



Planning Committee

Wednesday 12 December 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

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

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Members' briefing will take place at 5.30pm in Committee Room 4

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting		1 - 6
Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
NORTHERN AREA		
3. Alpine House, Honeypot Lane, London, NW9 9RU (Ref. 12/2612)	Queensbury	11 - 34
SOUTHERN AREA		
4. Atlantic Electronics, 295-297 High Road, London, NW10 2JY (Ref. 12/1685)	Willesden Green	35 - 46
WESTERN AREA		
5. Allotments R/O 1-31 odd, Wembley Hill Tennis Club Grounds, Sports and Social Club, Vivian Avenue, Wembley, HA9 (Ref. 12/2653)	Tokington	47 - 66
6. Government Consultation on Proposed Changes to Permitted Development The report details Government's consultation on proposals to increase permitted development (PD) rights for extensions to houses and business premises in non-protected areas (eg outside Conservation Areas) in England has been launched by the Department for Communities and Local Government (DCLG). The proposed amendments to the Town and Country Planning (General Permitted Development) Order 1995 are also intended to streamline the regime covering the installation of broadband infrastructure.		67 - 84
7. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with		

Standing Order 64.

Site Visit Details

SITE VISITS – SATURDAY 8 DECEMBER 2012

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
12/2653	Allotments R/O 1-31 odd, Wembley Hill Tennis Club Grounds & Sports and Social Club, Vivian Avenue, Wembley, HA9	5	Tokyngham	9:40	47 - 66
12/1685	Atlantic Electronics, 295-297 High Road, London, NW10 2JY	4	Willesden Green	10.15	35 - 46
12/2612	Alpine House, Honeypot Lane, London, NW9 9RU	3	Queensbury	10:50	11 - 34

Date of the next meeting: Wednesday 16 January 2013

The site visits for that meeting will take place the preceding Saturday **{DATE}** 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 21 November 2012 at 7.00 pm

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

Also present: Councillors Brown and HB Patel.

Apologies for absence were received from Councillors John, CJ Patel and Singh.

1. **Declarations of pecuniary interests**

None.

2. **Minutes of the previous meeting held on 24 October 2012**

RESOLVED:-

that the minutes of the previous meeting held on 24 October 2012 be approved as an accurate record of the meeting.

3. **61 Walm Lane, London, NW2 4QR (Ref. 12/2465)**

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

RECOMMENDATION: Refuse planning consent.

Steve Weeks, Head of Area Planning informed the Committee about additional information submitted by the applicant on the extraction/ventilation system, noise insulation and noise and disturbance. He also provided the following responses to other matters raised by the applicant:

The plan did not show the location of the new ventilation system and did not provide any idea as to the specification of the ventilation unit to enable an assessment to be made. The location of the flue for the existing ventilation unit outside a habitable room was considered unacceptable and as such replacement of this flue in the same location would still be unacceptable.

In respect of noise insulation, he stated that as there was a residential unit located above the premises, the applicant was required to provide information to demonstrate that existing levels of insulation would be adequate to protect the amenity of residents. He referred to the hours of operation until 02:00 hours all week and added that whilst an earlier closing time would assist in reducing the

impact on the amenity of nearby residents in terms of noise and disturbance, reduced hours alone would not be sufficient to alleviate concerns amplified in the report. In addition, further detail had not been provided regarding the management of the premises given the specific circumstances relating to the previous management issues of the site. The Head of Area Planning therefore reiterated the recommendation for refusal.

Mrs Rochelle Berger objected to the proposed change of use on grounds of noise nuisance from the vehicles, the clients, amplified music and dance all of which were in breach of planning conditions. She added that although the applicant was required to maintain CCTV films for 31 days and make them available to police licensing officers on demand, he had consistently failed to do so. Mrs Berger expressed a view that the application was a ploy by the applicant to resume the operations of the notorious NW wine bar

The Head of Area Planning added that the police had expressed concerns about the proposal and reiterated the recommendation for refusal for reasons set out in the main and supplementary reports.

DECISION: Refused as recommended.

4. The Crest Boys' Academy, Crest Road, London, NW2 7SN (Ref. 12/2310)

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)

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.

The Head of Area Planning informed members that following comments received from Environmental Health Officers regarding the proposed changes to the sustainability measures in particular the inclusion of CHP, a further condition (38) as set out in the tabled supplementary report had been imposed. This would require the applicant to submit further detail regarding the specification of equipment proposed and ensure that there were no significant environmental impacts. He also highlighted the comments and any conditions being awaited from the GLA.

DECISION: Granted delegated authority as recommended.

5. Garages rear of 77-80, Riverside Gardens, Wembley (Ref. 12/1301)

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.

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 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.

Neil McClellan, Area Planning Manager stated that as a result of some of the issues raised at the site visit the applicant has agreed an additional payment of £5,000 as part of the Section 106 legal agreement to address the issue of fly tipping into river Brent. He then informed members about amendments to conditions 6 and 7 and the deletion of condition 15.

In accordance with the Planning Code of Practice, Councillor Daniel Brown, ward member, stated that he had been approached by some of the local residents. Councillor Brown informed members that the garages existed to alleviate the heavy parking in the area adding that the five off street parking spaces provided for the development would not be adequate to address the parking situation. He also drew members' attention to the list of objections set out in the consultation section of the main report.

Mr Martin Evans, the applicant's agent stated that the provision of five parking spaces had been arrived at as a result extensive discussions with transportation officers who considered the provision acceptable. He continued that the applicant had given a 1metre strip of land to the Council to alleviate parking issues as well as to prevent possible obstruction to emergency services vehicles. Mr Evans added that the demolition of the garages and their replacement with sustainable residential buildings would prevent fly tipping and other undesirable activities on the site.

In response to the Chair's enquiry on outlook, Mr Evans submitted that as a triangular shaped site, it would be difficult to provide a pitched roof and in his view, flat roof was the best way forward. He added that amenity space and parking provisions complied with the Council's standards and UDP policies.

Councillor Daly asked officers to clarify whether there would be loss of on-street parking as a result of the development. Neil McClellan responded that the 5 parking spaces proposed were considered acceptable based on UDP parking standards. He reiterated that the extra one metre provided by the applicant would ease on-street parking and vehicle movements and added that highways officers were satisfied with the arrangements. Neil McClellan added that the proposal offered amenity spaces in excess of acceptable minimum standards.

DECISION: Planning permission granted as recommended subject to the deletion of condition 16 and amendments to conditions 6 and 7.

6. 128 Windermere Avenue, Wembley, HA9 8RB (Ref. 12/1667)

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).

RECOMMENDATION: Refuse planning consent.

With reference to the tabled supplementary report Steve Weeks updated members that officers had established (on 21/11/12) that the applicants had not served the correct notices to leaseholders and all those with an interest in any part of the land or building to which the application related. This was despite earlier assurances being made that this would be done before the date of the meeting. He continued that subsequent to this, legal opinion was sought and the advice was that the application should be deferred from Committee to allow further time for the correct serving of notices to be carried out. The Head of Area Planning read out only that part of the supplementary which recommended deferral.

In agreeing the recommendation the Chair confirmed that there be no further discussion on the application as it was not being considered and would be reported after the applicant had carried out the statutory consultation under the Town and Country Planning (Development Management Procedure (England) Order 2010.

DECISION: Deferred to allow the applicant to carry out statutory consultation with and notices to leaseholders and all those with an interest in the land.

7. First Central, Coronation Road/Lakeside Avenue, Park Royal, NW10 (Ref. 12/2380)

PROPOSAL:

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

RECOMMENDATION: Grant planning consent.

Neil McClellan, Area Planning Manager in reference to the tabled supplementary report informed members about concerns expressed by the owner of the adjoining site, SEGRO, that that residential development on the First Central site may prejudice the future development and operation of its site. Members heard that SEGRO was also concerned that the noise assessment carried out in support of the revised First Central Masterplan did not properly consider the potential noise that could be generated by a future business park operating on the opposite side of Lakeside Way.

In responding to the above the Area Planning Manager stated that both the Council's Environmental Health Office and Catalyst Housing's own consultants were confident that the existing noise mitigation condition attached to the outline planning permission for the First Central Scheme would be sufficient to protect the amenities of future occupiers of block C. Additionally, Catalyst's consultants were currently re-running the noise study to review the potential noise impact from the various development options for SEGRO's site. As the noise study had not been completed at the time of writing the supplementary report he requested that final approval of the reserved matters be delegated to the Head of Area Planning, including a review of the possible noise impact associated with the SEGRO site. He added that although the applicants had not submitted a revised noise report at the time of writing the report, advice from the Environment and Protection Team gave a high level of confidence that this would be adequately addressed.

Mr John Haston speaking on behalf of West Twyford Residents Association (WTRA) objected to the proposed development on the following grounds;

1. More information would be required on the elevational treatment of Block C as the current information was inadequate
2. Residents were not aware of the measures that would be put in place to stop satellite dishes, bikes and washing appearing on balconies.
3. None of the sectional elevations showed the Energy Centre which in his opinion would have to be built in parallel with Block C to provide heat and

power for the block if the centre was to be the energy source. Residents also questioned the height and closeness to Block C.

4. The responsibility for proper upkeep of the grassed areas to a standard suitable for all had not been established.
5. Car parking spaces were limited and there was no indication as to the provision of additional spaces for parking overspill for an application of this magnitude.
6. Security concerns expressed by residents in respect of lighting columns, camera positions and security gates had not been shown on the landscaping drawings. Mr Haston added that gated communities felt more secure and created better environment for residents. He circulated photographs in support.

Mr Ben Riddle in objecting to the application on behalf of residents of 1st Central stated that they were not against the principle of development on the site or the need for shared ownership and social housing. However, they were completely against the idea of concentrating the social housing and shared ownership out of sight from the other 3 proposed properties and instead into one corner which was already overpopulated by residents in social housing. He added that this would not only be contrary to Brent's policy of pepper potting social housing but would also create huge anti-social problems including crime and harassment.

In responding to the issues raised, the Area Planning Manager stated that landscaping and elevational treatment complied with standards and policies. He added that conditions had already been imposed on boundary treatment and the location of the satellite dish. Members also heard that the issue of concentration had been raised and addressed at the outline stage of the application.

DECISION: Planning permission granted as recommended.

8. Planning Appeals 1- 31 October 2012

Noted.

9. Date of next meeting

The next meeting will take place on Wednesday 12 December 2012 at 7:00pm.

10. Any Other Urgent Business

None.

The meeting ended at 8:05pm

KETAN SHETH
Chair

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

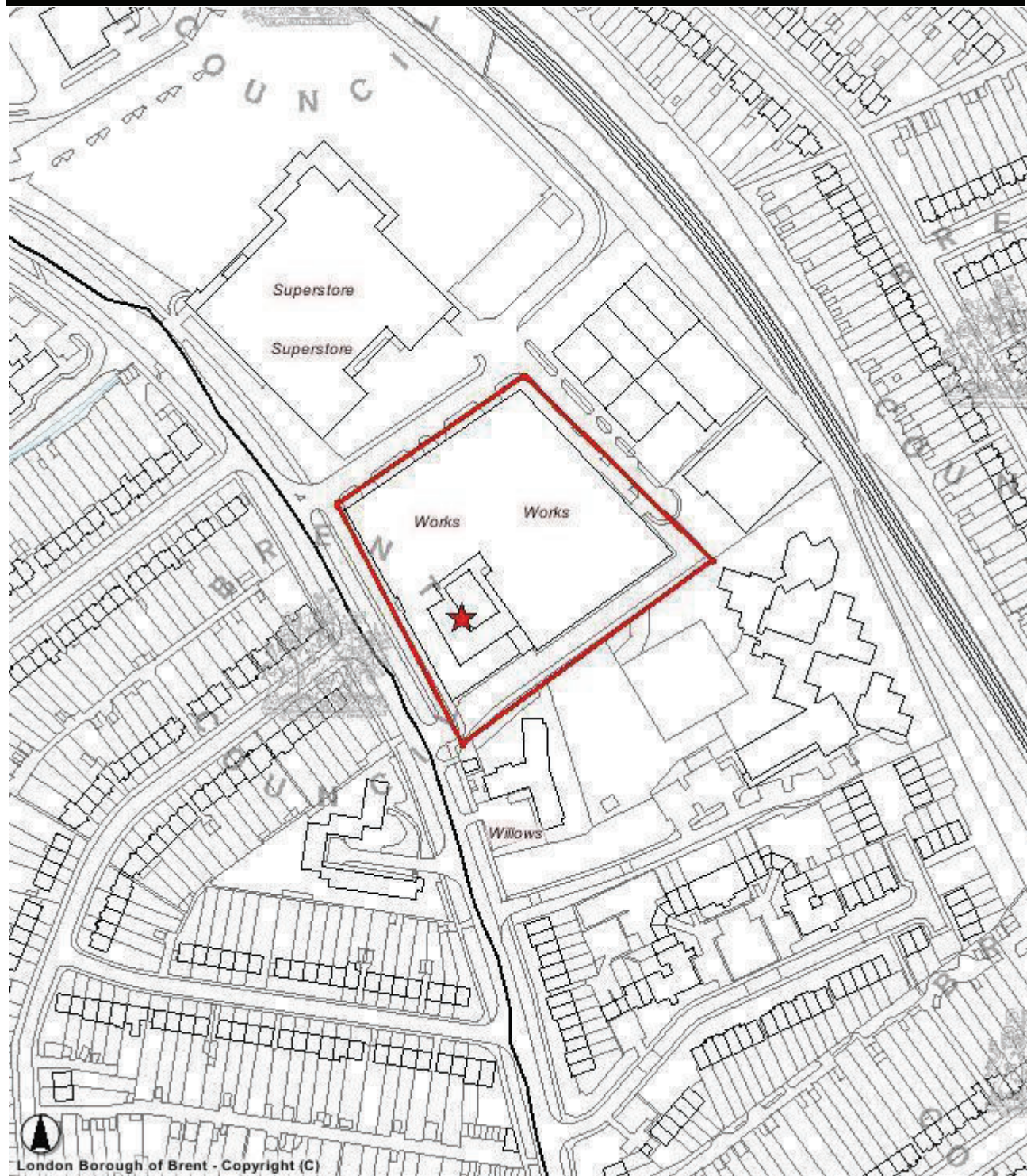
- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions 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: Alpine House, Honeypot Lane, London, NW9 9RU	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

RECEIVED: 10 October, 2012

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Alpine House, Honeypot Lane, London, NW9 9RU

PROPOSAL: Redevelopment of the site with erection of mixed-use scheme to provide 144 residential units (Class C3), 1800sq/m of employment workspace (Class B1), 5 live/work units (Sui generis) and associated parking, amenity space, landscaping and access.

APPLICANT: Jaysam

CONTACT: Design ACB Ltd

PLAN NO'S:
See Condition 2

RECOMMENDATION

To:

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

SECTION 106 DETAILS

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

- a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement; and (ii) monitoring and enforcing its performance
- a) Affordable Housing - 25% based on habitable rooms comprising 19 x 2bed; 6 x 3bed; 6 x 4bed; 5 x live/work;
- a) A contribution of £275,000 due on material start, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area. Payment of £700K should private sales values of £345 per square foot be achieved; and a pro-rata mechanism for part payment of 700K to be agreed if private sales values are between £325 and £345psf
- a) Five Affordable work-live units to be managed by Association for Cultural Advancement through Visual Art or a similar provider named by the council to be delivered at the price set out in applicants financial viability submission;
- a) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and BREEAM rating 'Very Good' and minimum Sustainable Homes Code Level 4 (with compensation should it not be delivered) and a further £750K towards further carbon reduction measures beyond CSH4 to be agreed with the council;
- a) Notify Brent 2 Work of forthcoming job and training opportunities associated with the development.
- a) Join and adhere to the Considerate Contractors scheme.
- b) Enter into a S38/S278 Agreement to incorporate (i) the widening of the public highway around the site to accommodate the provision of new adoptable parallel parking bays and 2m footways along the Honeypot Lane and Westmoreland Road perimeters of the site; (ii) the provision of improved pedestrian crossing facilities on Westmoreland Road at the junction with Honeypot Lane and in the vicinity of the Morrison's service yard entrance, including tightening of the junction of Westmoreland Road in the north-eastern corner of the site with an overrun strip; (iii) the provision of speed tables at either end of Honeypot Lane service road, midway along this service road and at the two entrances of the 'home-zone'; (iv) a review of on-street waiting and loading restrictions in the vicinity of the site

(including the introduction of a Controlled Parking Zone if deemed necessary by Brent Council), in accordance with revised site layout plans to be submitted for approval; (v) lighting columns along Westmoreland Road and Honeypot Lane service road.

- c) Provision of a Travel Plan for the site, to include the establishment of a City Car Club with subsidised membership for new residents;
- d) Provision of a Delivery Servicing Plan and Construction Logistic Plan for the development
- e) Provision of a Car Parking Management Plan for the site.

EXISTING

This application relates to a 1.47-hectare industrial site located in Honeypot Lane.

The majority of the site area was covered in buildings with a floorspace of approximately 10,365sqm, mainly a combination of large one- and two-storey industrial/ warehouses with ancillary office accommodation dating from the 1930s and 1950s. The majority of the office accommodation was located in a two-storey building situated along the Honeypot Lane frontage. The site has been vacant since 8th May 2012 and the buildings on site have recently been demolished. A service road runs along the front of the office block parallel to Honeypot Lane.

To the north and north-west of the site, on the other side of Westmoreland Road, is a Morrison's superstore. To the north-east is an industrial premises currently occupied by a vehicle-repair centre. To the south-east is the former Kingsbury Hospital site which has now been redeveloped to provide a healthcare centre, residential units and a nature reserve, identified as a Site of Nature Conservation Protection. The Willows, a residential care home for the elderly, is located next to the site on Honeypot Lane. The opposite side of Honeypot Lane lies within the London Borough of Harrow and is predominantly residential.

The site is identified as a Site Specific Allocation within the Proposal Map that forms part of the adopted Core Strategy and is also located within the Honeypot Lane Locally Significant Industrial Site. The site is bordered on the south by a Site of Local Nature Conservation Importance.

DEVELOPMENT SCHEDULE

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

Floorspace Breakdown

USE

Number	Primary Use	Sub Use
1	dwelling houses	

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0	0	0	14381	14381

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0	0	0	14381	14381

Mayoril CIL multiplier is £35 per SQM of total net gain floorspace, therefore Amount Payable is £503,335.00.

PROPOSAL

Redevelopment of the site with erection of mixed-use scheme to provide 144 residential units (Class C3), 1800sq/m of employment workspace (Class B1), 5 live/work units (Sui generis), associated landscaping, access and provision of **105** parking spaces. The development is divided up into four linear blocks labelled A to D.

A summary of the key aspects of the development is set out below:

Block A is five storeys in height (with the top floor recessed) containing 31 social housing residential units (comprising 19 x 3-bed, 6 x 3-bed and 6 x 4- bed units) and a 1-bed work live unit. It also contains a basement running across the whole footprint of this block that will contain underground parking, the studio accommodation for the work live unit and plant and metre equipment for the block.

Block B is five storeys in height (with the top floor recessed) containing 33 private residential units (comprising 21 x 2-bed and 12 x 3-bed units) and 2 x 1-bed work live units. It also contains a small basement area to accommodate the studio accommodation for the work live units and associated plant and metre equipment for the block.

Block C is five storeys in height (with the top floor recessed) containing 33 private residential units (comprising 21 x 2-bed and 12 x 3-bed units) and 2 x 1-bed work live units. It also contains a small basement area to accommodate the studio accommodation for the work live unit and living space for one of the 2-bed flats and associated plant and metre equipment for the block.

Block D reads as a five storey building when viewed from the west within the site and as a four storey building when viewed from the east on Westmoreland Road. This is due to the employment space at ground and first floor level located within the eastern end of this block. Block D will also contain 47 private residential units (comprising 40 x 2-bed and 7 x 3 bed units). It also contains a small basement area to accommodate the CHP unit for the site and associated plant and metre equipment for the block.

HISTORY

Planning permission was **granted on 13th August 2008 (LPA Ref: 08/1427)** for the redevelopment of Alpine House. The proposal included demolition of existing commercial units and erection of 3 x four-storey blocks and 1 x five-storey block, comprising 120 self-contained flats, 1,823m² of commercial floorspace (Use Class B1) and 5 live/work units, with 86 car-parking spaces, bicycle and bin storage and associated landscaping (accompanied by Design and Access Statement, Energy Assessment, Noise Assessment, Flood Risk Assessment, Arboricultural Report, Transportation Assessment and Planning Statement), subject to a Deed of Agreement dated 13/08/2008 under Section 106 of the Town and Country Planning Act 1990 (as amended).

Planning permission was subsequently granted for an extension to time limit of full planning permission ref: 08/1427 on **27th May 2011 (LPA Ref: 11/0156)** [nb. Members visited the site in 2008 when the first application was submitted and in 2011 for the renewal application]

A number of applications have since been submitted in relation to the discharge of condition of planning application ref: 11/0156 which are summarised below:

12/0280: Details pursuant to condition 10ii (digital TV cabling), 10vii (pedestrian and vehicle entry points) and 10xi (lighting) - Refused, 29/03/2012.

12/0278: Details pursuant to condition 8 (roof plan) - Refused, 29/03/2012.

12/0277: Details pursuant to condition 16 (surface water drainage system) - Refused, 29/03/2012.

12/0276: Details pursuant to condition 13 (site investigation) - Refused, 29/03/2012.

12/0634: Details pursuant to condition 14 (wheel wash facilities), 15 (access and egress points) and 19 (drainage strategy) - withdrawn, 24/05/2012.

12/0782: Details pursuant to condition 11i (details of water quality and resource mitigation measures) and 11ii (details of ecology and nature conservation mitigation measures) - under consideration.

12/0781: Details pursuant to condition 10 (i) (elevations of buildings showing advertising signage), 10 (iii) (parking spaces for car-club use), 10 (iv) (vehicular and pedestrian access) 10 (v) (finished levels of buildings, roads, landscape works and boundaries relative to adjoining properties), 10 (viii) (loading, unloading and parking of service vehicles), 10 (x) (refuse storage and disposal), 10 (xii) (waste storage for business part of development) and condition 12 (waste management strategy) - Granted, 11/06/2012.

12/1675: Details pursuant to condition 14 (fixed wheel washing facility) and 15 (access) - Granted, 10/08/2012.

POLICY CONSIDERATIONS

Central Government Guidance

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was adopted in March 2012. The NPPF sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

It establishes a presumption in favour of sustainable development: local planning authorities should plan positively for new development, and approve all individual proposals wherever possible. 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.

Sections 1 (Building a strong, competitive economy), 4 (promoting sustainable transport), 6 (Delivering a wide choice of high quality homes) and 7 (requiring good design) are of particular relevance to this application: The Government recognises that good design is a key aspect of sustainable development.

Regional Policy Guidance

London Plan 2011

The London Plan 2011 forms the spatial development strategy for London and was adopted in July 2011. The following policies are considered relevant to this application:

Chapter 3 - London's People

- Policy 3.3 - Increasing Housing Supply
- Policy 3.4 - Optimising Housing Potential
- Policy 3.5 - Quality and Design of Housing Development
- Policy 3.6 - Children & Young People's Play & Informal Recreation Facilities
- Policy 3.8 - Housing Choice
- Policy 3.9 - Mixed and Balanced Communities
- Policy 3.10 - Definition of Affordable Housing
- Policy 3.11 - Affordable Housing Targets
- Policy 3.12 - Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- Policy 3.13 - Affordable Housing Thresholds

Chapter 5 - London's Response to Climate Change

- Policy 5.1 - Climate Change Mitigation
- Policy 5.2 - Minimising Carbon Dioxide Emissions
- Policy 5.3 - Sustainable Design and Construction
- Policy 5.5 - Decentralised Energy Networking
- Policy 5.6 - Decentralised Energy in Development Proposals
- Policy 5.7 - Renewable Energy
- Policy 5.8 - Innovative Energy Technology
- Policy 5.9 - Overheating and Cooling
- Policy 5.10 - Urban Greenery
- Policy 5.11 - Green Roofs and Development Site Environs
- Policy 5.12 - Flood Risk Management
- Policy 5.13 - Sustainable Drainage
- Policy 5.16 - Waste Self Sufficiency
- Policy 5.21 - Contaminated Land

Chapter 6 - London's Transport

- Policy 6.1 - Strategic Approach
- Policy 6.3 - Assessing Effects of Development on Transport Capacity

Policy 6.9 - Cycling
Policy 6.10 - Walking
Policy 6.13 - Parking
Policy 6.14 - Freight

Chapter 7 - London's Living Places and Spaces

Policy 7.2 - An Inclusive Environment
Policy 7.3 - Designing out Crime
Policy 7.4 - Local Character
Policy 7.5 - Public Realm
Policy 7.6 - Architecture
Policy 7.14 - Improving Air Quality
Policy 7.15 - Reducing Noise and Enhancing Soundscape
Policy 7.21 - Trees and Woodlands

Chapter 8 - Implementation, Monitoring and Review

Policy 8.2 - Planning Obligations
Policy 8.3 - Community Infrastructure Levy

Other regional guidance

The Mayor's Housing Supplementary Planning Guidance (adopted November 2012)

This guidance relates to the housing policies within the London Plan and covers policies on housing provision and policies on affordable housing. It gives detailed guidance for boroughs on how to develop sites for housing and how to determine housing mix and density for any individual site.

The Mayor's Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance (adopted September 2012)

This guidance supports the implementation of the London Plan Policy 3.6 on 'Children and Young Peoples Play and Informal Recreation Facilities,' and other policies on shaping neighbourhoods (Chapter 7 of the London Plan). Amongst other considerations, it gives detailed guidance on promoting an approach that supports the presence of children and young people in the built environment/public realm and encourages the creation of 'shared public and communal space used by adults and children at the same time; and provides benchmark standards on play requirements that can be used as a reference to secure places to play in new housing developments and provides updated child yield figures to assess child occupancy and play space requirements.

Sustainable Design and Construction – Supplementary Planning Guidance (2006)

The SPG provides guidance on the way that the seven measures for sustainable development can be implemented. These objectives are set out below:

- Re-use land and buildings
- Conserve energy, materials, water and other resources
- Ensure designs make the most of natural systems both within, in and around the building
- Reduce the impacts of noise, pollution, flooding and micro-climatic effects
- Ensure developments are comfortable and secure for users
- Conserve and enhance the natural environment, particularly in relation to biodiversity
- Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP schemes and other treatment options

Local

Brent's 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 following policies are considered to be relevant for this application:

CP 1: Spatial development strategy

CP2: Population and Housing Growth
CP6: Design & Density in Place Making
CP17: Protecting and Enhancing the Suburban Character of Brent
CP 16: Infrastructure to support development
CP18: Protection and Enhancement of Open Space, Sports & Biodiversity
CP19: Brent Strategic Climate Mitigation and Adoption Measures
CP 20: Strategic industrial locations and locally significant industrial sites
CP 21: 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: Townscape - Local Context & Character
BE3: Urban Structure - Space & Movement
BE4 : Access for Disabled People
BE5: Urban Clarity & Safety
BE6: Public Realm - Landscape Design
BE7: Public Realm - Streetscape
BE8: Lighting and Light Pollution
BE9: Architectural Quality
BE11: Intensive and Mixed-Use Developments
BE12: Sustainable Design Principles
BE13: Areas of Low Townscape Quality
EP2: Noise & Vibration
EP3: Local Air Quality Management
EP6: Contaminated Land
EP10: Protection of Surface Water
H12: Residential Quality - Layout Considerations
H13: Residential Density
H22: Protection of Residential Amenity
TRN1: Transport Assessment
TRN3: Environmental Impact of Traffic
TRN10: Walkable Environment
TRN11: The London Cycle Network
TRN15: Forming an access onto a road
TRN22: Parking Standards - Non Residential Developments
TRN23: Parking Standards - Residential Developments
TRN34: Servicing in New Development
TRN35: Transport Access for Disabled People & Others with Mobility Difficulties

Brent Supplementary Planning Guidance

SPG17 – “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.

SPD “Section 106 planning obligations” October 2007

Provision for a standard charge for planning obligation contributions.

SUSTAINABILITY ASSESSMENT

In terms of sustainability, there is a requirement to achieve an exemplar scheme that incorporates a high standard of energy efficiency with inclusion of reduced CO2 emissions. To assess this high standard of energy compliance, the following are required:

- Achievement of Code for Sustainable Homes Level 4 (CSH Level 4)
- Achievement of BREEAM ‘Excellent’ for non-residential units (Core Strategy policy CP19)
- Compliance with London Plan policies for sustainability: policies 5.2 (energy)
- A 50% score on the council’s Sustainability Checklist (TP6 form, SPG19, UDP policy BE12)

Energy

The development proposes the use of Combined Heat & Power boiler (CHP) for heating through a heat network, and photovoltaic panels to the roof of the 4 blocks to provide electricity. Following assessment of the viability, revisions to the sustainability measures are proposed; this will mean that the reduction in carbon emissions will not be as significant as proposed (£750,000 toward carbon reduction measures as opposed to £1.5m budgeted to achieve an 80% reduction comparable with the previous scheme).

Further details of the CHP plant room is required by condition as it is unclear where the plant room is to be located; this is reflected in the GLA comments which have cited that the plant room will be in Building B, whereas your officers have inferred from the submitted documents that it will be in the basement of Building D. Further information including confirmation that all apartments and non-domestic building uses will be connected to the CHP heat network with a drawing to show the route of the heat network linking all building on the site has also been requested. Comments from the GLA with regard to the submitted energy statement have been forwarded to the applicant to provide further details as necessary.

Code for Sustainable Homes (CSH)

It is proposed that all the residential units, including the work-live units, will achieve a Code Level 4. This is above the requirements of Core Strategy policy CP19 as the site is not within a growth area; but is compliant with the Council's Site Specific Allocation (SSA) for Alpine House.

In relation to the London Plan, policy 5.2 requires all new developments to achieve a 25% reduction of CO2 emissions above the requirements of the adopted Part-L for buildings regulations. In relation to the existing Part-L (2010), the achievement of CSH level 4 will encompass the 25% improvement required by London Plan policy 5.2. As such, the residential units will be compliant.

BREEAM

The non-residential units of the scheme will achieve a BREEAM rating of 'very good'. This is contrary to Core strategy policy CP19 which requires all new non-residential developments to achieve BREEAM 'excellent'. The applicant has reasoned that BREEAM 'excellent' is unachievable because of site constraints relating to site location and specific BREEAM credits including management and well being. However, it is noted that the submitted BREEAM pre-assessment states the B1 units will utilise a gas fired heating system and as such will not be connected to the proposed heat network. If the B1 units were to be connected to the proposed heat network and have use of electricity from the PV panels, this would increase the BREEAM score closer to 'excellent'. Nevertheless, given the proposed B1 will have to comply with Part-L and achieve a 25% improvement on CO2 emissions in line with London Plan policy 5.2, the current rating of 'very good' is considered acceptable; and with clarification of the proposed heat network for the site, it maybe feasible for the B1 units to connect to this. This information will be provided in the Supplementary Report.

Council's Sustainability checklist (TP6 form)

In compliance with UDP(2004) policy BE12 and SPG19, all major developments should achieve a score rating of at least 50% of the checklist (TP6 form). The applicants have submitted a completed TP6 form with an overall score of 54%. There are some discrepancies in the calculations provided by the applicant and those carried out by the officer; this will be clarified. The Section 106 agreement will ensure a score of 50% is achieved.

CONSULTATION

Consultation Period: 11/10/2012 - 01/11/2012

Additional consultation period: 12/10/2012 - 02/11/2012

Site Notice Displayed on 17/10/2012

Advertised in Press on 18/10/2012

Public Consultation

149 neighbours consulted both within LB Brent and properties located in LB Harrow which are located close to the border between the two boroughs and in proximity to the application site - no responses received from neighbouring properties

Internal Consultation

Transportation - Proposal can be supported on transportation grounds subject to a Section 106 Agreement to secure the following:

(a) enter into a S38/278 Agreement to incorporate (i) the widening of the public highway around the site to

accommodate the provision of new adoptable parallel parking bays and 2m footway along the Honeypot Lane and Westmoreland Road perimeters of the site; (ii) the provision of improved pedestrian crossing facilities on Westmoreland Road at the junction with Honeypot Lane and in the vicinity of the Morrison's service yard entrance, including tightening of the junction of Westmoreland Road in the northeastern corner of the site with an overrun strip; (iii) the provision of speed tables at either end of Honeypot Lane service road, midway along this service road and at the two entrances of the 'home-zone'; (iv) a review of on-street waiting and loading restrictions in the vicinity of the site (including the introduction of a Controlled Parking Zone if deemed necessary by Brent Council), in accordance with revised site layout plans to be submitted for approval; and

- (b) provision of a sum of £115,000 towards non-car access/highway safety improvements and/or parking controls in the area [secured as part of standard charge];
- (c) provision of a Travel Plan for the site, to include the establishment of a City Car Club with subsidised membership for new residents;
- (d) a Delivery and Servicing Plan for the development
- (e) a Car Parking Management Plan for the site.

Officers in Transportation also requested conditions for details of external lighting for the site and of the proposed basement access ramp. They also recommended that an informative is attached to any forthcoming planning consent advising the applicant of the need to obtain a highway oversailing licence under S177 of the Highway Act for the overhanging terrace to Building D.

Safer Streets - The following conditions/information is requested:

- (i) Air Quality - Recommended a condition requiring details of measure to mitigate the impacts of dust and fine particles generated by the development during the construction works as the site is located within an Air Quality Management Area. A condition is also recommended requiring the CHP unit to meet the emissions standards and technical details as set out in the Air Quality Impact Assessment.
- (ii) Soil investigation - Recommended that a condition is secured for details of a site investigation to determine the nature and extent of any soil contamination present on site and if contamination is found, then for any remediation measures to be carried out in full and confirmed through a verification report.
- (iii) Noise - Requires conditions to ensure that internal noise levels are acceptable for residential use.
- (iv) External lighting - required further details to ensure that the external lighting does not cause nuisance to the residential properties.

Landscape - Generally the scheme is acceptable in landscape terms. However, concerns are raised with the use of gabions as retaining structures in the private residential gardens. It is recommended that an alternative method of retaining the land is used.

Tree Protection Officer - The substantial shelterbelt on the south east boundary of the site made up of mature Hybrid Black Poplars, early mature Limes and Norway Maples has suffered through lack of management resulting in an overcrowded appearance with many of the intermediate canopy limes and maples being suppressed by larger more dominant trees. The proposal to remove seven black poplars that have come to the end of their safe life expectancy and thin out the remaining Lime and maples, will lead to a much more attractive woodland setting with the remaining trees able to fulfill their potential. The removal of the large black poplars is essential primarily on safety grounds, particularly where the site meets Honeypot Lane.

Below the canopy, Plans show a range of native shrubs typically found along a woodland edge. These will enhance biodiversity as well fulfilling a screening roll for residents with private gardens in block A. The thinning of the woodland will no doubt aid establishment of this new and welcome shrub layer.

Elsewhere on the site, tree planting is adequate for a development of this size. Tree species selection is safe, if a little predictable. Space for a larger forest type tree in locations such as the shared surface to the north east of Building C, among the play space in the south east or as part of the linear group which bounds Honeypot Lane, where fewer but potentially larger species could reach their full potential.

The only reservations regarding the placement of trees on this site are the closeness of the first three trees in proximity to the south of Buildings B and C. These should perhaps be relocated along with one of the outer row of four which would allow a significantly more light into adjacent windows. Trees could be relocated within the paved surfaces to the north west of blocks A,B and C.

Urban Design - Proposal has been designed to a relatively high standard and the Design Team is generally supportive of the architectural approach.

External Consultation

Transport for London - Proposed development unlikely to result in significant adverse impact to the transport network. However the following issues need to be resolved to fully comply with the London Plan:

- (a) Review of trip generation assessment the undertaking of modal split assessment in line with the TfL Transport Assessment Best Practice Guidance;
- (b) Undertaking of a PRES audit and investigation of safe pedestrian routes to/from the site to improve accessibility to local bus stops and amenities;
- (c) The securing of CLP, DSP and Travel Plan;
- (d) Confirmation of cycle parking, disabled parking provision and electric vehicle charging points of the site.

Environment Agency - No objections raised subject to the following conditions:

- (i) Development to be carried out in accordance with the submitted Flood Risk Assessment.
- (ii) Details of drainage design to be submitted prior to commencement of development.

Greater London Authority

London Plan policies on principle of development, housing, residential quality and density, children's play space, urban design, inclusive access, sustainable development and transport are relevant to this application. The application complies with some of these policies but not with others and on balance does not comply with the London Plan; the reasons and the potential remedies to issues of non compliance are set out below:

- **Principle of development:** The principle of a residential led mixed use development in this location is acceptable and in accordance with the London Plan.

- **Housing:** The application would make a reasonable contribution to affordable housing provision; however, an independent assessment of the applicants viability assessment will need to be carried out and justification is needed from the application with regards to the social rented unit provision before the scheme can be acceptable and in line with polices 3.11 and 3.12. Further information and clarification is also sought with respect to the mix of the affordable element, residential quality (single aspect units) and residential density before the scheme can be in full compliant with London Plan policies 3.8 3.5 and 3.4 respectively.

- **Children's playspace:** The applicant will need to provide clarification of child yield calculations and their play space strategy to ensure accordance with London Plan policies 3.6.

- **Urban design:** The proposed design is generally supported in line with London Plan policies 7.1, 7.3, 7.4, 7.6 and 7.7 however, the applicant is requested to provide further information in relation of how animation has been applied throughout the scheme as well as confirmation of the primary entrances as set out in paragraphs 38 to 40 of this report.

- **Inclusive access:** In order for the scheme to comply to London Plan policies 3.8 and 7.2, the applicant is requested to provide further information relating to inclusive design. In doing so, the applicant will need to clarify that the 10% of wheelchair accessible units and ensure is provided across unit types and tenures.

- **Sustainable development:** For clarity the applicant should provide further detail in relation to regulated carbon dioxide emission reductions in tonnes per annum after each stage of the energy hierarchy in Line with London Plan policy 5.2.

- **Transport:** The scheme in generally acceptable; however further information is required from the applicant in relation to the quantum and accommodation of cycle parking numbers and how shower/changing facilities are to be provided for the commercial units. In addition the applicant will need to provide updated information in relation to the transport assessment and TfL welcomes further discussion about this matter.

Officer Comment: These matters are discussed in further detail in the *Remarks* section of the report. Further information will be provided on some of these matters in the Supplementary Report to be presented to Members prior to Planning Committee.

REMARKS

Introduction

This application is for the redevelopment of Alpine House with a mixed use development comprising commercial floorspace (use class B1), work live units and residential units (use class C3). This report will consider the principle of the development; the design, scale and massing; density and unit mix; affordable

housing provision; standard of proposed accommodation; impact upon surrounding properties; parking and transportation; landscape features; and environmental health considerations. It will also provide a comparison with the previous planning permission on the site from 2008 which was subsequently renewed in 2011 - see planning history above for further details.

Principle of Development

As referred to in the planning history, there is an extant planning permission for a mixed use development on the site comprising 120 self-contained flats, 1,823m² of commercial floorspace (Use Class B1) and 5 live/work units, with 86 car-parking spaces, bicycle and bin storage and associated landscaping.

The National Planning Policy Framework sets out that there should be 'a presumption in favour of sustainable development' (para 14, NPPF). In terms of the current policy status, the site is identified in the adopted Site Specific Allocation adopted 2011 (SSA) as "Industrial and business office unit occupied by a number of small businesses..." suitable for "mixed use development [in line with the 2008 planning permission] including low carbon or zero emission housing and new light industrial managed affordable workspace. The configuration should use the workspace along the north eastern and north western edge to mitigate any conflict between new residential development and existing employment premises, with family housing generally located along the southern edge. Proposals should include the re-provision of existing business where appropriate. Development must conserve and enhance the adjacent Wildlife Corridor".

The allocation goes on to identify and discuss the need for a Flood Risk Assessment and requires applications to be accompanied by a Flood Risk Assessment; it also states that "flood zones are subject to change and modelling and re-modelling is carried out on a quarterly basis by the Environment Agency, therefore any assessment must ensure that the most up to date data is used as part of the Flood Risk Assessment." A Flood Risk Assessment has been submitted with this application and reviewed by the Environment Agency who raise no objection to the proposal subject to conditions.

The justification for redevelopment is explained in the SSA as "the industrial building appears to be reaching the limits of modern employment uses. A mixed use development that also delivers modern commercial space will help to safeguard the site for employment uses, as well as delivering environmentally sustainable residential development." The provision of residential accommodation is supported by London Plan policy 3.3 which seeks to increase London's housing supply. Overall the development is considered to accord with the the SSA and NPPF by providing a sustainable development balancing social, economic and environmental benefits; this is considered in more detail below.

Comparison of current proposal with extant planning permission

The extant planning permission on the site is for the demolition of the existing commercial buildings and erection of 3x four storey blocks and 1 x five storey block comprising 120 self contained flats, 1823 sq m commercial floorspace (Use Class B1) and 5 live/work units with 86 car parking spaces.

Comparing the scheme with the extant planning permission, the block layouts and general massing are similar however changes have been made to the numbers and mix of residential units. This scheme provides 1800 sqm of B1 floorspace which is comparable to the extant permission. In terms of the quantum of development, the most significant difference is the additional number of residential units proposed; previously, the 08/1427 application gave approval for 120 self-contained flats, whereas 144 are now proposed.

In terms of layout, the development follows a similar form of 4 linear blocks, with a 'U-shaped' central 'home-zone'/shared surface service road at the heart of the development. All 4 blocks within the revised proposal are 5 storeys in height whereas within the previously approved scheme comprised 3 residential blocks of 4 storeys in height and the employment block of 5 storeys. There is little variation between the heights of the buildings in the two schemes; the roof height of the previously approved scheme was approximately 16.6 metres and the proposed scheme is up to 16.5 metres. The massing of the current proposal sees the 5th storey element of the three residential blocks recessed.

The level of proposed parking has been increased from 87 parking to 107 spaces and the layout of parking provision has been altered, with a new two-way vehicular access included in the current proposal to serve a ramped entrance to a basement car park within the Block C at the northern end of the site. The previously approved scheme was an exemplar scheme in terms of sustainable development and was a 'Zero carbon' development. The proposed scheme is to be Code for Sustainable Homes Level 4, BREEAM 'Very Good' alongside CO2 reductions as set out in the Sustainability Assessment.

Urban Design

The proposal comprises 4 linear buildings, 5 storeys in height. Three of the buildings are principally residential and are located perpendicular to Honeypot Lane (Buildings A, B & C); the fourth building (Building D) is located on the eastern side of the site fronting Westmoreland Road and comprises a mix of commercial and residential units. The vehicular and pedestrian access to the commercial floorspace is from Westmoreland Road. Pedestrian and cycle access to the residential units is from the service road adjacent to Honeypot Lane. It is proposed that cars and service vehicles access the site via the service road (proposed to be one way), exiting from the southern access point onto Honeypot Lane.

The amenity spaces are designed with shared surface streets giving priority to pedestrians; this provides a more traditional street frontage with front doors to residential units accessed from this space to the residential units to provide activity and natural surveillance of the amenity areas. The setting of the blocks in a linear and parallel form has presented an opportunity for dwellings to open up onto the 'landscaped streets', creating a sense of place and identity. This is reinforced by the use of a common palette of materials and a coherent architectural language, which in turn has shaped the form of proposed development.

All 3 residential buildings follow a similar design being 5 storeys with the upper floor recessed to reduce the visual bulk. Block D which comprises commercial and residential uses takes a different approach; the building is 5 storeys and no set back proposed on the upper storey. The design approach to this building is considered acceptable as it creates a more visible distinction between the commercial and residential elements of the scheme. The scheme will use a simple palette of materials comprising buff brick, metal cladding and render.

- Building A: Positioned on the southern perimeter. It is principally residential comprising 2, 3 and 4 bedroom apartments with a single live/work unit. The southeast facing ground floor four bedroom units have dedicated private gardens.
- Building B: Centrally located and contains 33 residential units and 2 live/work units. There is a large area of communal amenity space to the southeast of the block proposed. All units have either northwest or southeast facing balconies or terraces.
- Building C: Located parallel to the northern section of Westmoreland Road. The building will contain 33 residential units and 2 live/work units. It is a repetition of Building B with the exception that the ground floor units take advantage of the topography of the site to allow the units to be raised above street level to provide privacy and defensible space. This is particularly important on this elevation due to the relationship of the building to Westmoreland Road. There is also a single storey basement car park located underneath this building providing 25 car parking spaces.
- Building D: Located on the eastern boundary of the site and accommodates 2 storeys of single aspect B1 employment space facing Westmoreland Road. There are four storeys of residential units facing westwards into the site and eastwards externally.

The GLA have provided comments on the proposal and consider that the scheme is generally acceptable in design terms; however, some observations regarding the design remain. They include the need for further consideration to be given to the space between Honeypot Lane and the proposed development; in addition it is advised that the edge of the scheme facing Honeypot Lane should be designed appropriately as the 'front' of the development. Further detail in line with the GLA's comments will be provided in the Supplementary Report. The GLA raise no concerns in relation to the schemes overall height and massing which are considered to be compliant with the London Plan.

Housing

Density and Mix

The site has a public transport accessibility level of 3 (PTAL 3) and located in an area that would be classed as an urban setting; a density of 200-450 habitable rooms per hectare (hrh) would be acceptable in this type of setting. The applicant has indicated that the density would be 453 (hrh). Your officers have calculated density as being 435 hrh which is below the figure provided by the applicant (nb. the discrepancy may be as a result of a different approach taken to the classification of living rooms and kitchen as habitable rooms). This will be clarified in the Supplementary Report.

Notwithstanding this, even if the scheme marginally exceeds the suggested density range as set out in the

London Plan and SPG17, increased densities are promoted in the London Plan and the UDP where public transport accessibility is good due to the need to use land more efficiently, increase housing delivery and in part due to the sustainability advantages increased density can confer. This is a specific objective of the UDP as stated in policy STR3, which states that development of previously developed urban land will be maximised.

Policy H13 in the UDP relates to density and states that the primary consideration in determining the appropriate density of new development will be achieving an appropriate urban design which makes efficient use of land and meets the amenity needs of future residents. It goes on to say that density should have regard to context and nature of the proposal, the constraints and opportunities of the site and the type of housing proposed. Your Officers are of the view that the proposed scheme meets Policy H13 (UDP 2004) as the proposal is considered to respect the context of the surrounding buildings, provides a satisfactory standard of accommodation and as such meets the design led approach.

The housing mix overall will provide 29.5% family sized units comprising 3 bedrooms or more. Within the affordable housing component, the provision family sized accommodation will be 33% which is also considered acceptable. In particular the provision of 6 x 4 bedroom units will accord with Policy CP21 in the Core Strategy which seeks an appropriate mix of units on the site, including family sized accommodation, to meet housing need in the Borough.

Affordable Housing

The application proposes to provide 36 of the 149 residential units for affordable housing, accounting for 25% of the total units. Brent's Core Strategy and the London Plan Policy 3.12 seeks to deliver 50% affordable housing on new housing sites of ten units of greater.

Unit Type	Unit Numbers		Total Units
	Private	Affordable	
1 bedroom	0	0	0
2 bedroom	82	19	101
3 bedroom	31	6	37
4 bedroom	0	6	6
Live/Work	-	5	5
Total	113	36	149

This scheme falls short of this target, and in response to this shortfall the applicant has submitted a viability toolkit to justify this provision. A review of the toolkit has confirmed that the level of affordable housing provided is reasonable however to ensure that this can be delivered, the Section 106 package has been negotiated to make changes to the level of carbon reduction as set out in the *Sustainability Assessment* above.

The applicant has stated that Network Housing Design Group is the RSL who is acting as partners in the development. In terms tenure, it has been confirmed that affordable units will comprise 22 social rented units and 9 shared ownership units however the final proposed mix of the affordable element has not been provided; this will be confirmed in the Supplementary Report. With the introduction of 'affordable rent' as an additional affordable housing product along with social rent and intermediate housing, it is also necessary for the applicant to assess whether the introduction of 'affordable rent' units in the scheme could significantly increase the quantum of affordable housing provided and make changes to the scheme as required. This information has not been provided by the applicant however is a requirement of the GLA. This will be clarified in the Supplementary Report to confirm that the on site affordable housing provision is maximised.

Quality of Accommodation

All units meet or exceed the minimum standards for internal floor areas as outlined in SPG 17 and the London Housing Design Guide. The standard of amenity provided is in general compliance with the requirements of SPG17. Buildings A, B & C are 20m apart from one another to ensure acceptable levels of privacy between habitable rooms. Whilst the top floor of the development does marginally breach the 30 degree line measured from the ground floor habitable room window of the adjacent block, given that the breach is not considered significant (2 degrees) and the overall standard of accommodation within the scheme is good, this relationship can be accepted. The ends of the 3 residential buildings which contain the staircores are located 9m from at the closest point to the rear elevation of Block D which contains residential accommodation. This separation is considered to provide an acceptable level of amenity to prospective occupiers given that there are no habitable room windows in the residential blocks facing the units in Block D and that oblique outlook is also provided.

The majority of the proposed units are dual aspect; there are no single aspect north facing units which accords with the standards set out in the Mayors Housing SPG 2012. A total of 64 units in the development are single aspect however none of these units are north facing or comprise 3 bedrooms or more.

The London Plan requires 10% of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair adaptable. It also requires all new homes to be built to 'Lifetime Home' standards. Policy H26 of Brent's Unitary Development Plan advocates a similar approach. The proposed wheelchair units are distributed between the 4 blocks as set out in the Accommodation Schedule.

General guidance suggests amenity space should usually be provided at a rate of 50sqm per family unit, and 20sqm for others. All of the residents units have private amenity space in the form of balconies, terraces and access to shared amenity of site. All four bedroom family units have private rear gardens. Whilst some of the units do not meet the private amenity size standard, the scheme has been designed to maximize the shared amenity space encouraging a community feeling to the development. The total private amenity areas for the project is 3136 sqm (this includes all private balconies, terraces and gardens) The dedicated communal amenity spaces remains at 1290 sqm Two large sunken communal gardens are at the heart of the scheme, identical in design containing raised planters and grass areas. The play-space is located in the south east corner, and will be passively overlooked and readily accessible to all the residents.

Using the methodology within the Mayors SPG 'Providing for Children and Young People's Play and Informal Recreation' it is anticipated that there will be approximately 62 children within the development. In line with SPG guidance, in total the scheme should deliver 620 sq m of children's play space (300 sq m on site for under 5's provision); it should be noted that this is approximate as the final mixes within the affordable housing tenure has not been provided. The application proposed 629 sq m of playspace; in addition the site is located c.300m from a recreation ground which provides play facilities for older children.

Commercial Floorspace

There is 1800sm of B1 light industrial/office accommodation arranged over two floors in building D. The accommodation has been planned as two units with the main access from Westmoreland Road. The 5 x live/work units are each arranged over two floors with double height work spaces. These managed affordable units are proposed to be operated by Association for Cultural Advancement through Visual Art (ACAVA). It is the intention to ensure the long-term viability of the affordable live/work units that this management by ACAVA or a similar named provider is secured through the Section 106 agreement. The units are accessed via the gable ends of Buildings A, B & C which face onto Honeypot Lane.

Neighbouring Amenity

SPG17 sets out general guidance for the massing of new buildings, to ensure they do not have an overbearing impact on the neighbouring properties and avoid unnecessary overshadowing. In general, the building envelope should be set below a line of 30 degrees from the nearest rear habitable-room window of adjoining existing properties, measured from height of 2m above floor level. SPG17 goes on to say that where proposed development adjoins private amenity/garden area, then the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m.

There is considered to be no significant impact on adjoining properties. This is further enhanced by ensuring that the proposals address the existing patterns of occupation such that the employment section within the Block D faces the existing employment site. The Willows Care Home is located to the south of the site; the proposal complies with SPG17 in terms of its relationship to the proposed development and is considered acceptable.

Highways

The site is located on the north eastern corner of the junction of Honeypot Lane (a London Distributor Road) and Westmoreland Road (a local commercial access road). Westmoreland Road is a one-way road northeastwards, but with a short spur road along the northeastern boundary of the site. Access to the site is currently provided via an adopted service road from Honeypot Lane.

The site is not located within a Controlled Parking Zone but there are waiting restrictions along Westmoreland Road generally prohibiting parking between 8am and midnight. The site has fair access to public transport (PTAL 3), with a bus stop which serves Bus routes 79 and 324 located adjacent to the site and Queensbury Underground Station located within 800m of the site.

Access to the site will be of a similar arrangement to the previous approval through the use of an internal 'U-shaped' central 'home-zone'/shared surface road, surfaced in block paving, with entrance and exit points from the existing Honeypot Lane service road. This application also proposes a basement car park with access from Westmoreland Road.

Car Parking provision

Car-parking allowances for the proposed development are set out in standards PS6 and PS14 of the adopted UDP 2004 and Policy of the London Plan 2011. The development originally proposed a total of 105 car parking spaces but due to the need to provide footway widths along the boundaries of the site, the total number of parking spaces have been reduced to 102 spaces. Further details are discussed under 'proposed highway works' below. Of the 102 spaces, 86 spaces are for the residential element of the proposal and 16 spaces for the commercial element of the proposal. The residential spaces are located in the basement car park (a total of 25 spaces) with the remaining spaces provided at surface level both within the site and on-street along Honeypot Lane and Westmoreland Road, facilitated by the widening of the public highway into the site; and the provision of integral garages for the 6 no. 4-bed duplex units located within Block A. The commercial spaces are all provided at surface level through the use of on street parking along Westmoreland Road, which is also facilitated by the widening of the public highway into the site, and a separate car park with nine car parking spaces accessed off Westmoreland Road. In addition, two car club parking spaces are proposed within the site. The overall parking provision is consistent with the London Plan standards and the standards set out in Brent's UDP 2004.

As part of the parking provision provided above, 21 of the residential spaces are dedicated as disabled bays and one of the commercial spaces is dedicated as a disabled bay. The residential disabled parking bays are proposed within the basement car park and at surface level within the site. The commercial disabled parking bay is also located at surface level within the dedicated car park. This is sufficient to provide an allocated disabled space to each wheelchair unit in accordance with standard PS15 of Brent's UDP 2004, with the provision of one wide, marked bay within the commercial car park also complying with standard PS15 of Brent's UDP 2004. This provision also complies with London Plan Standards. It is recommended that the car park layout shown within the site and in the basement car park is secured as part of a planning condition.

Proposed highway work

The highway is proposed to be widened into the site along all three highway boundaries in order to provide sufficient additional width to allow parallel on-street parking. Officers in the Transportation Unit raised a number of concerns with the original layout and revisions have been made in response to these concerns. These amendments include:

- Deletion of three of the proposed parking spaces along the Honeypot Lane service road
- Provision of a continuous 2m wide footway along Westmoreland Road frontage;
- Removal of the protruding wall from the northern end of Building D and amendments to the doors of Building D to open into the site rather than out over the highway – it is recommended that an informative is attached to any forthcoming planning consent to advise the applicant that the oversailing terrace from Building D will require a licence from Brent Council's Transportation Unit under S177 of the Highways Act 1980.

A number of other amendments have also been provided which are discussed in further detail below. All of the works to the highway will be secured through a S38/S278 Agreement as part of the S106 Agreement.

Impact of development on highway network

Whilst the overall parking provision is consistent with the London Plan Standards and the standards set out within Brent's UDP 2004, consideration does need to be given to the impact of any overspill parking from the site on traffic flow and road safety in the area. In this respect, the parking demand for the larger business units is now estimated to total about 42 spaces (approx. 25% of employees), which would lead to an overspill of about 33 parked cars onto the surrounding public highway during the day. To provide an estimate of residential parking demand at night, it is generally assumed that private housing will create demand at 75% of the maximum allowance, with a figure of 50% in the case of social rented housing. On this basis, 136 cars could be expected to be generated by the residential element of this proposal, leaving 77 cars that could not be accommodated within the site. This figure is comparable with the previously approved scheme.

As before though, the development is proposed to be a low-carbon emission scheme, with a number of mitigating measures proposed to manage car ownership and ensure overspill parking problems are addressed. These includes:

- The provision of the highway being widened into the site along all three highway boundaries in order to provide sufficient additional width to allow parallel on-street parking spaces to be accommodated along the site frontages and along the southwestern side of the Honeypot Lane service road. A total of 44 such spaces are now proposed, with eight spaces annotated as doubling up for loading at certain times. Such works will need to be secured through a s278/s38 agreement as part of the Section 106 Agreement and this is discussed in further detail above.
- As referred to above, there are existing waiting restrictions along the main carriageway of Westmoreland Road currently prohibiting waiting between 8am and midnight. It is recommended that these are amended/revoked through the S278 Agreement to allow the new area of on street parking to be used by staff and/or residents. It is also recommended that the review of waiting restrictions around the site be extended to include the remainder of Westmoreland Road and the main carriageway of Honeypot Lane to prevent parking between 8am and midnight.
- In addition to reviewing and extended the existing waiting restrictions around the site, it is also suggested that consideration should be given to an extension of the existing CPZ around Queensbury Underground Station. Such details shall be secured as part of the S278 Agreement.
- The provision of a Travel Plan which involves the setting up of a Car Club with two dedicated spaces on the site, which will be made available by staff, residents and the wider community. The Travel Plan will also include the appointment of a site-wide Travel Plan Co-ordinator, with measures including the setting up of a car sharing scheme, flexible working hours and the provision of alternative transport information. It is recommended that the Travel Plan is secured as part of the Section 106 Agreement with the requirement for it to score a PASS rating using TfL's ATTrBuTE programme prior to first occupation.

The measures proposed above have sought to significantly reduce overspill parking from the site onto the surrounding road network. Subject to the above measures being secured through the Section 106 Agreement, it is considered that the proposed development is unlikely to result in significant impact upon the surrounding transport network.

Cycle parking

Bicycle storage for the residential units is provided via a secure bike storage area within all four blocks, accessed off the 'home-zone'. Blocks A, B and C will each have a bicycle store which can accommodate 70 cycles through the use of the Josta Double Stack System. Block D will also have a bicycle store which can accommodate 48 cycles through the use of the Josta Double Stack System. In addition, the ground floor duplex units within Block A have private gardens with a garden shed that could accommodate cycle parking for each of these six units. Therefore the total cycle parking provision for the residential element of the scheme is 264 cycle spaces. This provision significantly exceeds the cycle parking standards set out in PS16 of Brent's UDP 2004 which requires one space per unit and Table 6.3 of the London Plan which requires a total provision of 192 spaces (one space per 1 and 2 bed units and 2 spaces for three bed plus units).

16 bicycle parking spaces are proposed for the commercial units, located on the private footway area beneath the terrace overhang on the eastern side of Building D. The location of the bicycle spaces is considered acceptable by officers in the Transportation Unit. The proposed provision exceeds the minimum requirements set out in standard PS16 of Brent's UDP 2004 and Table 6.3 of the London Plan.

It is recommended that the provision of cycle facilities mentioned above is secured by condition. Furthermore, it is recommended that a condition is imposed to secure a shower and changing facility to be provide for the commercial unit to encourage staff to cycle to/from work.

Vehicular Access Arrangements

Vehicular access controls will be provided to most of the parking within the site, using rising bollards at the entrance to the 'home-zone', a roller shutter door at the entrance of the basement car park and a barrier at the entrance to the commercial car park. Further information on how access into these spaces will be managed (e.g. security cards, key pads etc) and how spaces will be allocated, particularly in terms of allowing evening and weekend use of the commercial parking spaces by residents, will be sought through a car-park management for the site, secured through the Section 106 Agreement.

Officers in Transportation have advised that access to the basement car park is generally fine, with sufficient width shown along the ramp to allow two cars to pass with ease and adequate margins proposed to the building structure. They have however advised that the proposed gradient of the access has not been detailed. It must not exceed 5% for a distance of 4 metres from the back of the new highway boundary and should not exceed a gradient of 10% along its length as a whole. Further details of the gradient are recommended to be sought by a planning condition.

Pedestrian Access around and within the site

The development includes a number of improvements to the pedestrian realm. This includes reducing the existing crossing point width of Westmoreland Road at its junction with Honeypot Lane from 12.2m to 6.7m. This junction is on the key pedestrian route to the north including the Morrisons Store and the nearest Bus Stops. The improvements also include the provision of speed tables across the bellmouth of the junctions at either end of the service road to act as entry treatments; and works to improve pedestrian crossing facilities in the vicinity of the Morrison's service yard entrance. Officers in Transportation Unit have also requested that dropped kerbs and tactile paving be provided just west of the proposed basement access and that an overrun strip with a 4m kerb radius be provided in place of the existing hatch markings between the proposed basement access and the stub road of Westmoreland Road, with dropped kerbs and tactile paving across the stub road. It is also noted that all existing redundant accesses will be naturally reinstated to footway, which is welcomed, and the improvements reduce the overall width of Westmoreland Road (which is currently a one way street east bound with an industrial nature with high kerbs and a wide carriageway) and which will provide a much better pedestrian environment for new residents of the site and all those currently using this route. All of the improvements to the pedestrian realm will be secured as part of a joint S38/S278 Agreement as part of the Section 106 Agreement.

As part of the consultation response, TfL requested the undertaking of a Pedestrian Environment Review System (PRES) audit or similar assessment to assess the quality of the routes between the site and local bus stops, the adjacent Morrisons Supermarket and Queensbury Underground Station. Following on from discussions with the applicant's transport consultants, they have since advised that no further investigation work would be required if the local borough consider that the previously agreed improvement formed as part of the previous planning consent would be sufficient to mitigate the likely highway impact and will bring the needed improvement to the local area in the vicinity of the site under the current situation.

A pedestrian bridge link over the basement access ramp is welcomed in helping to improve the permeability of the site, although the use of steps will not facilitate use by wheelchair users. However, adequate access is provided elsewhere to the site for wheelchair users.

With regards to the internal layout of the site, the proposed 'home-zone' layout is generally considered acceptable, with the use of concrete block paving for the carriageway surface and rising bollards for control of access helping to reduce traffic volumes, speeds and parking, thereby providing a safe environment. Some footways with paving flag surfacing are also proposed within this area, but these are fairly intermittent. Whilst this is generally fine for the main 'home-zone'/shared surface area, it is noted that the entrances to the 'home-zone' area are shown surfaced in tarmac and as such, separate footways are required for the initial 20m lengths of the accesses, in particular to provide a segregated pedestrian route to the entrance to Building A. Officers in Transportation Unit have recommended that entry tables be provided at each entry point with tactile paving, and for the kerb radii at the entrances to the home-zone area be reduced where possible. A revised layout has been provided showing these amendments.

It should be noted that the 'home-zone' does not meet standards for adoption as public highway, so would be expected to remain private. Siting of statutory undertaker's equipment beneath the road should also be considered carefully so that it does not cause disruption during maintenance.

Refuse Facilities

A refuse store for seven Eurobins is shown at the northern end of Building D for the commercial floorspace, within 9m of the highway boundary to allow easy access.

Ground floor storage rooms are proposed for each of the residential blocks, accommodating a total of 42 Eurobins and 18 wheeled bins plus bulk item storage areas, which is sufficient to meet Brent Council's refuse storage requirements. The stores are shown with access onto the 'home-zone' and tracking has been provided in the accompanying Transport Assessment addendum to show that a 10m refuse vehicle would be able to access this area. As such, refuse carrying distances for collection staff are complied with, although it is noted that carrying distances for some of the residents exceed the recommended maximum distance of 30m set out in Schedule 1, Part H of the Building Regulations (2000). It is recommended that bin stores are secured as part of a planning condition.

Servicing for the Work Live Units and Commercial Floorspace

Standard PS19 of Brent's UDP 2004 requires work/live units to be provided with transit sized loading bays, with the larger employment units requiring 8m loading bays. The development does not provide off street servicing provision, but eight of the on street parking spaces around the site have been indicated for dual use as loading bays. A similar arrangement was proposed as part of the previous planning consent, and is considered acceptable in principle, but will require suitable waiting restrictions to be applied to these spaces,

reserving them for loading only during the day (e.g. 8.3am to 6.30pm Mon-Fri), with parking allowed in these bays outside of these hours. The waiting restrictions will also need to be secured through the S278 Agreement that forms part of the S106 Agreement.

To ensure that servicing and deliveries are adequately managed once the development is occupied, it is recommended that a Delivery Servicing Plan is secured through the S106 Agreement. It is also recommended that during the construction stage that a Construction Logistic Plan is secured through the S106 Agreement.

External Lighting

Lighting proposals for the site include 24 no. 45W lanterns mounted on 5m columns around the home zone and external boundaries of the site, together with 34 no. 35W lanterns mounted on the buildings. These have been calculated to provide average horizontal illuminance levels of 12-15 lux for the home zone and 11 lux for the commercial car park, with uniformity ratios of 0.25. From a highways perspective, the value for the car park is considered acceptable, but as a shared surface 'home zone' area, a higher value of 30lux for this area is considered more appropriate. Consideration also need to be given to the amenity of future residents to ensure that they do not experience light nuisance. As such it is recommended that further details of the lighting are conditioned to provide an adequate level of lighting for the 'home zone' area but with measures to ensure that residential amenity is not compromised.

It is also noted that four of the lighting columns (three columns along Westmoreland Road and one column on Honey Pot Lane service road) is located on publicly adopted highway. Such lighting is required to be vetted separately as part of the S38/S278 highway works process and a separate lighting design for these areas will therefore need to be developed and approved by Brent's street lighting contractors. It is therefore recommended that the condition also requires the removal of these lighting columns from the plans.

Conclusions

Whilst it is acknowledged that the scheme proposed on site will not be zero carbon, taking account of the current economic situation it is considered that the scheme provides an acceptable balance between delivering a development that exceeds the levels of sustainability generally achieved and also delivering a viable mixed used development on site incorporating residential and commercial uses.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Central Government Guidance
Greater Flexibility for Planning Permissions (2010)
The London Plan 2011, Brent's Unitary Development Plan 2004
Brent's Core Strategy 2010
Brent's Site Specific Allocations DPD
Council's Supplementary Planning Guidance

Relevant policies in Brent's 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 sustainability, protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Employment: in terms of maintaining and sustaining a range of employment opportunities
Transport: in terms of sustainability, safety and servicing needs
Waste: in terms of the development of waste management facilities
Design and Regeneration: in terms of guiding new development and extensions.

CONDITIONS/REASONS:

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

ACAVA – Aims Activities & Studio Demand
ACAVA Profile (July 2012)
Accommodation Schedule – Design ACB
Air Quality Assessment – WSP 28/09/2012
Arboricultural Method Statement – Andrew Colebrooj
BREEAM Pre- Assessment Estimate – Issue 1 Rev B (27/09/2012)
Code for Sustainable Homes Pre Assessment Estimate – Version 1 Rev C
Construction Method Statement – ADSS/CJK/JC/TMP/B1
Design and Access Statement - 102_REF_100
CHP Performance Calculation – Helec Ltd
Detailed Specification for CHP – Helec Ltd (LT2709201202 Rev 01)
Aerial Shack – Antiference XG8 A Extra Gain
Aerial Shack - Blake Astrabeam ABM8 8 Element VHF/DAB Aerial
Aerial Shack - Triax TD78 78cm Pole Mount Solid Dish
Evora – Lighting
Mark Hinsley Arboricultural Consultants – 9 August 2012
Mark Hinsley Tree Survey – 9 August 2012
Sharp – PV Panels
David Unerman Associates- Method of supplying digital TV cabling to all residential
Vertica lighting
David Unerman Associates – Door and Vehicle Access Statement
David Unerman Associates - ENERGY ASSESSMENT REPORT, ALPINE HOUSE, 26th
September 2012
Arrowebrook - Fire Strategy Report
Herrington Consulting Ltd – FRA September 2012
Arbtech – Habitat Survey
Landscape Perspective – 26 Sept 2012
KP Acoustics – Noise Impact Assessment 9117.NIA.01
SCHEDULE OF COMPLIANCE: London Housing Design Guide
EAS Transport Assessment Addendum - 298/2012
SRE Outline Sustainability Statement Issue 1 Rev A
PINDORIA ASSOCIATES LTD – Structural Strategy
PINDORIA ASSOCIATES LTD – Strategy for Site Investigation
Beattie Associates – Statement of Community Involvement
Surface Water Drainage – 47/SITE 5100A
Topographical Survey - L 5342/1
Site Rood Aerial Detail - 47/SITE 6050A

Site Location Plan 102_PLN_001 D
Site / Block Plan 102_PLN_002 B
Existing Elevations 102_PLN_004 B
Existing Elevations 102_PLN_005 B
Existing Site Section 102_PLN_006 B
Ground Floor Site Plan 102_PLN_1100 L
First Floor Site Plan 102_PLN_1101 L
Second Floor Site Plan 102_PLN_1102 J
Third Floor Site Plan 102_PLN_1103 K
Fourth Floor Site Plan 102_PLN_1104 J
Roof Site Plan 102_PLN_1105 J
Basement Site Plan 102_PLN_1110 K
Context Roof Plan 102_PLN_1130 F
Site Section G-G 102_PLN_1303 B

Site Elevations A-A / B-B 102_PLN_1400 E
Site Elevations C-C / D-D 102_PLN_1401 B
Site Elevations E-E / F-F 102_PLN_1402 D
Site Elevations G-G / H-H 102_PLN_1403 C
Site Elevations J-J / K-K 102_PLN_1404 B

Unit Types:

Unit Type Drawing 102_PLN_6000 C
Unit Type Drawing 102_PLN_6001 B
Unit Type Drawing 102_PLN_6002 D
Unit Type Drawing 102_PLN_6003 C
Unit Type Drawing 102_PLN_6004 C
Unit Type Drawing 102_PLN_6005 B
Unit Type Drawing 102_PLN_6006 B
Unit Type Drawing 102_PLN_6008 B
Unit Type Drawing 102_PLN_6009 B
Unit Type Drawing 102_PLN_6010 C
Unit Type Drawing 102_PLN_6011 C
Unit Type Drawing 102_PLN_6012 C
Unit Type Drawing 102_PLN_6013 C
Unit Type Drawing 102_PLN_6014 C
Unit Type Drawing 102_PLN_6015 D

Detailed Bay Elevations:

Detailed Bay Elevation 102_PLN_8000 B
Detailed Bay Elevation 102_PLN_8001 B
Detailed Bay Elevation 102_PLN_8002 B
Detailed Bay Elevation 102_PLN_8003 B
Detailed Bay Elevation 102_PLN_8004 B
Detailed Bay Elevation 102_PLN_8005 B
Design & access statement 102_REF_100 A

Visualisations:

3-D Visualisations 1 102_PLN_7000 A
3-D Visualisations 2 102_PLN_7001 A
3-D Visualisations 3 102_PLN_7002 A

Conditions:

Conditions - Site Setup - Existing 102_PLN_150 B
Conditions - Site Setup - Proposed 102_PLN_151 C
Conditions - Block D Commercial Elevations 102_PLN_152 B
Conditions - Block D Commercial Bay Ele 102_PLN_153 B
Conditions - Block C Live/Work Elevations 102_PLN_154 B
Conditions - Block D Commercial Section 102_PLN_155 B
Conditions - Refuse Collection 102_PLN_157 B
Conditions - Pedestrian Access 102_PLN_159 B
Conditions - Dedicated car club bays 102_PLN_160 B
Conditions - Proposed finished levels 102_PLN_161 B
Conditions - Commercial Waste Strategy 102_PLN_162 B
Conditions - Residential Waste Strategy 102_PLN_163 B
Conditions - Loading Bay positions 102_PLN_164 B
Conditions - Indicative PhotoVoltaics 102_PLN_168 A
Conditions - Indicative PhotoVoltaics 102_PLN_169 A

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

- (3) Prior to first occupation of any part of the development hereby approved, no goods, equipment, waste products, pallets or materials shall be stored or deposited in any open area within the completed streets.

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

- (4) During demolition and construction on site:
- (i) the best practical means available in accordance with British Standard Code of Practice BS5228: 1997 shall be employed at all times to minimise the emission of noise from the site;
 - (ii) vehicular accesses to adjoining and opposite premises shall not be impeded at any time;
 - (iii) no waste or other material shall be burnt on the application site;
 - (iv) a suitable and efficient means of suppressing dust must be provided and maintained, including the adequate containment of stored or accumulated material, so as to prevent it becoming airborne at any time and giving rise to nuisance.

Reason: To protect the amenity of the occupiers of adjoining premises

- (5) All parking spaces (including disabled bays), cycle parking, refuse storage, turning areas, loading bays, access roads and footways shall be constructed/provided and permanently marked out prior to occupation of any part of the approved development, or upon further application within such longer period as may be approved by the Local Planning Authority. Such works shall be carried out in accordance with the approved plan(s).

Reason: To ensure that the proposed development does not prejudice the free flow of traffic, or the conditions of general safety within the site and along the neighbouring highway & amenity.

- (6) Notwithstanding the provisions of Schedule 2, Part 1 (Class H), Part 24 and Part 25 (Classes A to B) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any future enactment of that Order, no development by telecommunications-code systems operators carried out on the building(s) hereby approved, in the form of telecommunications, satellite antenna installation development shall be carried out, unless a formal planning application is first submitted to and approved in writing by the Local Planning Authority other than that approved as part of this planning application.

Reason: To prevent installations that are prejudicial to the visual amenity.

- (7) During construction on site:-
- (i) The operation of site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;
 - (ii) The hours of demolition and construction limited to 0800 - 1830 Mondays - Fridays, 0800-1300 Saturdays and at no other times on Sundays or Bank Holidays.

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

- (8) Details of the roof plan, showing the areas of the proposed photovoltaic panels in accordance with the sustainability measures secured as part of this development, shall be submitted to and approved in writing by the Local Planning Authority, prior to completion of construction work and shall be installed prior to occupation of the development hereby approved.

Reason: To demonstrate these are adequate and suitable to provide the level of carbon offset sought.

- (9) The remainder of the undeveloped land within the curtilage of the site shall be suitably treated with hard and soft landscaping, including trees/shrubs/grass, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority within 3 months of commencement of any construction work on the site; such landscaping work shall be completed prior to occupation of the building(s) or within six weeks of the commencement of the next planting season, if the commencement of construction of the development takes place outside the planting season, in accordance with a program to be first agreed in writing by the local planning authority.

The approved scheme shall be fully implemented during the first available planting season following completion of the development hereby approved and any trees or shrubs which within 5 years of planting die, are removed or become seriously damaged or diseased shall be replaced with others of the same species and size and in the same locations unless otherwise agreed in writing with the local planning authority.

Such a scheme shall also indicate:-

- a) any moundings and contours;
- b) other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, footways and other paved pedestrian areas;
- c) details of the proposed arrangements for maintenance of the landscaping;
- d) details of childrens play equipment

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

- (10) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority within 3 months of commencement of development and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall comprise:-

- a) elevations of buildings showing location of advertising signage
- b) the provision and safeguarding of dedicated parking spaces for car-club use & electric charging points;
- c) the design of the means of vehicular and pedestrian access to and movement within the site;
- d) the finished levels of all buildings, roads (indicating gradients), landscape works and boundaries relative to adjoining properties;
- e) controls at pedestrian and vehicular entry points to provide safe and secure access;
- f) the proposed boundary treatment including all fences, walls and gateways;
- g) the provision of lighting to ensure safety and convenience on roads, footpaths and accesses to buildings;
- h) details of surface treatment through the shared landscaped streets identifying vehicle access routes

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

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

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

- (12) A fixed wheel-washing facility shall be provided before commencement and be operational during development, in accordance with the approved details.

Reason: In the interest of the environment.

- (13) The development is within an Air Quality Management Area and construction and works are likely to contribute to background air pollution levels. Prior to commencement of development, measures to mitigate the impacts of dust and fine particles generated by the operation shall be submitted to and approved in writing by the Local Planning Authority for approval. Works shall be carried out in full accordance with the approved details.

Reason: To minimise dust arising from the operation.

- (14) The Combined Heat and Power units installed shall meet or improve upon the emissions standards and technical details described in the Air Quality Assessment. Prior to the

commencement of the use, the applicant shall provide details of tests undertaken on the installed unit to demonstrate that the emissions standards have been met to be submitted to and approved in writing by the local planning authority, and shall maintain the unit thereafter in such a way as to ensure that these standards continue to be met.

Reason: To protect local air quality, in accordance with Brent Policies EP3 and EP4

- (15) a) Prior to the commencement of development, a site investigation shall be submitted to and approved in writing by the local planning authority. The investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present and carried out in accordance with the principles of BS 10175:2011. The report shall include the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination, and an appraisal of remediation options should any contamination be found that presents an unacceptable risk to future site users.

b) Any remediation measures required by the local planning authority shall be carried out in full. A verification report shall be provided to the local planning authority prior to occupation of the development, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site

- (16) 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
Reasonable resting -23:00) conditions	Living rooms	Living rooms 30 – 40 dB (day: T =16 hours 07:00
Reasonable sleeping conditions	Bedrooms	30 – 35 dB (night: T=8 hours 23:00-07:00)

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

Reason: To obtain required sound insulation and prevent noise nuisance

- (17) The noise level from any plant (e.g. refrigeration, air-conditioning, ventilation system, CHP, kitchen extraction system) together with any associated ducting, shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises - a positive indication that complaints are unlikely. The method of assessment should be carried out in accordance with BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas'. Should the predicted noise levels of the plant exceed those specified in this condition, a scheme to mitigate the noise shall be submitted to and approved by the Local Planning Authority prior to installation of the equipment and mitigation measures implemented prior to occupation of the residential units.

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

- (18) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Herrington Consulting Limited issue 5, rev. 4 dated 26 September 2012 and the following mitigation measures detailed within the FRA:

- *Greenfield run-off rates*

The applicant will achieve Greenfield run-off rates of 4.2 l/s/ha on site, as stated within the

FRA.

Reason: To ensure there is no increase in risk of surface water flooding in the area, in line with the London Plan (July 2011).

- (19) The development hereby permitted shall not be commenced until a detailed drainage design for the site has been submitted to, and approved in writing by the local planning authority. In order for the scheme to meet the Agency's requirements the following information must be provided: In order to ensure that the proposed stormwater system meets the Agency's requirements, we require that the following information be provided prior to development on site:

- a) The applicant will demonstrate that they have fully applied the SuDS hierarchy, as stated within the London Plan (July 2011).
- a) A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, soakaways and other SUDS features. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- b) Confirmation of the critical storm duration.
- c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- d) Where on site attenuation is achieved through attenuation ponds or similar, calculations showing the volume of these are also required.
- e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
- f) Calculations should demonstrate how the system operates during a 1 in 100 year critical duration storm event, with an appropriate allowance for climate change. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. In addition to reducing the risk of flooding to the proposed development

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

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



Planning Committee Map

Site address: ATLANTIC ELECTRONICS, 295-297 High Road, London, NW10 2JY

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This map is indicative only.

RECEIVED: 1 August, 2012

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: ATLANTIC ELECTRONICS, 295-297 High Road, London, NW10 2JY

PROPOSAL: Demolition of derelict building and the construction of a four storey building comprising 9 residential units on the upper three floors with a commercial unit on the ground floor

APPLICANT: C/O Papa Architects

CONTACT: Papa Architects Ltd

PLAN NO'S:
See condition 3.

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Contribution of £10,000 on material start and, index-linked from the date of committee for local open space and play space improvements.
- Join and adhere to the "Considerate Contractors Scheme".
- Terms to ensure the payment of £3,000 for each net additional bedroom on material start (Total £54,000)
- Permit Free

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

In addition, Mayoral CIL is chargeable here at the rate of £35 per square meter

EXISTING

The site is located on the South West side of the High Road, a London Distributor Road and is not within any conservation area or any designated centre. The immediate context is characterised by three storey late Victorian buildings that form the Willesden High Road. To the east of the site is the Willesden Bus Depot which is fronted by a large entrance building of approximately three storeys in height.

The application site itself is occupied by a two storey building, a former house which is now vacant but was most recently in employment (Class B1) use. The rear of the property is in use as B8 use and is currently being used as warehouse storage by the owner. The servicing yard is occupied by servicing and car parking bays. The single storey buildings running adjacent to the warehouse are being used as offices in relation to the warehouse storage. The context is mixed but generally characterised by three storey buildings with ground floors in retail or commercial use along the High Road and residential flats above.

This application seeks to demolish 198sqm of existing office buildings at the front of the above site and to erect a new 4-storey block which will comprise 97sqm of office space on the ground floor, and accommodate

9 no. self-contained 2-bedroomed flats above. No on-site car parking is proposed, although access will be retained through an archway for servicing of the office unit and the rear of the site. Associated cycle parking and refuse storage is included in the scheme. Access to the flatted development will be gained via the South Western pedestrian access.

PROPOSAL

See above.

HISTORY

Planning application (Ref No: 08/2849) for the Demolition of existing two-storey building and attached single-storey rear warehouse and erection of a 5-storey building with retail space on ground floor and storage at basement level and a total of 16 self-contained flats on upper floors, consisting of 3 three-bedroom flats, 5 two-bedroom flats, 8 one-bedroom flats, with removal of existing vehicular access and installation of new vehicular access on to High Road, NW10, and associated landscaping was withdrawn on 10 December 2008

Planning application (Ref No: 08/0983) for the demolition of existing two-storey building and attached single-storey rear warehouse and erection of a 6-storey building with retail space on ground floor and a total of 21 self-contained flats on upper floors, consisting of 2 three-bedroom maisonettes, 5 three-bedroom flats, 8 two-bedroom flats, 4 one-bedroom flats and 2 studio flats, with formation of disabled parking space, 21 cycle bays, refuse and recycling storage and associated landscaping was withdrawn on the 11th June 2008.

POLICY CONSIDERATIONS

National Planning Policy 2012

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with and replaces Planning policy Guidance and Planning Policy Statements with immediate effect. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant. The NPPF states that good quality design and a good standard of amenity for existing and future occupants of land and buildings (page 15) are required. In addition, the NPPF refers to the role of Supplementary Planning Documents where they can help applicants make successful applications (par 153)

Accordingly, the policies contained within the adopted London Plan 2010, SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

Brent Unitary Development Plan 2004

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

BE2 - Design should have regard to the local context, making a positive contribution to the character of the area. Account should be taken of existing landform and natural features, the need to improve the quality of existing urban spaces, materials and townscape features that contribute favourably to the area's character, or have an unacceptable visual impact on Metropolitan Open Land. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

BE3 – Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

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

and are not normally accessible via rear gardens of residential properties and accessways are through or adjoining a site are overlooked by development, provided with good lighting, set away from cover, provide clear sightlines and not run next to rear gardens.

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

BE7 – The street environment should be enhanced.

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

BE11 – Proposals for higher densities than that prevalent in the surrounding area will be encouraged in appropriate locations, which will include town centre locations in Areas of Very Good & Good Public Transport Accessibility (as defined in the Transport Chapter section 6.7), and transport interchanges (Policy TRN6). Proposals in these areas are encouraged to include a mix of compatible land uses.

BE12 – Proposals should embody sustainable design principles.

EMP9 – Development of Local Employment Sites for uses other than those employment uses identified will not be permitted except where certain criteria are satisfied.

H10 – New residential accommodation should be self-contained unless it is designed to meet the known needs of a named institution.

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

H12 – The layout and urban design of residential development should comply with the policies in the Built Environment Chapter, and in addition they should have a site layout which reinforces or creates an attractive and distinctive identity, have housing facing onto streets and defining roads, have access to and layout which achieves traffic safety, have appropriate car parking, and avoid excessive coverage of tarmac or hard landscaping.

H13 – The primary consideration in determining the appropriate density of new residential development will be achieving an appropriate urban design which makes efficient use of land and meets the amenity needs of potential residents. The most dense developments will be appropriate in those parts of the borough with good or very good public transport accessibility.

H14 – Planning permission will be refused where development would under-utilise a site, where there are no pressing considerations to protect the character of an area. Outline permission will be subject of a condition specifying a minimum number of dwellings at reserved matters stage.

H26 – The site layout, accesses and circulation around new and converted dwellings should facilitate their use by disabled and elderly people.

TRN1 – Planning applications will be assessed for their transport impact, including cumulative impacts, on the environment and the road network, and all transport modes. Developments having a potentially significant impact on the transport network should submit a Transport Assessment.

TRN3 – Where a development will cause or worsen an unacceptable environmental impact from traffic

generated it will be refused.

TRN10 – The walkability of the public environment should be maintained and enhanced. New development should have safe walking routes.

TRN11 – Developments should comply with the plan's minimum Cycle Parking Standard (PS16), with cycle parking situated in a convenient, secure and, where appropriate, sheltered location.

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

TRN16 – Development proposals should not undermine the role of roads within the London Road Network.

TRN20 – New access points, or where development will result in the increased use of existing access points, along London Distributor Roads must not harm their role of distributing traffic across London – in particular bus traffic.

TRN22 – Non-residential development should make provision for vehicular parking in accordance with the maximum standards set out in Appendix TRN2. The application of these standards may be varied depending on the level of public transport accessibility to the site and the contribution that the development would make to reducing the use of the private car. The level of such parking should not however be below minimum operational levels (including required disabled persons parking - policy TRN35). Conditions will be imposed requiring operational parking to be retained as such.

TRN23 – Residential developments should not provide more parking than the levels as listed in standard PS14 for that type of housing, with its maximum assigned parking levels. Lower standards apply for developments in town centres with good and very good public transport accessibility. Where development provides or retains off-street parking at this level then on-street parking will not be assessed. Car-free housing developments may be permitted in areas with good or very good public transport accessibility where occupation is restricted by condition to those who have signed binding agreements not to be car owners. Such persons will not be granted residents' parking permits.

TRN34 – The provision of servicing facilities is required in all development covered by the Plan's standards in Appendix TRN2, and the loss of such facilities will be resisted.

TRN35 – Access to parking areas and public transport within development should facilitate access for disabled people and others with mobility difficulties. Designated car parking spaces should be set aside for the exclusive use of holders of disabled persons parking permits. The number and layout of spaces is to comply with the Plan's standard PS15.

PS14 Parking Standard for Residential Development (Class C3)

PS15 Parking Standard for Disabled Parking

PS16 Cycle Parking Standard

SH21 – Shopfronts should be of a standard design with respects the shopfront designs of adjoining properties and have appropriate materials and proportions.

Supplementary Planning Guidance

SPG17 – Design Guide For New Development

CONSULTATION

178 Neighbouring properties and Ward Councillors were consulted on 8 August 2012. The Council has received 5 objections, including Cllr Lesley Jones and 1 comment to date.

Cllr Lesley Jones objected to the scheme on the basis that the proposal provided a poor quality of accommodation for future occupiers and that the proposal envisaged an over-development of the site. She also states that the property should be a car free development

External

Objections:

- Over-Development of site
- Poor quality of accommodation for future occupiers by reason of noise, disturbance and pollutants from neighbouring bus garage
- Loss of privacy to residents on Churchmead Road
- The rear of the property is in use residential accommodation
- Strain on parking facilities
- The approval will result in more empty stores on the High Road
- The proposal will result in the removal of a boundary treatment on Churchmead Road
- The proposed development is out of character with the streetscene
- 'Car Free' development is not an acceptable approach in principle.
- The open gates will allow criminals access to the rear of the property
- The property will not be adequately serviced.

Response

- If the boundary walls are being removed it is a civil dispute between the parties and not a matter covered by the Town and Country Planning Act.
- 'Permit Free' schemes have been employed widely across the Borough and experience has shown them to be effective.
- The gates will be remote operated

All other grounds of objection have been discussed in the main body of the report.

Internal

Highway Engineer:

The site is considered to be suitably serviced. No Transportation objections subject to a Section 106 Legal Agreement confirming that the residential development shall be entirely 'Permit-free'

Design Officer:

The proposal is considered to be appropriately sited and laid out, whilst maintaining the existing street formation and grain

Environmental Health

The proposed site is located on a busy road, backs onto an industrial unit and bus depot and will have commercial use on the ground floor. The potential for noise nuisance therefore exists and it is important that the residential units are built to a specification that will reduce the impact of noise. Details of which should be secured by condition. The site is located on land that could potentially be contaminated, based on historic uses. A condition to ensure safety in this respect is also suggested.

REMARKS

Principle of development

During previous applications (Ref No 08/0983 and 08/2849), the applicant had demonstrated the site has been marketed for a period of two years as a local employment site, however there had been no effective demand for it and it is likely that, in part, this is due to poor access and servicing arrangements on site. Since then, the site has remained vacant. The proposal here does include some of B1 use of the groundfloor which will mitigate the loss of the existing use to some degree. Whilst no evidence of marketing has been provided here, owing to past marketing evidence, the proposal including a reduced level of B1 space and the fact that the site has remained vacant for a continuous period of time, the principle of the development, on balance is considered to be acceptable.

The building is not sited within one of the Council's designated Conservation Areas nor an ADRC (area of distinctive residential character). As a result, the area does not provide the same level of protection to existing buildings as would be the case if it was so designated or, even more sensitive, the building was statutorily listed. This is not to say that the area does not have a character worthy of acknowledgement, but it does mean that it would be difficult for the Council to say that the demolition of buildings will never be allowed in this locality. Instead, the Council's approach should be that if buildings are to be removed, any replacement building should be of the necessary design quality, relating well to what is in the area.

In this case, whilst the building is not without merit, it is not considered that the existing house at 295-297 High Road is of such architectural quality that the Council should object, in principle, to its loss. The elevations of the building are considered to be fairly ordinary in terms of their architectural quality, but as indicated above, its demolition would only be considered once a replacement scheme has been formally approved by the Planning Authority and that is considered to be the key consideration at this time.

Residential mix

9 new 2 bed residential units are proposed here. In major schemes a mix of family units (three or more bedrooms) and non-family units, having regard to local circumstances and characteristics, are encouraged. Exceptions to this might be allowed for developments near, or within, centres, or where a site is unsuited to family occupation. In this case there is no objection to the proposed mix.

Urban design

The Council's SPG17: "Design Guide for New Development" forms the basis of the assessment. A further consideration here is that the existing building on the site already has an impact on both the established streetscene and people living next to it. The character here is generally mixed with the subject site sited between a Bus Depot to the East, Industrial buildings to the South and 3 storey terraced housing to the North and West. The proposal envisages a 4-storey block with A2/B1 on the ground floor and residential on the upper three floors. The proposal is considered to be better than the previously refused scheme, by way of reduced height, significantly reduced density, the absence of balconies on the front elevation and the siting of the buildings further away from site boundaries.

The proposed development will help to strengthen the building line which the existing development currently breaks. The proposed scale of the development appears to sit comfortably within the streetscape. The height of the new building being no higher than the ridge of either directly adjoining property is welcomed, however some concern over the junction between the eaves line of the bus depot being lower than the roof of the new block has been raised. Whilst this relationship is not ideal it is considered that it would not so poor so as to justify refusing consent on this ground alone. as explained in the report, Officers consider the scheme to be acceptable in every other respect.

The recessed circulation cores splits the development into two elements which effectively reduces the scale of the block. The front elevation is reasonably well proportioned with strong elements of both vertical and horizontal emphasis. The arrangement of material (which will need to be secured by condition for clarity) and fenestration creates a visually interesting and coherent building which is likely to present an improvement to the existing streetscene. The variety within the palette of materials creates an interesting architectural language and is generally supported.

The ground floor shopfront does not include any detail of future signage or even an indicitive zone where future advertising might take place. It is considered that, whilst this absence might not be a reason for refusal on its own, it is something that needs to be considered in order to avoid unacceptable signage proposal at a later date. A condition securing such details is attached.

The proposed development has been designed to respect the established building line of High Road and the scale and design of the surrounding streetscene. The Council's Design Officer has commented on the proposal and considers that the new development is appropriately sited and laid out, whilst maintaining the existing street formation and grain. The proposed elevations represent a simplistic design approach and a contemporary development is proposed. The simple palette of materials is welcomed and details will be secured by condition.

Quality of Accommodation

The site is located on a busy road, backs onto an industrial unit and bus depot and will have commercial use on the ground floor. The potential for noise nuisance therefore exists and it is important that the residential units are built to a specification that will reduce the impact of noise. Details will be secured by condition. Noise transmission can be mitigated by correct insulation and in order to deal with the issue of street noise the applicant will be required to undertake a noise assessment to ascertain what level of mitigation is needed. This will ensure that suitable attenuation is achieved in the rooms facing the High Road.

The Mayors London Plan 2011 details internal floor area requirements for proposed self contained units. The current standards require 2-bedroom (3-person) flat to be a minimum of 61 square metres. 6 of the 9 units proposed exceed floor areas for their intended occupancies, whilst 3 units fail to meet the requirement by 1sqm. The shortfall of 1sqm is not considered to be reason in itself to refuse the application, however the issue is expanded upon below. The internal space provision is:

Flat No	No of Rooms	No of Occupants	Flat size
Flat 1	2 Bed	3 Person	60sqm
Flat 2	2 Bed	3 Person	63sqm
Flat 3	2 Bed	3 Person	67sqm
Flat 4	2 Bed	3 Person	60sqm
Flat 5	2 Bed	3 Person	62sqm
Flat 6	2 Bed	3 Person	65sqm
Flat 7	2 Bed	3 Person	60sqm
Flat 8	2 Bed	3 Person	62sqm
Flat 9	2 Bed	3 Person	67sqm

External amenity space is only provided in the form of balconies. The total quantity of external amenity space provided (63sqm) is far less than required by SPG17. Whilst SPG17 requires 180sqm(9 x 20sqm) for a development of this quantum, the Guidance Note also makes an allowance for a more flexible approach to be employed, particularly in urban areas such as this where it is inevitably more difficult to meet the guidance requirements. The proposed balconies located to the rear of the property are of a sufficient size (ranging between 5sqm – 10sqm) to provide an element of useful external space, but the issue is a balanced one and Officers consider that the under-sized internal floor area (albeit in only 3 flats and then only by 1 sq.m) and limited external amenity space, means that a financial contribution of £10,000 to go towards improving Public Open Space or providing additional street tree planting/other environmental improvements in the locality has been sought.

All units are dual aspect which helps to maximise the amount of light and outlook available to them. The standards of privacy expected in new development in more intense inner urban area might be considered differently from those in less dense areas. Nevertheless, normally unless it can be demonstrated that privacy can be maintained through design, there should be a minimum separation of 20m between directly facing habitable room windows. The proposed 4-storey building will be located approx. 28m away from the warehouse to the South of the site.

The balconies will cantilever over the rear servicing yard. However, future residents will have a view onto the servicing yard directly below, and indeed part of the rear industrial yard, and this will be obscured by way of a canopy to the rear and balcony screening. Overall the quality and quantity of both internal and external residential accommodation within the development is considered acceptable.

Impact on Neighbouring amenity

SPG 17 normally requires a 10m separation between boundaries and habitable room windows. Notwithstanding this, Members will be aware that each application needs to be considered on its own merits and the particular circumstances of the case need to be considered in every instance. In this case, the neighbouring garden at 299 High Road is located approx 5m away from the closest balcony. However these balconies will be screened to prevent a loss of neighbouring amenity from overlooking and, as such, no objection is raised to this relationship. The closest bedroom window of flats 1, 4 and 7 are located approximately 3.5m away from the neighbouring garden at No 299, but the possible loss of privacy and overlooking has been mitigated by way of vertical timber louvers to physically prevent this. The rear wall at No 299 contains habitable room windows at upper floor levels. In order to acknowledge this point, the proposed block has been set away and back so as not to block neighbouring outlook and light.

All flank windows are to be obscure glazed (bathrooms), preventing any overlooking to directly adjoining properties. Whilst matters will inevitably change for those residents of the High Road and Churchmead Road who look out towards the application site given the nature of the development, the physical impact of the buildings will be within acceptable limits, as explained above.

Highways and Access

The site is located on a London Distributor Road and lies within a CPZ. It has good accessibility with a PTAL rating of 4. The site was previously occupied by a light industrial use comprising over 600sq of B1 floorspace. This attracts a maximum car parking standard of 2 cars, and required servicing provisions of at least a single full sized bay (for a 16.5m articulated vehicle). It is debatable whether this is possible at present despite the access road leading to the warehouse structure at the back of the site.

The proposed development will attract a maximum of 1 car space for the A2/B1 office development and will require a "Transit"-sized servicing bay. The proposed new building retains the vehicular access to the side

(beneath an archway), which in practice will provide acceptable servicing facilities and pedestrian access to the rear. Furthermore, the slightly enlarged service yard at the rear arising from removal of derelict buildings will increase turning space for rigid delivery lorries, providing a benefit in potentially reducing the amount of reversing onto High Road. The proposed rear servicing bay will prevent service vehicles obstructing the access route to the side of the proposed new building. As such this aspect of the proposal is welcomed.

The car parking standard relating to the proposed 2-bed flats will be up to 0.7 car spaces per dwelling. The overall increase in parking demand at this site is, therefore, clearly significant. However, for this application no car parking is possible on-site. On-street parking cannot be accepted here due to the characteristics of the High Road operating as a busy distributor road. As such, a car-free agreement to prevent overspill off-site car parking, will need to be secured via S106 Agreement.

The vehicular access on the south-eastern side of the site will be retained for access to the servicing area and for access to the remainder of the site. The proposed gates are not suitable as they will cause obstruction of the major road when vehicles enter or exit the site. This is compounded by the presence of a bus stop opposite the site access on the other side of the road. Although the existing gate is also on the site boundary, if a new gate is provided it should be automatically operated and set back from the frontage by a minimum of 6m. Details of the design, siting and operation for the automated gate shall be secured by condition.

Headroom for the service road archway is acceptable, with the first floor accommodation placed at least 4.2m above ground level, which will allow service vehicles to access the site. The existing vehicular crossover serving the access road has a width of between 4m and 5.5m, while the proposed gates have a width of 7.4m. Alterations to the vehicular crossover will need to be carried out at the developers expense.

Pedestrian access to the flats directly from the High Road has been detailed in this scheme and is welcomed by Transportation as being acceptable in terms of security and safety.

The refuse and recycling storage shown is acceptable as it is located within 9m of the point at which collection takes place, to ensure ease of servicing. Cycle parking is provided in the form of "Sheffield" type stands providing parking at a rate of 1 space per dwelling within the curtilage of the building. However, PS16 requires residential cycle parking to be covered for reasons of security and weather-proofing, making them more likely to be used by residents. Revised details will be secured by condition.

Conclusion

The proposal complies with relevant policy in the Brent Unitary Development Plan 2004 and Supplementary Planning Guidance and is, therefore, recommended for approval, subject to conditions and Legal Agreement.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

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

CONDITIONS/REASONS:

- (1) Landscape proposals for the treatment of the areas so designated within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. The landscape works shall be completed in accordance with the approved details:-

- (i) prior to the occupation of the building
- (ii) in accordance with a programme agreed in writing with the Local Planning Authority.

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

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

- (2) 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.

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

111700204B
111700104B
111700201D
111700001C
111700100C
111700101C
111700102C
111700103C
111700200B
111798003
111798002
111798202
111798100a
111798201
111798203
111798204
111798200
111798001

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

- (4) All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice' to attain the following internal noise levels: Criterion Typical situations Design range LAeq, T Good resting conditions Living rooms 30 dB (day: T =16 hours 07:00 – 23:00) Good sleeping conditions Bedrooms 30 dB (night: T = 8 hours 23:00 – 07:00) LAmax 45 dB (night 23:00 – 07:00) Prior to the occupation of the dwellings, the applicant shall submit in writing to the Local Planning Authority the results of post-completion testing undertaken in each of the flats, to show that the above noise levels have been achieved.

Reason: To obtain required sound insulation and prevent noise nuisance

- (5) In order to mitigate against the possibility of numerous satellite dishes being installed on the buildings hereby approved, details of a communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.

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

Reason: To ensure the safe development and secure occupancy of the site

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

Reason: To ensure the safe development and secure occupancy of the site

- (8) 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 against the impacts of dust and fine particles generated by the operation, the details of which must be submitted to the Local Planning Authority for approval, prior to commencement of the development.

Reason: To minimise dust arising from the operation.

- (9) Details of the proposed vehicular gate, including details of operation/access, design, siting and a minimum 6m set back from street frontage 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.

- (10) Details of the proposed location of future signage within the ground floor shopfront 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. Future advertisements are likely to need consent in their own right through the Advertisement Regulations.

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

- (11) Details of covered and secure bicycle storage, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (12) Details of a canopy over the rear servicing bay to the groundfloor commercial space 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.

- (13) All existing vehicular crossovers rendered redundant by the development, hereby approved, and any crossover that is reduced in width as a result of the proposals, shall be made good, and the kerb reinstated, at the expense of the applicants, prior to the first occupation of the development.

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

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


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

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) Whoever carries out the works is reminded of their obligation to comply in full with s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4 which states that Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of: Monday to Friday 08:00 to 18:00, Saturday 08:00 to 13:00 and at no time on Sundays or Bank Holidays.

REFERENCE DOCUMENTS:

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

	Planning Committee Map
Site address: Allotments R/O 1-31 odd, Wembley Hill Tennis Club Grounds & Sports and Social Club, Vivian Avenue, Wembley, HA9	
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This map is indicative only.

RECEIVED: 5 October, 2012

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Allotments R/O 1-31 odd, Wembley Hill Tennis Club Grounds & Sports and Social Club, Vivian Avenue, Wembley, HA9

PROPOSAL: Redevelopment of site including the demolition of the former Wembley Hill Sports and Social Club building and the erection of 40 residential extra care units in two blocks (1 x two storey and 1 x three storey block), the provision of a new community open space, landscaping, and car parking with vehicle access gained via Corsham House (as amended by revised plans).

APPLICANT: Willow Housing and Care

CONTACT: Jones Lang LaSalle

PLAN NO'S:
(See Condition 2 for all approved plans/documents)

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Provision of 100% affordable extra care housing (total of 40 units).
- A financial contribution of £63,000 towards local PCT support, sustainable transport, open space and sports and environmental improvements within the local area.
- Sustainability - submission and compliance with the sustainability checklist ensuring a minimum of 50% is achieved and Code for Sustainable Homes level 4, with compensation should this not be delivered.
- Offset the site's carbon emissions through the provision of on-site renewable generation and minimise carbon dioxide emissions to achieve 25% improvement on the 2010 Building Regulations (TER).
- Membership and compliance with the 'Considerate Contractor's' scheme.
- Provision of open space for use as allotments (as identified on landscape drawing 2241 -GMP-06,revE) for use by the local community, and leased out to a local residents group/allotment organisation with access provided to it 365 days per year. In the event that legal agreement cannot be reached with the lessees and Willow Housing, or in the event of the lessees not being able to fulfill their commitments under the terms of any such lease , an alternative community use of this open space shall be agreed in writing with the Council.
- Section 278 agreement with the Council Highway Authority securing (i) resurfacing of the public footway adjoining the site, including the provision of a raised table/pinch point where the access to the site crosses the footpath; and (ii) provision of a raised entry treatment with tactile paving at the entrance to Corsham house from Victoria Court, all at the developer's expense in accordance with detailed construction drawings to be approved by Brent Council's Transportation Unit.

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.

Community Infrastructure Levy (CIL):-

The proposal will not qualify as CIL liable development, as affordable housing is one of the exemptions to the

Levy. The proposal is 100% affordable and Officer's confirm it is exempt on that basis.

EXISTING

The application relates to a "landlocked" backland site of approximately 0.67 hectares, that can only be accessed via a public footpath running along its eastern edge between Vivian Avenue and Harrow Road. The site, owned and occupied by Wembley Hill Sports and Social Club has had a mix of uses in the past which have now largely ceased and as a consequence the site is now largely overgrown. A club house remains towards the eastern edge of the site, though due to its poor state of repair it is not clear if this is still in use. Two tennis courts have been abandoned and are believed to have been last used as far back as 1986. The allotments located in the north western corner of the site have been in long-term decline, to the point where now it appears that only a small area is still maintained, with access only possible now through the backs of adjoining gardens.

The site adjoins the rear boundaries of Nos 1 through to 35 (odd) Vivian Avenue, north of the site. To the east the site is bordered by a public footpath connection Vivian Avenue and Harrow Road. To the south the site adjoins residential properties fronting Harrow Road (nos 216 through to 270) and to the west the site adjoins rear boundaries of properties along the southern side of Neeld Crescent (no's 4 through to 12). Cosham House, an existing care home operated by Willow Housing is located on the opposite side of the footpath.

The area is generally characterised by inter war suburban semi-detached dwellings with moderate sized rear gardens.

The site is not within a Conservation area or the grounds of a Listed Building.

PROPOSAL

Redevelopment of site including the demolition of the former Wembley Hill Sports and Social Club building and the erection of 40 residential extra care units in two blocks (1 x two storey and 1 x three storey block), the provision of a new community open space, landscaping, and car parking with vehicle access gained via Corsham House (as amended by revised plans).

HISTORY

- 93/1267** Erection of single storey detached building for storage use. Granted
- 99/0536** Alterations and partial re-roofing of sports and social club. Granted
- 06/1718** Demolition of 29 Vivian Avenue and Wembley Hill sports and social club building and erection of a single-storey sports and social club building and a part two- and three-storey building containing 34 two-bedroom and 38 one-bedroom, sheltered elderly housing units and guest suite and ancillary accommodation, provision of vehicular access to Vivian Avenue and pedestrian access to footpath to south, 23 car-parking spaces and landscaping.
Refused – Appealed – Dismissed on Appeal
- Appeal summary (ref; APP/T5150/A/07/2039427):-***
Appeal dismissed on 03/10/07 for the following reasons:-
- The proposal would be harmful to the provision of open space and sports and recreation facilities in the Borough.*
 - The proposal failed to achieve an acceptable quality of design.*
 - The proposal would result in increased risk to highway safety and cause obstruction to the free flow of traffic.*
- 07/1267** Planning permission is sought for the demolition of 29 Vivian Avenue and Wembley Hill sports and social club building and erection of a single-storey sports and social club and a part two- and three-storey building containing 29 two-bedroom and 43 one-bedroom sheltered units for the elderly, guest suites and ancillary accommodation, provision of vehicular access to Vivian Avenue to footpath and pedestrian access, 38 car-parking spaces and associated landscaping. ***Refused – Appealed – Dismissed on Appeal***

Appeal Summary (ref; APP/T5150/A/07/2050417):-
Appeal dismissed on 10/12/07 for the following reasons:-

- *The loss of tennis courts, open space and the development of urban greenspace, without replacement on-site or nearby would be harmful to open space and recreation provision locally, within an area of local open space deficiency, contrary to policies OS8 and OS11.*
- *The loss of one half of a pair of semi-detached houses (29 Vivian Avenue) would result in a harmful effect on the streetscape along Vivian Avenue.*

POLICY CONSIDERATIONS

National Planning Policy Framework (2012)

London Plan (2011)

- 3.3 – Increasing housing supply
- 3.5 – Quality & design of housing developments
- 3.8 – Housing choice
- 3.9 – Mixed & balanced communities
- 3.10 – Definition of affordable housing
- 3.19 – Sports facilities
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design & construction
- 5.7 – Renewable energy
- 5.10 – Urban greening
- 5.11 – Green roofs
- 5.13 – Sustainable drainage
- 6.13 – Parking
- 7.18 – Protecting local open space & addressing local deficiency
- 7.19 – Biodiversity & access to nature

Brent Core Strategy (2010)

- CP2 – Population & housing growth
- CP6 – Density & design in place shaping
- CP15 – Infrastructure to support development
- CP17 – Protecting & enhancing the suburban character of Brent
- CP18 – Protection & enhancement of Open Space, Sports & Biodiversity
- CP19 – Strategic Climate Change Mitigation & Adaptation Measures
- CP21 – A Balanced Housing Stock
- CP23 – Protection of Existing & Provision of new Community & Cultural Facilities

Brent Unitary Development Plan 2004

- BE2 - Townscape: local context & character
- BE3 - Urban structure
- BE4 – Access for disabled people
- BE5 - Urban clarity
- BE7 – Public realm streetscape
- BE9 – Architectural quality
- BE12 – Sustainable design principles
- EP2 – Noise & vibration
- EP3 – Local air quality management
- EP6 – Contaminated land
- H11 – Housing on brownfield sites
- H12 – Residential quality – layout considerations
- H13 – Residential density
- H15 – Backland development
- TRN3 – Environmental Impact of Traffic
- TRN4 – Measures to make transport impact acceptable
- TRN10 – Walkable environments
- TRN11 – London Cycle network
- TRN13 – Traffic calming
- TRN14 – Highway design

TRN23 – Parking standards residential developments
TRN34 – Servicing in new developments
TRN35 – Transport access for disabled people & others with mobility difficulties
OS15 – Species protection
CF3 - Resists the loss of a community uses

Brent Supplementary Planning Guidance

Supplementary Planning Guidance (SPG) Note 13: “Layout Standards for Access Roads”
Supplementary Planning Guidance (SPG) Note 17: “Design Guide for New Development”
SPD – s106 Planning Obligations

SUSTAINABILITY ASSESSMENT

Energy Strategy & Sustainability credentials

The Council's Sustainability Checklist has been completed and included as part of the Energy Strategy for the proposal.

There is a commitment to achieve the following:-

1. A 25% carbon emissions reduction over Building Regulations Part L 2010.
2. Provide a reduction in expected carbon emissions through the use of onsite renewable generation, and;
3. Code for Sustainable Homes level 4.
4. A score of 50.3% on the TP6 'sustainability checklist'.

These headline commitments would ensure the scheme complies with the London Plan energy hierarchy to be lean, be lean and be green. They would also satisfy Core Strategy policy CP19. In the event of planning permission being granted these measures will be secured through s106 agreement.

The energy strategy is still being assessed by Officer's and will be covered in the supplementary report.

CONSULTATION

Extensive consultation with 408 surrounding properties, external agencies and internal departments began on 22 October 2012, and site notices and press notices were also placed.

Five individual neighbouring objections have been received. In summary the following grounds of objection are raised;

- The proposed vehicle access across the public footpath poses a risk to pedestrian users.
- The local sewer infrastructure would be unable to cope with further housing (not a planning consideration).
- The proposal is contrary to the London Borough of Brent UDP (2004) & Planning Policy Guidance Note 17 “open space & recreation” (this PPG is now superseded).
- The site would be put to better use if restored to recreational use.
- The site provides a wildlife habitat and this should be preserved.
- The proposed vehicle access will cause disruption to residents on Victoria Court, and in Corsham House.
- The proposal will place extra strain on local health care provision.
- Proposal will result in a loss of privacy to surrounding occupiers.
- Proposal would result in traffic problems in the area.
- Will have an adverse visual impact as the proposal is out of character with the area.
- Loss of natural light to surrounding properties.

One letter of support received, with the view that this development would lead to improved safety for users of the pedestrian footpath.

Transportation Unit – No objection raised, subject to conditions to secure minor amendments and subject to a s106 agreement to secure; (i) a financial contribution towards non-car access improvements in the vicinity of the site; and (ii) a s.278 Highways Agreement securing (iii) resurfacing of the public footpath adjoining the site, including the provision of a raised table/pinch point where the new access to the site crosses the footpath; and (iv) provision of a raised entry treatment with tactile paving at the entrance to Corsham House from Victoria Court, all at the developer's expense in accordance with detailed construction drawings to be approved by Brent Council's Transportation Unit

Landscape Team – The landscape proposal are still being assessed, and a detailed response will be provided in the supplementary report.

Urban Design – There are no significant problems from an urban design perspective. It is recommended that further work be undertaken to demonstrate that the building fits comfortably within this suburban residential context, in terms of scale and layout, whilst providing a quality architectural approach.

Environmental Health Officers – They have advised of concerns with potential land contamination as a result of previous allotment use. Conditions are recommended in this regard, requiring submission of a remediation strategy. Also a revised Air Quality Impact Assessment is recommended, one that factors in the impacts of a CHP unit on site.

Natural England – In their response it is stated that the proposal does not appear to affect any statutorily protected landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. The protected species survey has identified that bats and reptiles may be affected by the application – both are European protected species.

The Phase 1 habitat survey, submitted in support of the application identifies this as a Site of Local Importance for Nature Conservation, potentially capable of supporting protected species. Therefore further species surveys are recommended, and it is recommended that these be secured through planning conditions.

Environment Agency – No objection.

Thames Water – No objection.

Biodiversity Officer (Brent) – see 'remarks' section.

REMARKS

Amendments to the application

During the course of the application the following changes have been made to the scheme:-

1. The plant room has been moved from Block A to Block B. In turn a residential unit has been moved to accommodate this. This change to the layout has allowed for a reduction in the footprint of the Block B. This provides greater separation from the northern boundary..
2. The main entrance to the building has been re-designed to be more prominent and improve legibility.
3. It has been confirmed that new trees will be planted along the northern boundary.

Principle of development, loss of open space, recreation facilities and community facilities

It is necessary first to consider the partial loss of this open space, in the context of policies within the Adopted LDF Core Strategy which seek to protect and enhance open space, sports and biodiversity (CP18) and national policy as expressed in particular in National Planning Policy Framework (this supersedes Planning Policy Guidance Note 17 "Open space & recreation").

Open space of local value is generally protected from development. Support will be given to proposals that allow for the enhancement and management of open space for recreational, sporting and amenity use and the improvement of open space for biodiversity and nature conservation. New or improved provision will also be sought in areas of open space deficiency, which the application site is.

Development of open space will be considered where such sites have been indicated for development in the Site Specific Allocations (SSA) within the Adopted Core Strategy (2011). This site is the subject of SSA. 25 which supports "*limited and minimal development required to enable improvements to existing sports facilities and access for open space and amenity use. Development should seek to protect and enhance its Nature Conservation designation. This green space should encourage community participation and local food growing*".

The allocation allows for a level of development to enable improvements on site. The current scheme proposes development on approximately 54% of the site. This amount is considered necessary to ensure that the scheme is viable, whilst retaining a significant proportion of the site as open space (46%), with access for local community use.

Built development is focused at the southern end where the tennis courts and clubhouse are located. These courts have not been used for over 20 years, are broken up and fully overgrown. Further, there is no longer any significant demand locally for the tennis courts. Brent's Sports and Parks Service have recently refurbished tennis courts locally in King Edward VII Park, and confirm that there is no strategy to secure extra tennis court provision in this locality. The local provision at King Edward is publicly accessible, being within 20 minutes walk of the application site. Given the commitment that has already made to refurbishing courts locally there would be no desire on behalf of the Council to re-instate courts on the application site. Consequently, the provision of new sports facilities on site is not considered worthwhile, or necessary, in the context of the open space and allotments offer.

The justification for allowing limited development on the site, is that this should see the remaining land bought back into better practical use with wider local amenity provision, including open space, food growing and sports facilities, while improving the accessibility, appearance and management of the land.

The NPPF recognises the importance of access to high quality open spaces and opportunities for sport and recreation. This states that existing open space, sports and recreational land should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality; or the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.

Officers consider the benefits of new allotments and associated open space offer a better quality replacement, improved accessibility, the potential for food growing and will lead to better management of the land, and that this planning gain outweighs any loss of long term disused courts and reduction to the quantum of open space. Furthermore there is significant local support for allotment provision.

The earlier schemes, that were considered unacceptable, proposed no open space retention or wider local amenity provision. No compensatory measures were proposed either, and this was unacceptable on policy grounds. This lack of provision is a significant difference between the earlier proposals and the current proposal.

Community facility;-

In the context of UDP policy CF3 the existing club house fulfils a community use function, and its loss resisted unless it is appropriately replaced, or adequate compensation is made for its loss. The proposal does not proposed replacement, but compensation in the form of new, accessible, managed open space, with new allotments that are accessible to the local community. This would outweigh any harm caused through the lost D1 clubhouse.

Principle of extra care housing & affordable housing provision

The Council's Housing department support Willow Housing & Care's proposals to develop an Extra Care Housing scheme, wildlife garden and new public allotments.

Brent has a pressing and increasing need for supported housing for older people. In particular the Council is seeking the development of viable alternatives to residential care. Extra Care Housing is one such alternative. It offers people their own self-contained home while providing additional support as and when they need it. It promotes independence through access to care and other services and allows individuals to be in control of their lives. The development is also well located, close to public transport and local amenities.

The scheme is wholly affordable rented housing (100%) and therefore supports the Local Development Framework Core Strategy affordable housing policy objectives and Core Strategy policy CP21. Willow Housing & Care's parent organisation, Network Housing Group, have a GLA funding allocation for the scheme under the Affordable Home Programme which means the proposals are highly deliverable. The Council would have nomination rights to the scheme ensuring Brent residents benefit from the extra care accommodation.

By providing this level of on-site affordable housing then one of the principle concerns with earlier, unacceptable proposals for the sites development is overcome. This provision satisfies Brent policy, as well as London Plan policy on affordable housing targets.

Density of development

With a site area of 0.67 ha, and at 82 habitable rooms, the scheme would have a density of 122 hr/ha. This

density is lower than London Plan guidelines, which supports a density of 150-250 hr/ha for a 'suburban' environment, with level 2 Public Transport Accessibility (PTAL).

The need to retain a significant proportion of the site as open space, in accordance with the requirement of SSA No.25, and the site constraints result in the low level of density proposed.

Scale, massing, layout and design of proposed development

Development is proposed in the form of two distinct buildings, linked to one another via a corridor that dissects through the courtyard. Block A, which is at the eastern most end of the site, is part 2 and part 3-storeys high. This will accommodate residential units, the main entrance, office, buggy store, resident's lounge/activity room and conservatory, kitchen, hairdresser's, caretakers store and guest bedroom.

Block B which is anywhere between 18.6m and 27m away from Block A, due to the buildings orientation, and separation by a courtyard is part single and part two-storeys high. This accommodates additional residential units, including two-bedroom units, and the main plant room. The level of separation across the courtyard, which exceeds 20m in places will ensure that privacy is maintained for future occupiers, and this satisfies SPG17 minimum separation distances.

Block A provides the main frontage of the scheme, this addresses and provides overlooking of the adjacent public footpath, providing improved natural surveillance for pedestrian users.

An east-west orientation is followed on both blocks, this avoids direct overlooking towards residential properties north and south of the site.

The massing of the scheme follows a lengthy period of pre-application discussions, during which concerns about the amount of development and the scale and massing were initially raised. To overcome these concerns the amount of built development has been reduced, now 45.2% of the site is being retained for open space use (including allotments). The massing of the individual blocks has also been further reduced so that the buildings are appropriate for their backland setting, and that they fit comfortably within the site, without having an unacceptable impact on neighbouring amenity.

Block A is part two and part three storeys high, the top floor set back has been introduced to ensure an acceptable relationship to gardens to the north of the site. The entire block is set 4m off the northern boundary, this separation, combined with the set back on the upper floor results in a building that complies with the 45 degree test, as set out in SPG17. The landscape proposals for the site are to treat this northern elevation as a 'green wall', which will soften the appearance of the building when viewed from adjoining properties. The applicants also commit to planting new trees along this boundary to improve the visual amenities and further soften the appearance of the building. Further details of these landscaping proposals will be secured through a detailed landscaping condition.

Block B, which is the secondary building is smaller both in terms of footprint and massing, the site is at its narrowest here. This is part single and part two storey's high. It has been reduced to single storey at the northern end as a direct response to concerns raised by Officer's during pre-application discussions about the buildings scale, and its tight relationship to the northern site boundary.

The more recent amendments to the scheme requested by Officer's have resulted in the plant room being sited within Block B, allowing for a further reduction of the footprint of this building. This latest reduction provides greater separation from adjoining gardens to the north, so that now the block complies fully with the 45 degree test, as set out in SPG17. This test is applied to ensure that buildings does not have an overbearing impact on adjoining gardens. It is important to note also that the building is to be partially sunk below the existing ground level, meaning the closest part of the building (i.e. the single storey part) will be less than 3m high above neighbouring ground level. This further minimises its impacts on surrounding properties and gardens. In addition to reducing its massing the reduction in footprint to Block B provides the opportunity for new trees to be planted along the northern boundary. As with Block A new tree planting will provide further mitigation and soften the appearance of the building from adjoining gardens, and the northern façade is to be treated as a 'green' wall – further details of which are to be secured through a detailed landscaping condition.

Materials:-

The architectural approach has been to keep the elevations simple, this is reflected by the simple palette of materials also. Expression to both buildings is provided in the form of private balconies to all units above ground floor, and recessed window reveals. The buildings will be mostly finished in brick, to reflect

surrounding context, with some render panels introduced on the courtyard elevation, and the corridor will be finished in white render to provide some variation to the use of brick.

Balconies are proposed on both blocks, and it is envisaged that these will have obscure glazing to maintain privacy.

Further details of all external materials will be required as a condition of any approval.

Mix of units;

The scheme comprises 38 x 1 bedroom and 2 x 2 bedroom flats, with a mixture of communal and staff spaces. Both 2 bedroom units are located within Block B.

Two different unit types are proposed. A 'type 1' unit which is a 1 bed/2 person and a 'type 2' which is 2 bed/3 person unit.

Quality of accommodation & layout;

All units exceed the London Housing Design Guide Standards, meet Lifetime Homes requirements and furthermore, all units will meet Wheelchair Accessible Housing standards.

The scheme provides private amenity space for all units in the form of balconies and private terraces, this is supplemented by private courtyards for exclusive use of the residents that will be in between the two buildings. Then in addition a communal amenity space is proposed to the west of Block B, this will be provided in the form of sensory gardens with raised beds and allotments for residents of this development and Corsham House to use. These spaces have been designed to be suitable for users with a range of mobility's.

A significant planning gain is the proposed delivery of new allotments at the western most end of the site, on an area of approximately 948sqm. Critically these allotments will be for the use of the wider local community, and is a much welcomed use of the site that will encourage community participation, local food growing, while improving the accessibility, appearance and management of the land with local amenity provision. This is in accordance with the aims of Site Specific Allocation No.25.

The total amenity space proposed measures over 5000sqm, significantly exceeding minimum amenity space standards set out in SPG17.

The amount of open space that is being retained is a fundamental difference between this and previous applications that were deemed unacceptable for reasons concerning the loss of open space. This represents a major improvement, in line with the aims of Site Specific Allocation 25.

Allotment provision & s106 mechanism to secure this:-

Willow Housing has committed to delivering the allotments, it was clear during public consultation exercises carried out by Willow, pre-submission, that local residents supported the idea. It is proposed at this stage that the allotments would be tenanted out by Willow, to the local community via a legal agreement, for their use. The tenancy agreement would be with a local residents group (yet to be set up) who would act as landlord for the allotment, manage the space and pay an annual rent in line with Brent's allotment charges. Should the residents group be unable to fulfil their commitments under any lease there will be a break clause, allowing Willow to terminate the lease and implement another acceptable use.

Local community access to the allotments will be controlled via the residents group through some form of key fob entry system, with gated access. Further details will need to be confirmed through the submission of an allotment management plan, either through condition, or secured as part of the s106 obligations.

Emergency access can be gained via a reinforced grass surface, and turning area running along the southern end of the site. This will also be the pedestrian route through to the allotments.

The delivery of the allotments will be secured through a s106 planning obligation, that will (i) require delivery of allotments in the first instance, or (ii) if legal agreement cannot be secured, or the residents are unable to fulfil any lease commitments in the future then the applicants Willow would be required to implement an alternative use, which may for the provision of a food growing garden, as stated by the applicants (Willow Housing), failing this then the use of the site should revert to a form of open space use accessible to the local community, to be agreed in writing by the Council.

Impact on surrounding properties

The proposal consists of two blocks, linked to one another via a corridor. These blocks are orientated to be east-west facing, meaning no windows directly face south or north towards neighbouring dwellings on Harrow Road and Vivian Avenue respectively. Accordingly there is no direct overlooking or loss of privacy.

The development has been assessed for compliance with SPG17 standards, namely the 30 and 45 degree tests which are applied to new developments to ensure the size and scale of development is acceptable, without impacting negatively on neighbouring properties.

There is no conflict with the 30 degree test. The proposed form of development also demonstrates compliance with the 45 degree test, with the exception of one location where there is a minor failing. This shortfall relates to the south western corner of Block A, but on balance given the marginal degree of failure, the proposals for new tree planting along the southern boundary and the generous length of the adjoining gardens this is not considered to be a serious enough failing to warrant refusal of planning. On the whole it is considered that the applicants have demonstrated that the scale and massing of the development would maintain appropriate relationships to boundaries and have an acceptable impact on surrounding properties and gardens.

There is to be no detrimental impact on Corsham House residents, this is to the east of the site. The siting of Block A ensures that distances in excess of 20m are to be maintained between directly facing habitable windows, meaning no overlooking or loss of privacy.

Daylight & Sunlight analysis;-

A daylight and sunlight report has also been submitted in accordance with BRE Report 209 '*Site Layout for Daylight and Sunlight: A Guide to Good Practice*'. This demonstrates that of the 105 neighbouring windows tested for daylight conditions (expressed as VSC) all 105 windows passed the vertical sky component test. Of the 8 neighbouring windows tested for sunlight, expressed as annual probable sunlight hours all 8 of these passed the test. The impacts of overshadowing on surrounding gardens has also been considered, and in all cases the amenity spaces that adjoin the site would still be able to access at least 2 hours of sunlight, to at least 50% of the area. By demonstrating that the impacts of the development will satisfy BRE guidelines, on balance, the proposal is considered to have a satisfactory relationship with neighbouring properties in terms of daylight, sunlight and overshadowing.

Transportation considerations

The site has poor access to public transport, only benefiting from PTAL level 2. Parking on surrounding roads is generally un-restricted, except for Wembley Stadium event days when a controlled parking zone applies.

Your Highway's officers have assessed the scheme on the basis that the accommodation proposed is Category 2-2.5 extra care housing.

The parking requirement for this type of accommodation would be between 5 and 10 spaces, therefore the proposed number of 7 spaces would suffice.

The access to the development is significantly different to the failed appeal schemes, which both relied on the demolition of 29 Vivian Avenue in order to form a new road access into this landlocked site, directly off Vivian Avenue. The principle of this access being created was dismissed on appeal. Now the proposal is to gain vehicle access to the site by extending the existing access to Corsham House. This existing access would be extended alongside Corsham House and across the public footpath, into the application site.

Transportation supports this in principle, the width of this access (4.1m) is large enough for refuse and emergency vehicles. Tracking diagrams submitted confirm this to be the case. The principle of extending the access, across the public footpath is acceptable, but will need to be subject to some minor amendments to the surface treatment. Transportation seeks changes to the surface treatment, and its width reduced in part to ensure pedestrians maintain priority when using the public footpath. Surfacing works will be required on the adopted highway through an agreement under s.278 of the Highways Act.

Trip generation has been considered to assess the developments impacts on the local road network. Surveys of Corsham House were undertaken to look at trip generation. This resulted in just four arrivals and two departures in the peak AM hour (8-9am) and just two departures in the peak PM hour (5-6pm). This is not a significant level and does not warrant further consideration. In addition to this 60% of arrivals during this time were by foot, and two by bicycle.

The applicants Transport Statement shows results of a similar survey, undertaken by TWS. These traffic flow surveys show eight arrivals and nine departures during peak AM hour (8-9am) on Victoria Court and during the peak PM hour (5-6.30pm) ten arrivals and four departures. Whilst these flows are marginally higher than Brent's own obtained figures, they still show low traffic flows, which at this level would not have a significant impact on the local road network.

Minor amendments will be required to secure the following; (i) the re-location of the designated disabled bay closer to the building, provision of a clearly marked mini-bus waiting/parking area, further details of cycle parking.

Subject to the above amendments being secured by condition and subject to a s106 agreement to secure; (i) a financial contribution towards non-car access improvements in the vicinity of the site; and (ii) a s.278 Highways Agreement securing (iii) resurfacing of the public footpath adjoining the site, including the provision of a raised table/pinch point where the new access to the site crosses the footpath; and (iv) provision of a raised entry treatment with tactile paving at the entrance to Corsham House from Victoria Court, all at the developer's expense in accordance with detailed construction drawings to be approved by Brent Council's Transportation Unit – there are no objections raised on transport grounds.

Biodiversity, arboricultural impacts & landscaping strategy

Biodiversity;-

The site is a non-statutory designated site known as a Site of Local Importance for Nature Conservation. Such sites are not statutorily protected through the development plan, though they are recognised for their value to local wildlife.

The Site Specific Allocation does state that 'development should seek to protect and enhance' the nature conservation designation. Clearly it is difficult to achieve this with the amount of development proposed, and the reinstatement of allotments proposed. In these circumstances Officer's consider it appropriate, and necessary to secure mitigation measures, to compensate, in part at least, for the loss of nature conservation value are maximised.

Natural England have been consulted, responding that the proposal does not affect any statutorily protected landscapes, or have impacts on the conservation of soils, nor is the proposal EIA development. But the proposal could potentially impact on a Local Site, therefore further advice should be sought.

A Phase 1 Extended Habitat Survey has been carried out. This found that the majority of the site supports dense scrub, and the habitats include woodland, rough grassland and ruderal vegetation. This report also indicated the potential for suitable habitats for bats and reptiles, and highlights the need for further species surveys to be carried out to establish if this is the case, and if so what mitigation is required for protection under European legislation. Brent's own biodiversity Officer has raised similar issues with regard to loss of habitats on site, loss of trees and woodland. Should planning permission be granted species surveys will be required as a condition of any approval.

Mitigation is proposed with replacement allotments, retained vegetation and landscaping, new planting, new wildlife garden, new native hedges, sedum roofs and the planting of a significant number of new trees. However the loss of trees on site may reduce the ecological value of the site, and the removal of trees and shrubs may affect birds that breed on site. Further details of all these measures will be secured through a site wide landscaping condition.

Arboricultural considerations;-

An arboricultural report has been submitted indicating that 30 trees are to be removed either as a result of their current poor condition, or to make way for the proposed development. The proposed landscape strategy is based firmly on proposals to compensate for this through a tree re-planting programme. In excess of 30 new trees are proposed to be planted, including additional trees along the northern boundary and a large number of replacement trees along the southern boundary. These will be a suitable mixture of native and ornamental trees, and woodland creation in the new wildlife garden. Detailed comments have not yet been provided by the council's Arboricultural Officer but will be reported in the supplementary.

Landscaping strategy;-

The proposed retention of open space that is accessible, well managed and attractive to users is in contrast to the existing site conditions. It is proposed to design a series of coherent communal spaces that provide multisensory stimulation for residents, through sensory planting, well structured courtyards and spaces suitable for users who may have a range of different mobilities. This consideration of accessibility for all is

critical as the end users will comprise those in the proposed extra care housing scheme, and those in the neighbouring extra care housing scheme at Corsham House.

A wildlife and vegetable garden is proposed for use of residents of the new extra care facility, and residents of neighbouring Corsham House.

New allotments are proposed for use by the wider local community, thus representing a significant planning gain.

The strategy in terms of trees is to remove in the order of 30 trees, as identified in the Arboricultural report. By way of mitigation for this in excess of 30 new trees are proposed and new woodland planting to ensure tree coverage across the site is maintained both for biodiversity benefits and for visual amenity reasons. North facing facades to the proposed buildings are to be treated with metal wire frames fixed to encourage and support climbing plants to 'green' these facades and soften the buildings appearance.

The general approach to landscaping is supported, though further comments are awaited from Landscape Officer's, which will be reported in the supplementary report. A more detailed landscaping strategy which provides further details of the planting (size, density, species and number), treatment of communal areas, private terraces, wildlife garden, tree strategy and hard landscaping across the site will be required as a condition of any approval.

Energy Strategy & Sustainability credentials

The Council's Sustainability Checklist has been completed and included as part of the Energy Strategy for the proposal.

There is a commitment to achieve the following:-

1. A 25% carbon emissions reduction over Building Regulations Part L 2010.
2. Provide a reduction in expected carbon emissions through the use of onsite renewable generation, and;
3. Code for Sustainable Homes level 4.
4. A score of 50.3% on the TP6 'sustainability checklist'.

These headline commitments would ensure the scheme complies with the London Plan energy hierarchy to be lean, be lean and be green. They would also satisfy Core Strategy policy CP19. They will be secured through s106 agreement.

The energy strategy is still being assessed and its findings will be reported further in the supplementary report.

Public consultation & community engagement

The proposal has evolved over time through discussion with the Planning department and the local community. Public exhibitions have been arranged, inviting the local community along to learn more about the proposed development and inviting feedback from them. The first event was held in January 2012 and the most recent of these sessions was held in September 2012. The most recent event updated residents on their earlier feedback that has resulted in revisions to the application to increase parking provision, reduce the building footprint and provide a larger area of allotments. The neighbouring residents were of the view that a new allotment area would represent the best planning gain for the site.

Conclusion

Main benefits of the scheme:-

- Delivery of extra care housing, meeting an identified Borough need
- Delivery of 100% affordable housing
- Retention of a significant amount of open space
- Delivery of new allotments for local community use
- Improved accessibility to open space and improved management of the land
- A sustainable form of development that commits to reducing carbon emissions and the use of renewable forms of technology.
- High quality design

Your officers consider that the proposal will meet an identified housing need and achieve an adequate

standard of residential accommodation whilst maintaining the amenities of surrounding residents. The proposed development is considered to be an appropriate density within this context and acceptable in terms of scale and design. The proposal will also see the retention of a significant proportion of the site as open space, and will deliver new allotments for the benefit of the wider local community, which is in conformity with Site Specific Allocation 25. The improved facilities and open space on site represent a significant planning gain. The success of the scheme will be largely dependent on the quality of materials and detailing which can be secured by condition to ensure compliance with development plan policies. Officers are satisfied that the proposed form of development has sufficiently overcome the reasons for refusing earlier schemes, and the main issues raised in previous Inspector's decisions. As such it is recommended that the scheme be approved, subject attached conditions and the completion of a satisfactory s106 legal agreement.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
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
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
Design and Regeneration: in terms of guiding new development and Extensions
Site-Specific Policies

CONDITIONS/REASONS:

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

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

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

Location plan
AA2923/2.1/001,revA
AA2923/2.1/002,revA
AA2923/2.1/003,revA
AA2923/2.1/004,revA
AA2923/2.1/005,revA
AA2923/2.1/006
AA2923/2.3/001
AA2923/2.3/004
AA2923/2.3/005
AA2923/2.3/006
Design & Access Statement
Landscape Strategy 2241-LP-01E
2241-GMP-05G

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

- (3) No goods, equipment, waste products, pallets, scrap or other materials shall be stacked or deposited to a height exceeding 2 metres above ground level.

Reason: To safeguard the visual amenities of the surrounding area.

- (4) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987(or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the use hereby permitted shall only be for the purpose of extra care housing within Use Class C2.

Reason: No separate use should commence without the prior approval of the Local Planning Authority for the following reasons:-

- (5) Notwithstanding the plans hereby approved no windows or glazed doors (other than any shown in the approved plans) shall be constructed in the flank wall(s) of the building(s) without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (6) (a) Details including loading bays and accesses

All parking spaces, turning areas, loading bays, access roads and footways shall be constructed and permanently marked out prior to commencement of use of any part of the approved development approved by the Local Planning Authority.

(b) Further details to be submitted

Revised details of disabled parking bay(s) of a minimum width of 3 metres and in a location approved in writing by the Local Planning Authority shall be provided for the exclusive use of disabled people prior to the occupation of the buildings/ commencement of the use hereby approved. The spaces shall be clearly marked as being for use only by disabled people and shall be permanently retained (so marked) thereafter. They shall not be used for any purpose other than the parking of vehicles by disabled people.

(c) Cycle parking facilities

Further details of secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

(d) Mini-bus parking

Details of an dedicated area for mini-buses to park/wait shall be confirmed and approved in writing by the local planning authority.

Reason: To ensure suitable disabled parking, cycle parking and that the proposed development does not prejudice the free flow of traffic or the conditions of general safety within the site and along the neighbouring highway.

- (7) Details of materials for all external work (including balconies), 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 fully in accordance with the approved details thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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

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

(a) prior to occupation of the building(s).

Such scheme shall also indicate (but not be limited to):-

(i) Walls and fences

Proposed walls, fencing and gates, indicating materials and heights.

(ii) Screen planting on boundary

Screen planting along each site boundary.

(iii) Physical separation

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

(iv) Mounds existing contours and any alteration of the ground levels, such as earth mounding.

(v) Screening of gardens

Provisions for the satisfactory screening of the adjacent gardens to the north and south of the site through new tree planting.

(vi) Signboards and seating

Other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, foot ways and other paved pedestrian and vehicle parking areas.

(vii) Maintenance details

Details of the proposed arrangements for maintenance of the landscaping.

(viii) Other details to include:-

Full details of tree protection measures to be employed during construction works on site

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.

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

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

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

- (11) Further details of a scheme showing those areas to be treated by means of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such details shall include detailed drawing(s) of those areas to be so treated, with a full schedule of materials and samples if appropriate. The approved scheme shall be implemented in full prior to first occupation of the development.

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

- (12) Details of any external lighting, baffled so as to avoid glare, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The approved details shall be fully implemented thereafter.

Reason: In the interests of safety, amenity and convenience.

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

Reason: To ensure that the construction of the proposed development does not prejudice conditions of safety and cleanliness along the neighbouring highway.

- (14) Additional site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present within the proposed allotment area. The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination, and approved in writing by the Local Planning Authority.

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

- (15) A remediation strategy for dealing with any soil contamination found that presents an unacceptable risk to future site users, shall be submitted to the Local Planning Authority for approval. Any remediation measures shall be carried out in full.

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

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

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

- (17) (a) Prior to the commencement of the development the applicant shall provide an updated Air Quality Impact Assessment demonstrating that the proposed CHP unit shall have no more than an imperceptible impact on neighbouring residents. This is subject to the approval in writing of the Local Planning Authority.

(b) The CHP unit installed shall meet or improve upon the emissions standards and technical details described in the Air Quality Impact Assessment. Prior to the commencement of the use the applicant shall provide details of tests undertaken on the installed unit to demonstrate that the emissions standards have been met, and shall maintain the unit thereafter in such a way to ensure these standards continue to be met.

Reason: To protect air quality, in accordance with Brent policies EP3 and EP4.

- (18) Notwithstanding the application hereby submitted and otherwise approved, prior to the commencement of development on site a detailed site specific protected species survey shall be carried out, the results of which shall be submitted to and approved in writing by the Local Planning Authority. Should the survey results confirm the presence of any protected species on site appropriate mitigation measures to secure their protection shall be submitted to and approved in writing by the local planning authority prior to construction commencing on site, and shall be fully implemented in accordance with the details so approved.

Reason: In the interest of biodiversity and in accordance with the Wildlife & Countryside Act

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- (19) Within 3 months of the date of permission further detailed drawings of the allotments shall be submitted to and approved in writing by the Local Planning Authority. Details shall confirm (but not be limited to) the number of allotment plots, pathways, storage facilities to be provided, planting within this area (including trees), fences or boundary treatments to be erected and the location of water access points. The allotments shall be provided fully in accordance with these approved details, and maintained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason; To ensure a satisfactory form of development.

- (20) Any site clearance works should take place outside the main breeding period for birds (March to August) unless preceded by a survey, to be submitted to and approved in writing by the Local Planning Authority, to check for the presence of breeding birds. Should nesting birds be identified, all works to the trees shall stop until the young birds have left the nest.

Reason: In the interest of wildlife protection.

- (21) Within 6 months of the date of this permission, details of any proposed bird and bat nesting boxes shall be submitted to and approved by the Local Planning Authority. The installation of the approved nesting boxes shall be undertaken prior to occupation of the development.

Reason: In the interest of wildlife preservation

- (22) Prior to the commencement of the development, a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority outlining the measures that will be taken to control dust, noise and other environmental impacts of the development during construction.

Reason; To safeguard the amenity of the neighbouring occupiers by minimising impacts of the development that would otherwise give rise to nuisance.

- (23) Prior to the commencement of development on site a Loading & Servicing Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority and the approved plan shall be fully implemented for the lifetime of the development during its construction phase.

Reason ; In the interests of highway safety and neighbouring amenity.

- (24) Further details of the means of providing balcony privacy screening shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. Such works shall be fully implemented in accordance with these approved details.

Reason; To protect the amenity of prospective and neighbouring residents


INFORMATIVES:

- (1) The applicant/developer is advised that in relation to Condition 17, the protected species surveys should look for the presence of bats or protected reptiles in particular, but should be limited to just these species.
- (2) Arrangements should be made to ensure that no surface water from the proposed development will drain onto the public highway.
- (3) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- (4) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your

obligations can be obtained from the Communities and Local Government website
www.communities.gov.uk

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

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	<p style="text-align: center;">Planning Committee 12 December 2012</p> <p style="text-align: center;">Report from the Director of Regeneration & Major Projects</p>
<p>Wards affected: All</p>	
<p>Government Consultation on Proposed Changes to Permitted Development</p>	

1.0 Summary

- 1.1 A consultation on proposals to increase permitted development (PD) rights for extensions to houses and business premises in non-protected areas (eg outside Conservation Areas) in England has been launched by the Department for Communities and Local Government (DCLG). These proposed amendments to the Town and Country Planning (General Permitted Development) Order 1995 are also intended to streamline the regime covering the installation of broadband infrastructure.
- 1.2 The consultation period runs from 12th November to 24th December 2012. It follows media reporting since earlier in the year about the Government's intentions although there was very little notice of the commencement of the consultation.
- 1.3 The changes are significant, particularly in terms of the level of potential direct impact on adjoining residential properties. However, given Brent's urban characteristics, the nature of other changes may also have adverse impacts.

2.0 Recommendations

- 2.1 1. That the comments set out on the DCLG's response form attached as an appendix to this report are endorsed and should be returned within the consultation period.

3.0 Background

3.1 DCLG is proposing change in five areas:

- increasing the PD limits for the depth of single-storey domestic extensions from 4m to 8m (for detached houses) and from 3m to 6m (for all other houses), in non-protected areas, for a period of three years. No changes are proposed for extensions of more than one storey.
- increasing the PD size limits for extensions to shop and professional/financial services establishments to 100 sq m, and allowing the building of these extensions up to the boundary of the property (except where the boundary is with a residential property), in non-protected areas, for a period of three years.
- increasing the PD size limits for extensions to offices to 100 sq m, in non-protected areas, for a period of three years.
- increasing the size limits for new industrial buildings within the curtilage of existing industrial premises to 200 sq m, in non-protected areas, for a period of three years.
- removing some prior approval requirements for the installation of broadband infrastructure for a period of five years.

3.2 The consultation paper also made it clear the Government wants to explore whether there is scope to make it easier to carry out garage conversions and requests comments on this.

3.3 The DCLG say the reforms would, for a time limited period, 'slash planning red tape, sweep away unnecessary rules and bureaucracy and help tens of thousands of homeowners and companies'. However, the requirements of other regimes – such as building regulations, the Party Wall Act or environmental legislation – would not be removed.

3.4 Planning Minister Nick Boles said: "These proposed reforms will make it easier for thousands of hard working families to undertake home improvements to cater for a growing family or to build a conservatory.

"Homeowners and businesses must be allowed to meet their aspirations for improving their homes and premises but this won't be at the expense of neighbours, communities and protected areas."

3.5 Other changes to permitted development are also being taken forward separately: making it easier for commercial properties to be converted to residential use; and encouraging the reuse of existing buildings through making changes of use easier.

The Issues

3.6 The expressed intention of the changes is clearly to remove restraints to investment and to encourage economic activity. These objectives would be consistent the NPPF, The London Plan and Brent's emerging LDF.

3.7 The potential for a reduction in the number of applications received is not a reason to raise concerns about the proposal. The key issues are set out in the draft consultation response in answer to the specific questions raised and are considered to turn on the following key questions;

a) Will it have the desired effect of stimulating the economy and making a significant contribution to the housing stock?

The draft response queries the projected outcome as the assumptions about the negative effects of the planning process in terms of time and costs are challenged. It is also felt that these assumptions unvalue the benefits of the current system in terms of negotiating change to reduce harm to neighbours.

b) Are the assumptions about harm and the reliance on other measures to mitigate any adverse effects reasonable?

The draft response concludes that the direct harm to adjoining residential occupiers in denser urban/suburban areas is significantly under estimated. Conversely, the effectiveness of the Party Wall Act and Rights to Light legislation to mitigate problems is significantly over estimated. Other potential adverse impacts of larger commercial extensions are identified as are the overall effects of increased surface water run off.

c) Are there significant other unintended outcomes which the may result?

The draft response concludes that the combination of existing permitted development rights for houses and the generally permissive approach of residential extension policies are likely to encourage excessive development of garden areas and produce enlarged houses which in many cases would not clearly benefit the stated aim of the changes. The likely outcome of generating potentially unresolvable enforcement issues is misunderstood as is the possibility that the major beneficiaries of the proposed changes may well be landlords.

3.8 Local residents and amenity groups have been advised to reply direct to the consultation in view of the short timetable and short notice of it being available.

4.0 **Financial Implications**

4.1 The DCLG Technical Paper estimates that the proposed changes may reduce the number of applications submitted by 10 – 20% although it accepts that this is a very crude estimate. The paper acknowledges that this will result in a reduction in fee income but suggests this may be partially offset by an increase in number of Certificates of Lawfulness which may be submitted.

5.0 **Legal Implications**

5.1 None specific.

6.0 **Diversity Implications**

6.1 These proposals would apply to various property and business types and do not identify any specific diversity issues. In terms of domestic extensions, there is reference to increasing the scope for extended or larger families to be accommodated. However, Brent's existing policies already allow scope for this.

7.0 **Staffing/Accommodation Implications**

7.1 The DCLG paper, while acknowledging that its estimates are crude, suggests that any resources released by a reduction in applications received can be allocated to ensuring that high priority major proposals are dealt with effectively.

8.0 **Environmental Implications**

8.1 The major issues raised by the paper are identified in the draft response and include;

- the direct effects of significantly enlarged extensions on adjoining occupiers.
- the potential impacts of various types of commercial development on surrounding businesses and residents of reduced parking, servicing and refuse facilities.
- the likelihood of significantly increased rain water run off through increased building and hard surfacing.

9.0 **Background Papers**

DCLG Open consultation: Extending permitted development rights for homeowners and businesses: technical consultation,
<https://www.gov.uk/government/consultations/extending-permitted-development-rights-for-homeowners-and-businesses-technical-consultation>

Contact Officers

Any person wishing to inspect the above papers should contact;
Stephen Weeks, Head of Area Planning, Planning & Development 020 8937 5238

Andy Donald, Director of Regeneration & Major Projects

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Department for
Communities and
Local Government

Response Form

Extending permitted development rights for homeowners and businesses: Technical consultation

We are seeking your views to the following questions on the proposals to increase the permitted development rights for homeowners, businesses and installers of broadband infrastructure.

How to respond:

The closing date for responses is 5pm, 24 December 2012.

This response form is saved separately on the DCLG website.

Responses should be sent to: PlanningImprovements@communities.gsi.gov.uk

Written responses may be sent to:

Helen Marks

Permitted Development Rights – Consultation

Department for Communities and Local Government

1/J3, Eland House

Bressenden Place

London SW1E 5DU

About you

i) Your details:

Name:	Stephen Weeks
Position:	Head of Area Planning
Name of organisation (if applicable):	LB Brent
Address:	Brent House 349-357 High Road Wembley, Middx, HA9 6BZ
Email:	stephen.weeks@brent.gov.uk
Telephone number:	020 8937 5238

ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

- Organisational response
- Personal views

iii) Please tick the box which best describes you or your organisation:

- District Council
- Metropolitan district council
- London borough council
- Unitary authority
- County council/county borough council
- Parish/community council
- Non-Departmental Public Body
- Planner
- Professional trade association
- Land owner
- Private developer/house builder
- Developer association
- Residents association

- Voluntary sector/charity
- Other

(please comment):	
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**iv) What is your main area of expertise or interest in this work?
(please tick one box)**

- Chief Executive
- Planner
- Developer
- Surveyor
- Member of professional or trade association
- Councillor
- Planning policy/implementation
- Environmental protection
- Other

(please comment):	
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Would you be happy for us to contact you again in relation to this questionnaire?

Yes No

ii) Questions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Question 1: Do you agree that in non-protected areas the maximum depth for single-storey rear extensions should be increased to 8m for detached houses, and 6m for any other type of house?

Yes No

Comments

The impact on both the adjoining properties and the extended house are considered excessive in terms of the proposal itself and in conjunction with existing PD rights for outbuildings by;

- creating an overbearing relationship and a loss of outlook and light to adjoining homes.
- reducing the remaining 'garden' area in terms of its use and appearance that would also be contrary to the Government's expressed concern about the effects of 'garden grabbing' on local character.
- Significantly increasing water run-off and reducing soft landscaping. This is an increasingly critical issue which the conditions in the 2008 'pd' change have not been effective in controlling.

Allowing for enlarged extensions and 'pd' outbuildings would encourage building over much of the rear gardens of the typical smaller house types and plot sizes indicated below;

Victorian Terraces:

Typical plot dimensions 5m wide, 2m front garden, 8m deep house and 10m rear garden. Total 'garden area' can be some 80m².

Encouraging enlarged extensions with effectively no separation between it and 'pd' outbuildings can produce continuous building along the entire rear garden boundary on at least one side. When extensions are undertaken on both sides of a property, a very significant 'tunnelling' effect on the property in the middle would result.

Interwar Suburban terraces and Semi-detached:

Typical plot dimensions 6-8m wide, 6m front garden, 8m deep house and 20m rear garden. Total 'garden area' can be some 190m².

The resulting gap between enlarged extensions and 'pd' outbuildings could easily be only 5-6m or even less. The relaxation could encourage combined extensions and rear outbuildings to cover over 65% of original rear garden.

Detached houses with narrow gaps between properties.

A gap of 1m or less between properties is common in Victorian/Edwardian and Interwar properties. In some cases, the building wall can actually form the boundary. It is illogical to add an allowance of an extra 2m when the separation is only 1m or significantly less

General relationship to adjoining residential boundaries

The lack of a proposal to set extensions away from residential boundaries, as proposed for extensions to commercial premises (Q4), is illogical. The greatest harm is likely to arise from the visual impact of a structure rather than the internal use – certainly if the building lacks windows and doors as many extensions to

Height on Boundaries

The current 'pd' provisions fail to respond to situations where there are significant level changes between properties and this can produce very significant extra impact – by up to a metre is not uncommon in areas with a sloping topography.

Not to recognise the potentially very significant impact of a change in levels on extensions of twice the current size is inconsistent.

It also ignores the impact of the current height limits of 4m and 3m at the eaves. In reality, larger extensions along boundaries are more likely to have flat roofs which can have parapets on the side up to 4m in height.

Question 2: Are there any changes which should be made to householder permitted development rights to make it easier to convert garages for the use of family members?

Yes No

Comments

Attached Garages

Planning Conditions have generally only been added in the last 20-30 years. This limits the scope for any proposed change to have an effect. However, the general increase in parking demand has usually been accommodated in front gardens.

Suggestion: Allow use of garage for incidental purposes provided a proportion of front garden soft landscaping is retained eg 25%

Detached Garages

The use for living purposes, other than incidental to the use of the house, would raise very significant planning enforcement issues. This would encourage the 'Beds in Sheds' phenomena that the Government is keen to limit.

Question 3: Do you agree that in non-protected areas, shops and professional/financial services establishments should be able to extend their premises by up to 100m², provided that this does not increase the gross floor space of the original building by more than 50%?

Yes No

Comments

The important issue is the likely outcome of extensions of this scale.

- A common outcome for the common shop/business unit with rear service access would be the loss of the rear yard for parking, servicing and refuse storage. Many of these properties are on important distributor roads. It would seem at odds with the objective of the proposed change to encourage one business to act in a way that will impact on other businesses in terms of local congestion.
- How adequate ventilation can be provided in relation to properties above and adjoining is often a critical issue for the planning process and the acceptability of any extension.
- Where rear access exists to flats above this is usually adversely affected by large extensions to the rear.

- As expressed, the proposal refers to the gross floorspace of the original building. This would be illogical as, if the building is on more than one floor, the change could allow all the site area to be developed.

Question 4: Do you agree that in non-protected areas, shops and professional/financial services establishments should be able to build up to the boundary of the premises, except where the boundary is with a residential property, where a 2m gap should be left?

Yes No

Comments

Subject to the comments in 3 above, a 2m gap could mitigate potential 7overbearing impacts on residential properties.

Question 5: Do you agree that in non-protected areas, offices should be able to extend their premises by up to 100m², provided that this does not increase the gross floor space of the original building by more than 50%?

Yes No

Comments

- This proposal misses the potential effects on adjoining properties or the local area. It should be caveated by a relationship to boundaries and the provision of key facilities such as parking, serving and refuse storage to prevent significant harm to other businesses or residents.
- As expressed, the proposal refers to the gross floorspace of the original building. If the building is on more than one floor, the change could allow all the site area to be developed.

Question 6: Do you agree that in non-protected areas, new industrial buildings of up to 200m² should be permitted within the curtilage of existing industrial buildings and warehouses, provided that this does not increase the gross floor space of the original building by more than 50%?

Yes No

Comments

- This proposal misses the potential effects on adjoining properties or the local area. It should be caveated by a relationship to boundaries and the provision of key facilities such as parking, serving and refuse storage to prevent significant harm to other businesses or residents.
- As expressed, the proposal refers to the gross floorspace of the original building. If the building is on more than one floor, the change could allow all the site area to be developed

Question 7: Do you agree these permitted development rights should be in place for a period of three years?

Yes No

Comments

If these proposals are intended to increase short and longer term investment then there is no obvious logic to making them time limited.

- If the temporary period is a recognition of the potential harm to other businesses and residents then it is difficult to understand how potentially very significant harm to multiple interests can be justified a perceived benefit to an individual household or business.
- Significant domestic and commercial investment decisions may be more likely to be effected by clarity for the future than a short term window of opportunity.

Question 8: Do you agree that there should be a requirement to complete the development by the end of the three-year period, and notify the local planning authority on completion?

Yes No

Comments

The response to Q7 questions the logic of a short term period. The arbitrary time period is likely to produce the following outcomes;

- If it did bring forward latent demand that was being repressed by the current system, it is likely that this would drop off after the period to a lower level (leading to boom/bust)
- It would present an unreasonable burden on local authorities to record and monitor completions when there is no resource provided to do so.
- It will place the planning enforcement process in an impossible position of justifying action on the basis of an arbitrary time period rather than the actual harm caused.
- It would be likely to lead to a further increase in applications for Certificates of Lawfulness, as has been experienced following the last change to domestic 'pd', due to owners/lenders/purchasers wanting confirmation of the status of any extension built under this provision.

Question 9: Do you agree that article 1(5) land and Sites of Special Scientific Interest should be excluded from the changes to permitted development rights for homeowners, offices, shops, professional/financial services establishments and industrial premises?

Yes No

Comments

Previous changes to 'pd' rights in 2008 which included Article 1(5) have led to considerable concern by residents groups about the specific impact of, for example, outbuildings and roof mounted solar panels on the character of Conservation Areas.

It is noted that the logic of excluding Conservation Areas must be the presumed harm to their character rather than the direct impact on neighbours as it would be difficult to justify a different weight to a resident's direct amenity linked to the location, or implied value, of their home. This message must be explicitly relayed to the Planning Inspectorate who frequently accord very little weight to the impact of rear extensions on the character of an area if they are not visible to the general public.

Question 10: Do you agree that the prior approval requirement for the installation, alteration or replacement of any fixed electronic communications equipment should be removed in relation to article 1(5) land for a period of five years?

Yes No

Comments

Government policy is to promote the expansion of broadband provision. If the purpose of the prior approval process for article 1(5) is the likely harm to sensitive areas then there appears no logic in a temporary period. A better solution would be to link any relaxation of notification process but ensure;

- more sensitively designed equipment which should have a higher degree of acceptance in the urban realm eg why not have an industry standard design for cabinets and masts.
- a stronger requirement to share installations in terms of an obligation to offer mast sharing and a means to control the proliferation of successive cabinets.

Do you have any comments on the assumptions and analysis set out in the consultation stage Impact Assessment? (See Annex 1)

Yes No

Comments

The planning system is aimed at supporting sustainable development and doing so speedily. This is already indicated by the nationally reported figures on overall approvals and the target times for decisions. The intention of reducing unnecessary burdens on householder and commercial investment is also generally supported. However, the balance of the suggested burdens of the current process, the likely impacts of the changes and assumptions on harm to adjoining homes and businesses are considered to be significantly distorted.

Burden of current planning process in relation to proposed changes

It is considered that Arup's estimates significantly over-estimate the costs involved and that those referred to are likely to be rare examples of top end costs. It is also felt that the assessment grossly underestimates the potential direct harm to the amenities of adjoining residents both in relation to the changes and in relation to other 'pd' works;

- The bulk of design work for domestic and commercial extensions do not involve architects or planning consultants or the need for specialist consultants. These may be more likely to be involved within Article 1(5) land.
- Building Control approval will still be required and, the larger the works, the more likely that full plan submissions may be required. The assumptions do not recognise that plans are frequently multipurpose and therefore ignore this effective saving. Agents offer a combined package as one approval is of little value without the other.
- The Building Control process has significantly higher application costs than that for planning (eg ranging from £260 -1,400 for domestic applications). In this context, it is unlikely that the costs of the planning process for the types of works covered by the proposed changes can be a significant deterrent to development.
- The assessment appears to link the high number of approvals to a process that add no value. This ignores the proportion of changes that may be negotiated to secure an approval and which are usually aimed at limiting the impact on neighbours. In this authority, some 40%+ are amended in this way. It also ignores that fact that a large proportion of those approvals are likely to be because an applicant has opted to follow local design advice.

The presumed value to property owners

- The value of the proposed changes to residential owners is significantly over estimated. Neither is it apparently tested against common smaller house types. There is a clear and ongoing demand for various types of domestic extensions for various reasons and current 'pd' and local planning policies reflect this.
- The assumption that the extra benefit gained from extensions of up to 6 and 8 metres in length (probably doubling what would conventionally be allowed) will translate into additional bedrooms to accommodate larger households is essentially flawed. It may well produce more generous room sizes but the constraints of many house plots may mean these would be in increasingly narrow and inefficient layouts.

The lack of assessment of harm and weight attached to it

- The responses to the questions highlight the impact on smaller house types which are common throughout England. The assessment fails to both explain the direct outcome of the proposed changes on adjoining neighbours in these circumstances.
- If the level harm is understood and recognized, there can be no sustainable logic in suspending this balance for a short period - even if the economic benefits suggested are realised.
- The assessment also gives unrealistic weight to other processes such as those covering Rights to Light and the Party Wall Act to mitigate harm. In reality, these processes are not generally employed in the area of smaller scale developments and adjoining occupiers look to the planning process, including permitted development rights, to balance the benefit to one with harm to others. It seems inconsistent to refer to lifting a 'burden of bureaucratic red tape' on owners while forcing third parties to do exactly that to try and protect their own interests.

Thank you for your comments.

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