such that any capacity is taken up for some 120m north and south of the application site. It is also likely that this local saturation gives rise to the observed and reported inconsiderate parking which blocks private driveways or parks on double yellow lines near to junctions.

The relatively modest levels of use over most of the week are less cause for concern as numbers stated in the D&A suggest visitor numbers would remain somewhere between 10 and 50 persons, with the largest attendance occurring on a Saturday morning when children’s school would attend classes. At this time, during the weekend one would expect there to be greater capacity to park on street along Windermere Avenue, or surrounding roads as spaces would not be occupied by commuter parking, which is what currently happens Monday to Friday. It is the peak time that causes most concern although there is scope for other popular activities to add to this.

Due to the lack of parking controls in the area, with the exception of Wembley Stadium Event Days commuters currently drive to South Kenton station and park along Windermere Avenue and surrounding roads, the same happens on the eastern side of the railway lines along Norval Road, Nathans Road and The Link, which is connected to Windermere Avenue by a well used pedestrian underpass. As discussed above Officers have gathered evidence of high levels of daytime parking in the locality as a direct consequence of commuters travel patterns. So it is clear that competition exists at the moment for parking spaces on-street, from residents, commuters and shoppers visiting Windermere Avenue local parade. The proposed centre,

which attract visitors in large numbers at certain times undoubtedly leads to further competition to park on-street in the area.

Parking standards for D1 uses, namely places of worship are set out in UDP standard PS12, and although this is proposed as a community centre the religious worship aspect is the biggest generator of visitors so parking impacts have been assessed accordingly. This standard states that 2 spaces for every 5 visitors (based on maximum capacity) should be provided. Using the maximum attendance figures of 80 persons that were anticipated by LMCRC then this would equate to a total of some 32 spaces. Now using the maximum attendance figures that were observed by Officer's of 121 persons then this would equate to some 48 spaces. This level and intensity of use is problematic at peak times, as the centre's visitors are reliant on their ability to park on-street, and as we already know Windermere Avenue and surrounding streets, both sides of the railway already suffer from high levels of day time parking due to the competing pressures mentioned above. Attracting over 100 visitors to the centre on a regular basis does have a significant impact in terms of congestion locally and parking, and this is raised as a significant problem by many local residents.

The current trend suggests an increase in users of the centres over the past 9-10 months, and there is a concern that there may be further growth in popularity, which would be difficult to control, and if so would attract even more cars to the area. Also the lack of a CPZ in the local area, save for stadium event days means there is no means of control to restrict visitor parking on surrounding streets.

***Relevant appeal decision at 324 Harlesden Gardens (ref; APP/T5150/A/11/2158959):-***

The inability to control the scale of the use or the levels of on-street parking was identified as a reason for dismissing an appeal at 324 Harlesden Road for a change of use to a place of worship. The Council had refused permission for this use, in part, due to concerns it could result in an increased demand for parking and a conflict between this and residential parking on street. In dismissing the appeal the Inspector felt that there was no guarantee the activity would be limited to the level set out in the application, and that no mechanism had been put forward to control numbers. The Inspector was of the opinion that without any means of controlling the scale and intensity of the use there would be potential for traffic generation to increase to the extent that it would result in an unacceptable impact. Similar concerns can be applied to the centre on Windermere Avenue, particularly as there is evidence of recent expansion of its use and due to the lack of on-street parking controls on roads surrounding the site to mitigate the impacts from additional parking and traffic.

There is evidence, and a number of concerns raised by objectors to substantiate this that the existing use is creating a parking problem locally as users of the centre are parking in such a way that is inconsiderate and unsafe to local residents. There is evidence that visitors are parking in such a manner that they are obstructing access to private driveways, parking on yellow lines, or double yellows close to junctions. This activity has been witnessed by Officer's and residents alike and such behaviour presents a danger to the free flow and safe movement of traffic.

Policy TRN4 states that where transport impact is found to be unacceptable measures will be considered which could acceptably mitigate this, including management measures to reduce car usage to an acceptable level (e.g. green transport plans). The travel plan submitted in support cannot be relied upon as it does not present an accurate picture of the centre's use. Its baseline position is that the centre will attract no more than 80 persons during its busiest period. We know that this is not a true reflection as visitor numbers to Friday prayer regularly exceed this, and we also know from site observations that visitors arriving by car, on occasion, exceed the 17% modal split that has been presented.

Unfortunately no real targets or a mechanism is set by the travel plan to significantly reduce visits by car, and due to the ability to park freely on surrounding rounds there is little incentive, or mechanism to reduce trips by car. Within the travel plan there are no penalty clauses should the desired modal split not be achieved, and in any case the number of vehicle movements generated by the place of worship/community centre is known to be higher than the travel plan states.

The submitted D&A statement and travel plan state that the majority of persons attending the centre live less than 1 mile away, and that they will be encouraged to walk to the centre. The travel plan makes unsubstantiated claims about high levels of visitors who walk to the centre, and about the low levels of car use by visitors, quoting 17% as being the proportion arriving by car. In the absence of more detailed information about the profile of visitors in terms of address, distance travelled, travel patterns and attendance across the week then little weight can be given to the figures presented.

There is in fact clear evidence that the proportion of visitors by car is greater than presented. In fact on one occasion some 40% of 84 visitors to the centre for Friday prayer arrived by car. And what we know is that the

stretch of Windermere Avenue where the parade is concentrated, as well as Ennerdale Gardens and Allonby Gardens are regularly at parking capacity during the day. There is capacity to park on-street further a field to the north and south along Windermere Avenue, but that these sections of Windermere Avenue also experience higher than normal levels of daytime parking during the peak Friday prayer. These on-street conditions are indicative of larger numbers arriving by car than the travel plan suggests.

Despite its access to South Kenton Station the location has low public transport accessibility (PTAL 1), and the applicants have failed to demonstrate how the increase in traffic and parking, which is already evident on roads surrounding the site will be addressed.

Given the failure to make adequate provision for centre parking and the busy nature of the use, it is considered that the proposal in this location results in a significant increase in traffic to and from the site, increased congestion locally and an increase in parking levels on-street locally that cannot be accommodated on-street without being detrimental to residential amenity and the free flow and safe movement of traffic. Furthermore this reliance to park on-street, and this extra demand results in conflict with residents parking.

### **Visual impact – shopfront appearance**

The centre operates with solid roller steel shutters down at all times which presents a rather drab, uninviting appearance, which is to the detriment of this local centre. This approach fails to provide an active frontage, which is seen to be an important factor in contributing to the vitality and viability of a centre. Were the use being supported Officer's would actively be seeking works to improve the shop fronts overall appearance in order to provide a degree of visual interest.

### **Overcrowding & safety of users**

Though not strictly a material planning consideration the observations that visitors to Friday prayer are exceeding 100 persons has lead Officer's to advice on the capacity of the building.

The Building Regulations 2000, Fire Safety, approved document B, Volume 2 – building other than dwellinghouses provides information on safe levels of occupancy. The floor layout submitted in support of the application demonstrates a maximum occupancy of 75, this being based on the space required for an individual and their prayer mat (1m x 600mm). So assuming maximum occupancy this takes up the entire ground floor in the main front room, and the entire space in a smaller secondary room. No space is left for circulation or escape in the event of an emergency.

Safe levels of occupancy are calculated by dividing the area of the room by a floor space factor, and for a meeting room (which is considered to reflect a place of worship/community centre) that factor is 1m<sup>2</sup>/per person. Based on this the safe level of occupancy for the unit would appear to be 64 persons. The levels observed using the centre significantly exceed these maximum occupancy levels, and such overcrowding presents a real health & safety risk. The size of the premises appear not to be acting as a obvious limit on the level of use, at least at peak times.

### **Summary**

Whilst a use of this nature, in such a location is rarely going to be impact free your Officer's are concerned primarily with the traffic and parking implications of the intensity of the use. There is clear evidence for the growth in popularity of the use of the centre, and that this is having an adverse impact on parking and traffic conditions locally. Due to the lack of off-street parking a use of this intensity, is competing with local residents and commuters to park on-street, and on surrounding residential roads that already experience high levels of parking, and is resulting in parking conflict with residents, illegal parking and increased traffic.

Without any means of controlling the scale and intensity of the use there would also be potential for traffic generation to increase and undue pressure to park on-street, in the future were the centre to increase in popularity

For these reasons the proposed use cannot be supported, in this location, due to it having a detrimental impact on pedestrian and highway safety and the free flow of traffic, in contravention of policies TRN3, TRN4 and PS12 of the London Borough of Brent Unitary Development Plan 2004.

**RECOMMENDATION:** Refuse Consent

**CONDITIONS/REASONS:**


- (1) The change of use to a cultural and community centre, including place of worship results in an increased demand for parking, placing undue pressure on parking on-street on roads surrounding the site. Due the scale and intensity of the use already evident on site this increased parking and traffic results in conflict between this and residential parking locally, including illegal parking, and is detrimental to the free flow and safe movement of vehicles on roads surrounding the site, particularly during peak visitor times. Furthermore the application has failed to demonstrate that the unacceptable impacts on traffic and parking conditions can be effectively mitigated by the Travel Plan, nor can these impacts be mitigated by on-street parking controls on roads surrounding the site. This use is considered to be contrary to policies TRN1, TRN3, TRN22, TRN24, CF2 and CF14 of Brent's Adopted UDP 2004.
- (2) The solid external roller-shutters, which appear to be down at all times of the day, have an unacceptable impact on the appearance of the property, in particular, as well as having a negative impact on the local centre, and the streetscene, in general. This is contrary to policies BE2, BE9 and SH22 of the London Borough of Brent Unitary Development Plan 2004 and advice contained in Supplementary Planning Guidance 7: "Shopfronts and Shop Signs".

**INFORMATIVES:**

- (1) The applicant is advised that as the centre is currently operating without planning permission, and has been for some time then this matter will be followed up by the Council's Planning Enforcement department.

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

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	<b>Planning Committee Map</b>
Site address: First Central, Coronation Road/Lakeside Avenue, Park Royal, NW10	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



London Borough of Brent - Copyright (C)

This map is indicative only.

**RECEIVED:** 28 August, 2012

**WARD:** Stonebridge

**PLANNING AREA:** Harlesden Consultative Forum

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

**PROPOSAL:** Reserved matters application for the erection of a 9 storey residential building comprising 138 flats (Block C of outline planning permission granted 28<sup>th</sup> March 2012). Matters to be considered in the reserved matters application are the appearance and landscaping of Block C only.

The outline planning permission (Ref: 10/3221) granted 28<sup>th</sup> March 2012 is for:

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

The permission is subject to a Deed of Agreement dated 28 March 2012 under Section 106 of the Town and Country Planning Act 1990, as amended. Matters approved: access, layout and scale with appearance and landscaping reserved.

**APPLICANT:** Catalyst Housing Group

**CONTACT:** Sheppard Robson Architects

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

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## **RECOMMENDATION**

Grant Consent

## **SECTION 106 DETAILS**

The details of the s106 legal agreement for the outline permission for the masterplan is set out in the s106 section of the report that went to committee on the 14th December 2011 (Ref: 10/3221).

The agreement secured a number of benefits including:

- The provision of 138 affordable homes - of which up to 76 could be shared ownership with the rest social rent.
- Construction and equipping of an energy centre of sufficient size to serve the whole First Central site including the two existing office buildings.
- All residential units shall be built to a minimum Code for Sustainable Homes Level 4.



- Office development to meet the Bream Excellent standard unless it is demonstrated to the council's satisfaction that it is not viable to do so.
- Provision of a Multi-Use games area and a children's play area within West Twyford Park.
- Provision of at least three City Club spaces to be agreed with the Council.

The agreement also secured a financial contribution of £3.0m which includes a payment of £0.9m payment to Ealing Council for education and a payment of £1.0m to TfL for the upgrading of the Mason's Green Lane pedestrian route to Park Royal Piccadilly line Station. The remaining £1.1m to be paid to Brent.

The first £1.0m pounds to be paid upon the commencement of the first residential block (£300k Masons Green Lane payment and £700k Education payment).

### **Mayoral Community Infrastructure Levy**

Block C as a 100% affordable block is exempt from having to pay the Mayor's CIL.

### **EXISTING**

This planning application relates to Block C of the revised First Central Masterplan that was granted outline planning last year.

The First Central site occupies a large part of what used to be the Guinness Park Royal brewery complex. It lies to the north of the A40/Western Avenue, and is bounded by the Central London Underground line to the south and the Piccadilly London Underground line to the west. The site is connected to the A40 by a new link road and roundabout to the south, and there is pedestrian access from the nearby Park Royal station via a bridge and underpass. To the west of the site is the new perimeter road of Lakeside Drive.

Twyford Abbey Road to the north of the Masterplan Site forms the boundary between Brent and the London Borough of Ealing.

The original master plan, which was granted consent in 1999, has been partly implemented. Two large office blocks have been built (the FC200 building and Diageo's head quarters building) and a large central landscaped area with ponds has been laid out for the use of occupants of the offices. Two public open spaces have also been laid out in the area between the western side of Lakeside Drive and the railway line and the new public park fronting on to Twyford Abbey Road now referred to as West Twyford Park. The residential element of the original 1999 Masterplan has also been built out and is located on the opposite side of Lakeside Drive to the Block C site.

### **PROPOSAL**

This is a reserved matters application for Building C, a 9 storey residential building comprising 138 flats granted outline planning permission on 28<sup>th</sup> March 2012 as part of the revised masterplan for First Central.

The matters to be considered in this application are landscaping and appearance only. Access, layout and scale have already been approved by the Planning Committee as part of their consideration of the revised materplan at the 14th December 2011 committee (Reference: 10/3221).

### **HISTORY**

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

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

A revised masterplan for the First Central site was granted outline planning permission earlier this year. This introduced a significant amount of housing into the redevelopment and a reduced but still significant office element.

The most relevant planning decisions relating to the redevelopment of the site are set out below:

28/03/2012	<p>Outline planning permission for the revised First Central Masterplan granted on 28<sup>th</sup> March 2012 comprising:</p> <ul style="list-style-type: none"><li>• The construction of up to 60,000 sqm of office accommodation (Class B1) in 3 buildings up to a maximum of 10 storeys in height, up to 1,700 sqm of retail, restaurant, hot-food take-away floor space (Class A1 to A4), up to 2500 sqm of health and fitness floor space (Class D2) with associated pedestrian areas, landscaping, access/servicing, car and cycle parking; and</li><li>• the construction of 4 residential blocks up to a maximum of 9 storeys in height to provide a maximum of 545 residential units, consisting of a mix of 1, 2 and 3 bedroom apartments for private, rented and shared ownership, with associated landscaping, access/servicing, car and cycle parking; and</li><li>• the provision of 2 play areas and a Multi Use Games Area, and modifications to existing footpaths in West Twyford Park (Bodiam Fields), and modifications to existing surface treatment in Lakeside Drive; and</li><li>• the provision of an energy centre on land east of Lakeside Drive.</li></ul> <p>The permission is subject to a Deed of Agreement dated 28 March 2012 under Section 106 of the Town and Country Planning Act 1990, as amended. Matters approved: access, layout and scale with appearance and landscaping reserved (Ref: 10/3221).</p>
14/09/2006	<p>Planning permission granted for the realignment of the Rainsford Road link from its junction with Whitby Avenue to its junction with Lakeside Drive and associated landscaping (Ref: 06/1119).</p>
14/09/2006	<p>Approval of details of the new perimeter road (Lakeside Drive) and associated landscaping along the eastern side of the development and associated landscaping in pursuance of conditions and reserved matters pursuant to the permission granted on the 15.07.1999 (Ref: 98/0016) for a new link road to the A40 and a 22.18 hectare mixed use development, including 116,100m<sup>2</sup> of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex (Ref: 06/1077).</p>
09/12/2005	<p>Approval of reserved matters for Office Building B pursuant to the planning permission granted on the 15.07.1999 (Ref: 98/0016) for a new link road to the A40 and a 22.18 hectare mixed use development, including 116,100m<sup>2</sup> of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery complex (Ref: 05/2499).</p>
26/08/2004	<p>Approval of reserved matters for new London Underground station and, associated cycle and footpath links, landscaping, access road and associated works pursuant to the planning permission granted on the 15.07.1999 (Ref: 98/0016) for a new link road to the A40 and a 22.18 hectare mixed use development, including 116,100m<sup>2</sup> of offices (Use Class B1); 61 residential units; new London Underground station, ancillary retail; 150-bed hotel; indoor leisure facilities, community open space; landscaping and car parking, including demolition of existing brewery</p>

complex (Ref: 03/2728).

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

## **POLICY CONSIDERATIONS**

The framework of local and regional planning policies under which the outline permission was considered are unchanged from when the proposal was considered by the Planning Committee on the 14th December 2011. The full list of these policies can be viewed in the committee report for the outline application (Ref: 10/3221).

The national planning policy has changed considerably. The National Planning Policy Framework (NPPF) was published on 27<sup>th</sup> March this year and replaced the existing framework of Planning Policy Guidance and Planning Policy Statements. 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.

The previous decision on the outline application and the current reserved matters application are both considered to comply with the NPPF.

## **CONSULTATION**

### Local Consultation:

289 letters sent out. Advertised in the press on the 29th September. Site Notice put up 1st October.

16 responses received raising the following concerns/objections.

- Impact of new social housing on house prices in the area.
- Additional demand for local services.
- Increased anti-social activity from an over concentration of new social housing.
- Social housing should be 'pepper potted' across the whole scheme rather than concentrated in one block.
- There is already social housing in Toucan Close.
- Increase in noise from cars travelling up and down Lakeside Avenue.
- Loss of light and privacy.
- Loss of open space and trees.
- The proposed play area and multi use games area will encourage people to hang around these areas at night making noise.

Other consultation responses:

A response has also been received from SEGRO who own the adjoining site which is currently cleared but has permission for a large business park comprising 49,797 sqm of B1(c), B2, B8 floor space. A new application on this site has recently been submitted for a revised scheme comprising 42,815 sqm of B1(c), B2, B8 floor space.

The are concerned primarily that the First Central scheme has not properly assessed the potential noise levels that would come from a future development on their site.

The applicants are currently re-running their noise modeling to take account of future development of the SEGRO site and the details of this will be reported to committee in a supplementary report. The noise model will be used to predict the façade noise levels at the First Central site and subsequently to provide acoustic performance specifications for the glazing and any ventilation openings such that adequate protection against external noise is provided and that future activities at the adjacent site are not compromised. A report detailing the noise model, predictions and acoustic performance specifications will be produced to demonstrate compliance with the relevant planning condition.

Environmental Health:

No objection.

**REMARKS**

**Background**

Outline planning permission for the revised First Central Masterplan was granted on 28<sup>th</sup> March 2012 with the completion of the s106 Agreement, Brent's. Planning Committee having resolved to grant outline planning permission for the scheme on the 14th December 2011. The committee report for that application (Ref:10/3221) is appended to this committee item.

The outline permission approved the following:

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

The following matters have been approved:

**Layout** - the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development,

**Scale** – the height, width and length of each building proposed in relation to its surroundings.

**Access** – this covers accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access

network.

This is a reserved matters application for Building C only which is a 9 storey residential building comprising 138 flats. The applicants for this phase of the masterplan are Catalyst Housing and the block will be 100% affordable housing. The matters to be considered in this application are:

**Appearance** – the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.

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

### **Appearance**

The proposed appearance of the building does not differ significantly from the indicative elevations approved at the outline stage. The large elevations are broken up by balconies, staggered window openings and the use of different palette of materials which consist of a coloured cladding system the exact details of which will be approved via a condition attached to the outline permission.

Rainwater goods generally to be internal or located in recesses or concealed within the cladding system, which is welcomed.

Your officers consider that the proposal details of individual blocks includes sufficient articulation to break down the visual mass of these buildings, at the same time providing visual interest to the elevations. It is considered the design approach and architectural devices provide interest within the building facades.

### **Landscaping**

A simple yet high quality palette of paving materials and street furniture is proposed with the paving materials and built elements reflecting the character of the existing landscape.

The internal road and parking will be paved with concrete blocks and the footpath adjacent Lakeside Drive in tarmac to match the existing treatment. The existing resin bound gravel paths within the water landscape will be extended where required to connect to the new blocks

Concrete or clay block pavers will be used on the podium courtyard to create a more residential feel. All paved surfaces for pedestrian areas are designed to ensure accessibility for all, with avoidance of ramped approaches, reducing unnecessary furniture clutter and employing a lighting scheme which ensures external spaces are adequately lit at all times.

The planting consists of native species and includes 57 new trees. The proposed treatment is considered to be a robust and attractive solution to the landscaping of the land around the block

### **Residential Courtyard**

This courtyard is located on a podium above the parking area. It is private communal space for the use of the residents of the building. The podium is a storey above the existing water landscape, providing clear views into the central landscaped area. Ground floor units facing into the courtyard will have a 2.5 deep private terrace with a further 2 metre deep buffer of defensive planting between the terraces and the communal courtyard in order to protect their privacy.

The Courtyard includes 540 sqm of play space incorporating a variety of play equipment including natural play boulders, climbing stones, timber climbing frame, a willow tunnel, grass berms and stepping stones. This equipment is aimed at younger children. Older more independent children will benefit for the new MUGA and play area approved for West Twyford Park as part of the outline permission.

Overall the proposed landscaping scheme is considered to achieve a satisfactory balance between private amenity space for ground floor units, useable communal space and children's play space.

Your officers consider that the landscaping proposals are acceptable.

**RECOMMENDATION:** Grant Consent

**REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004  
Brent Core Strategy 2010  
Council's Supplementary Planning Guidance  
Mayor's London Plan 2010  
National Planning Policy Framework

**CONDITIONS/REASONS:**

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

00\_002 rev B  
00\_263 rev A  
20\_270  
20\_271  
20\_272  
20\_273  
20\_274  
20\_275  
20\_276  
20\_277  
20\_278  
20\_279  
20\_280  
20\_281  
20\_282  
Doc\_033

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

**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

Received PLANNING Appeals between 1-Oct-2012 and 31-Oct-2012

## Planning Committee: 21 November, 2012

**Application Number:** 11/1208      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 12/10/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 135 Chatsworth Road, London, NW2 5QT  
**Proposal:**

Erection of a two storey side extension, single storey rear extension, rear roof dormer and installation of two rear roof lights and two side roof lights to dwellinghouse

**Application Number:** 12/0200      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 16/10/2012      **Appeal Against:** Refusal of planning permission  
**Location:** Flats 1 & 2, Pember House, Pember Road, London, NW10 5LP & 35B Kilburn Lane, North Kensington, London, W10 4AE  
**Proposal:**

Conversion of 1x 2 bed and 1 x3 bed to 1 x 5 bed, the creation of a basement, erection of single storey side/rear extension resulting in reduced commercial space, erection of a second floor extension and roof terrace with the installation of rooflights, solar panel, new windows and doors

**Application Number:** 12/0684      **Team:** Northern Team      **Application Type** S78 FUL  
**Appeal Received:** 24/10/2012      **Appeal Against:** Refusal of planning permission  
**Location:** Mizen Design & Build, 451-453 North Circular Road, Neasden, London, NW2 7QD  
**Proposal:**

Change of use of ground floor office (Use Class B1) to 2 x residential units (1 x 1 bed and 1 x studio) with insertion and reconfiguration of windows to the flank elevation facing Jackman Mews and associated works

**Application Number:** 12/1239      **Team:** Western Team      **Application Type** Other CLD  
**Appeal Received:** 24/10/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 201 Wembley Hill Road, Wembley, HA9 8EL  
**Proposal:**

Certificate of lawfulness for proposed hip to gable end roof extension, rear dormer window and two front rooflights to dwellinghouse

**Application Number:** 12/1319      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 12/10/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 227B, 229B, 231B & 233B, All Souls Avenue, London, NW10 3AE  
**Proposal:**

Erection of mansard roof extension and creation of 4 one bed flats, 4 parking spaces and associated landscaping

**Application Number:** 12/1386      **Team:** Northern Team      **Application Type** S78 FUL  
**Appeal Received:** 17/10/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 163 Beverley Drive, Edgware, HA8 5NJ  
**Proposal:**

Erection of a first floor side and rear extension to dwellinghouse

**Application Number:** 12/1403      **Team:** Northern Team      **Application Type** S78 FUL  
**Appeal Received:** 22/10/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 51 Blackbird Hill, London, NW9 8RS  
**Proposal:**

Retrospective application for part change of use of the rear of the ground floor as a self contained flat.

Received PLANNING Appeals between 1-Oct-2012 and 31-Oct-2012

## Planning Committee: 21 November, 2012

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**Application Number:** 12/1559      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 24/10/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 91A Torbay Road, London, NW6 7DT  
**Proposal:**

Replacement of existing garden shed in rear garden with new garden room for use by ground floor flat

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**Application Number:** 12/1708      **Team:** Northern Team      **Application Type** S78 FUL  
**Appeal Received:** 17/10/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 19 Salmon Street, London, NW9 8PP  
**Proposal:**

Installation of 2 metal gates to the existing vehicular access at the front and insertion of 1m high railings to side walls of dwellinghouse

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**Application Number:** 12/1856      **Team:** Western Team      **Application Type** S78 FUL  
**Appeal Received:** 01/10/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 112 Preston Road, Wembley, HA9 8NL  
**Proposal:**

Proposed single storey side and rear extension to dwellinghouse and part demolition and reconstruction of existing outbuilding

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**Application Number:** 12/1886      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 05/10/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 1078 Harrow Road, London, NW10 5NL  
**Proposal:**

The erection of a two storey extension to accommodate a self contained flat

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**Application Number:** 12/1888      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 30/10/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 68 & 70, Salusbury Road, London, NW6  
**Proposal:**

Change of use of first floor from B1 offices to two residential units, erection of rear dormer, creation of roof terraces, installation of rooflights, new gates external stairs and entrance to loft

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**Application Number:** 12/1923      **Team:** Northern Team      **Application Type** S78 FUL  
**Appeal Received:** 26/10/2012      **Appeal Against:** Refusal of planning permission  
**Location:** 25 Salmon Street, London, NW9 8PP  
**Proposal:**

Erection of a single-storey side extension, to existing side and rear extensions to dwelling house (revised description).



Received ENFORCEMENT Appeals between 1-Oct-2012 and 31-Oct-2012

Planning Committee: 21 November, 2012

**Application Number:** E/08/0292 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 05/10/2012**Location:** 549 Kingsbury Road, London, NW9 9EN**Description:**

Without planning permission, the change of use of the premises to a cafe (Use Class A3)

("The unauthorised change of use")

AND

The installation of a fascia sign and projecting box sign located at the ground and first floor level to the front of the premises

("The unauthorised development")

**Application Number:** E/08/0760 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 22/10/2012**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/11/0197 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 02/10/2012**Location:** 16 West Court, Wembley, HA0 3QH**Description:**

Without planning permission, the erection of a building with attached front canopy extension in the rear garden of the dwellinghouse.

("The unauthorised development")

**Application Number:** E/11/0731 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 22/10/2012**Location:** 51 Blackbird Hill, London, NW9 8RS**Description:**

Without planning permission, the change of use of the ground floor of the premises to a mixed use as office and residential.

("The unauthorised change of use")

Received ENFORCEMENT Appeals between 1-Oct-2012 and 31-Oct-2012

Planning Committee: 21 November, 2012

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**Application Number:** E/12/0354 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

**Appeal Started:** 02/10/2012

**Location:** 41A & B, Keslake Road, London, NW6

**Description:**

Without planning permission, the installation of new uPVC windows to the ground and first floors of the front and side elevations of the premises.

("The unauthorised development")

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**Application Number:** E/12/0686 **Appeal Against:** Enforcement Appeal **Team:** Western Team

**Appeal Started:** 02/10/2012

**Location:** 118 Monks Park, Wembley, HA9 6JH

**Description:**

Without planning permission, the erection of a building in the rear garden of premises.

("The unauthorised development")

Decisions on PLANNING Appeals between 1-Oct-2012 and 31-Oct-2012

Planning Committee: 21-Nov-2012

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**Application Number:** 11/2534 **PINSRefNo** A/12/2176447/NWF **Team:** Western Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 22/10/2012

**Location:** Garages rear of 426-444, High Road, Wembley

**Proposal:**

Demolition of existing workshops and lock up garages to the rear of 426-444 High Road and the erection of a three storey block of nine flats (three 1-bed, six 2-bed)

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**Application Number:** 11/2791 **PINSRefNo** A/12/2177425/NWF **Team:** Western Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 19/10/2012

**Location:** Land rear of 12-14, St Andrews Avenue, Wembley

**Proposal:**

Erection of four 3-storey terraced dwelling houses on land at rear of 12-14 St. Andrews Avenue

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**Application Number:** 12/0125 **PINSRefNo** A/12/2173766 **Team:** Southern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 17/10/2012

**Location:** 87 & 89 Kilburn High Road, London, NW6 6JE

**Proposal:**

The change of use from Retail (A1) to Adult Gaming Centre (Sui Generis)

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**Application Number:** 12/0307 **PINSRefNo** A/12/2176152/NWF **Team:** Southern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 30/10/2012

**Location:** Flat 1, 277 Willesden Lane, Willesden, London, NW2 5JA

**Proposal:**

Conversion of Ground Floor Flat 1 into 2 Single Bed Room Flats and Extension at Rear

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**Application Number:** 12/0376 **PINSRefNo** D/12/2178198 **Team:** Northern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 15/10/2012

**Location:** 39 Queens Walk, London, NW9 8ES

**Proposal:**

Retrospective application for a single storey front extension and canopy to dwellinghouse

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**Application Number:** 12/0505 **PINSRefNo** X/12/2177462 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 26/10/2012

**Location:** 21 Tennyson Road, London, NW6 7RT

**Proposal:**

Certificate of lawfulness for proposed erection of upper second floor to rear projection, rear dormer window and two front rooflights to dwellinghouse

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**Application Number:** 12/0517 **PINSRefNo** /D/12/2178625 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 01/10/2012

**Location:** 190 Salmon Street, London, NW9 8NY

**Proposal:**

Erection of new front and side boundary walls (north, west and southern walls) to dwellinghouse. (Revised Plan Received 20/03/12)

## Decisions on PLANNING Appeals between 1-Oct-2012 and 31-Oct-2012

Planning Committee: 21-Nov-2012

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**Application Number:** 12/0609 **PINSRefNo** H/12/2178380 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 17/10/2012

**Location:** 721, 721A & Units 1-14 inc r/o 721 North Circular Road, Neasden, London, NW2 7AH

**Proposal:**

Erection of internally illuminated double panel sign (2.8m wide by 4.8m high) on 8.3m high structural support to advertise industrial area

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**Application Number:** 12/0656 **PINSRefNo** A/12/2183071 **Team:** Western Team

**Appeal Decision:** Appeal withdrawn **Appeal Decision Date:** 24/10/2012

**Location:** 30 Lancelot Road, Wembley, HA0 2BN

**Proposal:**

Retrospective application for the conversion of dwellinghouse into three self contained flats and erection of a single storey rear extension

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**Application Number:** 12/0704 **PINSRefNo** D/12/2181162 **Team:** Southern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 04/10/2012

**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

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**Application Number:** 12/0755 **PINSRefNo** D/12/2178968 **Team:** Northern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 03/10/2012

**Location:** 81 Princes Avenue, London, NW9 9JN

**Proposal:**

Retrospective application for a single storey outbuilding in the rear garden of dwellinghouse

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**Application Number:** 12/0833 **PINSRefNo** D/12/2179241 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 12/10/2012

**Location:** 52 Honeypot Lane, London, NW9 9QL

**Proposal:**

Rebuilding of detached outbuilding to include a reduction in height and change from a pitch to a flat roof in the rear garden of dwellinghouse

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**Application Number:** 12/0872 **PINSRefNo** D/12/2181107 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 03/10/2012

**Location:** 64 Shaftesbury Avenue, Harrow, HA3 0QY

**Proposal:**

Retention of 2 velux windows to the front roof slope of dwellinghouse

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**Application Number:** 12/1026 **PINSRefNo** D/12/2182140 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 24/10/2012

**Location:** 3 Beverley Gardens, Wembley, HA9 9RD

**Proposal:**

Single storey rear extension, conversion of garage into a habitable room, rebuilding of boundary wall and new landscaping to front of dwellinghouse

## Decisions on PLANNING Appeals between 1-Oct-2012 and 31-Oct-2012

Planning Committee: 21-Nov-2012

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**Application Number:** 12/1305 **PINSRefNo** D/12/2180728 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 16/10/2012

**Location:** 226 Walm Lane, London, NW2 3BS

**Proposal:**

Retrospective application for erection of a single storey rear extension to dwellinghouse

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**Application Number:** 12/1404 **PINSRefNo** D/12/2180738 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 16/10/2012

**Location:** 226 Walm Lane, London, NW2 3BS

**Proposal:**

Retrospective application for demolition of existing single storey rear extension and erection of a new single storey rear extension to dwellinghouse

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**Application Number:** 12/1597 **PINSRefNo** D/12/2181815 **Team:** Western Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 24/10/2012

**Location:** 17 Dean Court, Wembley, HA0 3PU

**Proposal:**

Demolition of detached garage and proposed single storey side and rear extension to dwellinghouse

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**Application Number:** 12/1660 **PINSRefNo** D/12/2182288 **Team:** Northern Team

**Appeal Decision:** Appeal part dismissed / part allowed **Appeal Decision Date:** 16/10/2012

**Location:** 226 Walm Lane, London, NW2 3BS

**Proposal:**

Details pursuant to condition 4 (external materials) of full planning application reference 11/3041 dated 12/01/2012 for rebuilding of single and two storey rear projection and insertion of 3 x windows in flank elevation to dwellinghouse (as revised by plans received 11/01/2012)

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**Application Number:** 12/1661 **PINSRefNo** D/12/2182285 **Team:** Northern Team

**Appeal Decision:** Appeal part dismissed / part allowed **Appeal Decision Date:** 16/10/2012

**Location:** 226 Walm Lane, London, NW2 3BS

**Proposal:**

Details pursuant to condition 5 (materials) of full planning application reference 11/1587 dated 01/09/2011 for full planning permission sought for erection of 2 x single storey rear extensions; replacement of all existing windows with timber windows including within the existing front and rear dormers, replacement of garage door and insertion of 2 new ground floor side windows as revised by plans received 01/09/2011 (revised description)

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## Decisions on ENFORCEMENT Appeals between 1-Oct-2012 and 31-Oct-2012

Planning Committee: 21 November, 2012

**Application Number:** E/08/0292 **PINSRefNo** C/12/2184945**Team:** Northern Team**Appeal Decision:** Appeal withdrawn**Appeal Decision Date:** 31/10/2012**Location:** 549 Kingsbury Road, London, NW9 9EN**Proposal:**

Without planning permission, the change of use of the premises to a cafe (Use Class A3)

("The unauthorised change of use")

AND

The installation of a fascia sign and projecting box sign located at the ground and first floor level to the front of the premises

("The unauthorised development")

**Application Number:** E/09/0197 **PINSRefNo** C/12/2168910/2168912**Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 18/10/2012**Location:** 34 Park View, Wembley, HA9 6JX**Proposal:**

Without planning permission, the erection of a building in the middle part of the garden of the premises and the change of use of the larger building at the very rear end of the garden of the premises to a self-contained flat.

("The unauthorised development and change of use")

**Application Number:** E/10/0682 **PINSRefNo** C/12/2178053**Team:** Northern Team**Appeal Decision:** Appeal part dismissed / part allowed**Appeal Decision Date:** 30/10/2012**Location:** 19 Greystone Gardens, Harrow, HA3 0EF**Proposal:**

Without planning permission, the partial removal of the front boundary wall and the installation of hard surfacing to the front garden of the premises.

("The unauthorised development")

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**PLANNING SELECTED appeal DECISIONS between  
1-Oct-2012 and 31-Oct-2012  
Planning Committee: 21 November, 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:

<b>Our reference:</b> 12/0125	<b>Appeal Decision:</b> Appeal Allowed	<b>Appeal Decision Date:</b> 17/10/2012
<b>Team:</b>	Southern Team	
<b>Location:</b>	87 & 89 Kilburn High Road, London, NW6 6JE	
<b>Proposal:</b>	The change of use from Retail (A1) to Adult Gaming Centre (Sui Generis)	
<b>Our reference:</b> 12/0307	<b>Appeal Decision:</b> Appeal Allowed	<b>Appeal Decision Date:</b> 30/10/2012
<b>Team:</b>	Southern Team	
<b>Location:</b>	Flat 1, 277 Willesden Lane, Willesden, London, NW2 5JA	
<b>Proposal:</b>	Conversion of Ground Floor Flat 1 into 2 Single Bed Room Flats and Extension at Rear	
<b>Our reference:</b> 12/0376	<b>Appeal Decision:</b> Appeal Allowed	<b>Appeal Decision Date:</b> 15/10/2012
<b>Team:</b>	Northern Team	
<b>Location:</b>	39 Queens Walk, London, NW9 8ES	
<b>Proposal:</b>	Retrospective application for a single storey front extension and canopy to dwellinghouse	
<b>Our reference:</b> 12/0704	<b>Appeal Decision:</b> Appeal Allowed	<b>Appeal Decision Date:</b> 04/10/2012
<b>Team:</b>	Southern Team	
<b>Location:</b>	10 Langler Road, London, NW10 5TL	
<b>Proposal:</b>	Erection of a single storey side infill extension and installation of folding doors to rear of dwellinghouse	
<b>Our reference:</b> 12/0755	<b>Appeal Decision:</b> Appeal Allowed	<b>Appeal Decision Date:</b> 03/10/2012
<b>Team:</b>	Northern Team	
<b>Location:</b>	81 Princes Avenue, London, NW9 9JN	
<b>Proposal:</b>	Retrospective application for a single storey outbuilding in the rear garden of dwellinghouse	
<b>Our reference:</b> 12/1597	<b>Appeal Decision:</b> Appeal Allowed	<b>Appeal Decision Date:</b> 24/10/2012
<b>Team:</b>	Western Team	
<b>Location:</b>	17 Dean Court, Wembley, HA0 3PU	
<b>Proposal:</b>	Demolition of detached garage and proposed single storey side and rear extension to dwellinghouse	
<b>Our reference:</b> 12/1660	<b>Appeal Decision:</b> Appeal part dismissed / part allowed	<b>Appeal Decision Date:</b> 16/10/2012
<b>Team:</b>	Northern Team	
<b>Location:</b>	226 Walm Lane, London, NW2 3BS	
<b>Proposal:</b>	Details pursuant to condition 4 (external materials) of full planning application reference 11/3041 dated 12/01/2012 for rebuilding of single and two storey rear projection and insertion of 3 x windows in flank elevation to dwellinghouse (as revised by plans received 11/01/2012)	
<b>Our reference:</b> 12/1661	<b>Appeal Decision:</b> Appeal part dismissed / part allowed	<b>Appeal Decision Date:</b> 16/10/2012
<b>Team:</b>	Northern Team	
<b>Location:</b>	226 Walm Lane, London, NW2 3BS	
<b>Proposal:</b>	Details pursuant to condition 5 (materials) of full planning application reference 11/1587 dated 01/09/2011 for full planning permission sought for erection of 2 x single storey rear extensions; replacement of all existing windows with timber windows including within the existing front porch formers, replacement of garage door and insertion of 2 new ground floor side windows as revised by plans received 01/09/2011 (revised description)	

**PLANNING SELECTED appeal DECISIONS between  
1-Oct-2012 and 31-Oct-2012  
Planning Committee: 21 November, 2012**

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**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](mailto:tps@brent.gov.uk)

Chris Walker, Assistant Director - Planning and Development

**ENFORCEMENT SELECTED appeal DECISIONS between  
1-Oct-2012 and 31-Oct-2012**

**Planning Committee: 21 November, 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:

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<b>Our reference:</b> E/10/0682	<b>Appeal Decision Date:</b> 30/10/2012
<b>Team:</b> Northern Team	<b>Appeal Decision:</b> Appeal part dismissed / part allowed

**Location:** 19 Greystone Gardens, Harrow, HA3 0EF

**Proposal:**

Without planning permission, the partial removal of the front boundary wall and the installation of hard surfacing to the front garden of the premises.

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**Background Information**

Any persons wishing to inspect appeal decision letters not set out in full on the agenda should contact the Planning Service Technical Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ.

Chris Walker, Assistant Director - Planning and Development

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# Appeal Decision

Site visit made on 11 September 2012

**by Vincent Maher MA (Cantab) MCD MSc MBA MRTPI**

**Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 October 2012**

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**Appeal Ref: APP/T5150/A/12/2173766**  
**89 Kilburn High Road, London NW6 6JE**

- 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 G T Promotions Ltd against the decision of the Council of the London Borough of Brent.
  - The application Ref 12/0125, dated 19 January 2012, was refused by notice dated 16 March 2012.
  - The development proposed is a change of use to amusement centre/ adult gaming centre.
- 

## Preliminary matter

1. The appellant amended the application after planning permission was refused, seeking to restrict the change of use to 89 Kilburn High Road only through the submission of drawing RE/K/12/02 Revision A which substitutes drawing RE/K/12/03. A copy of the plan was sent to the Council which has not passed comment on the revision. The development is of a notably smaller scale. No harm to natural justice would be caused by my consideration of this reduced development as it raises identical planning issues. I have therefore amended the address of the proposed development site and made my decision on the basis of drawing RE/K/12/02 Revision A.

## Decision

2. The appeal is allowed and planning permission is granted for a change of use to amusement centre/ adult gaming centre at 89 Kilburn High Road, London NW6 6JE in accordance with the terms of the application, Ref 12/0125, dated 19 January 2012, as amended by a letter dated 28 March 2012, 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 plan: RE/K/12/02 Revision A.
  - 3) The shop window of the premises shall at all times contain a prized retail display of goods available for sale from within the premises.
  - 4) The use hereby permitted shall not be open to customers outside the following times: 0900 hours to 2300 hours.

## Main issue

3. The main issue in this case is whether the proposed development would have an adverse impact on the vitality and viability of Kilburn town centre by reason of the introduction of an additional non retail use and its proposed shop frontage.

## Reasons

4. The appeal property is located on a busy shopping street that straddles the local authority boundary with the London Borough of Camden. Planning permission was granted for the change of use of 87/89 Kilburn High Road for a similar use in 1992 (appeal reference APP/T5150/A/92/205468).
5. The western side of the street along with the appeal property is identified in the Brent Unitary Development Plan 2004 (the UDP) within a Primary Shopping Frontage (PSF) where development plan policy seeks to protect the proportion of retail uses as a means of contributing to its overall vitality. Changes of use on PSFs are controlled by UDP Policies SH6 and SH7. UDP Policy SH6 states that changes of use will be confined to Use Class A2, the former A3 Use Class (now split into Use Classes A3 to A5) and libraries, subject to other criteria in Policy SH7. The proposed development is a *sui generis* land use. Policy SH13 further states that amusement arcades will only be acceptable on Secondary Shopping Frontages subject to other criteria. While these three UDP policies have development plan status, they should be considered in the light of other policies as well as evolving national retail policy since they were adopted. Other inspectors approving similar developments at other sites in the borough have come to similar views (refer APP/T5150/A/09/2094508 and APP/T5150/A/08/2085629).
6. The drafting of UDP Policy SH13 has had close regard to Annex D to the former PPG6 (1996) which was national policy at the time the UDP was adopted. However, this guidance has been superseded over time by PPS6 in 2005, by PPS4 in 2010 and, finally, the National Planning Policy Framework (the NPPF) which has replaced all earlier guidance. The UDP policies should also take account of recent research into the management of town centres such as the Portas Review. The overwhelming thrust of national policy and other quoted research in recent years is that centres should promote a more diverse offer to improve their long term vitality. This includes leisure uses. National policy has a much less restrictive approach to uses such as the appeal proposal. Paragraph 23 of the NPPF still makes clear that primary shopping areas should be defined in local plans but the needs for retail, leisure, office and other main town centre uses should be met in full too and not compromised by limited site availability.
7. The Council has also asked me to consider these UDP policies in the light of Core Strategy Policy CS16 which stresses the need for additional retail in major centres such as Kilburn. However, my reading of the policy is that it focuses on major development and leisure uses only. A use of the scale proposed would not materially conflict with this policy.
8. In assessing the proposal against UDP Policy SH6, it is clear that the proposal does not fall within one of the uses supported by this policy. However, the use would not conflict with the aim of the policy which is to retain a retail core and to allow a range of complementary uses. As I have indicated above, national

policy is significantly less restrictive on other uses such as leisure activity. In this case, the appellant has submitted substantial additional survey work based in other centres. This shows that similar uses were not considered unattractive, nor would they adversely affect the footfall and appearance of the parades in which they would be located. A planning condition requiring a shopfront to be retained would ensure the development retains the appearance of a use similar to a retail parade. On balance, I accept that the appeal proposal would not be inappropriate within this PSF in principle.

9. Turning to Policy SH7, it is clear that the proposal does not conflict with criterion (a), (b), (c) and (e) as far as they are relevant to this case. Criterion (d) states that a proposal "should not generally increase the proportion of non-retail frontage to over 35%" where there is a vacancy rate of less than 10%. The Council has stated that the proportion of non-retail frontage currently marginally exceeds this threshold. The appellant has not challenged this finding. I accept that the marginal increase does not materially conflict with a policy that assesses compliance in general terms only.
10. As the site is located on a PSF, it would conflict with the words of UDP Policy SH13. I have therefore considered the proposal against the purposes of this policy. Paragraph 8.8.19 states that "amusement arcades can cause particular problems because of the nature of the activity". I find this account unclear. I have therefore assessed the proposal against the criteria in this policy and conclude that it is unlikely to give rise to any of the problems identified in the criteria in this policy. It would not affect the living conditions of local residents, subject to a planning condition controlling opening hours. It is not in proximity to a church or school or other sensitive use. It would not cause parking problems. It would not result in a concentration of amusement centres either.
11. In summary, the proposal would conflict with the letter of Policies SH6 and SH13 but without harming with the aim of either policy. Moreover, given the modest scale of the revised proposal and in the context of evolving national policy which seeks to promote the vitality of town centres through a broader offer, I find it generally acceptable.
12. I have reviewed the conditions suggested by the Council. I have specified a three year start period and identified the revised floorplan on which I have made my decision to avoid doubt and in the interests of good planning. I accept that a condition is necessary to preserve the appearance of a shopfront reflecting its location on a PSF. Finally, I have imposed a condition restricting hours of operation consistent with those for which planning permission has been sought.
13. I have reviewed all matters raised by the parties in this appeal including letters of objection which raise a concern about a connection between this proposal and increased gambling addiction and anti-social behaviour. Much of these issues are matters to be managed by the operator of the business. I do not consider there to be harm in establishing the use on a busy street with a mix of shops and other uses including public houses and take aways.
14. For the reasons given above, I conclude that the appeal should be allowed.

*Vincent Maher*

INSPECTOR



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# Appeal Decision

Site visit made on 15 October 2012

**by Peter J Golder Dip TP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30 October 2012**

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**Appeal Ref: APP/T5150/A/12/2176152**  
**277 Willesden Lane, London NW2 5JA**

- 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 Mrs Guiseppina Rezai-Jorabi against the decision of the Council of the London Borough of Brent.
  - The application Ref 12/0307, dated 7 February 2012, was refused by notice dated 4 April 2012.
  - The development proposed is conversion of ground floor flat to two single bedroom flats with extension to rear.
- 

## Decision

1. The appeal is allowed and planning permission granted for the conversion of ground floor flat to two single bedroom flats, with extension to rear, at 277 Willesden Lane, London NW2 5JA in accordance with the terms of the application, Ref 12/0307, dated 7 February 2012, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) Unless superseded by details submitted pursuant to the other conditions attached to this permission the development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 331-01X, 331.sk01, 331.P01, 331.P02 and 331.P03
  - 3) The hereby permitted flats shall be not occupied until provision has been made within the site for the storage of cycles in accordance with details which shall first be submitted to and approved in writing by the local planning authority.
  - 4) Prior to the commencement of development details of the treatment of the front and rear garden areas, including details of hard and soft landscaping, screening and means of enclosure and the storage of refuse and recycling facilities, shall be submitted to and approved in writing by the local planning authority. The works comprising the approved details shall be carried out prior to the first occupation of the hereby permitted flats.

## Application for costs

2. An application for costs was made by Mrs Guiseppina Rezai-Jorabi against the Council. This application is the subject of a separate Decision.



## **Main Issues**

3. There are three main issues in this appeal. Firstly whether the proposal would result in an acceptable standard of residential environment in terms of security and privacy as a result of the intended shared garden arrangement. Secondly whether the proposal meets the required standards in terms of dedicated covered cycle storage facilities and thirdly, whether the scheme would give rise to highway difficulties as a result of increased pressure for on-street car parking.

## **Reasons**

### *The residential environment*

4. The Council acknowledges that both flats would meet the minimum standards required in the London Plan 2011. They also agree that the internal layout of both would be satisfactory, that all habitable rooms have external windows and the bedrooms would have adequate outlook. Both flats would have access to the rear garden.
5. In many respects the proposed scheme replicates the existing situation in terms of the arrangements to the rear of the property. The Council offers no evidence to support its contention that the proposed arrangement of a shared back garden would make the ground floor unsecure. The rear garden area is reasonably well enclosed and served by gates which could be kept locked. Its use could be restricted to the occupiers of the flats. The installation of new windows and a door on the rear elevation would enable improved security measures to be put in place. It seems to me an arrangement which has every prospect of achieving an acceptably safe and secure environment for the occupiers of the rear flat.
6. The main part of the rear garden area is about 1m higher than the area immediately adjacent to the building. Bringing this unused and overgrown area into beneficial use would be of advantage to the locality and prospective residents alike. Shared amenity areas, particularly if used inconsiderately, can bring with them some prospect of impacting upon the level of privacy. However, given the modest nature of the units proposed this is unlikely in this case to be of an extent to result in a significant reduction in the quality of residential environment enjoyed by those in the rear flat.
7. To ensure satisfactory external amenity space the layout and treatment of the rear garden area needs to be resolved. This is a matter which can appropriately be addressed by condition. Attention could be given in the preparation of those details to minimising the limited prospect of a lack of privacy for those in the rear flat. For example consideration could be given to greater enclosure of the small patio area serving the proposed living room, re-siting the steps to the end of the passage and screening and planting to avoid direct intervisibility between the garden area and windows.
8. In conclusion the proposal would provide secure accommodation with a quality of outlook and degree of privacy commensurate with the relevant provisions of saved policies BE9 and H18 of the Brent Unitary Development Plan 2004 (UDP). An attractive and useable external environment for these two modest flats would be provided in accordance with the advice in the Council's adopted SPG17 – Design Guide for New Development. Therefore I find these aspects of the proposal acceptable.

### *Cycle storage*

9. Policy H18(g) requires, where practical, secure cycle storage. The requirement is repeated in the SPG17. The Council's standards (PS16) point to a preference for a particular type of facility and I acknowledge that covered storage would enhance the level of security provided. The application drawings show a storage facility in the shared passage to the rear garden. Unless suitably designed and adequately lit such an arrangement might be inconvenient. As the appellant acknowledges a suitable alternative could be within the shared garden. What is clear is that cycle storage could be accommodated on the site. There seems nothing to prevent this being covered if necessary and I consider cycle storage a matter which could be satisfactorily addressed by condition.

### *Car parking*

10. Policy H19 specifically provides scope for the parking requirements of flat conversions to be met on-street, other than in heavily parked streets or where particular hazards might result. The proposal gives rise to an effective requirement of one additional space. Willesden Lane is a distributor road and bus route. In the vicinity of the site parking is heavily controlled and largely limited to a few pay and display spaces. There is a bus stop directly outside the appeal premises. I agree with the Council that circumstances at No 277 are not conducive to an effectively enforced car-free agreement. Consequently it is reasonable to conclude that should the proposed additional flat give rise to increased demand then in all probability the occupier would seek to park in Heathfield Park; the residential street which wraps round the rear of the site. This is a controlled parking zone for residents from 0800 to 1830 Monday to Saturday.
11. The UDP (Appendix TRN3) identifies heavily parked streets within the Borough. These are streets where overnight parking is recorded as being 80% or more of available capacity. It appears that Heathfield Park was omitted from the survey used to identify heavily parked streets. It is the Council's case that survey data compiled in March 2012 (since the original appeal decision in November 2011) shows that parking demand in Heathfield Park is consistently high enough for the street to be defined as being heavily parked. Two results are provided of demand; 76.5% and 86.5% - an average of 81.4%.
12. The appellant also carried out late night surveys in Heathfield Park on four occasions in April 2012; these show an average demand of 70%. It seems to me taking the survey data as a whole that it cannot be conclusively concluded that Heathfield Park consistently falls into the "heavily parked" category. On the contrary the available information highlights only one instance where this was the case. The evidence does not point to the prospect of one additional car from the proposed development placing additional demand upon parking in Heathfield Park to the extent that it would cause traffic safety hazards when measured against the UDP criteria. The Council identifies no other specific highway safety concerns. In these circumstances the unacceptable consequences which policy H19 seeks to avoid would be most unlikely to arise and I find no material conflict with this policy or policies TRN23 and TRN24 which deal with parking standards and on-street parking generally.
13. In conclusion the additional demand for on-street parking would be small and capable of being safely absorbed in Heathfield Park. This view is reinforced by the very real prospect that, having regard to the highly sustainable location of

the premises; close to a good range of local services and served by public transport facilities sufficient to achieve a high PTAL rating, future occupiers would not be car owners. The appeal decisions to which the Council directs my attention relate to circumstances involving heavily trafficked streets identified in the UDP; hence they are not on all fours with those at the appeal site.

#### *Other matters*

14. The appeal property lies within the Willesden Green Conservation Area. The impact of the previous scheme upon the character and appearance of the conservation area was a contributory consideration in the earlier appeal being dismissed. This is not a matter of concern raised by the Council in this instance. I am satisfied that the reduced width of the present proposal would result in the proposal having no material impact upon the character and appearance of the conservation area, which would be preserved.

#### *Conclusions*

15. The appeal proposal accords with the relevant saved provisions of the development plan. I agree with the Council that as far as the matters surrounding this appeal are concerned there is no inconsistency between these provisions and the core principles of the National Planning Policy Framework. Accordingly I find the proposal acceptable and have decided that the appeal should be allowed and planning permission granted. In reaching this view I have had regard to all other matters raised in the representations including those on behalf of the occupiers of No 275; matters which have been principally addressed in the body of this decision.

#### **Conditions**

16. I have already dealt with the need for conditions regarding the design and layout of the shared garden and the provision of cycle storage. In the interests of good planning and for the avoidance of doubt I impose a condition requiring development to be carried out in accordance with the approved plans. Willesden Lane affords important vistas within the conservation area. In recognition of the qualities of this area a condition is required to ensure satisfactory treatment of the front garden area including provision for the storage of waste and recycling facilities.

*Peter J Golder*

INSPECTOR



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# Appeal Decision

Site visit made on 28 September 2012

**by Gary Deane BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 October 2012

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## Appeal Ref: APP/T5150/D/12/2178198

### 39 Queens Walk, London NW9 8ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Manoj Mohindra against the decision of the Council of the London Borough of Brent.
  - The application Ref 12/0376, dated 13 February 2012, was refused by notice dated 16 April 2012.
  - The development proposed is the erection of a front extension and canopy (retrospective application).
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a front extension and canopy (retrospective application) at 39 Queens Walk, London NW9 8ES in accordance with the terms of the application, Ref 12/0376, dated 13 February 2012 and drawing numbers QW-39/11A and QW-39/17A.

### Procedural matter

2. The development for which planning permission is sought is complete. It appears to be in accordance with the plans.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the appeal property and the local area.

### Reasons

4. The appeal property, 39 Queens Walk, is detached 2-storey house that lies in a predominantly residential area wherein dwellings are broadly similar in age and style. From what I saw, many dwellings in the local area, like No 39, have been externally altered and extended with, in some cases, sizeable front porches and canopies. As a result, there is some variety in built form notably in the local street scene to which No 39 belongs.
  5. The Council's SPG5, *Altering and Extending your Home*, advises that front extensions will not be permitted unless these reflect the predominant character of the area, which includes porches that are linked to front bays. It also advises that the design of the porch or canopy should complement the house.
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6. The front extension of No 39 is single storey and modest in height and depth. It has been carefully designed to be in keeping with the overall scale and proportions the appeal dwelling, which has also been extended at both sides. Although positioned close to the front ground floor bay window, there is a small gap between it and the front extension. In my opinion, that gap is sufficient to create some visual separation and ensures that both features are visually read as separate, distinct entities.
7. The mono pitched hipped roof that extends over the front extension connects with the front bay window. This canopy spans the width of the main house and terminates just beyond its sides. In this elevated position, the canopy is a prominent feature of the front elevation. Nevertheless, sizeable, horizontal canopy roofs form part of the building's façade with this roof form above both side extensions. These features give the front elevation a strong horizontal emphasis and, in my opinion, reduce the significance of the front bay windows, at both ground and first floor levels. As the front canopy broadly aligns with the canopies on either side and is consistent in scale and design, it broadly respects and reinforces the character and appearance of the building. Although the Council's SPG5 generally advises against porches linking with bay windows, in this particular case no significant harm is caused in doing so.
8. I saw several examples in the vicinity of the site where front extensions and canopies have been added to properties. Although these particular features vary considerably in their scale, design and appearance, and respect the host building to different degrees, they nonetheless form an integral part of the character of the area of which they form part. In one case, 37 Queens Walk, located adjacent to the appeal property, the front extension and canopy is similar to the development before me. Having walked around the local area, including Queens Walk and Salmon Street, I have little doubt that the appeal scheme reflects the predominant character of the local area in which houses with prominent porches and canopies often linked to front bays and garages are common place.
9. Core principles of the National Planning Policy Framework are to seek to secure high quality design and to take account of the different roles and character of different areas. For the reasons given, the development accords with these principles. Against that background, I conclude that the development is in keeping with the character and appearance of the appeal property and the local area. Accordingly, it complies with Policies BE2, BE7 and BE9 of the London Borough of Brent Unitary Development Plan 2004 and the Council's SPG5. These policies and guidance seek to ensure that development is appropriate to its context and secures a high quality of design for the street environment.
10. For the reasons set out above and having regard to all other matters raised, including the absence of objections from others, I conclude that the appeal should be allowed. Since the development is complete, I agree with the Council that no conditions are necessary.

*Gary Deane*

INSPECTOR



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# Appeal Decision

Site visit made on 28 September 2012

**by Gary Deane BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 4 October 2012**

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**Appeal Ref: APP/T5150/D/12/2181162**  
**10 Langler Road, London NW10 5TL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Sue Higgs against the decision of the Council of the London Borough of Brent.
  - The application Ref 12/0704, dated 6 April 2012, was refused by notice dated 13 June 2012.
  - The development proposed is the erection of a ground floor rear (side) extension.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a ground floor rear (side) extension at 10 Langler Road, London NW10 5TL in accordance with the terms of the application, Ref 12/0704, dated 6 April 2012, 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: Refs 1744AL01, 1744AL02, 1744AL03 and the Ordnance Survey Plan which shows the site edged red.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

## Main issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 12 Langler Road with particular regard to outlook and light.

## Reasons

3. The proposal is to erect a single storey, mono pitched roof extension at the rear of the appeal property, 10 Langler Road, which is a mid-terraced house. It would infill the narrow and long recess of this 'L' shaped building. In doing so, the height of the brick wall that marks part of the shared rear boundary with the attached property, 12 Langler Road, would be raised. The height and depth of the proposed extension would exceed the thresholds that the Council considers to be generally acceptable for this type of extension.
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4. At the rear of Nos 10 and 12 there is a noticeable variation in the window alignments and rooflines, which indicates that the internal floor levels at the neighbouring property may be higher than those at the appeal dwelling. This difference appears to be replicated in the external ground levels either side of the common boundary, in which No 12 occupies a slightly elevated position relative to the site. A kitchen window in the side elevation of No 12 faces the shared boundary wall with No 10 and there is a ground floor window in the rear elevation of the main house, which serves a main habitable room.
5. With the new built form in place, views from the kitchen window of No 12 would continue to be dominated by the brick boundary wall, which currently increases in height closest to the rear of the main house. The additional height of the wall would further enclose the space at the rear of No 12 and increase the tunnel effect when viewed from the ground floor rear window of the main house. The glazed roof would also be visible, which would slope up to the sidewall of No 10. Nevertheless, the main view from this window towards the rear garden would not be significantly affected. It would continue to be framed by brick walls on either side. The proposal would also further confine the narrow space between the boundary wall and the side of the 2-storey outrigger of No 12 to a larger degree than at present. However, given my findings with regard to light and the slight difference in ground levels, I consider that the change would be so great as to feel overbearing or oppressive.
6. The upper part of the proposed extension would also be visible from the first floor rear windows of No 12. That view would look down mainly onto a modest expanse of glazed sloping roof and be in the context of the built form of No 10. In my opinion, the new addition would not look obtrusive. On balance, I consider that quality of outlook from No 12 would not be materially poorer as a result of the proposal.
7. The Council considers that there would also be a significant loss of daylight serving the rear windows of No 12 although the appellant's evidence contests this point of objection. To my mind, the proposal would not, in itself, cause an appreciable loss of light given the position and height of the existing boundary wall and the existing house, both of which will influence light penetration to the rear of No 12. Consequently, I consider that the additional loss of light resulting from the proposal would have no significant impact on the living conditions of the occupiers of No 12.
8. Overall, I conclude that the proposal would not significantly harm the living conditions of the occupiers of No 12. Accordingly, it complies with Policy BE9 of the London Borough of Brent Unitary Development Plan 2004, which seeks, amongst other things, to safeguard residential amenity. That aim also underpins the advice within the Council's SPG5, *Altering and Extending Your Home*, with which the proposal would also comply.
9. In reaching this conclusion I have taken into account the appeal decisions to which both main parties have referred. While these cases appear to be similar to the proposal before me, I have not been provided with full background details of these previous cases. Consequently, I am unable to confirm that their particular circumstances are directly comparable. That the outcome of those decisions has varied serves to emphasise that planning decisions turn on

the specific circumstances of each case and that each proposal should be considered on its individual merits, which I have done in this instance.

10. The Council appears to raise no objection to the installation of sliding folding doors at the rear of the existing house and I, too, find these acceptable in their design and appearance.
11. For the reasons set out above, and having regard to all other matters raised, including the absence of objections from others, I conclude that the appeal should be allowed.

*Gary Deane*

INSPECTOR





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# Appeal Decision

Site visit made on 28 September 2012

**by Gary Deane BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 3 October 2012**

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## **Appeal Ref: APP/T5150/D/12/2178968**

### **81 Princes Avenue, London NW9 9JN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr P Dharant against the decision of the Council of the London Borough of Brent.
  - The application Ref 12/0755, dated 7 March 2012, was refused by notice dated 7 June 2012.
  - The development proposed as described on the application form is the 'retention of existing rear outbuilding'.
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### **Decision**

1. The appeal is allowed and planning permission is granted for a single storey outbuilding in the rear garden of dwelling (retrospective application) at 81 Princes Avenue, London NW9 9JN in accordance with the terms of the application, Ref 12/0755, dated 7 March 2012.

### **Procedural matter**

2. The development is complete and appears to be in accordance with the plan. As retention is not an act of development, I have considered the proposal as one for retrospective planning permission and used the Council's description of the development in my decision.

### **Main issue**

3. The main issue is the effect of the development on the character and appearance of the local area.

### **Reasons**

4. The development is a single storey, flat roof building that is located at the rear of the back garden of the appeal property, 81 Princes Avenue. The local area within which No 81 is located is predominantly residential in character. Many nearby properties possess similar sized rear gardens within which I saw various sizeable outbuildings and other structures, including the properties on either side of No 81.
  5. The appeal building, together with a narrow covered walkway, extends across the garden's width with its rear and sidewalls located close to the site's boundaries. In this position, it forms part of a short row of outbuildings that
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occupy a similar position at the back of neighbouring properties. As a result, the appeal building, despite its considerable width and the absence of a noticeable set back from the site's boundaries, does not appear cramped in terms of layout nor is it imposing on the adjacent gardens.

6. Although the appeal building covers a relatively large footprint, it is modest in depth and height and constructed of materials that are compatible with those of other nearby outbuildings. To my mind, the appeal building is appropriate in design and appearance and not excessive in scale. It generally respects the visual character of the existing property and its immediate suburban surroundings.
7. Therefore, I conclude that the development is not out of keeping with the character and appearance of the local area. Accordingly, it does not conflict with Policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan 2004. These policies seek to ensure that development is appropriate to its local context and should not cause harm to the character and appearance of an area. These aims underpin the underlying principles of the Council's SPG5, *Altering and Extending Your Home*, with which the proposal also complies.
8. With regard to conditions, neither a commencement condition nor one to secure matching external materials is necessary because the development has been completed in this idiom.
9. Therefore, for the reasons given above and having regard to all other matters raised, including the absence of objections from others, I conclude that the appeal should be allowed.

*Gary Deane*

INSPECTOR



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# Appeal Decision

Site visit made on 16 October 2012

**by Sue Glover BA (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24 October 2012**

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**Appeal Ref: APP/T5150/D/12/2181815**

**17 Dean Court, Wembley, Middlesex, HA0 3PU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Amar Patel against the decision of the Council of the London Borough of Brent.
  - The application Ref 12/1597 was refused by notice dated 13 August 2012.
  - The development proposed is a new front garage extension with a porch and a single storey side and a single storey rear extension.
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## Decision

1. The appeal is allowed and planning permission granted for a new front garage extension with a porch and a single storey side and a single storey rear extension at 17 Dean Court, Wembley, Middlesex, HA0 3PU in accordance with the terms of the application, Ref 12/1597, subject to the following conditions:
  - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: location plan and drawing no. 17DEANCOURTDWG001 dated June 2012. For the avoidance of doubt the roof levels and gradients shall be as shown in the elevation drawings.
  - 3) No development shall take place until details of the materials and finishes to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed in the flank wall facing no. 19 Dean Court.

## Main Issues

2. The main issue is the effect of the proposal on the character and appearance of the host building and the area.

## Reasons

3. No. 17 lies within an area that is designated as an Area of Distinctive Residential Character in the London Borough of Brent Unitary Development Plan

2004 (UDP). In this part there are pairs of distinctive semi-detached houses in a spacious setting, set back from the street and for the most part with good separation between the pairs at first floor level. There are a variety of single-storey extensions of differing designs and materials infilling the gaps between the dwellings at the side.

4. The proposal would demolish the existing side garage, which lies just behind the front of the adjoining garage at no. 15. The front of the new garage would project a little forward of the main front wall of no. 17 but behind the front porch. There would be a low profile shallow hipped roof and a small parapet at the side, which would sit comfortably alongside the flat roof design of the adjoining garage.
5. Whilst positioned a modest amount further forward, the proposed garage would not appear overly dominating or prominent in this position. It would add to the variety of garages in the street, but still maintain the architectural integrity of the host building. There would be no reduction in the spacious character of the street scene.
6. To conclude on this issue, I find no material harm to the character and appearance of the host building or the area in general. There is no conflict with the objectives of UDP Policies BE2, BE7, BE9 and BE29, and SPG 5, Altering and Extending Your Home in this respect.

#### *Other matters*

7. I have also considered the effect of the proposal on the residents at no. 19. Whilst some noise might be expected during construction, I am mindful that it would be for a temporary period only. There is other legislation to control noise and disturbance should it exceed acceptable limits. Any concerns about development on the boundary would also fall to be determined under other legislation.
8. The rear window at no. 19 is close to the boundary and would be further enclosed by the proposed rear extension. There is a high fence with climbing plants on the boundary and an external sunblind to the window. Whilst the side wall would be higher than the fence, I am conscious that some development could take place as permitted development, and that the depth of the extension would be modest and the pitch of the "lean-to" style roof shallow. On balance, taking all these matters into account I find no material harm to the living conditions of the residents of no. 19.
9. The Council indicates that there are inconsistencies between the roof plan and the elevation drawings, although no details are given. I am satisfied that any discrepancies are insignificant and that the roof levels and gradients would be as shown on the elevation drawings. I have taken into account all other matters, including the policies in the National Planning Policy Framework, but I find none that justify dismissal of this appeal.

#### *Conditions*

10. I have imposed a condition requiring details of external materials and finishes to ensure a high quality finished appearance. There is also a condition to restrict the insertion of windows in the flank wall facing no. 19 to protect the privacy of adjoining residents. As there are no changes proposed to the front garden and the existing garage is to be replaced, conditions requiring the retention of the

garage for car parking and soft landscaping in the front garden are unnecessary. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

*Sue Glover*

INSPECTOR



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## Appeal Decisions

Site visit made on 15 October 2012

**by Janet L Cheesley BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 October 2012**

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### **APPEAL A**

**Appeal Ref: APP/T5150/D/12/2180728**

**226 Walm Lane, London NW2 3BS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Tim Jackson against the decision of the Council of the London Borough of Brent.
  - The application Ref 12/1305 was refused by notice dated 26 July 2012.
  - The development proposed is erection of single-storey rear extension on east boundary.
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### **APPEAL B**

**Appeal Ref: APP/T5150/D/12/2180738**

**226 Walm Lane, London NW2 3BS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Tim Jackson against the decision of the Council of the London Borough of Brent.
  - The application Ref 12/1404 was refused by notice dated 24 July 2012.
  - The development proposed is demolition of existing rear projection on western boundary and erection of single-storey rear extension.
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### **APPEAL C**

**Appeal Ref: APP/T5150/D/12/2182285**

**226 Walm Lane, London NW2 3BS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Mr Tim Jackson against the decision of the Council of the London Borough of Brent.
  - The application Ref 12/1661 dated 23 June 2012 sought approval of details pursuant to condition No. 5 of a planning permission Ref 11/1587, granted on 1 September 2011.
  - The application was refused by notice dated 06 August 2012.
  - The development proposed is erection of two x single storey rear extensions; replacement of all existing windows with timber windows including within the existing front and rear dormers, replacement of garage door and insertion of two new ground floor side windows.
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### **APPEAL D**

**Appeal Ref: APP/T5150/D/12/2182288**

**226 Walm Lane, London NW2 3BS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Mr Tim Jackson against the decision of the Council of the London
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Borough of Brent.

- The application Ref 12/1660 dated 23 June 2012 sought approval of details pursuant to condition No. 4 of a planning permission Ref 11/3041, granted on 12 January 2012.
  - The application was refused by notice dated 06 August 2012.
  - The development proposed is rebuilding of single and two storey rear projection and insertion of three x windows in flank elevation to dwelling house (as revised by plans received 11/01/2012).
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### **Applications for Costs**

1. Applications for costs have been made by Mr Tim Jackson against the Council of the London Borough of Brent with respect to Appeals A and B. These applications are the subject of separate decisions.

### **Decisions**

#### **Appeals A and B**

2. The appeals are dismissed.

#### **Appeal C**

3. The appeal is dismissed and approval of the reserved matters is refused, insofar as it relates to roof finishes. The appeal is allowed and the reserved matters are approved, insofar as it relates to timber windows details submitted in pursuance of condition No. 5 attached to planning permission Ref 11/1587, granted on 1 September 2011.

#### **Appeal D**

4. The appeal is dismissed and approval of the reserved matters is refused, insofar as it relates to roof finishes. The appeal is allowed and the reserved matters are approved, insofar as it relates to timber windows details submitted in pursuance of condition No. 4 attached to planning permission Ref 11/3041, granted on 12 January 2012.

### **Preliminary Matter**

5. All four planning applications are retrospective.

### **Main Issues**

Appeals A and B

6. I consider the main issue for both appeals to be whether the planning applications could be considered separately.

Appeals C and D

7. I consider the main issue for both appeals to be the effect of the roofing materials and windows on the character and appearance of the Mapesbury Conservation Area.

## Reasons

### Appeals A and B

8. The Council has stated that these planning applications cannot be considered separately as they form part of a two-storey rear and single rear extension carried out as one building operation for which planning permission does not exist.
9. I am not satisfied that the existing two-storey rear projection now has a valid planning permission. Since the Council's decisions on these retrospective applications, there has been granted a recent planning permission ref 12/1605. This is a variation of permission 11/3041, which was for both a two-storey rear extension and a single-storey extension (to the west). This permission has allowed the retention of the roof as built on the two-storey element where it differs from the previously approved plans. However, the roof slates and windows in the two-storey extension are not authorised. In addition, the single-storey side extension as built is larger than that approved under 11/3041.
10. For the above reasons, I consider that planning permission 12/1605 has not altered the planning situation. The two-storey rear extension and side extension to the west is not authorised development, as it does not fully comply with planning permission 11/3041 even when amended by planning permission 12/1605.
11. There is dispute between the parties as to whether the rear extensions were built as one building operation. Whatever the circumstances, each of the three parts are so closely linked together both internally and externally that they appear as one development. This adds weight to my opinion that the two side extensions cannot be considered in isolation when linked so closely to development that is unauthorised.
12. The Council has expressed its views with regard to each side extension, if it were felt possible to consider them in isolation. I note that with regard to Appeal A, the side extension to the east would be acceptable to the Council and due to the depth and height of that extension, I concur with that view. Nevertheless, due to the circumstances outlined above, I do not consider it appropriate to allow this appeal.
13. As regards the western extension (Appeal B), the Council has raised concerns regarding loss of outlook and access to natural daylight for occupiers of the adjacent property at 224 Walm Lane. The extension as built is one metre greater in depth than that previously allowed. From my observations, I consider that there would not be a significant loss of daylight, due to the height and position of the extension. However, due to the excessive cumulative depth of some 6.2 metres of the rear of the appeal property beyond the rear of No. 224, I consider that the side extension to the west unacceptably affects outlook from that neighbouring property.
14. For the above reasons and having taken into consideration all other matters raised, I dismiss Appeals A and B.



## Appeals C and D

15. Both of these appeals are for the discharge of Conditions relating to materials. Both Conditions state that: 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.
16. The materials under consideration are the retrospective use of Jutland Blue/Black fibre cement roofing slates and painted Sapele hardwood windows.
17. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability: at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
18. The National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The appeal site lies within the Mapesbury Conservation Area, which is a designated heritage asset.
19. There is dispute between the parties over whether the previous roofing materials included natural slate. I note that The Mapesbury Conservation Area Design Guide requires that where the original material was natural slate, then re-roofing should be in natural slate to match. However, the use of a textured artificial slate is permissible in certain circumstances, which are not specified in this Design Guide.
20. The dwellings in the immediate vicinity of the appeal site of similar original design mostly have natural slate roofs. In my opinion, the artificial slate roofs that are apparent in the vicinity and on the roof of the appeal property do little to preserve the appearance of the Conservation Area, due to the distinct flatness in texture. From my observations, this is further exacerbated at the appeal property by the distinct contrast in colour between the roof and the rendered walls.
21. Whatever the history of the roofing materials on the appeal property, I do not consider that the existing roofing materials preserve or enhance the character or appearance of the Mapesbury Conservation Area, but this would be less than substantial harm as set out in the Framework.
22. A large expanse of the front of the roof is visible from public view. I find the stark contrast between the artificial slate and the natural slate used elsewhere is to the detriment of visual amenity. Thus, having regard to the Framework I find that the harm is not outweighed by any public benefit.
23. I note that the windows are made from Sapele hardwood and are of traditional design. Whilst samples were not provided to the Council as required by the Conditions, I have taken a pragmatic approach to this matter in my determining of these appeals.
24. The windows are in keeping with the traditional style and are of suitable hardwood construction. Thus, I consider that they accord with Policies BE2, BE9 and BE26 in the Brent Unitary Development Plan 2004 and the Mapesbury

Conservation Area Design Guide where these seek to ensure a high quality of design compatible with the local area and use of appropriate materials.

25. For the above reasons, I consider it appropriate to discharge the Conditions in part where they relate to the windows and not with regard to roof finishes.

*Janet Cheesley*

INSPECTOR



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# Appeal Decision

Site visit made on 22 October 2012

**by Gloria McFarlane LLB (Hons) BA(Hons) Solicitor (Non-practising)**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30 October 2012**

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## **Appeal Ref: APP/T5150/C/12/2178053**

### **19 Greystone Gardens, Harrow, HA3 0EF**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Y P Shah against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/10/0682.
- The notice was issued on 10 May 2012.
- The breach of planning control as alleged in the notice is the partial removal of the front boundary wall and the installation of hard surfacing to the front garden of the premises.
- The requirements of the notice are to:
  - Step 1 – Remove the unauthorised hard surface from the premises and dig/rip the land shaded black on Plan B attached to the notice.
  - Step 2 – Extend the existing front boundary wall in similar appearance, height and material to the existing front wall so it reflects the position shown on Plan B attached to the notice.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees are exempt, 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 the enforcement notice is upheld as varied in the terms set out below in the Decision.**

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### **Procedural Matters**

1. Since the appeal was made planning permission has been granted for a scheme for hard and soft landscaping to the front garden and an extension to the boundary wall<sup>1</sup>. It would, however, appear that the Appellant wishes to have larger accesses onto the appeal site than that granted permission<sup>2</sup>. In an appeal on ground (a) and in the deemed planning application only the breach of planning control alleged can be considered, that is, the partial removal of the front boundary wall and the installation of hard surfacing to the front garden of the premises and I will determine the appeal on that basis.

### **The ground (a) appeal and the deemed planning application**

2. The main issue is whether the partial removal of the front boundary wall and the installation of hard surfacing to the front garden of the premises enhances

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<sup>1</sup> Ref:12/1677 dated 18 September 2012

<sup>2</sup> Appendix 5 to the Appellant's statement

- or preserves the character or appearance of the Northwick Circle Conservation Area.
3. The appeal premises are located within a suburban area of semi-detached and detached houses with large front gardens. The Council was concerned about the decline in the character of the area through works carried out as permitted development and on 1 February 2005 an Article 4 (2) Direction<sup>3</sup> was made directing that specific permitted development rights no longer applied within the Northwick Circle Conservation Area. Included within the developments no longer permitted were the provision and enlargement of hard surfaces and the demolition of walls or fences at the front of properties.
  4. Many of the front gardens in Greystone Gardens have been paved over in a variety of materials to provide off-street parking spaces. In addition many properties no longer have full width front boundary treatments. I have no information about how many of these developments took place before the Article 4 (2) Direction; how many have been granted planning permission; or how many are unauthorised. Nevertheless, although there are a large number of hard surfaced front gardens, few are as extensive as the hard surface at No 19. The front boundary treatments that remain predominantly comprise low walls with some hedges.
  5. The extensive hard surface at No 19 is unrelieved by soft landscape save for one tree and a bush/tree in the centre of the front. Although the tree in the north-west front corner is protected by a Tree Preservation Order it appears squashed in and it appears to me that it may have been damaged by the installation of the hard surface. Saved Policy BE7 of the London Borough of Brent Unitary Development Plan (UDP) seeks to ensure that not more than half of a front garden area is occupied by a hard surface. The hard surface at No 19 exceeds this limit and results in a utilitarian appearance to the front to the property which does not reflect the generally green and suburban character of the area.
  6. The demolition of the boundary wall has resulted in there being two accesses from the road on to the front of No 19 and the provision of parking spaces for up to three cars (as I saw on my visit). Saved Policy TRN23 of the UDP advises that residential developments should not provide more parking than those in the standards which in this case is two spaces. The development is therefore contrary to policy and the number of vehicles in the front of the house has a negative impact on its residential character.
  7. Supplementary Planning Guidance No 5 'Altering and Extending Your Home' provides guidance in respect of boundary walls and front gardens<sup>4</sup> and emphasises, among other things, the need to retain a boundary fence/wall, not having a driveway wider than 3m and maintaining a 50% / 50% balance between hard and soft landscaping to contribute positively to the character and appearance of the property and the street. The development in this case fails to comply with this guidance to the detriment of the visual appearance of the conservation area.
  8. I have taken into account the special needs of the current occupiers and the difficulty the disabled residents have in getting to and from and in and out of

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<sup>3</sup> of the Town and Country Planning (General Permitted Development) Order 1995 as amended

<sup>4</sup> Part 4.0

vehicles. I note that the NPPF states that development should consider the needs of people with disabilities by all means of transport<sup>5</sup>. However, the development that is the subject of the notice appears to me to be excessive to meet those needs. Indeed, on the Appellant's own case, as shown on Appendix 5 to his statement, considerably less hard surface, with more soft landscape, is shown to be required than is currently the position.

9. The Appellant has suggested that a condition could be imposed requiring more planting on the front. However, that would not be consistent with the description of the development with which I am concerned, that is, the development that I saw on my visit and that which forms the subject of the notice.
10. I therefore conclude that the partial removal of the front boundary wall and the installation of hard surfacing to the front garden of the premises do not enhance or preserve the character or appearance of the Northwick Circle Conservation Area. I also conclude that the development is contrary to, and undermines the objectives of, the Article 4(2) Direction, the development plan policies referred to above and saved Policies BE2 and BE25 of the UDP which seek, among other things, to ensure that development does not have an unacceptable visual impact on conservation areas and that development is consistent with the preservation or enhancement of the character or appearance of the area.
11. The appeal on ground (a) fails and the deemed planning application is refused.

#### **The appeal on ground (f)**

12. In an appeal on ground (f) the Appellant has to show that the steps required to comply with the requirements of the notice are excessive and lesser steps would overcome the objection. The purposes of the requirements of a notice are to remedy the breach by, in this case, restoring the land to its condition before the breach took place which may include the carrying out of any building or other operations<sup>6</sup>. The Appellant has raised a number of matters under this ground of appeal that I have dealt with under the ground (a) appeal as they go to the planning merits rather than whether the requirements are excessive.
13. Taking the statutory provisions into account it therefore seems to me that the requirement in Step 1 to 'dig/rip the land shaded black on Plan B attached to the notice' is excessive in that it goes beyond remedying the breach. The breach would be satisfied by the first part of Step 1, that is, the removal of the hard surface, and I will vary the requirement accordingly.
14. So far as Step 2 is concerned, the Appellant says that the previous front wall was approximately 4.6m long and not the 6m long required by the Council. The Council's case is that Plan B was produced from an aerial photograph. I appreciate that the Appellant is most likely to know how much of the front wall was demolished but he has not provided any evidence in relation to this, nor was this issue addressed in his final comments which were made after the Council's case was known to him. In the circumstances I see no reason to vary the requirement in Step 2.

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<sup>5</sup> National Planning Policy Framework paragraph 35

<sup>6</sup> S173(4) and (5) of the 1990 Act

15. To the limited extent set out above, the appeal on ground (f) succeeds and I will vary the notice accordingly.

**Conclusions**

16. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the deemed application.

**Decision**

17. The appeal is allowed in part on ground (f) and it is directed that the enforcement notice is varied:

by the deletion of the words 'and dig/rip the land shaded black as shown on the attached Plan B to the notice' from Step 1 of Schedule 4.

Subject to this variation the enforcement notice is upheld.

*Gloria McFarlane*

Inspector