



Planning Committee

Wednesday 16 October 2013 at 7.00 pm

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Membership:

Members

Councillors:

Ketan Sheth (Chair)
John (Vice-Chair)
Aden
Baker
Cummins
Hashmi
Kabir
Kataria
CJ Patel
Powney
Singh

first alternates

Councillors:

R Moher
Van Kalwala
J Moher
Kansagra
Sneddon
Cheese
Oladapo
Long
Brown
Gladbaum
Hossain

second alternates

Councillors:

Adeyeye
Ogunro
Moloney
HB Patel
Hopkins
Beck
Al-Ebadi
Naheerathan
Lorber
Harrison
Mashari

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

democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Members' briefing will take place at 5.30pm in Boardrooms 7 and 8

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 meetings		1 - 14
Extract of Planning Code of Practice		
NORTHERN AREA		
3. Sea Cadet Corps Building Welsh Harp & Sea Rangers Caprice Welsh Harp, Birchen Grove, London, NW9 8SA (Ref. 13/1219)	Welsh Harp	19 - 26
4. Front Car Park, McNicholas House, Kingsbury Road, London, NW9 8XE (Ref.13/2055)	Fryent	27 - 36
5. 179 Anson Road, London, NW2 4AS (Ref. 13/2269)		37 - 44
6. Land next to Harrod Court, Stag Lane, London, NW9 (Ref.13/2103)	Queensbury	45 - 64
7. 152 Olive Road, London, NW2 6UY (Ref.13/2196	Mapesbury	65 - 80
8. 3 Burnt Oak Broadway, Edgware, HA8 5LD (Ref.13/2062)	Queensbury	81 - 94
SOUTHERN AREA		
9. Joy House, 69-85 Rucklidge Avenue, London, NW10 4QA (Ref.13/1888)	Kensal Green	95 - 100
10. BRITISH LEGION HALL, 1 Albert Road & 5 Albert Road, London, NW6 5DT (Ref.13/1978)	Kilburn	101 - 114
PLANNING APPEALS		
11. Planning Appeals - September 2013		115 - 136
12. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.		

Site Visits

SITE VISITS – SATURDAY 12 OCTOBER 2013

Members are reminded that the coach leaves the Civic Centre at **9.30am**

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
13/2103	Land next to Harrod Court, Stag Lane, London, NW9	6	Queensbury	9:40	45 - 64
13/1219	Sea Cadet Corps Building, Welsh Harp & Sea Rangers Caprice, Welsh Harp, Birchen Grove, London, NW9 8SA	3	Welsh Harp	10.00	19 - 26
13/2269	179 Anson Road, London, NW2 4AS	5	Mapesbury	10:30	37 - 44
13/2196	152 Olive Road, London, NW2 6UY	7	Mapesbury	11:00	65 - 80

Date of the next meeting: Wednesday 13 November 2013

The site visits for that meeting will take place the preceding Saturday 9 November 2013 at 9.30am when the coach leaves the Civic Centre.



Please remember to ***SWITCH OFF*** your mobile phone during the meeting.

- The Conference Hall is accessible by lift and seats will be provided for members of the public on a first come first served principle.

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 4 September 2013 at 7.00 pm

PRESENT: Councillor Ketan Sheth (Chair), and Councillors Baker, Cummins, Kataria, Powney, Singh and J Moher (alternating for Councillor Aden)

Apologies for absence were received from Councillors John, Aden, Hashmi, Kabir and CJ Patel

1. Declarations of personal and prejudicial interests

None declared.

2. Burnt Oak, Colindale Placemaking Plan

Joyce Ip, Planning and Regeneration, gave a presentation regarding the Placemaking plan covering the Burnt Oak, Colindale and The Hyde areas. Joyce Ip clarified that as The Hyde formed a significant part of the plan, all future publications and consultation documents would include The Hyde in the title. The presentation highlighted the Placemaking plan in context with planning framework, the London Plan that was adopted in 2011 and Brent Core strategy. It was explained that four sites had been identified with the intention of developing 2,500 homes, 1,000 jobs and in collaboration with Barnet Council, a total of 12,500 homes, with 2,500 being within Brent. It was explained that coordination between the two boroughs was required to avoid congestion, conflict and to ensure complementary developments along the A5 corridor. Joyce Ip informed the Committee that currently the A5 corridor was hazardous to pedestrians and cyclists, resulting in casualties. The Colindale area had been identified as one of 33 opportunity areas for development. Other problems associated with the areas included poor/ lack of parking, poor public realm, fly tipping, lack on consensus regarding street furniture and unsafe park entrances.

It was explained that the development of the sites were key to promoting and assisting local business as well as tackling issues such as anti social behaviour and lack of community spirit. It was key that the developments should not be seen in isolation and assist in revitalising town centres. Increasing footfall to the area was key to ensure rejuvenation as there were currently large numbers of shops to let with alleyways behind being largely used for fly tipping and building refuse resulting in poor conditions attracting mice. Joyce Ip explained that improvements to these alleyways would help increase the attractiveness of the area to local businesses, residents and prospective owners although noted that some of the alleyways were private lands which could cause difficulties. Key components to improve the street scene included safe crossings, junction's arrangements, consistent suitable paving, appropriate trees and management of signs whilst ensuring that the materials chosen comply with Barnet Council's requirements as Barnet maintains the A5 and the footway on both sides of Burnt Oak Colindale and the Hyde.

Joyce Ip informed the Committee that consultation papers had been sent to all residents in the Fryent and Queensbury wards, 250 non-residential units in the Placemaking area as well as holding consultation events at various locations including the local supermarket. It was clarified that the plan included some initial designs but was a high level document enabling flexibility of developments whilst insuring a delivery mechanism and consideration for the street scene. To ensure a successful delivery, it was explained that an estimate of costs was included in the placemaking plan, corporate strategic endorsement of both Brent and Barnet Councils, establishment of teams across the boroughs, development of schemes in detail to include further consideration and funding to be obtained to enable the development to take place were required.

During discussion, it was explained that Barnet had undertaken a different approach to Brent and therefore used this document in a different way and were at a different stage for endorsement. It was clarified that Brent had previously allocated housing development capacities to sites in Brent Core Strategy and Brent Site Specific Allocations and the Placemaking document was intended to be a flexible document that would not prohibit development but promote design choices to ensure an acceptable public realm when developed. Members noted the use of suitable trees and paving materials however felt that trees and paving materials chosen should be consistent with current policies in place as well as the Brent Placemaking Guide. During discussion, it was explained that meetings had taken place with Barnet at senior and operational officers levels respectively and was agreed that a mechanism and member engagement needed to be in place to ensure a collaborative approach to future development. It was queried whether a formal recommendation should be passed to recommend that the Executive consider the creation of a cross borough joint consultative committee. Aktar Choudhury clarified that by passing a formal recommendation alternative options might be prohibited and a looser structure may be suitable. Aktar Choudhury agreed to explore the options to promote collaborative working which would be included within a future report to the Executive. During discussions, it was felt that further imaginative designs could have been created however it was also recognised that the physical development was exciting and a valuable vision for the borough. Following queries it was clarified that community facilities had been considered alongside the developments as set out in the core strategy with infrastructure requirements being regularly reviewed and updated. It was agreed that the word 'material consideration' be added to recommendation vi with any further comments or suggestions to be emailed to officers.

Ken Hullock summarised that the document was not a development plan but complemented the vision of existing policies whilst providing a guide to improving the public realm in this key growth area. It was felt that by adopting the document greater weight would be given to it whilst being a useful tool when considering future development proposals.

RESOLVED:

- (i) that Planning Committee adopt the Burnt Oak Colindale Placemaking Plan as a vision for the Burnt Oak/ Colindale area;

- (ii) that Planning Committee recommend to Executive that the Burnt Oak/Colindale Placemaking Plan be endorsed as a vision for the area;
- (iii) that the Operational Director, Planning and Regeneration is authorised to make further editorial changes to the document prior to final publication;
- (iv) that 'The Hyde' is included in the title of the document;
- (v) that the improvements to the alleyways are identified as a priority when funding is available;
- (vi) that the Placemaking Plan is a material consideration in determining planning applications locally.

3. Any Other Urgent Business

None.

The meeting ended at 7:55pm

K SHETH
Chair

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 18 September 2013 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), John (Vice-Chair), Aden, Brown, Cummins, Hashmi, Kabir, Kataria, Powney and Singh

ALSO PRESENT: Councillor Barry Cheese, Councillor Claudia Hector, Councillor Roxanne Mashari and Councillor Carol Shaw

Apologies for absence were received from Baker and CJ Patel

1. Declarations of personal and prejudicial interests

None declared at this meeting.

2. Minutes of the previous meeting held on 21 August 2013

RESOLVED:-

that the minutes of the previous meeting held on 21 August 2013 be approved as an accurate record of the meeting.

3. Brent Town Hall, 54 Forty Lane, Wembley, HA9 9HU (Ref. 13/1996)

PROPOSAL:

Listed building consent for the change of use and refurbishment of the existing Town Hall (Sui Generis) into a new primary and secondary French International School (Use class D1) involving the demolition of a number of ancillary buildings (single storey pre-fabricated building and freestanding garages to the rear, and the existing print room attached to the main Town Hall building) and the erection of a part 2/part 3 storey extension along with associated works.

RECOMMENDATION: Resolve to grant listed building consent subject to an additional condition relating to the safeguarding of various features and agreement to delegate the content of a further condition/s covering the time frames for the submission of pre-commencement to the Head of Area Planning as set out in the supplementary report and referral to Secretary of State.

With reference to the supplementary report, Andy Bates, Area Planning Manager referred to members' queries about the future of fixtures, fittings and artefacts within the Town Hall building and the site. He continued that a review carried out at the time of the decision to sell the building identified which fixtures, fittings and artefacts would remain within the site and which ones would be relocated elsewhere including relocation to Brent Museum and the Civic Centre, as amplified in the supplementary report. Andy Bates added that following the recommendation to include in the conditions full details including method of removal, the applicant had expressed concerns with the time triggers for discharging the pre-

commencement condition which they felt would cause significant delays to the construction programme. As a result of that Andy Bates requested that delegated powers be granted to the Head of Area Planning to agree on the exact time frames for the submission of pre-commencement conditions.

During members' discussion, it was suggested that the flagpoles be retained to safeguard features of the Town Hall.

DECISION: Resolved to grant listed building consent as recommended with the addition of the retention of the flagpoles in the proposed condition to safeguard features.

4. Brent Town Hall, 54 Forty Lane, Wembley, HA9 9HU (Ref. 13/1995)

PROPOSAL:

Change of use and refurbishment of the existing Town Hall (Sui Generis) into a new primary and secondary French International School (Use class D1) involving the demolition of a number of ancillary buildings (single storey pre-fabricated building and freestanding garages to the rear, and the existing print room attached to the main Town Hall building) and the erection of a part 2/part 3 storey extension along with associated works.

RECOMMENDATION:

- a) Resolve to grant planning permission, subject to conditions and an amended condition 11, delegated authority to the Head of Area Planning on the timeframes, an appropriate form of Agreement as amended in Heads of Terms in order to secure the measures set out in the Section 106 Details section of this report and referral to the Secretary of State, 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, as set out in the supplementary report.

With reference to the tabled supplementary report, Andy Bates, Area Planning Manager responded to queries raised by members during the site visit. Members also heard that removal of trees along the frontage, which were later additions and did not contribute towards the significance of the listed building, would be acceptable to facilitate a running track for the school.

In response to a member's suggestion for public access to facilities and events within the Paul Daisley Hall, Council Chamber, the running track and language teaching, Andy Bates recommended that delegated authority be granted to the Head of Area Planning to secure details on its scope.

DECISION: Resolved to grant planning permission granted as recommended and delegate authority to secure details on the scope for public access to facilities and events within the Paul Daisley Hall, Council Chamber, the running track and language teaching to the S106 Heads of Terms.

5. 227B, 229B, 231B and 233B, All Souls Avenue, London, NW10 3AE (Ref.13/1640)

PROPOSAL:

Erection of mansard roof extension to accommodate 2 x two-bedroom flats with associated landscaping and car parking.

RECOMMENDATION: Application was withdrawn by the applicant as set out in the supplementary report.

Andy Bates, Area Planning Manager informed the Committee that the applicant had withdrawn the application because an incorrect ownership certificate was submitted with the original planning application.

DECISION: Application withdrawn by the applicant as set out in the supplementary report.

6. Former Kensal Rise Branch Library Building, Bathurst Gardens, London, NW10 5JA (Ref. 13/2058)

PROPOSAL:

Conversion of the existing vacant building to provide 7 residential units (3 x one-bed flats, 3 x two-bed flat & one x two-bed house) on the ground and upper floors and 175m² multi-functional community space (Use Class D1) on ground floor and basement. Alteration to roof pitch over and increase in height of rear wall of central section of main building, proposed new roof with flank wall windows to existing west wing. Provision of new entrance doors on College Road and replacement rear and flank wall windows with associated waste storage, cycle parking and solar panels.

RECOMMENDATION: Refuse planning permission with amended reason 2 as set out in the supplementary report.

With reference to the tabled supplementary report, Andy Bates, Area Planning Manager responded to the following issues that were raised at the site visit:

(i) Parking problems

As the area was within a controlled parking zone (CPZ) with good public transport accessibility of the site (PTAL4), a permit-free agreement, where future residents would not be entitled to residents parking permits, would be a potential means of suitably addressing this issue. This would have been secured through a s106 agreement but given that the application was being recommended for refusal no such agreement had been made.

(ii) Refuse/Recycling storage

The applicant has indicated proposals for the storage of refuse/recycling that would appear to be insufficient to meet the guidance and as such officers had recommended an informative drawing the applicant's attention to this issue. A larger bin store could, of course, have an increased and unacceptable visual impact.

(iii) Ownership and management of forecourt

He confirmed that as the forecourt was a private land and formed part of the development site, its management would be a matter for the developer and any other subsequent landowner, if the development was to be permitted.

(iv) Heritage and alterations

As the building was not listed, protected nor within conservation area, the changes proposed would have been considered acceptable. However, the concerns about the bulk of the proposed roof extensions did form the basis of one of the reasons for refusal.

(v) Cycle parking

No designated cycle parking facilities appeared to be indicated for the community hub. Standards for libraries were set out at 1 space per 10 staff and 1 space per 10 visitors and, if the application were to be approved, it would be reasonable to require a similar provision, secured through a planning condition.

(vi) New entrance to community hub

Proposals for the formation of a new entrance onto College Road had been considered by the Council's Urban Design Officers and were generally considered acceptable, subject to sufficient design detailing to comply with the required standard.

(vii) Consultation update

He referred to allegations that some of the comments submitted in response to the public consultation appeared to have been fabricated and officers' attempts to identify and deal with fraudulent responses as set out in the tabled supplementary report.

(viii) Daylight and sunlight report

The applicant submitted a revised report on day lighting and sunlight. Members heard that despite the revised view on the issue of daylight, officers were of the opinion that the living room would provide an unsatisfactory form of outlook for potential occupiers. On that basis he recommended that the reference to daylight be removed from the second reason for refusal as set out in the tabled supplementary report.

Andy Bates then referred to further correspondence from the applicant sent to a number of Councillors relating to a number of issues about the report and drew members' attention to officers' responses to them as set out in the main and tabled supplementary reports.

Mr David Butcher, speaking on behalf of Friends of Kensal Rise Library (FKRL) endorsed officer's recommendation for refusal adding that the design and space provisions were inadequate as a library. Mr Butcher continued that FKRL would like to see a genuine partnership between the Council and the community with a view to restoring the building to meet a suitable local need.

Mr Peter Grigg speaking on behalf of FKRL referred to results of a survey he had conducted to support his views that the proposal lacked adequate community space particularly for those with children and mobility issues. He added that there was no appetite within the community for the proposed change of use.

Ms Jay Venn speaking on behalf of Kensal Triangle Residents' Association (KTRA) also concurred with the officers' reasons for refusal, adding that the community use space provided was inaccessible and inadequate.

In accordance with the provisions of the Planning Code of Practice, Councillor Cheese stated that he had been approached by members of FKRL. Councillor Cheese objected to the proposal on grounds of inadequate and inaccessible community space which failed to meet community aspirations. He added that the proposed dwelling units constituted an unaffordable cramped form of accommodation. Councillor Cheese also referred to issues with the consultation.

In accordance with the provisions of the Planning Code of Practice, Councillor Shaw stated that she had been approached by members of FKRL. Councillor Shaw stated that the Council's designation of the building as a community asset and a listed building was a material consideration which should not be overlooked. She continued that as the proposed development would result in additional parking problems for the residents and loss of the only library facility in the area, the entire community were united in opposition to the application.

In accordance with the provisions of the Planning Code of Practice, Councillor Hector stated that she had been approached by local residents. Councillor Hector noted that issues on recycling and refuse had been addressed in the supplementary report however, pertinent issues relating to inaccessible provision to significant parts of the building and inadequate amenity space remained unresolved. Councillor Hector also endorsed officers' reasons for refusal as set out in the main and supplementary reports.

Mr Nicholas Taylor the applicant's agent stated that the reasons for the applicant's inability to provide community access were genuine and that there was no intention to remove significant features of the building as the windows and internal features would be retained. He added that facilities on the ground and lower ground floors for community uses would be made available to the local residents free of charge. Mr Taylor continued that the closure of the library was made by the Council following its library transformation project which sought to re-allocate resources into improved library services in other parts of the Borough. He also added that demolition of the entire building may be required if the applicant was to comply with all standards.

In response to members' questions, Mr Taylor submitted the following;

- i) Amenity space was lacking but could be addressed by requiring the applicant to make compensatory contributions to the area.
- ii) Any attempt to provide amenity space in the back garden would result in over-looking to the nearby cottage.

- iii) In his view, it was impossible to meet community space requirements without demolition of the entire building.
- iv) The application did not constitute an over-development of the site as it complied with internal space requirements and that the applicant would consider a reduced number of dwelling units provided it was to be compensated with bigger dwelling units.
- vi) Parking problems would be resolved as the proposal was for a “car free development”.
- vii) The applicant was proposing a community space and a number of changes to the scheme that would address the matters referred to by one of the objectors in his survey results.
- viii) The seven flats proposed were adequately sized except for a couple of windows which did not have an excellent outlook.

DECISION: Refused planning permission with amended reason 2 as recommended.

7. 1A-C, 3 & 5A-D INC, Deerhurst Road & Shree Swaminarayan Temple, 220-222 Willesden Lane, London, NW2 (Ref.13/0891)

PROPOSAL:

The erection of a rear extension to the temple, the demolition of 1, 3, 5 Deerhurst Road and the erection of

- Block A - 13 bedrooms care units, 2 staff units and 1 visitor unit
- Block B - Lounge and 3 x One Bed
- Block C - 12 flats
- Two storey basement parking area with associated landscaping to the site

RECOMMENDATION: Application was withdrawn by the applicant as set out in the supplementary report.

Andy Bates, Area Planning Manager informed the Committee that the applicants' representative had withdrawn the application as of 16/09/2013.

DECISION: Application withdrawn as set out in the supplementary report.

8. Olympic Office Centre, Fulton Road, Wembley, HA9 (Ref.13/1512)

PROPOSAL:

Erection of 2-storey retail units (flexible Use Class A1 / A2 / A3 / A4 / A5 use) and 3-storey car park to accommodate 170 car parking spaces to serve the adjoining building on the site in association with cycle parking, landscaping and other works incidental to the development.

RECOMMENDATION: Grant planning permission subject to conditions and informatives and an additional condition to include a requirement for a revised Travel Plan, “parking permit restriction”, re-instatement of redundant crossovers at the developer's expense as set out in the supplementary report.

With reference to the tabled supplementary report members were informed that the Council's Highways officers had no objections to the proposal subject to the following matters being included as an additional condition; revised Travel Plan, "parking permit restriction" for the offices and retail unit and the re-instatement of redundant crossovers at the developer's expense.

DECISION: Planning permission granted as recommended.

9. Scout Hut next to 60, Berkhamsted Avenue, Wembley, HA9 6DT (Ref.13/1526)

PROPOSAL:

Variation of Condition 2 of planning permission reference 09/0064 (granted 09/07/2009) for the demolition and replacement of front of existing scout hut with two-storey extension and provision of new pedestrian and vehicular access and off-street car-parking spaces to the front and rear of the site. The proposed variation is to allow a material amendment to the design of the approved roof to allow for the height of the eaves of the elevation facing Elsley Primary School to be raised.

RECOMMENDATION: Grant planning permission.

Stephen Weeks, Head of Area Planning clarified the description of the proposal and added that officers could not recommend its refusal as the alterations involved were not significant.

Ms Alicia Burrell, Parent Governor of Elsley Primary School in objection stated that due to the proximity of the site to the school boundary, the proposed development would affect the back entrance to the school. She added that the school had no idea as to the proposed usage of the building however if there was a material change of use to residential dwelling, it would result in overlooking to the classrooms, raising child protection issues.

Mr Qureshie, the applicant informed members that the structure of the building meant that conventional roofing was difficult to construct, hence the application for a minor alteration involving the design of the approved roof to allow for the height of the eaves of the elevation facing Elsley Primary School to be raised. In response to members' questions, Mr Qureshie confirmed that the alteration would not result in overlooking to the school and that the use of the building as a scout hut would remain.

In response to a member's suggestion for a wall to provide protection and thus overlooking to the school, Stephen Weeks Head of Area Planning drew attention to condition 5 which addressed those issues and sought to preserve the privacy and amenity of occupants of the site and neighbouring properties.

DECISION: Planning permission granted as recommended.

10. CROWN HOUSE, Wembley Hill Road, Wembley, HA9 8AU (Ref.13/1218)

PROPOSAL:

Change of use of the exiting office space within the building to a hotel and the erection of two additional storeys on top of existing building and the re-cladding of the whole existing building to create a 47 bed hotel. (Including revised daylight/sunlight report)

RECOMMENDATION: Grant planning permission subject to conditions and subject to amended condition 6 and the removal of condition 11 as set out in the supplementary report.

The Head of Area Planning drew members' attention to minor amendments to condition 6 and the removal of condition 11 as set out in the tabled supplementary report. Officers were asked to clarify the exact figure for London Mayor's contribution, for Community Infrastructure Levy (CIL) in the decision notice.

DECISION: Resolved to grant planning permission and delegate to the Head of Area Planning subject to consideration of any issues arising from the confirmation to local residents of the inclusion of a restaurant in the proposal.

11. Olympic Office Centre, Fulton Road, Wembley, HA9 (Ref.13/1522)

PROPOSAL:

Outline planning permission for the mixed use redevelopment of the car park element of the site including the construction of new buildings and structures to provide a total of 40,000 sq m to provide a range of uses comprising: residential dwellings (Use Class C3), offices (Use Class B1), student accommodation (sui generis), hotel (Use Class C1), retail (Use Class A1/A2/A3/A4/A5) and/or leisure (Use Class D2) and associated car parking, public realm works and associated works.

RECOMMENDATION:

Resolve to grant outline planning permission subject to Stage 2 referral to the Mayor of London, 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 and to additional conditions regarding compliance with the London Housing Design Guide, the minimum proportion of 3-bedroom units and a condition specifying the maximum floor space for each use, a clause covering a review mechanism for the level of affordable housing and an additional informative regarding the level of activity within the Rutherford Way frontage as set out in the supplementary report.

Andy Bates, Area Planning Manager in reference to the supplementary report, drew members' attention to issues raised and added that those issues could be addressed in part through a change to the maximum level of Use Class A1 floor space whilst the remainder of the issues can be addressed within the application for reserved matters.

DECISION: Resolved to grant outline planning permission subject to referral to the Mayor of London as recommended.

12. SKL House, 18 Beresford Avenue, Wembley, HA0 1YP (Ref.12/3089)

PROPOSAL:

Erection of first floor extension to front of building, alterations to the front forecourt layout, reduction in width to existing vehicle access, retention of extraction plant and wood burner installation to the rear and change of use from office (B1a) to a mixed use with B2 (general industrial), B8 (warehouse and distribution) with ancillary office and kitchen showroom (as amended by revised plans dated 22/01/13 and 16/04/2013).

RECOMMENDATION: Defer application to allow all interested parties to be notified in advance of the next Committee meeting which would consider the application as set out in the supplementary report.

Andy Bates, Area Planning Manager informed the Committee that due to a system error not all interested parties were notified of the Committee arrangements. He therefore recommended that the application be deferred to allow the Committee notification issue to be rectified and all interested parties notified before the application was considered by Members.

DECISION: Application deferred to allow all interested parties to be consulted as recommended.

13. Basement Development in Brent - Response to Consultation on Draft Guidance

Members received a report that provided information on consultation responses to the draft guidance on basement development in Brent. In response to concerns that had been raised regarding basement development in Brent, a new approach was proposed and recently consulted on. The consultation process invited resident associations and industry representatives to respond to a short survey regarding basement development in Brent, as well as to review the draft guidance on the proposed changes. Members noted the consultation responses and officers' conclusion that the guidance which would be incorporated into the Local List of Validation Requirements at its next formal review would provide clearer guidance on what would be sought for basement applications, thus providing more clarity and certainty for both residents and developers.

RESOLVED:

that the draft guidance be endorsed as part of the local validation requirements to be incorporated into the Local List of Validation Requirements at its next formal review.

14. Planning Appeals July - August 2013

RESOLVED:

That the schedule of appeals for the period July to August 2013 be noted.

15. Date of next meeting

It was noted that the next meeting would take place on 16 October 2013.

16. Any Other Urgent Business

None.

The meeting closed at 8.50 pm

K 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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Committee Report Planning Committee on 16 October, 2013

Item No.

03

Case No.

13/1219



Planning Committee Map

Site address: Sea Cadet Corps Building Welsh Harp & Sea Rangers Caprice Welsh Harp, Birchen Grove, London, NW9 8SA

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This map is indicative only.

RECEIVED: 9 May, 2013

WARD: Welsh Harp

PLANNING AREA: Willesden Consultative Forum

LOCATION: Sea Cadet Corps Building Welsh Harp & Sea Rangers Caprice Welsh Harp, Birchen Grove, London, NW9 8SA

PROPOSAL: Refurbishment of existing boat station to include new gravelled work area at the rear and installation of new spiral staircase to the front, removal of 3 portacabins and erection of a 2 storey extension with a monopitch roof

APPLICANT: The Marine Society and Sea Cadets

CONTACT: The Relph Ross Partnership

PLAN NO'S:

Welsh Harp Boat Station Extended Phase 1 Habitat Survey;
Design & Access Statement;
12/1784/100;
12/1784/101;
12/1784/102;
12/1784/103;
12/1784/104;
12/1784/105;
12/1784/106;
12/1784/Su01;
12/1784/Su02;
12/1784/Su03;
12/1784/Su04;
12/1784/Su05; and
12/1784/Su06.

MEMBERS CALL-IN PROCEDURE

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

1. Name of Councillor

Councillor Hopkins

Date and Reason for Request

05.09.13

- weight given to 'very special circumstances';
- re-provision of existing facility therefore unlikely to lead to intensification; and
- use of land for overnight is ancillary to leisure offer.

Details of any representations received

Approached by MSSC

2. Name of Councillor

Councillor Lorber

Date and Reason for Request

04.09.13

- weight given to 'very special circumstances';
- re-provision of existing facility therefore unlikely to lead to intensification; and

- use of land for overnight is ancillary to leisure offer.

Details of any representations received

- Approached by Councillor Hopkins.

3. Name of Councillor

Councillor Cheese

Date and Reason for Request

04.09.13

- weight given to 'very special circumstances';
- re-provision of existing facility therefore unlikely to lead to intensification; and
- use of land for overnight is ancillary to leisure offer.

Details of any representations received

- Approached by Councillor Hopkins

RECOMMENDATION

Refuse Permission.

EXISTING

The application site comprises a two storey building with an annex in the form of three single storey temporary buildings adjacent (to the south) and is known as the Welsh Harp Boat Station. The facility is operated by the Marine Society and Sea Cadets (MSSC) and provides boat storage/maintenance, office, training and accommodation facilities to train Sea Cadets, the armed forces and fire and ambulance services in the skills required to operate safely on water.

The site is approximately 0.33Ha and is accessed from Birchen Grove via a security controlled gate. The buildings are situated adjacent to the west shore of Brent Reservoir as part of a group of approximately 10 single and two storey buildings the uses of which are primarily associated with boating activities taking place on the adjacent water. It is noted that the positions and depth of these buildings are reasonably consistent. To the rear of the site are a number of mature trees which provide screening of the site from Birchen Grove and an area for the open storage of boats.

The site lies within the Welsh Harp Metropolitan Open Land (MOL) and adjacent to (but not within) a Grade 1 Site of Importance for Nature Conservation (SINC) and Site of Special Scientific Interest (SSSI).

PROPOSAL

The application seeks permission to extend the existing building by way of a two storey extension to the south in the location of the existing temporary buildings. The extension would provide additional floorspace and allow for the internal reconfiguration of the existing building to provide overnight accommodation for 18 no. cadets and 6 no. adults on ground and first floors, a boat storage and maintenance on the ground floor. Office, kitchen and dining, training and an activity room would be provided on the first floor. A lift and accessible bathroom on the ground floor would also be provided.

The proposed extension would occupy the same footprint as the existing temporary buildings but would be two storey as opposed to the existing single storey buildings. The extension would be clad in timber with the same treatment provided to the existing building. The extension been designed with a mono pitch roof, full height glazing between the ground and second floors to the front elevation with clerestory windows provided along the side elevation.

HISTORY

Planning permission was granted in 1959 for a club house' building and a further permission was granted the same year for a 'pavilion' building. No further permissions relate to the this site.

POLICY CONSIDERATIONS

The development plan for the purpose of S38 (6) The Planning & Compulsory Purchase Act 2004 is the Brent Unitary Development Plan 2004, Core Strategy 2010 and the London Plan 2011. Within those documents the following list of policies are considered to be the most pertinent to the application:

Brent UDP 2004

- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on Conservation Areas.
- BE4 Access for disabled people
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities.
- OS1 Designation of MOL
- OS2 Acceptable uses on MOL
- OS3 Development on MOL
- TRN3 Where an application would cause or worsen an unacceptable environmental impact of traffic it will be refused.

Brent Core Strategy 2010

- CP 17 Protecting and enhancing the suburban character of Brent
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP18 Protecting and Enhancing Open Space, Sports and Biodiversity
Open space should be protected from inappropriate development.

London Plan 2011

Policy 7.17 Metropolitan Open Land

National Planning Policy Framework (NPPF)

Chapter 9 Protecting Green Belt Land

CONSULTATION

Letters were sent to neighbouring properties and ward councillors on 23.05.13.

26 letters of support have been received on the following basis:

- Existing facilities out of date and no longer fit for purpose;
- Important facility for young people;
- The proposed development is contained within the existing footprint;
- Extra demand following success of London Olympics in 2012;
- Proposal sympathetic to area and modern design will boost morale of cadets;
- Would enhance facilities for disabled persons; and
- Proposal would enhance the use of the MOL.

Cllr Hopkins & Cllr Ashraf: Further to the 'call-in' request above, an additional letter of support for the proposal on the following basis:

- Existing temporary buildings are unsightly and proposal would enhance the metropolitan open land;
- Provides a facility to disadvantaged children;
- Existing building in need of modernisation (WC's and sleeping arrangements sub-standard); and
- Proposal could lead to greater community participation through schools and ward working fund.

Transportation: No objection

Design: No objection

Landscape: Objection

REMARKS

1. Background

2. The applicant received pre-application planning advice in November 2012 which set out the key planning issues, including the relevant policy tests applicable to development on Metropolitan Open Land (MOL). At that time, the applicant was advised that proposed first floor extension was likely to be regarded as 'harmful' to the openness of the MOL. The application submission is the same as considered by officers at the pre-application stage. The applicants were offered the opportunity to amend the proposal in light of this concern, however, the application was subsequently 'called-in' for determination by the Planning Committee.

3. Key considerations

4. The key considerations of this proposal are as follows:

- Impact on Metropolitan Open Land and Design
- Impact on Biodiversity
- Landscaping and Trees
- Parking & access
- Community Infrastructure Levy

5. Impact on Metropolitan Open Land and Design

6. Policy 7.17 of the London Plan states that MOL will be regarded as having the same level of protection as Green Belt land. Policy OS3 of the Unitary Development Plan (UDP) states that development on MOL will only be permitted where it is small in scale and required to preserve or enhance activities associated with the particular open space. Para 89 of the National Planning Policy Framework (NPPF) states *inter alia* that the following types of development will not be regarded as 'inappropriate development' on Green Belt land:

- Provision of appropriate facilities for outdoor sport...as long as it preserves the openness of the Green Belt and does not conflict with the purposes of the land of including land within it;
- The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and
- Limited infilling or partial or complete redevelopment of previously developed sites...which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development

7. In the case of the application proposals, whilst the extension would occupy the same footprint as the existing temporary buildings, the extension would result in the development of an additional storey of accommodation where previously a only a single storey building existed. The extension would result in an additional 74 sqm of floor space, increasing the maximum height from 6.4m to 7.8m, an increase of 1.4m. The first floor extension would project beyond the existing rear elevation by 4.5m and would have a width of 6.5m.

8. The re-provision of the existing boat storage facility and the proposed maintenance area to the rear can be considered as appropriate facilities for outdoor sport as set out in Para 89 of the NPPF. The extension at ground floor and the part of the first floor extension which does not project beyond the existing rear elevation can be regarded as 'infilling' given its position between existing flank elevation the adjacent neighbouring building and are not considered to have an unacceptable impact on the openness of the MOL.

9. However, the proposed first floor extension which projects beyond the rear elevation (by 4.5m), given its rearward projection and excessive height (which is up to 1.4m taller than the existing building) and the design of the roof which adds further bulk to the building without providing additional floor space, is considered to be harmful to the openness of the MOL and is therefore regarded as 'inappropriate development'. This would be particularly noticeable when viewed from the rear of the site, where the group of buildings have reasonably consistent depths and as such exhibit a fairly consistent rear building line. The proposal would therefore project beyond this building line. This is shown on the proposed side elevation (Drawing No. 12/1784/105), where the scope of additional development can be appreciated.

10. In light of this part of the proposal being considered 'inappropriate development' it be should successfully demonstrated that 'very special circumstances' (VSC) exist where the harm to the MOL is by reason of its inappropriateness is clearly outweighed by other considerations. The applicant has subsequently put forward a 'very special circumstances' case in support of the need for the proposed development. In summary, the applicant asserts that the VSC amount to the following:

- The MSSC is the UK's oldest and largest youth maritime charity for 14,000 young people in the Sea Cadets. The Welsh Harp Boat Station provides essential training for MSSC's 1,500 Greater London

- cadets and other groups including the emergency services;
- Without modernisation in the manner proposed, including provision of a larger classroom area, improved changing rooms, access and facilities for disabled people and good overnight accommodation for 18 cadets and 6 adults, the MSSC would be unable to offer the courses it currently does;
- These new facilities, including the overnight accommodation, could not be located elsewhere outside MOL - there is no available site or premises in close proximity to Welsh Harp which would be affordable to MSSC without severely compromising the efficiency and cost effectiveness of the national training that MSSC aims to provide;
- Modernisation of the Boating Station in the manner proposed would enable MSSC to meet the demand for some 3,000 cadet days of activity per annum. This is currently severely fettered by the physical limitation of the facilities, including inadequate classroom space (essential for teaching and inclement weather), severely substandard changing rooms and unacceptable overnight accommodation; and
- The activities and facilities at Welsh Harp are manifestly of the type which Policies 7.27 and 7.30 of the London Plan recognise 'should be prioritised and ...supported' as an 'important objective' (para 7.83) and a 'valuable education resource' (para 7.101).

11. Para. 88 of the NPPF states "*Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*"

12. A number of the proposed uses which the building extension would provide such as training, office and accommodation uses in policy terms are not directly related to the use of the Brent Reservoir for water based activities and therefore not supported by the NPPF or Policy OS3 of the UDP which requires proposals to be small in scale and required to preserve or enhance activities associated with the particular open space. It is recognised that some of these are existing uses and form part of the overall 'offer' of the club. However, whilst the need for the accommodation as set out above is not disputed, it is not considered that the above constitutes a VSC case that outweighs the harm caused to the openness of the MOL. Whilst the applicant claims that the proposed accommodation cannot be accommodated off-site, no evidence has been submitted in support of this claim. Furthermore, it is considered that a re-configuration of the internal layout of the building could accommodate the proposed number of bed spaces with a resultant reduction in some of the ancillary facilities such as the office and dining/relaxation areas which are not directly linked to the use of the MOL.

13. In addition the design of the roof adds unnecessarily to the bulk of the building which in turn reduces the openness of the MOL and this element of the proposal could be easily re-designed to lessen its impact. In light of these considerations it has not been successfully demonstrated a VSC case exists that outweighs the harm caused to the openness of the MOL in accordance with national and local planning policy. It is considered that the scheme could be re-designed in a manner which preserves the openness of the MOL as well as fulfilling the needs of the MSSC.

4. Impact on Biodiversity

14. The application is accompanied by a Phase 1 Habitat Survey given the location of the site adjacent to a SINC and SSSI. The report concludes that given the limited scale and location of the proposal there is unlikely to be any impact on these biodiversity designations. As such it is not considered that the proposal would have a significantly adverse impact on biodiversity in accordance with Policy CP18.

5. Landscaping and Trees

15. Given the extensive tree cover to the rear of the site and the proximity of the proposed extension to these trees, the Tree Protection Officer has requested a full tree survey in accordance with BS5837:2012 'Trees in relation to design, demolition and construction'. The tree survey should be accompanied by an Arboricultural Implications Assessment and Tree Protection Plan which should identify any pre-commencement canopy reductions required to enable the development to take place. This information could be secured by condition should the application be granted permission.

16. Parking & access

17. Policy PS10 is applicable to this site, whereby the maximum parking space is 1 space per 60 patrons. The sailing centre as a whole appears to have 24 overnight visitor spaces and 20+ off-street parking spaces. With ample parking available for the centre, any limited additional activity generated at this site will not significantly affect parking requirements, with Birchen Grove able to accommodate some over spill parking if necessary. The centre does not seem to have any provision of cycle parking, in line with policy PS16. Further

details in this respect could be secured by planning condition if necessary. The proposal does not affect the access into the site which will also remain the same and therefore visibility splays are retained. It is noted that the eastern arm of Birchen Grove leading to the site entrance does have a height and width restrictions in place.

18. Community Infrastructure Levy

19. The proposal is considered to be a *sui generis* use and therefore not liable for CIL.

20. Conclusion

21. The proposed first floor extension would fail to preserve the openness of the MOL for which very special circumstances do not exist given the changes which could be made to the design of the proposal which would achieve the modernisation of the existing facilities and comply with the policy requirements to preserve the openness of the MOL. As such, refusal of planning permission is recommended.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed two storey extension by reason of its excessive bulk, height, rearward projection and inappropriate roof design is considered to be an inappropriate development which is harmful to the openness of the Welsh Harp Metropolitan Open Land which is not successfully outweighed by the very special circumstances case put forward. As such the proposal is contrary to Policy OS3 of the UDP, Policy 7.27 of the London Plan and contrary Para. 88 of the National Planning Policy Framework.
- (2) To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and offers a pre planning application advice service. In this instance, amendments requested to the scheme during the course of the planning application were not made. The Council is ready to enter into discussions with the applicants to assist in the preparation of a new planning application.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Matthew Harvey, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 4657

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Committee Report Planning Committee on 16 October, 2013

Item No.

04

Case No.

13/2055



Planning Committee Map

Site address: Front Car Park, McNicholas House, Kingsbury Road, London, NW9 8XE

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This map is indicative only.

RECEIVED: 19 July, 2013

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Front Car Park, McNicholas House, Kingsbury Road, London, NW9 8XE

PROPOSAL: Temporary change of use of ground floor office (Use Class B1) of approved temple and mixed use building (LPA Ref: 10/2390 for a new build temple / multi-function hall / refurbished office space) to a place of worship (Use Class D1) for up to 400 visitors for a period of 6 months. Hours of use are proposed between 1700 - 2030hrs on Saturdays and 1600 - 2030hrs on Sundays with use of 76 car parking spaces and 6 disabled parking spaces.

APPLICANT: Shree Swaminarayan Sidhant Shjivan Mandal London

CONTACT: Loates-Taylor Shannon

PLAN NO'S:
See Condition 2.

RECOMMENDATION

Approval- temporary consent

EXISTING

The 0.75 hectare site has planning permission for the retention of an existing office building and the re-development of the remainder of the site for use as a Hindu temple and multi-function hall (LPA Ref: 10/2390). The majority of the planning conditions attached to this permission have now been discharged (see Planning History for more information) and the temple is currently under construction.

The site is located to the south west junction of Townsend Road and the Kingsbury Road, within a designated Borough Employment Area (BEA).

The northern boundary, formed by Kingsbury Road, is a four-lane London Distributor Road. On the opposite side of the road is a substantial raised highway verge and beyond this, school playing fields.

The eastern boundary, formed by Townsend Lane, is a traffic-calmed local access road, and beyond this lies the Silver Jubilee Park. To the south lies an area containing a mix of industrial buildings in various uses. Beyond that lies residential uses in the form of two-storey terraced housing. The western boundary of the site is formed by a large retaining wall and a relatively new commercial building and its access road. Beyond that lies some mixed industrial uses, including a number of car repair workshops.

The site does not lie within any Controlled Parking Zone and there is unrestricted on-street parking available at certain times in the vicinity of the site along Kingsbury Road and Townsend Lane. Sheltered parking bays have been provided along the northern side of Kingsbury Road opposite the site, but with restrictions preventing parking between 9.15-11.15am, whilst parking on the southern side of the road is generally prohibited during weekday peak hours. Waiting restrictions in Townsend Lane in the vicinity of this site prohibit parking between 8am and 6.30pm Mondays to Saturdays, but these restrictions do not apply south of Burgess Avenue.

None of the residential streets in the vicinity of the site are noted as being heavily parked during the day or at night, although the relatively narrow width of Townsend Lane does restrict parking to one side only.

Public transport access to the site is moderate (PTAL 2), with three bus services within 640 metres (two of which stop immediately outside the premises).

PROPOSAL

Temporary change of use of ground floor office (Use Class B1) of approved temple and mixed use building (LPA Ref: 10/2390 for a new build temple / multi-function hall / refurbished office space) to a place of worship (Use Class D1) for up to 400 visitors for a period of 6 months from 13/09/2013. Hours of use are proposed between 1700 - 2030hrs on Saturdays and 1600 - 2030hrs on Sundays with use of 76 car parking spaces and 6 disabled parking spaces.

HISTORY

12/3307 - *Granted*, 11/03/2013

Minor material amendment for:

- remodelling of glazing to ground, first and second floor of existing office building to north east of site to retain the existing lift location

of full planning permission reference 10/2390 dated 4 Jul 2012 for redevelopment of McNicholas House for mixed use to provide a temple building (Use Class D1); multi functional community facility (Use Class D2); the retention and refurbishment of part of existing office building to provide flexible accommodation for business (Class B1 Use); landscaped courtyard; alterations to the existing vehicular access point onto Townsend Lane and provision of surface parking for 91 cars and subject to a Deed of Agreement dated 25 June 2012 under Section 106 of the Town and Country Planning Act 1990, as amended

12/3306 - *Granted*, 06/02/2013

Details pursuant to condition 17 (apparatus for neutralisation of all effluvia), of full planning permission reference 10/2390 dated 4 July 2012 for redevelopment of McNicholas House for mixed use to provide a temple building (Use Class D1); multi functional community facility (Use Class D2); the retention and refurbishment of part of existing office building to provide flexible accommodation for business (Class B1 Use); landscaped courtyard; alterations to the existing vehicular access point onto Townsend Lane and provision of surface parking for 91 cars and subject to a Deed of Agreement dated 25 June 2012 under Section 106 of the Town and Country Planning Act 1990, as amended.

12/3028 - *Granted*, 29/01/2013

Details pursuant to condition 8 (all external materials), of full planning permission reference 10/2390 dated 4 Jul 2012 for redevelopment of McNicholas House for mixed use to provide a temple building (Use Class D1); multi functional community facility (Use Class D2); the retention and refurbishment of part of existing office building to provide flexible accommodation for business (Class B1 Use); landscaped courtyard; alterations to the existing vehicular access point onto Townsend Lane and provision of surface parking for 91 cars and subject to a Deed of Agreement dated 25 June 2012 under Section 106 of the Town and Country Planning Act 1990, as amended.

12/3033 - *Granted*, 24/01/2013

Details pursuant to condition 13 (fencing, railings, walls), of full planning permission reference 10/2390 dated 4 Jul 2012 for redevelopment of McNicholas House

12/2895 - *Granted*, 08/05/2013

Details pursuant to condition 16 (external lighting) of full planning permission reference 10/2390 dated 4th July 2012 for redevelopment of McNicholas House

12/2446 - *Granted*, 10/01/2013

Details pursuant to condition 9 (car park), condition 10 (soft landscaping), condition 11 (hard landscaping), condition 12 (landscape management plan), condition 14 (cycle parking), condition 15 (vehicular access), condition 18 (Sustainable Urban Drainage Systems) and condition 19 (green roof) of full planning permission reference 10/2390 dated 04/07/2012 for redevelopment of McNicholas House

12/2830 - *Refused*, 21/11/2012

Non material amendment remodelling of entrance glazing to ground floor and glazing to 5th floor to accommodate the existing lift location of full planning permission reference 10/2390 dated 4 Jul 2012 for redevelopment of McNicholas House

12/2386 - *Granted*, 31/10/2012

Details pursuant to part of condition 8 (materials for the Temple building), of full planning permission reference 10/2390 dated 04/07/2012 for redevelopment of McNicholas House

12/2029 - *Granted*, 24/08/2012

Details pursuant to part of condition 7 (details of demolition phase wheel wash), of full planning permission

reference dated 4th July 2012 for redevelopment of McNicholas House

10/2390 - Granted, 04/07/2012

Redevelopment of McNicholas House for mixed use to provide a temple building (Use Class D1); multi functional community facility (Use Class D2); the retention and refurbishment of part of existing office building to provide flexible accommodation for business (Class B1 Use); landscaped courtyard; alterations to the existing vehicular access point onto Townsend Lane and provision of surface parking for 91 cars and subject to a Deed of Agreement dated 25 June 2012 under Section 106 of the Town and Country Planning Act 1990, as amended

POLICY CONSIDERATIONS

The policies that are pertinent to this application are set out below.

National

The National Planning Policy Framework (NPPF) 2012 recognises the importance of the role of community facilities in meeting the diverse needs of local communities.

Regional

London Plan 2011

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

Key policies include:

Social Infrastructure

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

Local

The development plan for the purposes of s.38(6) of the Planning & Compulsory Purchase Act 2004 is the Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan 2011.

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

- CP1 Spatial Development Strategy
- CP 20 Strategic Industrial Locations and Locally Significant Industrial Sites
Protects these sites for designated industrial employment uses.
- CP 23 Protection of existing and provision of new community and cultural facilities
Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

Brent Unitary Development Plan 2004

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

Strategic

- STR5 Reduces the need to travel, especially by car.
- STR6 Parking controls

Built Environment

BE4 Access for Disabled People

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN4 Measures to make transport impact acceptable
- TRN10 Walkable environments
- TRN11 The London cycle network, schemes should comply with PS16
- TRN12 Road safety and traffic management
- TRN16 The London Road Network
- TRN20 London Distributor Roads
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS12 Car parking standards – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Community Facilities

- CF1 Location of Large Scale Community Facilities.

CONSULTATION

The Council consulted 1,906 neighbours, Fryent Ward Councillors and Welsh Harp Ward Councillors on 19/07/2013.

No representations have been received from Ward Councillors although six representations have been received from local residents.

Of these representations, two people are in support of the development and four are objecting to the proposal. The details of the representations are set out below

Objections:

- Increase in traffic generation
 - Noise from the proposed use, which would result in disturbance to residential uses late in the evening
- The consultation letters have been sent out post commencement of construction therefore it is unclear why the council has consulted on the proposal

REMARKS

1. Key considerations

2. The following are considered the main planning issues relevant to this application:

- Site history
- Principle of development, including temporary change of use of office and impact on remaining industrial land
- Impact on nearby residential amenity
- Parking and access

3. Site history

4. The 0.75 hectare site has planning permission for the retention of an existing office building and the re-development of the remainder of the site for use as a Hindu temple and multi-function hall (LPA Ref: 10/2390). The majority of the planning conditions attached to this permission have now been discharged (see Planning History for more information) and the temple is currently under construction.

5. This application seeks a temporary change of use of the retained B1 office building to a temple. The office is not currently in use.

6. Principle of temporary change of use from B1 (office) to temple (D1) and impact on Borough Employment Area

7. The site is located within a designated BEA as defined by the Unitary Development Plan—known as a Locally Significant Industrial Site in the London Plan—which the Unitary Development Plan 2004 and Core Strategy 2010 protects for uses that fall within the B2 (general industry), B8 (storage and distribution) use classes and closely related sui generis uses. In reality, use class B1c (light industry) is also generally considered acceptable. BEAs “consist of coherent areas of land which are, in terms of environment, road access, location, parking and operating conditions well suited for retention in employment use.” (UDP 2004: para 7.7.2, p155).

8. CP20 of the Core Strategy states that proposals for alternative uses will be resisted where this will result in a loss of land in employment use. Employment land is protected for a number of reasons, not least because BEAs are considered locally significant to Brent’s economy and as industrial operations generally need to be able to function free from encroachment or interference from neighbouring sensitive land uses. This approach is supported by the London Plan 2008 policy 3B.4 *Industrial Locations* and the SPG *Industrial Capacity* (March 2008).

9. The original planning application for the partial re-development of the site and the provision of a temple (D1 use) (LPA Ref: 10/2390) was considered acceptable for the following reasons:

- The existing use is unusual and, given the amount of B1 office space, not ideally suited to a BEA with only moderate accessibility; consequently there is a lack of effective demand for the site that has been demonstrated through extensive market research; and
- The site is physically marginal to the remainder of the BEA and lacks some of the qualities by which the UDP defines BEAs; as such it can be redeveloped without encroaching on or interfering with the remaining industrial land.

10. Within the original application for the change of use of the majority of the site, the retention and refurbishment of the more modern part of the existing office building to provide managed affordable workspace, subsidised by the applicant, for small and medium-sized business was required. This space is proposed to provide jobs for up to 90 people. This application seeks to use the floorspace on a temporary basis as a place of worship. The current B1 office is not in use and would not feasibly be in use until the construction of the temple is completed. As such, and in consideration that the B1 use will be retained on a more permanent basis, it is not considered that there is a departure from policy.

11. In terms the merits of the provision of a temporary use, Brent has local policy objectives to meet the needs of the borough’s diverse community in respect of cultural facilities and sport and recreational activities as set out in Strategic Objective 6 and policies CP18 and CP23 of the Core Strategy (2010). As acknowledged by the UDP, the “diversity of cultural, ethnic and religious groups within the borough means there is a shortage of adequate premises.” (Brent UDP 2004: para 11.11.1, p230). According to the Planning Service’s records, Brent has six Hindu temples, of which only one is located in one of the five wards closest to the site, the Mahavir Foundation at 557 Kenton Road, Kenton. Notwithstanding differences in denomination, the six temples in Brent would theoretically serve, on average, 7,538 residents.

12. The above analysis suggests that there is a shortage of places of worship and as such weight to the planning merit of this aspect of the proposal has been given; subject to an acceptable impact on residential amenity and parking impact, therefore, the temporary change of use is considered acceptable.

13. With regard to development plan policies, UDP policy CF14 states that the provision of religious meeting places for all denominations is permitted, where there will be no significant loss of residential amenity or unacceptable transport impact (policy TRN1) especially at time of religious festivals. A proposal which conflicts with the plan’s priority framework for land uses (former UDP policy STR1, now Core Strategy policy CP1, which like CP20 seeks to protect BEAs for industrial and warehousing uses) may only be permitted where a shortage of places of worship is so serious as to outweigh the potential loss of priority land uses (policy CF14). The UDP also requires that small-scale community facilities should be located in a town or local centre or, if none are available, on a site with moderate or better public transport accessibility (policy CF2). The proposed change of use will be a small-scale community facility and thus policy CF2 is the appropriate policy to apply in terms of assessing whether the location is acceptable in principle. Whilst large

and small scale facilities are not defined in the UDP, some large facilities such as hospitals and educational facilities are referenced. As a small-scale facility, the site is appropriately positioned in an area of moderate accessibility.

14. Turning to policy CF14, the impacts on residential amenity and transport are discussed in paragraphs 4.1 to 4.3 below.

15. Impact on Nearby Residential Amenity

16. Policy CF14 of Brent's UDP 2004 states that the provision of religious meeting places for all denominations is permitted, where there will be no significant loss of residential amenity. The application site is sufficiently far from neighbouring residential uses that the impact on residential amenity would be limited to (a) overspill parking and (b) traffic congestion.

17. Local residents have objected to the proposal on the basis of, *inter alia*, the noise and disturbance from the use of the temple, why the council has consulted when the development is already being built and an increase in on-street parking.

18. It is not considered any material harm would arise in terms of noise and disturbance, particularly since the site is part of a BEA and thus can be used for potentially noisy industrial processes. Despite this, a condition will be imposed to ensure noise not heard beyond the boundaries of the site. Hours of operation for the temporary change of use will be imposed via condition and special events will be excluded to restrict any additional and potentially adverse traffic impacts. With regard to the position of why the council has consulted after construction has commenced, as the existing proposal allows for a change of use that was not considered as part of the original application, the council is therefore required to further consult residents who live in close proximity to the development.

19. Parking & Access

20. Car parking allowances for the proposed place of worship (use class D1) are given in standard PS12 of the UDP.

21. The parking allowance for a place of worship is 2 spaces for every 5 visitors, based on the maximum capacity. The applicant has advised that the maximum capacity is 400 and therefore a maximum of 80 parking spaces should be accommodated. The applicant has provided 78 parking spaces, 4 of which are disabled spaces, at the rear of the site. The visitors will use the vehicular entrance south of the site which is accessed from Townsend Lane and the main pedestrian access is from Kingsbury Road. The entrance to the middle of the site, accessed from Townsend Lane, is currently being used for construction works and vehicles and will continue to be used for the works.

22. The temporary site is intended to be used during the weekend when construction works will not be taking place and in addition to this visitors and construction vehicles do have separate entrances therefore the site operating temporarily alongside the construction works is satisfactory from a transportation view.

23. The vehicular entrance for visitors south of the site is 3.6m wide adjacent to the public highway and narrows down to 3.4m adjacent to the site. The width of the crossover should be a minimum 4.1m to allow two way traffic. As the temporary site can still accommodate up to 400 people, the flow of traffic in and out of the narrow entrance is likely to be restricted and lead to an overspill of traffic on Townsend Lane. To mitigate any impact on the highway network, a temporary extension to the crossover (4.1m wide) is required to be implemented by the Council's Transportation Unit. This will be secured via condition, with works to be carried out by Transportation Service Unit.

24. Conclusion

25. The proposed development accords with policy CP20 as long term the employment use will be re-instated. The traffic impact of the proposed temporary use and the impact on adjoining residential amenity is considered acceptable. Approval is recommended subject to conditions.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Core Strategy 2010
Brent Site Specific Allocations 2011
Brent Unitary Development Plan 2004

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

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

CONDITIONS/REASONS:

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

GA(00)800P0; GA(00)801P0; Travel Plan by Motion dated 12/09/2013; Office Travel Plan by Motion dated 12/09/2013.

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

- (2) The hours of use are restricted to between 1700 - 2030hrs on Saturdays and 1600 - 2030hrs on Sundays for a maximum of 400 visitors. The premises shall be cleared within 30 minutes after these times, except for routine maintenance or administrative purposes unless otherwise agreed in writing by the Local Planning Authority. No special events or weddings shall take place at the venue.

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

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

Reason: To safeguard the amenities of the adjoining occupiers.

- (4) This permission shall be for a limited period of 6 months only from the date of this permission (unless a further application has been submitted to and approved in writing by the Local Planning Authority) and the use hereby approved shall be discontinued.

Reason: To accord with the applicants request for a temporary planning consent during the construction period for a permanent religious facility.

- (5) The vehicular crossover serving the access to the proposed visitor's "main vehicular entrance" shown within plan number GA (00)801P0 shall be increased in width to a minimum of 4.1m prior to commencement if the use hereby approved. The above works shall be carried out at the applicants expense, in compliance with a scheme to be submitted to and approved in writing by the Highway Authority, with the works carried out and completed in accordance with these approved details.

Reason: In the interests of highway and pedestrian safety in the locality, in pursuance of Section 278 of the Town and Country Planning Act 1990.

INFORMATIVES:

- (1) The widening of the crossover to the south eastern corner of Townsend Lane shall be constructed at the applicant's expense, and shall be carried out by the council as Highway Authority.

Reason: To comply with Section 184 of the Highways Act 1980.

Any person wishing to inspect the above papers should contact Laura Jenkinson, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5276

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Committee Report Planning Committee on 16 October, 2013

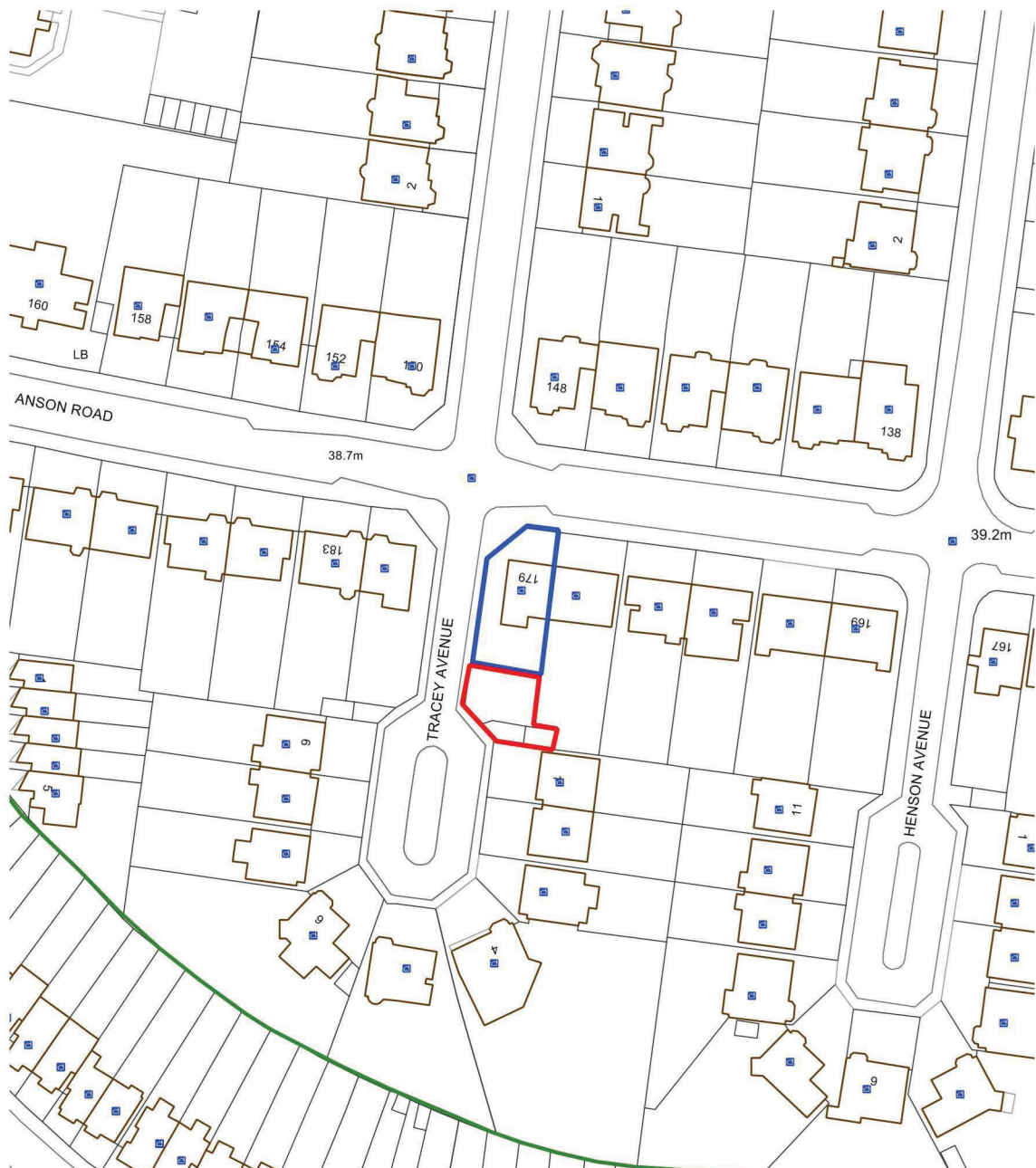
Item No. 05
Case No. 13/2269



Planning Committee Map

Site address: 179 Anson Road, London, NW2 4AS

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This map is indicative only.

RECEIVED: 1 August, 2013

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 179 Anson Road, London, NW2 4AS

PROPOSAL: Erection of a detached ground and subterranean storey single bedroom dwelling house with fully accessible accommodation and associated hard and soft landscaping

APPLICANT: Ms Masters

CONTACT: MZA Planning

PLAN NO'S:

3644-200.01;
3644-200.02;
3644-200.03;
3644-200.04;
3644-200.05;
Light diagrams; and
Design and Access Statement.

MEMBERS CALL-IN PROCEDURE

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

Name of Councillor

Councillor Jones

Date and Reason for Request

12.09.13 - application is a specialist form of disabled accommodation with precedents for other buildings in the area.

Details of any representations received

Approached by the applicant (Lara Masters)

Name of Councillor

Councillor Leaman

Date and Reason for Request

14.09.13 - precedent for similar style buildings

Details of any representations received

Approached by the applicant (Lara Masters)

Name of Councillor

Councillor Hunter

Date and Reason for Request

13.09.13 - application is a specialist form of disabled accommodation with precedents for other buildings in the area.

Details of any representations received

Approached by the applicant (Lara Masters)

Name of Councillor

Councillor Hopkins

Date and Reason for Request

14.09.13 - quality of design, corner plot in suburban location and lack of amenity space should be given greater consideration.

Details of any representations received

Approached by the applicant (Lara Masters)

RECOMMENDATION

Refuse Permission.

EXISTING

The application site comprises land to the rear of 179 Anson Road, a domestic semi-detached property located on the south side of Anson Road on the junction with Tracey Avenue. To the rear of the site (along the southern boundary with No. 1 Tracey Avenue) is a single garage.

The character of the area is residential in nature with has coherent feel which is characterised by consistent plot depths and widths with traditional inter-war suburban housing.

The site lies within CPZ "GA" which operates 10:00 – 15:00 Monday to Friday, but has low accessibility with a PTAL rating of level 1. No tube or rail services are within walking distance of the site, and only one bus route is locally available. Both local access roads which are not defined as being heavily parked.

PROPOSAL

Erection of a detached ground and subterranean storey single bedroom dwelling house with fully accessible accommodation and associated hard and soft landscaping.

HISTORY

13/0893 - Demolition of detached garage at the rear and erection of a single storey 2 bedroom dwellinghouse with a basement level, associated hard and soft landscaping and access provided off Tracey Avenue.

REFUSED 31.05.13

The proposed dwelling by reason of its position within a rear residential garden, restricted plot and use of unsympathetic materials would result in an uncharacteristic sub-division and poor quality development that would fail to respect the established urban grain to the detriment of the character and appearance of the surrounding area contrary to Paragraph 53 of the NPPF (2012), Policy 3.6 of the London Plan (2011), Policy CP17 of the Core Strategy (2011) and Policies BE2, BE3 & BE9 of the Unitary Development Plan (2004).

2 The proposed dwelling would fail to provide a good standard of accommodation by reason of it's cramped position within the plot which would fail to achieve a satisfactory levels of light and outlook to the main living areas contrary to Policy BE9 of the Unitary Development Plan (2004) and guidance contained with Supplementary Planning Guidance 17 'Design Guide for New Development' nor has the proposal demonstrated to the Council's satisfaction that the proposed dwelling would be fully wheelchair accessible in accordance with guidance contained within the 'Wheelchair Housing Design Guide' (GLA, 2007) .

3 The proposed parking space by reason of its lack of visibility splays and orientation at an acute angle would be detrimental to highway and pedestrian safety and it has not been demonstrated that sufficient parking would be available for the existing dwelling contrary to Policies TRN3 and TRN23 of the Unitary Development Plan (2004) and the Domestic Vehicle Footway Crossover Policy (2008).

4 In the absence of a legal agreement to control the matter, the proposed development would result in:

- additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area;*
- increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment; and increased pressure on education infrastructure*

without any contribution to education improvements.

As a result, the proposal is contrary to saved policies TRN3, TRN4, TRN11, OS7 and CF6 of the adopted Brent Unitary Development Plan 2004 and guidance contained with the 'S106 Planning Obligations' SPD.

POLICY CONSIDERATIONS

The development plan for the purpose of S38 (6) The Planning & Compulsory Purchase Act 2004 is the Brent Unitary Development Plan 2004, Core Strategy 2010 and the London Plan 2011. Within those documents the following list of policies are considered to be the most pertinent to the application:

Brent UDP 2004

- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on Conservation Areas.
- BE3 Proposal should the regard for the existing urban grain, development pattern and density in the layout of development site.
- BE4 Access for disabled people
- BE6 A high standard of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

- H11 Housing will be promoted on previously developed urban land which the plan does not protect for other uses.
- H12 Residential site layout to reinforce/create an attractive/distinctive identity appropriate to its locality, housing facing streets, appropriate level of parking, avoids excessive ground coverage and private and public landscaped areas appropriate to the character of area and needs of prospective residents.
- H13 The appropriate density should be determined by achieving an appropriate urban design, make efficient use of land and meet the amenity needs of potential residential, with regards to context and nature of the proposal, constraints and opportunities of the site and type of housing proposed.
- TRN3 Where an application would cause or worsen an unacceptable environmental impact of traffic it will be refused.
- TRN4 Where transport impact is unacceptable measures will be considered which could acceptably mitigate this.
- TRN11 Developments should comply with the plan's minimum cycle parking standard.
- TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.
- PS14 Parking standards for residential uses
- PS16 Cycle parking

Brent Core Strategy 2010

- CP 17 *Protecting and enhancing the suburban character of Brent*
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.

Brent Supplementary Planning Guidance

SPG17 Design Guide for New Developments

Sets out the general design standards for development and has regard to the character, design and appearance of developments, the design layout with respect to the preservation of existing building lines, size

and scale of buildings and structures, and privacy and light of adjoining occupants. This policy guidance document addresses residential densities, minimum sizes for residential dwellings, external finishing materials, amenity spaces and parking related issues.

London Plan

Policy 3.5 Minimum unit sizes

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.

CONSULTATION

6 letters were sent to neighbouring properties and ward councillor on 16.08.13. Three representations have been received, one in support, one in objection and one comment as set out below.

Objection (1 Tracey Ave)	Officer Response
<ul style="list-style-type: none"> Proposal could undermine structural foundations of property Proposal would result in the loss of garden space which would adversely affect the character of the area. 	<ul style="list-style-type: none"> Structural matters are not normally a planning consideration. The harm caused to the character and appearance of the area is set out in the officer report below.
Support (177Anson Road)	Officer Response
<ul style="list-style-type: none"> Interesting design which by reason of its single storey nature would not be harmful to character of street. 	<ul style="list-style-type: none"> Proposal would be visible above boundary treatment which would fail to respect plot ratios and local urban grain.
Comment (71A Dartmouth Road)	Officer Response
<ul style="list-style-type: none"> Landscaping to the frontage should be sought 	<ul style="list-style-type: none"> This is not considered to outweigh the harm caused by the proposal but could be sought in the event of approval – although the area for landscaping is limited.

Councillor Leaman: Given that the applicant is unable to meet her specific housing needs through the existing housing stock - special consideration needs to be given to specialist nature of the proposed dwelling.

Transportation: No objection

Design: Objection

Landscape: No objection

REMARKS

1. Background

2. The application has been submitted following an earlier application which was refused for the reasons set out above. The proposal has been amended such that the impact on the neighbouring property has been reduced, additional information and annotated plans have been provided to show how the dwelling would be wheelchair accessible as the concerns raised by Transportation have been resolved. However, there remain concerns regarding the principle of developing the back garden in this manner, which would be harmful to the character and appearance of the area and result in a poor quality living environment as set out below.

3. Key considerations

4. The key considerations of this proposal are as follows:

- Principle of development
- Design and Layout
- Standard of accommodation
- Impact on neighbouring amenity

- Parking & access
- Community Infrastructure Levy

5. Principle

6. With respect to residential development, Paragraph 53 of the National Planning Policy Framework (NPPF) (2012) states:

"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

7. This position is reflected in Policy CP17 of the Core Strategy (2011) which seeks to protect and enhance the suburban character of Brent by resisting inappropriate development, including limiting development on back gardens. This is also in line with Policies contained within the London Plan for this type of development in Policy 3.5. Whilst the policy context does not preclude the development of back gardens, it does seek to ensure development proposals protect an established suburban/residential character.

8. The Design, Access & Planning Statement makes reference to the specialist nature of the proposed accommodation for a disabled occupant and the existing lack of such accommodation available in the Borough and London more generally. Whilst the personal circumstances of the applicant are capable of being a material planning consideration, this needs to be considered against the provisions of the statutory development plan, associated guidance and other material considerations. In practice planning decisions based solely on the personal circumstances of the applicant are exceptional, therefore whilst standards may be interpreted flexibly, proposals are still required to be in general conformity with the development plan.

9. In this case, whilst the personal needs of the disabled applicant are understood, this is not considered to be outweighed by the harm which is caused to the character of the area through the development of this back garden for a new dwelling that would fail to comply with the Council's detailed planning policies for the reasons set out below. The proposal is therefore considered to be contrary to Paragraph 53 of the NPPF and Policy CP17 of the Core Strategy and it is recommended that permission should therefore be refused.

10. Design and Layout

11. The design of the proposal has changed since the refused scheme, with the principal building material being brick, which is considered to better relate to surrounding properties. However, in order to address the Council's guidance contained in SPG17 with respect to containing the building envelope within a 45 degree line drawn from the property boundaries, a contrived roof design is needed which would appear incongruous and be harmful to the character and appearance of the area. The footprint of the dwelling has changed and now it is proposed to retain the garage and convert it to form part of the main dwelling. Nevertheless, the nature of the plot remains restricted which would use part of the rear garden of 179 Anson Road to create a single storey dwelling (but with an additional storey of accommodation contained within a basement level). The subdivision of the plot in this manner and introduction of a new dwelling is considered to be uncharacteristic and detrimental to the general pattern of prevailing development in the surrounding area.

12. As set out earlier in the report, the general character of the area, is of suburban housing with consistent plot ratios. The proposed dwelling would be situated centrally within the plot, which would be considerably shorter than those plot sizes surrounding the site, contrary to the local urban grain. The proposed dwelling, notwithstanding its single storey appearance, would be situated forward of the established building line along Tracey Avenue. This would reduce the cohesive character of the area contrary to Policy CP17 which seeks to protect the suburban character of Brent and advice contained in SPG17 which states the front building line and distance between adjoining properties should generally respect the layout of the adjoining buildings and street. Overall, the proposal would fail to achieve a satisfactory setting to the development by reason of the restricted nature of the plot subdivision and resultant impact on the character of the area and street scene.

13. Previously the proposal would also require the removal of 3 existing large specimen trees along the rear boundary adjacent to the existing garage as well as an existing and substantial Cherry Tree, however, these trees have now been removed since the last application.

14. It is proposed to construct the dwelling to Code for Sustainable Homes Level 4 or 5 (Ground Sun letter dated 26.07.13) - this exceeds the requirements set out in the Building Regulations and in the development plan. Should the application be considered for approval, further information to secure these sustainability enhancements could be sought via condition.

15. Standard of accommodation

16. It is considered overall the proposed dwelling would result in a poor standard of accommodation. Given the cramped nature of the proposed dwelling within the plot, the proposed dwelling would be situated in close proximity to the site boundaries. This would serve to restrict outlook from all main habitable rooms, including the kitchen and living rooms. SPG17 states that side facing habitable room windows (where they provide the sole outlook) and rear facing windows should have an outlook of at least 10m (to the boundary treatment) which this proposal would fail to achieve. The proposed two bedrooms by reason of their location within a basement storey would also be served by a poor outlook. Whilst light diagrams have been provided which show that rooms would received acceptable levels of light, the lack of outlook into the small courtyard is considered to result in an unsatisfactory standard of accommodation.

17. The proposal would achieve approximately 45 sqm which just below the Council's standard of 50sqm of amenity space for the proposed dwelling. The plot for the dwelling is also considerably below the general size of plots elsewhere in the area which are typically 15-25m in depth, which whilst this in itself is not a reason to refuse the proposals, it is indicated of the cramped form of development. The proposal would retain sufficient amenity space for the existing dwelling that would be of a satisfactory size and standard.

18. The tracking diagrams submitted with the application, alongside the specification contained in the Design, Access and Planning demonstrate that the layout of the dwelling would be able to accommodate a disabled occupier in a satisfactory manner.

19. Impact on Neighbouring Amenity

20. The neighbouring properties most affected by the proposals would be No. 177 Anson Road and No. 1 Tracey Avenue as well as the existing dwelling at No.179. The proposed plans indicate that the dwelling would comply with the Council's standards contained in SPG17 with respect to size and scale for new development by being situated below a 45 degree line from the at the garden edge. Overall the proposed building would be within an envelope which is not considered to be physically overbearing to surrounding residential properties, in particular those highlighted above.

21. With respect to privacy, the proposed dwelling would not have any first floor windows, therefore the outlook from habitable room windows would be on to boundary treatments all of which are a minimum of 1.8m in height. As such it is not considered that the proposed dwelling would give rise to a significant direct loss of privacy.

22. Parking & Access

23. Loss of car parking for the existing 4-bed dwellinghouse will not cause a problem for this revised scheme, as since the previous application an area of hardstanding and two off-street car parking spaces have been formed in the front garden of the existing property, served by an authorised new crossover. The maximum car parking standard is 2.0 car spaces for a 4-bed dwelling set out in PS14 of the UDP-2004. This is the full standard which is applied when sites have low PTAL ratings. This will be fully complied with following development. The proposed 1-bed dwellinghouse can be permitted up to 1.0 car spaces under the same PS14 standard. The proposal includes an off-street disabled parking bay measuring 3.6m in width and 4.8m in length, which is suitable for purpose.

24. The off-street car parking bay will utilise the existing crossover at the rear of the site, and so will not cause additional harm. The use of the existing crossover follows advice of Transportation officers, having looked at several alternatives following the previous refused scheme. Visibility splays exiting the site will not be more problematic than existing situation, as the access is already established.

25. Refuse and recycling storage for the new property is shown adjacent to the site frontage which is acceptable. There will be no need to provide cycle parking at this time however there is sufficient amenity space to provide a locker or similar treatment if desired by another occupier in the future.

26. Community Infrastructure Levy

27 The CIL liability should be based on the gross proposed residential floor space (given that the existing garage would not count as existing residential floor space). As such the liability would be £21.400 for Brent and £3.745 for the Mayor.

28. Conclusion

29. The proposal, which results in the subdivision of an existing garden plot, would be harmful to the character of the area. In addition, it is considered that the design of the proposed dwelling would erode the established suburban character of this location. The proposed residential accommodation would be substandard and by reason of its cramped position within this small plot and would fail to provide an outlook to the main habitable rooms and should therefore be refused permission. Whilst consideration has been given to the needs of the applicant and the sustainable design of the proposed dwelling, it is not considered that this outweighs the harm arising for this development.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed dwelling, by reason of its inappropriate plot size, design, position within the plot and relationship to neighbouring properties, would result in an uncharacteristic development that would fail to respect the established urban grain and the character and appearance of the surrounding area contrary to Paragraph 53 of the NPPF (2012), Policy 3.6 of the London Plan (2011), Policy CP17 of the Core Strategy (2011) and Policies BE2, BE3 & BE9 of the Unitary Development Plan (2004).
- (2) The proposed dwelling would fail to provide a good standard of accommodation by reason of its cramped position within the plot which would fail to achieve a satisfactory levels of outlook to the main living areas contrary to Policy BE9 of the Unitary Development Plan (2004) and guidance contained with Supplementary Planning Guidance 17 'Design Guide for New Development'.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Matthew Harvey, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5368

Committee Report Planning Committee on 16 October, 2013

Item No. 06
Case No. 13/2103



Planning Committee Map

Site address: Land next to Harrod Court, Stag Lane, London, NW9

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This map is indicative only.

RECEIVED: 24 July, 2013

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Land next to Harrod Court, Stag Lane, London, NW9

PROPOSAL: A hybrid planning application for full planning permission for the erection of a three storey building with a pitched roof to accommodate 11 affordable residential units for shared ownership (5 x 1-bed, 5 x 2-bed and 1 x 3-bed) with associated car parking, cycle storage, landscaping and amenity space; and outline planning permission for the erection of a medical centre of approximately 1,256sqm, including a pharmacy of approximately 90sqm, together with associated car parking.

APPLICANT: Network Housing and General Practice Investment Corporation Ltd

CONTACT: Jones Lang LaSalle 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
- (b) 100% Affordable Housing - based on 11 shared ownership units (5 x 1 bed, 5 x 2 bed and 1 x 3 bed units);
- (c) Sustainability - submission and compliance with the Council's Sustainability check-list ensuring a minimum of 50% score is achieved. Compliance with Code for Sustainable Homes Code Level 4 for the residential units and BREEAM rating 'Excellent' for the medical centre, carbon reduction of 25% improvement on 2010 Building Regulation and adherence to the Demolition Protocol (with compensation should it not be delivered);
- (d) Submission of a Travel Plan for the medical centre, including the provision of further mitigation if the targets within the Travel Plan are not met. The Travel Plan should be compatible with the i-trace software, or any successor;
- (e) Join and adhere to the Considerate Contractors Scheme

EXISTING

The application site currently contains the access road from Stag Lane to Harrod Court and a vacant piece of land to the north of Harrod Court. Harrod Court is a care home for the elderly comprising 40 flats. When planning permission was granted for Harrod Court in December 2005, the planning application also included

the provision of a primary care medical centre within the application site. However, this medical centre was never built, and the site is currently vacant.

The Roe Green Village Conservation Area is located on the opposite side of Stag Lane to the west and the site abuts a residential property to the north (366 Stag Lane). Further into the site, it adjoins The Village School both the north and east.

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	shops	
2	financial and professional services	
3	restaurants and cafes	
4	drinking establishments (2004)	
5	hot food take away (2004)	
6	businesses and offices	
7	businesses / research and development	
8	businesses and light industry	
9	general industrial	
10	storage and distribution	
11	hotels	
12	residential institutions	
13	non-residential institutions	
14	assembly and leisure	
15	dwelling houses	housing - affordable

FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0		0	0	
2	0		0	0	
3	0		0	0	
4	0		0	0	
5	0		0	0	
6	0		0	0	
7	0		0	0	
8	0		0	0	
9	0		0	0	
10	0		0	0	
11	0		0	0	
12	0		0	0	
13	0	0	0	1256	1256
14	0		0	0	
15	0	0	0	890	890

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0	0	0	2146	2146

PROPOSAL

A hybrid planning application for full planning permission for the erection of a three storey building with a pitched roof to accommodate 11 affordable residential units for shared ownership (5 x 1-bed, 5 x 2-bed and 1 x 3-bed) with associated car parking, cycle storage, landscaping and amenity space; and outline planning

permission for the erection of a medical centre of approximately 1,256sqm, including a pharmacy of approximately 90sqm, together with associated car parking.

HISTORY

13/0131: Full Planning Permission sought for erection of three storey building to accommodate 19 residential units (4 x one-bed, 14 x two-bed and 1 x three-bed) and 2 x three storey houses (2 x 4-bed) together with associated car parking, cycle storage, landscaping and amenity space - **Withdrawn, 17/07/2013.**

05/2716: Full Planning Permission sought for residential, extra care, sheltered complex for the elderly, comprising 38 one-bedroom flats and 2 two-bedroom flats with communal areas, guest-room, ancillary facilities and offices; and primary-care medical clinic with 13 consulting-rooms, various surgeries, pharmacy, café and ancillary storage and offices, 34 car-parking spaces, cycle-parking and new vehicle crossover. Supplemented by Supporting Statement and a Sustainability check list and subject to a Deed of Agreement dated 15th December 2005 under Section 106 of the Town and Country Planning Act 1990, as amended - **Granted, 15/12/2005.**

03/3084: Outline Planning Permission sought for the redevelopment of the site to provide a primary care centre and a residential nursing care home, both up to 3 storeys in height, together with ancillary parking and landscaping - **Granted, 19/01/2004.**

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 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 3.4 - Optimising Housing Potential

Policy 3.5 - Quality and Design of Housing Development

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

Policy 3.17 - Health and Social Care Facilities

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 5.7 - Renewable Energy

Policy 5.21 - Contaminated Land

Chapter 7 - London's Living Places and Spaces

Policy 7.2 - An Inclusive Environment

Policy 7.3 - Designing out Crime

Policy 7.6 - Architecture

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.

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:

CP6: Design & Density in Place Making

CP17: Protecting and Enhancing the Suburban Character of Brent

CP17: Protecting and Enhancing the Suburban Character of Brent

CP19: Brent Strategic Climate Mitigation and Adoption Measures

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

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

BE12: Sustainable Design Principles

EP6: Contaminated Land

H12: Residential Quality - Layout Considerations

TRN1: Transport Assessment

TRN3: Environmental Impact of Traffic

TRN10: Walkable Environment

TRN11: The London Cycle Network

TRN22: Parking Standards - Non Residential Developments

TRN23: Parking Standards - Residential Developments

TRN35: Transport Access for Disabled People & Others with Mobility Difficulties

CF13: Primary Health Care/GP Surgeries

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.

S106 Planning Obligations SPD, adopted July 2013

Provision for a standard heads of terms relating to matters such as sustainability and other planning obligations.

CONSULTATION

Consultation Period: 01/08/2013 - 22/08/2013

Site Notice: 05/08/2013 - 26/08/2013

Press Notice: 08/08/2013 - 29/08/2013

A total of 192 consultation letters were sent out to the flats within Cherry Tree Court, Kenwood Court and Harrod Court, and properties on Grove Park, Goldsmith Lane and Stag Lane. The consultation letter was also sent out to those who previously commented in Kingsbury Road, Rose Glen, North Way and Dryburgh Gardens.

Consultation letters were also sent out to Brent Clinical Commissioning Group, the Willow Tree GP Surgery, Grove Park Residents Association, Roe Green Village Residents Association and the Queensbury and Fryent Ward Councillors.

Two properties responded providing their support for the medical centre. A comment was also received which supports the medical centre but not the residential element of the scheme stating that there is a lot of residential development going on in the area and limited information/lack of car parking provided on site.

A petition on behalf of the Willow Tree Family Doctors & Fryent Medical Centre Patients Group with a total of 459 signatures has been received which supports the application for the medical centre and new affordable housing.

Internal consultation

The following comments have also been received internally:

Transportation

There are no objections on transportation grounds to this proposal, subject to:

- (i) a S106 Agreement or condition requiring the submission and approval of a Travel Plan for the medical centre;
- (ii) a condition requiring the submission and approval of further details of the access road, to include a minor realignment of the southern kerbline of the existing access road on the entrance to the site, extension of the footway on the northern side of the road along the front of parking spaces G10-G12 (with associated alterations to the size and siting of parking spaces G7 and G10-G12), provision of suitable block paved surfacing for the shared surface area in front of the residential dwellings and further details of lighting and drainage;
- (iii) a condition requiring reinstatement of the existing temporary crossover to the site from Stag Lane to footway prior to occupation of the development is also sought, in case this is not done upon completion of the adjacent Village School development.

Environmental Health

No objections raised subject to appropriate conditions being secured in terms of air quality and noise levels. Remediation carried out previously acceptable.

Officer Comment: Conditions to be imposed as set out above.

Landscape

Full details of hard and soft landscaping to be conditioned

REMARKS

1. Introduction

2. This application is a hybrid application which is a joint application between Network Housing Group and General Practice Investment Corporation Ltd (GPI). Network Housing Group currently have the only interest in the land in terms of a freehold or leasehold interest.

3. The reason why a hybrid application has been submitted is due to timescales and funding. Funding for the affordable housing element is dependant upon monies from the Greater London Authority (GLA). The funding is available on the basis of certain deadlines being met, through to practical completion by March 2015. To meet these deadlines, a detailed planning permission is required to start on site in Autumn 2013.

4. Meanwhile, the timescales for the health care facility is dependant upon further authorisations, which officers have been advised are expected imminently. Additional minor detailing of the plans is also needed to refine the health centre proposals before a detailed planning application can be submitted. The timescales for delivery is also later than the affordable housing element.

5. The hybrid application will allow officers to be given a level of comfort that both elements of the scheme can come forward on the site without prejudicing one another.

6. The application seeks the following elements:

7. Full planning permission to construct 11 affordable housing units for Shared Ownership (5 x 1 bed, 5 x 2 bed and 1 x 3 bed). The residential element will be located at the rear of the site, and will be managed by Network Housing Group.

8. Outline planning permission to provide a new healthcare facility and associated access arrangements on the remainder of the site. GPI are intending to subsequently submit a reserved matters application relating to the healthcare facility in the event that permission is forthcoming for the hybrid application.

9. Principle of development

Residential element

10. The application proposes 11 affordable residential units. There is a shortage of affordable housing within the Borough, and this provision will contribute towards providing more affordable housing within the Borough. As such, it can be supported in principle. The requirement for all units to be affordable will be secured through the Section 106 Agreement.

New healthcare facility

11. Planning permission was granted in 2005 for the redevelopment of the former Roberts Court site to provide an extra care housing facility for the elderly and a primary medical centre. The extra care housing facility was completed in 2007, and is known as Harrod Court. It is run by Willow Housing and Care, which is a subsidiary of Network Housing Group. The primary medical centre was proposed with 13 consulting rooms but it has not been possible to deliver the primary medical centre to date.

12. NHS Brent Clinical Commissioning Group has since been working with the Willow Tree Family Doctors & Fryent Medical Centre to relocate and build a new medical centre in Kingsbury. The new premises will serve both practices and their combined patient lists of around 13,500 patients. The Willow Tree Family Doctors and Fryent Medical Centre currently provide a range of health services in Kingsbury. Over recent years, service demand has far exceeded capacity with both premises being substantially under-sized, particularly at a time when more services are being transferred from secondary to primary care. The existing medical centres do not comply with current guidance for modern primary care.

13. A business case for the new premises has been approved by the Governing Body of Brent Clinical Commissioning Group. NHS Brent has previously confirmed that they are in full support of the proposed medical centre which will offer a significant improvement to the provision of health services to the local population in addition to the strategic aims of NHS NW London.

14. The medical centre will comply with policy 3.17 of the London Plan 2011 and policy CF13 of Brent's UDP 2004 as the facility will be accessible to the whole community.

15. Design

Residential Element

16. The residential block is located to the rear of the site. It is a total of 4 storeys high (including accommodation within the roof). It has been designed to take into account the surrounding context including Harrod Court with gabled pitched roof. The principle of a four storey building can be supported in this location given its position towards the rear of the site with a significant set back from the street frontage. Whilst the total height to the ridge will be 0.8m higher than the ridge of Harrod Court, given that the building is significant set back within the site and provides good separation with Harrod Court, the additional 0.8m is not considered to result in a development that would appear out of scale with the neighbouring development. The reason for the additional height is to provide minimum 2.5m internal ceiling height as specified within the London Housing Design Guide.

17. The bulk and massing of the building is broken up through the articulated building line and roof pitches, use of recessed balconies on the frontage and varied palette of materials.

18. A materials strategy & coding has been included. A simple palette of materials is proposed which has taken on board the surrounding context. This includes brick to be used as the main material, together with metal balconies, glazed areas and bronze anodised aluminium cladding panels within the gabled roofs. Slate is proposed for the roof. It is recommended that samples of external materials are conditioned so that officers can fully assess the quality of the materials proposed, having regard to the surrounding context including the Roe Green Village Conservation Area.

19. All of the ground floor units have their own entrances accessed off the shared accessway. The entrance to the upper floor flats is from the front of the building off the shared accessway. Access to the bin store is also provided from the frontage. To ensure that the main access door is of good design and detailing, it is recommended that further details are conditioned as part of any forthcoming consent.

Medical Centre

20. Indicative plans of the medical centre have been submitted which include floor plans and footprint of the medical centre in relation to the surrounding uses.

21. The medical centre building is part two storeys, part three storeys with the pharmacy next to No. 366 Stag Lane at a single storey. There is a single storey entrance proposed next to the access road shared with Harrod Court. The southern end of the building is proposed at three storeys high and medical centre will not project closer to the Stag Lane frontage than Harrod Court (with the exception of the front canopy), and is sufficiently set in from the Red Oak on the Stag Lane frontage.

22. In design terms, the indicative scale and massing of the medical centre building is considered acceptable being predominately two to three storeys in height. The primary care facility that was approved in 2005 was of a similar scale, being predominately two storeys high with a three storey (gabled roof at third level) along the frontage next to Harrod Court; at the rear a four storey element was proposed. The overall height of the scheme along the frontage approved in 2005 was higher than Harrod Court, whereas no part of this scheme will be higher than Harrod Court. It is recommended that suitable conditions are proposed to ensure the outline medical centre closely follows the indicative scale and massing proposals at reserved matters stage.

23. As discussed above, a design code for external materials has been included with the application. It is recommended that suitable conditions are proposed to ensure the outline medical centre closely follows the design code for the external materials, so that there is a consistency between the residential element and the medical centre.

24. The indicative floor plans propose a gross internal area (GIA) of 556sqm on the ground floor, 478sqm on the first floor and 222sqm on the second floor (total GIA of 1256sqm). The uses proposed within the medical centre include 10 consulting rooms, 4 nurse consulting rooms, 2 counselling rooms, treatment/minor surgeries room, phlebotomy and pharmacy, together with ancillary accommodation including toilets, waiting rooms, reception, staff rooms and IT/Staff rooms. Based on the number of rooms that are proposed 50 staff are anticipated to occupy the building. The indicative floor plans have been provided to demonstrate the level of accommodation that can be provided; the final layout will be agreed at reserved matters stage.

25. Transportation considerations

Car parking provision

26. An indicative layout of the car parking within the site has been provided. A total of 30 car parking spaces are proposed (22 existing spaces and 8 new spaces). 10 spaces will be allocated for the residential units, 8 spaces for Harrod Court and 12 spaces for the medical centre.

27. Car parking allowances for residential and health uses are set out in standards PS14 and PS12 of the adopted Unitary Development Plan 2004 respectively. As the site does not have good access to public transport services, the full residential allowances set out in the main table of the standard apply to this site.

28. Up to 12.6 spaces would thus be permitted for the residential element of the development. Officers in Transportation have advised that the proposed provision of ten residential spaces would therefore accord with standards, whilst being close enough to the maximum allowance to allay any concerns regarding overspill parking from the development. They have requested that space R1 outside the proposed wheelchair unit should be marked as a disabled space and allocated to that unit. Such details are recommended to be conditioned into any forthcoming planning consent.

29. For the medical centre, up to one space per five staff, plus 20% for visitors, would be permitted. In this case, 50 staff are proposed giving a total allowance of 12 spaces. Your officers in Transportation have advised that the proposed provision of 11 standard width spaces for this use therefore accords with standards, with the provision of a further wide space for disabled drivers being sufficient to satisfy standard PS15. The inclusion of a further space for the setting down of visitors close to the building entrance is also acceptable in principle, but should be marked accordingly. Such details are recommended to be conditioned to any forthcoming planning consent.

30. Eight remaining spaces (incl. four disabled) will be provided for use of Harrod Court. Officers in Transportation have advised that is would be in line with the maximum parking allowance of 12 spaces for 40 units and 40 staff. Surveys undertaken for the planning submission earlier in the year suggested that eight spaces would be sufficient to satisfy demand across 95% of the weekday and with scope for some shared use of spaces between the medical centre and sheltered housing, particularly at weekends, this level of parking is considered appropriate.

31. Full details of the management of the car park are recommended to be secured as part of the Section 106 Agreement.

Cycle Parking

32. A secure space is required for each flat. To this end, eight secure lockers are proposed at the rear of the communal amenity area for the upper floor flats, whilst the three ground floor units have cycle stores along the frontage. Full details are recommended to be conditioned as part of any forthcoming planning consent.

33. The medical centre requires one cycle space per five staff (ten spaces) and one space per five visitors. The proposed provision of 24 spaces is considered acceptable. However, there are concerns with the provision of a large bicycle store sited within the frontage that will result in a loss of a large soft landscaped area. It is recommended that an appropriately worded condition is secured as part of the reserved matters of the outline permission to provide cycle parking in appropriate location(s) within the site.

Servicing

34. With regard to access and servicing, the development will make use of the already constructed shared access road. Transportation have confirmed that this is acceptable in principle, with the road having generally been constructed to a suitable width for this level of development and naturally incorporating a turning area of suitable size for use by refuse and delivery vehicles at the entrance to the parking area for Harrod Court. Refuse vehicles would then need to reverse about 15m to get to within 10m of the main refuse store, but this is considered to be acceptable as the route is straight and relatively wide. An ambulance bay has also been indicated to the side of the medical centre, in accordance with standard PS22, which is welcomed.

35. Transportation have commented that the only concern is a kink in the alignment of the existing access road where it has been realigned northwards close to the junction with Stag Lane has created a slight pinch point down to about 4m. With the likely increase in activity along this access road arising from this proposal, remedial works should be undertaken to a short length of kerb line on the southern side of the road alongside the existing shrub bed to realign it parallel with the northern kerb line, thereby removing the potential for

vehicles to meet one another head on as they enter and leave the site. A condition is proposed to secure revised details to address this concern.

36. Impact on neighbouring occupiers

Residential element

5.1 The residential element is located at the rear of the site. It is not considered to impact upon the occupiers of Harrod Court as there are no windows in the flank wall of Harrod Court that face out onto the residential building. To the north and east is the access road to the Village School and sixth form block. The residential block is not considered to adversely impact upon the medical centre as it will not extend to the north of the medical centre.

Medical Centre

37. The medical centre is located at the front of the site and will be closer to residential properties. The indicative plans show the relationship of the medical centre in relation to No. 343 Stag Lane. SPG17 requires new development to sit within a line drawn at 30 degrees from rear habitable room windows drawn at a height of 2m above floor level. In this case, whilst the medical centre will not affect rear windows within No 343 Stag Lane, there are windows on the flank wall facing the medical centre that could serve habitable rooms. When measured from these flank wall windows, the medical centre will sit within a line drawn at 30 degrees. In addition, to ensure that an development is not overbearing, SPG17 requires new development to sit within a line drawn at 45 degrees from the boundary with adjoining private amenity space, measured at a height of 2m. The site layout of No. 343 Stag Lane is quite unusual as it has an amneity area around surrounding the house, with the propsrty set quite far back in its plot. Therefore as a guide, when measured from the southern boundary of this external space, the new medical centre will marginally breach the 45 degree line. As this breach is marginal, it is not considered to warrant a reason for refusal.

38. There is a flank wall window on Harrod Court that serves a secondary window to a habitable room within one of the flats within Harrod Court. The new medical centre will sit within a line drawn at 30 degrees from this flank wall window, complying with SPG17.

39. The relationship of the medical centre upon the new residential development also needs to be considered. The two storey element of the medical centre will extend further north than the residential development. This element is set in approx. 6.5m from the boundary and extends approx. 4.5m further north. There is a distance of 10m from the middle of the nearest habitable room window within the residential development to the flank wall of the two storey element. As such, the proposed depth of 4.5m complies with 2:1 guidance which is set out in SPG5 which gives guidance on acceptable depth of first floor extensions to residential properties. In addition the two storey element sits within a line drawn at 45 degree from the communal external amenity space for the residential development.

Quality of residential accommodation

- Unit mix and size

40. The application proposes 11 self contained flats including 5 x 1-bed units, 5 x 2 bed units and 1 x 3 bed units. Policy CP21 generally requires 25% of units to be family sized (three bedroom plus). In this instance only 9% of units are family sized, but it is considered that the wider benefits of the scheme including all units to be affordable and the provision of a medical centre on the site, can justify a reduction in the percentage of family sized units within the site.

Unit No	Internal Floor Area	Minimum internal floor area required within the London Plan
1 (2 bed 3 person)	78sqm	61sq
2 (1 bed 2 person)	51sqm	50sqm
3 (2 bed 4 person)	78sqm	70sqm
4 (2 bed 4 person)	71.6sqm	70sqm
5 (1 bed 2 person)	50sqm	50sqm
6 (2 bed 4 person)	71.3sqm	70sqm
7 (3 bed 6 person)	108sqm	95sqm
8 (1 bed 2 person)	50sqm	50sqm
9 (2 bed 4 person)	71.3sqm	70sqm

10 (1 bed 2 person)	50sqm	50sqm
11 (1 bed 2 person)	56sqm	50sqm

41. All of the above units exceed the minimum internal floor area set out within the London Plan 2011. Whilst the family sized unit is not located on the ground floor with direct access to a private rear garden, it will have private amenity area in the form of a balcony and exceeds the minimum internal floor area required for this size of unit by approx. 10sqm. As such the location of the family sized unit on the upper floors is considered acceptable.

- Outlook and privacy

42. All units with the exception of units 5 and 8 will have dual outlook. However, outlook for units 5 and 8 is in a southern direction, and is therefore considered acceptable.

43. The relationship with the northern boundary of the site is relatively tight at 6.7m at its closest point increasing to 9.1m. In addition, outlook for bedroom 1 is further restricted to 3.1m due to the boundary fence with the cycle store. As each unit has dual aspect with the main source of outlook facing southwards, the restriction to outlook from the northern elevation is not considered to be significantly detrimental as to warrant a reason for refusal.

44. It is not considered that the proposed units will be overlooked by other surrounding developments. A distance of over 11m is maintained with Harrod Court and there are no windows on the flank wall of Harrod Court that overlook the new residential development. To the north and east of the residential development is The Village School and sixth form annex. A minimum distance of 12m is maintained between the buildings and the buildings are separated by the communal amenity space and vehicular access for the school.

- External amenity space

45. Each flat will have access to a good sized terrace/balcony that are all south facing. The ground floor terraced are all 10sqm and the minimum size of the balconies is 5sqm. In addition, all residents have access to a communal garden. The size of the communal garden is 192sqm. The total amount of external amenity space is 280sqm which accounts to approx. 25sqm per unit which exceeds the minimum requirement of 209sqm per unit for residential flats as set out in SPG17.

46. Full details of the hard and soft landscaping within the communal garden together with planting buffers in front of the ground floor rear windows is recommended to be conditioned as part of any forthcoming planning consent.

Landscaping

47. An ecological appraisal of the site has been undertaken. It concludes that the site is of low ecological value. It recommended that the planting scheme should seek to use a mix of native tree planting and shrub species. This will be secured by condition for landscaping around the car park of the residential scheme and around the medical centre. It also recommended that tree and shrub removal should be undertaken between September to February to avoid the season which birds are most likely to nest, and to provide nest boxes as part of the scheme. Such details are recommended to be conditioned to any forthcoming planning consent.

48. A tree survey has been undertaken that shows the retention of the majority of trees on site including two Red Oaks on the Stag Lane frontage. It is recommended that an Construction Method Statement in relation to the protection of trees during the construction works are secured by condition.

49. Sustainability

50. There is a requirement that all dwellings on site achieve Level 4 of the Code for Sustainable homes, which requires an improvement in regulated CO2 emissions of at least 25% over Building Regulations target emissions. The improvement can either be achieved by passive design measures such as building fabric improvement or through the implementation of on site Low and Zero Carbon technologies. In this case, it is proposed to incorporate photovoltaics in the design in addition to an enhanced building fabric. The medical centre is proposed to achieve a BREEAM Level 'Excellent'. These levels will be secured through the lease agreement.

51. CIL

52. The scheme would be liable for £31,848.43 for Mayoral CIL and £178,000.00 for Brent CIL. However, as an affordable housing scheme, the applicant can't apply for affordable housing relief meaning that the development would not be required to pay CIL.

53. Conclusions

54. The proposal is considered to provide an appropriate balance between meeting the objectives of Network Housing to provide social housing whilst also providing for a new medical centre. Overall the scheme is considered to meet the relevant planning policies and approval is accordingly recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Central Government Guidance
London Plan (2011)

Brent's Core Strategy (2010)
Brent's Unitary Development Plan (2004)
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
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

CONDITIONS/REASONS:

- (1) The development hereby permitted shall be carried out in the following Phases:

- (a) Phase 1: Full planning permission for the erection of a three storey building with a pitched roof to accommodate 11 affordable residential units for shared ownership (5 x 1-bed, 5 x 2-bed and 1 x 3-bed) with associated car parking, cycle storage, landscaping and amenity space.
- (b) Phase 2: Outline planning permission for the erection of a medical centre of approximately 1,256sqm, including a pharmacy of approximately 90sqm, together with associated car parking.

Reason: In the interests of clarity and proper planning

- (2) The development to which the full planning 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 drawing(s) and/or document(s):

JLL1

1309_PL_001
1309_PL_002
1309_PL_100
1309_PL_101
1309_PL_200
1309_PL_201
1309_PL_250
1309_PL_103

Supporting Documents

Sustainability Strategy dated July 2013 prepared by Carbon Plan in partnership with John Rowan and Partners

Tree Survey dated 22 July 2013 prepared by SJ Stephens Associates

Ecological Appraisal dated July 2013 prepared by LUC

Planning Statement dated July 2013 prepared by Jones Lang LaSalle

Design and Access Statement dated July 2013 prepared by PCK

Transport Statement dated 23 July 2013 prepared by Waterman Transport & Development Limited

Residential Travel Plan dated 23 July 2013 prepared by Waterman Transport & Development Limited

Affordable Housing Statement prepared by Network Group

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

- (4) Approval of the details of the following reserved matters shall be obtained from the local planning authority in writing in respect of Phase 2 of the development (hereinafter called "the reserved matters") except where details are approved as part of this permission as noted below:

(a) scale of the medical centre building in accordance with the approved Design and Philosophy (the 'Design Code') set out in the approved Design and Access Statement;

(b) layout of the medical centre building;

(c) external appearance of the medical centre building in accordance with the approved Design and Philosophy (the 'Design Code') set out in the approved Design and Access Statement;

(d) landscaping of private and public space around the medical centre

Reason: To ensure the development is carried out in accordance with the prevailing relevant policy

- (5) Approval of the plans and particulars of the Reserved Matters for Phase 2 (medical centre) referred to in Condition 4 shall be obtained from the local planning authority in writing prior to the commencement of any part of the development to which those Reserved Matters relate except that this shall not prevent works of site clearance, ground investigation and site survey works, erection of temporary boundary fencing or hoarding and works of decontamination and remediation (hereafter 'preparatory works') and shall be carried out only as approved.

Reason: To ensure full details of each phase are provided to ensure an acceptable standard of development

- (6) The details of Phase 2 (medical centre) submitted in relation to Condition 4 shall be in accordance with the Design and Philosophy (the 'Design Code') specified in Condition 3 and any subsequent reviews and updates to that document and the works shall be carried out as approved.

Reason: To ensure the scale, form, massing, appearance and design detail of the development results in a high quality and co-ordinated design for the development and that the

different Phases adhere to that co-ordinated design.

- (7) Application for approval of the Reserved Matters shall be made to the local planning authority before the expiration of three years from the date of this permission

Reason: To ensure planning applications are carried out within a reasonable time period in accordance with Section 92 of the Town and Country Planning Act 1990.

- (8) The development to which the outline planning permission relates be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later

Reason: To ensure planning applications are carried out within a reasonable time period in accordance with Section 92 of the Town and Country Planning Act 1990.

- (9) No works at all including 'preparatory works' shall commence until details of vehicle wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority and such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the local planning authority.

Reason: To ensure construction activity does not result in waste and spoil on the public highway

- (10) No mechanical plant shall be installed within Phase 2 (medical centre) until further details of such mechanical plant, including but not limited to refrigeration, air-conditioning and ventilation system, have been submitted to and approved in writing by the local planning authority.

Such details shall:

- (i) Include the particulars and or specification of noise levels of each item of mechanical plant;
- (ii) demonstrate that the individual and cumulative predicted noise levels from any mechanical plant together with any associated ducting, shall be 10 dB(A) or greater below the typical background noise level. The method of assessment should be carried out in accordance with BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas'; and
- (iii) include a scheme of mitigation in the event the predicted noise levels of the plant exceed the criteria in part (ii)

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

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

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

<i>Criterion</i>	<i>Typical situations</i>	<i>Design range LAeq, T</i>
Reasonable resting conditions	Living rooms	30-40 dB (day: T=16hrs 07:00 – 23:00)
Reasonable sleeping conditions	Bedrooms	30-35 dB (night: T= 8hrs 23:00 –

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

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

- (12) Prior to first occupation of Phase 1 (residential development) hereby approved, details of all domestic boilers installed demonstrating that the rated emissions of Oxides of Nitrogen (NO_x) do not exceed 40 mg/kWh, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To obtain required sound insulation and prevent noise nuisance.

- (13) Prior to commencement of Phase 1, with the exception of 'preparatory works', further details of the car park and access road layout shall be submitted to and approved in writing by the Local Planning Authority except that the number of vehicle parking spaces for the residential development to provide 10 spaces, medical centre to provide 12 spaces (including one disabled) and Harrod Court to provide 8 spaces. Such details shall include:

(i) minor alignment of the southern kerbline of the existing access road on the entrance to the site.

(ii) extension of the footway on the northern side of the road along the front of parking spaces G10-G12 (with associated alterations to the size and siting of parking spaces G7 and G10-G12)

(iii) a Car Park Management Plan which shall be a plan of the use and management of the car park to include arrangements for the provision of emergency access from the site to The Village School, the allocation of spaces between uses and details of how the residential parking spaces will be protected from use by vehicles associated with the medical centre and Harrod Court and vice versa, with an review of the effectiveness of control measures and imposition of further control measures as required.

The areas designated for car-parking shall be laid out in accordance with the details hereby approved prior to occupation of the Phase One development or any part thereof and the car-parking area shall be retained for the lifetime of the development.

Reason: to ensure the car parking spaces provide a sufficient amount of parking for the uses.

- (14) All parking spaces, turning areas, access roads and footways associated with a relevant Phase shall be constructed and permanently marked out in accordance with the approved plans prior to occupation of any part of the relevant Phase and shall be retained thereafter.

Parking space R1 located outside the wheelchair unit (Unit 1) shall be marked as a disabled space and allocated to the wheelchair unit only and Parking space R2 shall be allocated to the middle ground floor residential unit (Unit 2) and permanently retained for the lifetime of the development.

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

- (15) Prior to commencement of the relevant Phase with the exception of 'preparatory works' further details of cycle parking facilities for:

(i) Phase 1

(ii) Phase 2

shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include but not be limited to:

(a) details of the bike store(s) including elevation and floor plans and details of external materials;

(b) relocation of bike store for staff within the medical centre to be relocated to the rear of the building

(c) relocation of bike store for the public within the medical centre to be relocated close to the pharmacy and main entrance of the medical centre

Reason: to ensure the cycle parking spaces provide a sufficient amount of cycle parking for the uses and that staff and visitors are encouraged to cycle to the site

- (16) Prior to commencement of the relevant Phase with the exception of 'preparatory works' further details of refuse and recycling scheme for:

(i) Phase 1

(ii) Phase 2

shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include arrangements for the storage and disposal of refuse and recyclable materials. The refuse facilities shall be provided in full prior to first occupation of the relevant Phase and shall be retained thereafter for the lifetime of the development.

Reason: To protect amenity and ensure adequate provision for the storage of refuse.

- (17) Prior to commencement of the relevant Phase with the exception of 'preparatory works' further details of all exterior materials including samples and/or manufacturer's literature for:

(i) Phase 1

(ii) Phase 2

shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include but not be limited to:

(i) building envelope materials e.g. bricks, cladding, roof tiles;

(ii) windows, doors and glazing systems including colour samples; and

(iii) balconies and screens

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

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

- (18) Prior to commencement of the relevant Phase with the exception of 'preparatory works' further details of the landscape works and treatment of the surroundings for:

(i) Phase 1

(ii) Phase 2

shall be submitted to and approved in writing by the Local Planning Authority.

Such a scheme shall provide details for the treatment of all areas of hard and soft landscaping in public, private and semi-private/public external space and shall include:

- (i) a planting plan showing all areas of soft landscaping specifying species, plant sizes and planting densities to include native plant species and/or those that are of known wildlife value that will attract insects and birds, together with the provision of nesting boxes;
- (ii) an external works plan showing all areas of hard landscaping specifying materials and finishes: these should be of a permeable construction;
- (iii) details of all materials, including samples and/or manufacturer's literature, for those areas to be treated by means of hard landscape works;
- (iv) details of street furniture including but not limited to raised planters/beds, benches, steps, signs;
- (v) details of means of enclosure and boundary treatments;
- (vi) details of external lighting (including proposed sitting within the site and on buildings and light spillage plans showing details of lux levels across the surface of the site and at residential windows);
- (vii) a programme of works for the implementation of the above landscape works
- (viii) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

The works shall be completed in accordance with the approved details prior to the occupation of any part of the development or in accordance with the programme of works agreed in writing with the local planning authority and shall be retained thereafter for the lifetime of the development.

Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions.

- (19) Details of the roof plan for the residential development (Phase 1) , 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.

- (20) All residential units within the development (Phase 1) hereby approved shall be built to

Lifetime Home Standards and the ground floor unit (Unit 1) shall be wheelchair accessible, and permanently retained throughout the lifetime of the development.

Reason: In the interests of securing inclusive access.

(21) 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 - 1800 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.

(22) The proposed medical centre shall only be used between 0800 - 2000 hours Monday to Friday, and 0800 - 2000 Saturday, with the premises cleared within 30 minutes after these times, except for routine maintenance or administrative purposes.

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

(23) Prior to commencement of Phase 2, details of signage for the medical centre shall submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (i) details of the design and position of signage and advertising including signs attached to the building fabric or free-standing within the site

The works shall be carried out in accordance with the approved details.

Reason: To ensure the appearance of the medical centre is in keeping with the character of the surrounding area.

(24) The temporary vehicular crossover on Stag Lane shall be reinstated to footway at the applicants expense, in compliance with a scheme to be submitted to and approved in writing by the Highway Authority, with the works carried out and completed in accordance with these approved detail, prior to the first occupation of Phase 2 (medical centre).

Reason: In the interests of highway conditions within the vicinity of the site.

(25) Prior to commencement of Phase 1, a tree protection plan, arboricultural method statement and construction method statement for the proposed works, specifying the method of tree protection in accordance with BS 5837:2012 shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing on site. Works shall not commence on site until the Local Planning Authority has been on site and inspected the required tree protection measures. The approved tree protection measures shall be in place throughout the construction period for both Phases one and Two.

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

(26) Prior to the first occupation of the residential development (Phase One), a Travel Plan of

sufficient quality to score a PASS rating using TfL's ATTrBuTE programme, to incorporate targets for minimising car use, monitoring of those targets and associated measures to meet those targets, shall be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented in accordance with the approved details.

Reason: In the interests of reducing reliance on private motor vehicles.

- (27) No windows or glazed doors (other than any shown in the approved plans) shall be constructed in the flank wall of the residential building (Phase One) without the prior written consent of the Local Planning Authority.

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

INFORMATIVES:

- (1) It is important that workers are vigilant for signs of potential contamination in the soil during excavation works. This may include obvious residues, odours, fuel or oil stains, asbestos, buried drums, buried waste, drains, interceptors, tanks or any other unexpected hazards that may be discovered during site works. If any unforeseen contamination is found during works Safer Streets must be notified immediately. Tel: 020 8937 5252. Fax: 020 8937 5150. Email: ens.licencingandmonitoring@brent.gov.uk.
- (2) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Victoria McDonagh, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5337

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Committee Report Planning Committee on 16 October, 2013

Item No. 07
Case No. 13/2196



Planning Committee Map

Site address: 152 Olive Road, London, NW2 6UY

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This map is indicative only.

RECEIVED: 12 August, 2013

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 152 Olive Road, London, NW2 6UY

PROPOSAL: Demolition of former Cricklewood Library building and erection of a five storey building including basement comprising 10 No. residential units (2 x1-bed, 6 x 2-bed, 2 x 3-bed) and 157m2 of D1 (multi-functional community) floorspace.

APPLICANT: Cricklewood Library Limited

CONTACT: Nicholas Taylor & Associates

PLAN NO'S:

500; 501; 502 Revision E; 522 Revision F; 524 Revision F; 525 Revision D; 526 Revision D; 527 Revision F; 530; 540 Revision F; 541 Revision F; 520; 523 Revision H; Planning Design and Access Statement; Community Hub Use Supplementary Report; Parking Survey; Sustainability Statement; Code for Sustainable Homes Pre-Assessment Report.

RECOMMENDATION

Refusal.

EXISTING

The subject application site relates to the former Cricklewood Library, 152 Olive Road, NW2. The library was closed as a in October 2011 and has been vacant since its closure.

The site has a total footprint of approximately 550sqm.

The internal layout of the ground floor of the site as existing is predominantly open plan, with a reading room and reception area to the ground floor and a store room and WC to the rear. The upper floors are predominantly ancillary areas including store rooms, a kitchen and a WC. The Net Internal Floor Area is approximately 458sqm.

The site is just over 35.8m deep, and 13m wide to its rear. The site becomes slightly wider to the front elevation and is 17.6m wide to its front pavement.

The site is bounded by Oman Court to the south, a 1920's/ 30's L-shaped four storey block of flats located 3m from the site boundary to its front, stepping away from the site boundary at a depth of 8m to be approximately 9.5m from the boundary of the site. A planning application was approved for an additional floor to the block in 2010 (LPA Ref: 10/2012). There are habitable rooms throughout the block to the northern elevation of the site adjoining the library. Its car park lies to the rear (east) of the subject site.

Gladstone Park adjoins the site to the west, and there is an entrance to the park from Olive Road.

To the north of the site there are predominantly two storey semi detached dwellinghouses. No. 150 Olive Road directly adjoins the site to the north and has a two storey side extension which sits on the site boundary, and was converted from a dwellinghouse to five flats in 1989 (LPA Ref: 88/2288). There are habitable room windows within the flank wall of the two storey side extension.

The site is within a Controlled Parking Zone (CPZ). Restrictions apply from 10.00 am - 9.00 pm Mon – Sat. The site has “Very Poor” public transport access (PTAL Level 1a) and no car parking is available on site.

PROPOSAL

Demolition of former Cricklewood Library building and erection of a five storey building including basement

comprising 10 No. residential units (2 x 1-bed, 6 x 2-bed, 2 x 3-bed) and 157m² of D1 (multi-functional community) floorspace.

HISTORY

The site has a lawful D1 use, although the library has been vacant since October 2011. There is no other relevant site history.

Oman Court, to the south of the site, has approval for an additional storey to form a five storey block of flats (LPA Ref: 10/2012).

POLICY CONSIDERATIONS

National policy considerations

The NPPF, adopted in March 2012, sets out a “presumption in favour of sustainable development ” including the economic, social and environmental impacts of new development.

The relevant objectives within the NPPF are to:

Promote high quality design
Deliver a wide choice of quality homes
Protect and deliver social, recreational and cultural facilities and services
Promote sustainable travel

Regional policy considerations

The London Plan, adopted 2011, is legally part of the development plan for the 33 London boroughs of Greater London; their local development documents are required to be in general conformity with it, including any Supplementary Planning Guidance.

Relevant policies include:

Social Infrastructure

3.16 Protection and Enhancement of Social Infrastructure

London's Response to Climate Change

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

London's Transport

6.1 Strategic approach
6.3 Assessing effects of development on transport capacity
6.7 Better streets and surface transport
6.9 Cycling
6.10 Walking
6.13 Parking
6.14 Freight

London's living places and spaces

3.11 Affordable Housing Targets
7.2 An inclusive environment
7.3 Designing out crime
7.4 Local Character

7.5 Public realm
7.6 Architecture
7.8 Heritage assets and archaeology
7.14 Improving air quality
7.15 Reducing noise and enhancing soundscapes
7.19 Biodiversity and access to nature
7.21 Trees and woodlands

London Plan SPG

The Mayor's Transport Strategy (May 2010)
Sustainable Design and Construction – Supplementary Planning Guidance (2006)
Accessible London: achieving an inclusive environment (April 2004)
Planning for Equality and Diversity in London (October 2007)
The Mayor's Housing Design Guide (November 2012)

Relevant Supplementary Planning Guidance

Local policy considerations

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

Further details of these policies are considered below.

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

CP 1 Spatial development strategy

This sets out the spatial strategy, outlining where growth is to be focused.

CP2 Population and Housing Growth

Sets out the mix and level of affordable housing for the borough as well as the overall housing target.

CP 5 Place making

Sets out requirements for place making when major development schemes are considered

CP 6 Design & density in place shaping

Sets out the requirements for appropriate design and density levels for development

CP 15 Infrastructure to support development

Requires that the infrastructure requirements of new development are met

CP18 Protection and enhancement of Open Space, Sports & Biodiversity

Protects all open space from inappropriate development. Promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created

CP 19 Brent strategic climate mitigation and adaptation measures

Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas

CP 23 Protection of existing and provision of new community and cultural facilities

Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

Brent Unitary Development Plan 2004

Strategic

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

STR5 Reduces the need to travel, especially by car.

STR6 Parking controls

STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.

STR13 Environmentally sensitive forms of development will be sought

STR14 New development should make a positive contribution to improving the quality of the urban environment

STR15 Major development should enhance the public realm

Built Environment

BE2 Townscape: Local Context & Character

BE3 Urban Structure: Space & Movement

BE4 Access for Disabled People

BE5 Urban Clarity & Safety

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE9 Architectural Quality

BE12 Sustainable Design Principles

BE19 Telecommunications

Transport

TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.

TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.

TRN4 Measures to make transport impact acceptable

TRN10 Walkable environments

TRN11 The London cycle network, schemes should comply with PS16

TRN12 Road safety and traffic management

TRN13 Traffic calming

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

TRN16 The London Road Network

TRN20 London Distributor Roads

TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.

TRN23 Parking Standards – Residential Developments

TRN30 Coaches and taxis should be accommodated to ensure unloading or alighting does not obstruct the highway

TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.

PS12 Car parking standards – Class D1

PS15 Parking standards for disabled people

PS16 Cycle parking standards

Housing

H13 Residential Density

H22 Protection of residential amenity

Environmental Protection

EP2 Noise and Vibration

EP3 Local Air Quality Management

Brent Supplementary Planning Guidance

SPG 17 “Design Guide for New Development” Adopted October 2001

Provides comprehensive and detailed design guidance for new development within the borough.

The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

SPG19 “Sustainable Design, Construction & Pollution Control” Adopted April 2003

This supplementary planning guidance focuses on the principles and practice of designs that save energy,

sustainable materials and recycling, saving water and controlling pollutants. It emphasises environmentally sensitive, forward-looking design, and is consistent with current government policy and industry best practice, aiming to be practicable and cost-effective.

CONSULTATION

Public Consultation

The application has been subject to widespread public consultation.

The Council consulted within a radius of 200sqm of the site and as such 384 adjoining neighbours were consulted by letter on 13/08/2013. The Local Residents' Group, Friends of Cricklewood Library, were consulted by email on 13/08/2013. A Site Notice was placed outside the Library on 03/09/2013, and a Press Notice was placed in the local paper on 20/08/2013.

Councillors for Dudden Hill, Dollis Hill and Mapesbury Wards were consulted alongside all Lead Councillors and Local MP Sarah Teather on 13/08/2013.

Councillor Leaman of Mapesbury has objected to the proposal.

There has been a fairly significant response to the consultation. So far, in total, 56 objections and 4 letters of support have been received from members of the public.

The council has been made aware of two potentially falsified letters of support to the proposal. One of the letters provides no exact address whilst the second does not appear to have been written by the owner of the property. Officers have written to the latter resident to determine whether the letter of support was indeed falsified, and will report back any further information to the Planning Committee on this issue within a Supplementary Report

In summary the concerns of the objectors relate to the following issues:-

Issue:	Officer Response:
Community use/ hub	
1. There have already been a number of developments in this area which has put more pressure on local community facilities, such as the St. Michael's Road development and the additional floor approved at Oman Court. The community therefore needs more public facilities not fewer	Paragraphs 2.1 to 2.7
2. The level of space provided is too small to meet the community's needs	Paragraphs 2.1 to 2.7
3. There would be no natural light to the basement	Paragraphs 2.1 to 2.7
4. The proposed floorspace fails to meet the required local demand	Paragraphs 2.1 to 2.7
5. There will be a loss of community space and civic amenity in an area where these facilities are already lacking.	Paragraphs 2.1 to 2.7
The loss of community facility is not offset by the provision of new homes	Officers recognise that there is a demand for new homes within the borough, as set out in the Core Strategy. However, the need for new homes needs to be balanced against the need to protect and provide community facilities that meet a local demand.
6. The layout and floorspace of the hub is not usable or viable	Paragraphs 2.1 to 2.7
7. The proposed community hub is insufficient,	Paragraphs 2.1 to 2.7

unsuitable and impractical for meeting community needs	
8. The development would harm local employment as a facility which could be used for social enterprise or to developed skills would be lost.	Whilst community facilities could be used to support employment and training initiatives this is just one of a wider range of facilities that could be provided. Further assessment of local need is required.
9. Arrangements for the future ownership of the community hub is unclear and no business model has been provided to show that it would be genuinely viable	Paragraphs 2.1 to 2.7
10. The applicant has failed to consult the local community in developing the proposals for the community hub	Paragraphs 2.1 to 2.7
11. The basement area of the community hub would not be suitable for some users and would provide a substandard space for community use	Paragraphs 2.1 to 2.7
12. There are lack of fire exits and the basement is not suitable for use by disabled people	The issue of Fire Regulations is covered by Building Control, and falls outside of planning legislation.
<i>Design, scale and massing</i>	
13. The existing building is attractive and historic. It should be retained	The demolition and replacement of the building is not unacceptable in principle. Any replacement building would have to be high quality and fully accord with the Council's design policies and principles
14. The development would result in the loss of an attractive and distinctive building	The demolition and replacement of the building is not unacceptable in principle. Any replacement building would have to be high quality and fully accord with the Council's design policies and principles
15. The proposed building fails to respect the existing character of the area	Paragraphs 3.1 to 3.4
16. The development is too large and bulky	Paragraphs 3.1 to 3.4
17. The development will result in overshadowing to the park opposite	The proposed building is some distance from the park and is not considered to cause overshadowing to the park.
18. The building is too tall and fails to fit in with the heights of the other existing buildings in the locality	Paragraphs 3.1 to 3.4
19. The design is crude and poor quality	Paragraphs 3.1 to 3.4
<i>Quality of proposed residential accommodation and impact on existing residential amenity</i>	
20. Loss of light, outlook and privacy to the residential units adjoining the site	Paragraphs 6.1 to 6.5
21. The proposal would overlook the gardens of the adjoining residential properties	Paragraphs 5.1 to 6.5
22. The development lacks outdoor amenity space	Paragraphs 5.1 to 5.10
23. There is no affordable housing proposed	Paragraphs 4.1 and 4.2
24. The quantum of residential development with no outside space is an overdevelopment of the site	Paragraphs 5.1 to 5.10
<i>Parking, highways and traffic impact</i>	
25. The development will increase parking and traffic problems within the locality of the site	Paragraphs 7.1 to 7.7
26. The sightlines across this part of Olive Road are poor and further parking would exacerbate the existing highway safety problems	Paragraphs 7.1 to 7.7

27. The development does not provide adequate facilities for the storage of refuse/recycling and bicycles.	Paragraphs 7.1 to 7.7
Other	
28. There should be no more flats in the area. It is already overpopulated	The Council's Core Strategy supports sustainable levels of population growth and the additional supply of housing to address the chronic housing shortage across the borough which has to be finely balanced with the impacts on other residents, such as highways implications etc.
29. There has been inadequate consultation on the planning application	There has been extensive public consultation on the planning application as set out in the 'Consultation' section of this report
30. There has been inadequate pre-application consultation from the developer	Paragraphs 2.0 to 2.7
31. The erection of a basement is likely to cause subsidence to neighbouring properties and buildings	The erection of a basement is not unacceptable in planning terms and would not warrant refusal of the application.
32. The supporters of the application do not live in the area	Any member of the public has a right to make a representation on a planning application if they wish.

The letters of support received to the proposal relate to: the replacement of the dilapidated library with a new, modern facility; the design and height of the building, which relates nicely to the park and adjoining buildings; the provision of new housing for which there is a large need in Brent; the level of space provided by the new community facility, which is large enough to meet the needs of the local population including schools without being too large and costly for it not to be viable.

Internal Consultation

The relevant internal council departments were consulted on 13/08/2013 including Transportation; Design; Landscape; Streetcare; Planning Policy; Housing; Transportation; Design and Environmental Health.

Transportation:

The council's Transportation Department have objected to the proposal on the grounds of overspill parking, to the detriment of highway and pedestrian safety.

Environmental Health:

The Environmental Health Department have objected to the lack of detail/ inaccuracies within the plans provided for the Combined Heat and Power (CHP) system which is potentially polluting and may cause noise and disturbance to the residential uses.

Amended plans showing the type of CHP system to be used including its location have been requested alongside a Noise Assessment for the CHP system before Officer support can be given. Further detail has also been requested in relation to the noise impact of the community use on the residential uses above.

Design:

The Head of Design has objected to the proposal. It is considered significantly overscaled and fails to positively respond to its context.

Concerns have also been raised about the design of the building and its use of materials, for which there is no clear explanation or detail provided.

Landscape:

The Landscape Department have raised concerns about the lack of landscaping detail submitted for the development and have requested that all residents have access to the rear garden.

No representations have been received from Streetcare, Planning Policy, Housing or Design.

REMARKS

1. Main Considerations

2. The proposed development would involve the conversion of the vacant building, most recently used as a library (Use Class D1), into a community hub (Use Class D1), six self-contained flats and one self-contained dwellinghouse. It is considered that the main planning consideration in relation to the determination of the application are:-

- Whether sufficient mitigation is provided for any loss of community or cultural facilities
- Whether the density, design, scale and massing of the proposal would make a positive contribution to the streetscene
- Whether the proposed residential mix and tenure meets the council's policy requirements
- Whether the proposed residential units provide an acceptable quality of residential accommodation and amenity for future occupiers
- Whether the proposed development has an acceptable impact on the amenities of adjoining residents
- Whether the proposed development would have an acceptable impact on local highways, parking and servicing conditions
- Whether the proposed development meets the statutory development plan's sustainability and renewable energy requirements
- Whether the proposed development meets the statutory development's requirements with regard to the public realm and landscaping

3. The above is a summary of the main planning considerations affecting the current proposal. The application should be determined in accordance with the development plan and any other material planning considerations as set out in this report.

4. Replacement of community facilities

5. The existing building has been vacant since the former use of the building as a public library ceased in 2011. The cessation of the former use was as a result of the Council's Library Transformation Project. The applicant argues in their submission that through this process, adequate mitigation has already been provided, in the form of new and improved library facilities, to justify the loss of the existing building. The Library Transformation Project does provide a comprehensive and efficient library service in the borough. However, the development does not adequately address local demands for wider forms of community facilities. Whilst the Council's library use has ceased, the building remains capable of being used to meet other wider community needs and therefore sufficient mitigation would need to be provided if the loss of the community use is to be supported.

6. The existing building has a gross internal floor area of 413 sqm arranged over 2 floors. Under its previous use the ground floor acted as the main reading room and reception area, with ancillary staff areas, a WC and storage space to the rear, totalling a Net Floor Area of 265sqm. The first floor, accessed via a spiral staircase, were predominantly ancillary store rooms, a kitchen and a WC totalling 148sqm Net Floor Area.

7. The proposal would involve the formation of a community hub occupying part of the ground floor of the building and part of the proposed basement floorspace, yet to be excavated. The applicant has stated that the proposed community hub facility would have an internal floor area of 157sqm (GIA); however discounting circulation space this figure is 123sqm; 141 sqm (GIA) less than the former ground floor library reading room and reception and 290sqm (GIA) less than the former library as a whole. This is a sizeable shortfall in terms of the quantity of floorspace to be reprovided and these concerns are compounded by the fact that the limited floor space would be provided over two levels with 90sqm (GIA) of this space provided at the ground floor level and 33sqm (GIA) provided at the basement level.

8. Notwithstanding concerns regarding the quantity of community use floor space to be provided, consideration also needs to be given to the quality of the space and its functionality in terms of meeting the demands of the local community. The open plan layout of the spaces does not appear to lend itself particularly well to concurrent use of the space by multiple user groups which is suggested in the list of

activities on page 44 of the applicant's 'Community Hub Supplementary Report' (CHSR). For example, if one group wished to use the basement area, whilst another the ground floor, conflicts would be likely to occur in terms of accessing the main entrance, which would have to be shared to access the basement floor. Whilst access could be provided via the residential entrance, this is not considered acceptable for safety, amenity and management related issues. It is noted there are some discrepancies in the plans and the Community Hub Supplementary Report, with the latter intimating there are separate entrances for the ground floor, basement, residential and bin/ cycle stores which are not shown in the plans. Three options have been proposed for the basement level which would include a WC with the potential for a large community hub/ small community hub with one office/ small community hub with two offices. It is noted the two latter options would allow for the toilet to be used for both rooms without interruptions to the different users, although the first option would not present this. More generally, there are concerns regarding the quality of the space at basement level, as this would suffer from a lack of natural light and ventilation, and no solutions are proposed to overcome this.

9. In the submission the applicant proposes a number of flexible uses within the facility which have been identified through public consultation, including indicative plans to show how the space might be used. The submitted details include a schedule of activities occurring Monday to Sunday. Very little detail has been given in terms of identifying the number of estimated users for these activities, and how much floorspace will be required in light of this level of demand. This is of some concern, particularly where activities will be taking place in the facility simultaneously. Furthermore, information on the form and extent of the public consultation undertaken to identify the local demand for community facilities is extremely limited within the submission documents and it is not clear to what extent the proposed uses would meet the wider demands of the local community as well as that of the local community groups.

10. The applicant sets out in the planning statement that the space will be "offered to a community use provider on a rent free or heavily subsidised basis in perpetuity" and this provider will be identified through a tender process. However, again details are limited and it is difficult for officers to be certain that there is a reasonable chance that through this process the community hub will be deliverable and sustainable.

11. Overall, there are significant concerns regarding the quantity, quality and future use and sustainability of the proposed community hub, and the level of community engagement undertaken to ensure that the proposals respond to the local need for community facilities. As such, it is the view of officers that the proposal would fail to provide sufficient mitigation to justify the loss of the existing community facility.

12. Density, design, scale and massing

13. The application seeks to demolish the existing library and erect a five storey building (including basement) comprising 10 No. residential units (x2 1-bed, x6 2-bed, x2 3-bed) and 157m² of D1 (multi-functional community) floorspace.

14. The proposal has a total of 36 habitable rooms (N.B. all rooms over 18sqm counted as two habitable rooms as defined within Brent's Unitary Development Plan, 2004). The density of the development, at 720 hr/ha, is thus akin to a development located in an "Urban" location with a Public Transport Accessibility Level of 4 to 6 as set out within the London Plan Density Matrix. The London Plan recommends, for urban areas of a PTAL of 1 to 2, a density of 150 to 200hr/ha. The proposal is thus clearly an overdevelopment of the site.

15. There are severe site constraints given the shape of the site which is deep and narrow, and flanked by habitable room windows from both the north and south. The proposal would be four storeys in height viewed from Olive Road, and would maintain the same property line as 148/ 150 Olive Road to the north, but would project forward of Oman Court by approximately 4.7m. It is generally considered that in new development, the front building line and distance between adjoining properties should respect the layout of the adjoining buildings and street. The footprint of the building clearly fails to do so and furthermore has implications for existing amity of residents of Oman Court to the south (this is covered in more detail in paragraphs 26 to 29). The Council's Head of Design has commented on the proposal and considers the massing of the building to be significantly over scaled. It is not considered the development provides a sensitive transition between Oman Court and the house to the north, and whilst the height may be acceptable for a more sensitively massed and scaled building, the existing proposal is too close to its north and south boundaries and is too large to enable the building to sit comfortably with its context. The majority of the site is occupied by internal accommodation, thus appearing in size, scale and massing as an industrial building and compromising the usefulness and quality of the exterior space.

16. The fenestration of the proposed building makes reference to the 1920's/ 30's Art Deco building to the

south of the site, Oman Court, although has larger more contemporary windows to the north western front elevation with a set back of grey render at third floor and part set back at first and second floors. The Head of Design has commented on the proposal, remarking that the building is neither a high quality self-justifying piece of contemporary architecture nor a well-informed interpretation of contextual cues, and that the elevations are more a result of the site proportion and relationships with neighbours than a conscious attempt to design a sympathetic well-ordered building. It is further noted that very little information has been supplied to explain the quality of the proposals in terms of materials and architectural detailing. These considerations are particularly important when designing for a building of this type in an area of established context.

17. Proposed residential mix and tenure

18. The proposed development seeks to provide x2 1-bed, x6 2-bed, x2 3-bed units and thus would broadly comply with Brent's Core Strategy policy CP2 to provide a minimum of 25% family housing.

19. No affordable housing is proposed; the justification for this given in the Design and Access Statement is that it is offset against the cost proposal to provide the community hub in perpetuity. The application was made invalid in light of the lack of Affordable Housing Toolkit for which the applicant responded that *"the application submission does not include an Affordable Housing Statement because the applicant is not providing any affordable housing....because he is providing a community hub instead..paragraph 7.27 of the Planning Design and Access Statement makes this clear"*. Whilst this may be the case, the absence of an Affordable Housing Toolkit, the viability of the mixed use development, or lack thereof, cannot be confirmed.

20. Quality of proposed residential accommodation

21. The proposed residential accommodation will be provided in the form of ten self-contained flats, with the main access from Olive Road to the north of community hub entrance with a centrally located stair core and lift to the upper floors. The flats would be arranged over four floors; two one-bedroom flats on the ground floor along with the community hub, three flats to each of the first and second floors and two flats on the third floor.

22. The three eastern facing flats to the ground, first and second floors, Apartment Nos. 1, 4 and 7, have reasonable outlook with approximately 10m between the rear habitable windows and the site boundary, providing adequate levels of light and visual amenity. It is noted there are no closely located habitable rooms outside of the site to the rear (east) of the site, providing unrestricted views across the car park belonging to Oman Court.

23. With regard to the south and eastern facing three bedroom unit to the third floor, Apartment 10, adequate outlook is provided to the living/ kitchen/ dining room and bedroom 2. However, bedrooms 1 and 3 are oriented to the south of the site with their windows facing east to limit their impact on the privacy and amenity of habitable rooms to Oman Court from the south. Consequently, the eastern facing window within the master bedroom, at only 700mm wide, provides restricted views which would effectively be a 13 deep expanse of wall to the north at only 1m from the site boundary to the south, with bedroom three having an outlook of 2.4m to void space onto the rear wall of the unit's living/ kitchen/ dining room window. The latter window could be obscure glazed to prevent any privacy issues, however the proposed outlook to both bedroom 1 and bedroom 3 would be considerably restrictive and boxed in. Whilst it is noted that some light would be provided from the south, this does not address the issue of poor quality outlook. Furthermore, light to these rooms would be reliant on land outside the site boundary to Oman Court to the south which could potentially be worsened with the erection of an additional storey to Oman Court (approved under application Ref: 10/2012). It is normally expected that unrestricted views of 10m are provided across the site with a distance of 20m between directly facing habitable rooms. There are habitable rooms facing north at Oman Court which would have unrestricted views into these rooms, resulting in an unacceptable impact on proposed residential privacy.

24. There are similar outlook, amenity, privacy and light issues to the other apartments located on the southern of the site; Apartment 5 on the first floor and Apartment 8 on the second floor have master bedrooms which directly adjoin the southern boundary of the site with east-west facing windows. The windows are of a similar size windows to that of Apartment 10 (i.e. 700mm wide). Whilst a dual aspect is provided, the windows to both apartments are boxed in and have a width of 1m with restricted views to a depth of 5m and 13m east west respectively, resulting in a poor level of outlook and visual amenity. Similarly, Apartment 2 on the ground floor would also rely on light and outlook to the south/ east/ west which would be restricted by the mass of the rest of the development to the north and its close proximity to its southern boundary. The master bedroom to Apartment 10 would have an outlook of 2.4m to the south which would not only provide restrictive outlook to the site boundary, but would also allow for overlooking into the bedroom

from the upper habitable rooms to Oman Court. The kitchen/ living/ dining room would have dual east-west aspect windows with similar issues of restrictive outlook and amenity as those bedrooms to Apartments 5 and 8.

25. Apartments No. 3 (first floor), No. 6 (second floor) and No 9 (third floor) are oriented to the north/ west of the site. The apartments have a similar layout with bedroom 1 and the kitchen/ living/ dining room windows located to the front (west) of the site across Olive Road and towards the park. These windows provide an acceptable level of light and amenity. Bedroom 2 within all apartments has an east facing aspect which clearly seeks to reduce any potential impact of overlooking/ privacy to No. 150 Olive Road which has flank habitable rooms, with the northern boundary approximately 3m from this window. In consideration of the massing of the rest of the proposed building, the window serving bedroom 2 would receive limited light, with a respective 11m and 13m east-west flank wall to either side of the window. Bedroom 3 to apartment No. 9 on the third floor would also suffer a similar relationship to its southern boundary, with a western facing habitable room window boxed in by the southern flank of the site with a distance of just over 1m between the flank wall and boundary, with the front wall of the building projecting over 3m beyond the window.

26. In terms of the internal and external space standards, these are set out in the table below:

Flat No.	Unit Type	Total unit Size/ London Plan minimum requirement (sqm)	Amenity Space/ Minimum SPG17 requirement (sqm)	Total net floorspace/ SPG17 and London Plan requirement (sqm)
1	1bed 2person	56 (50)	145 (20)	201 (70)
2	1bed 2person	50 (50)	22 (20)	72 (70)
3	2bed 3person	76 (61)	6 (20)	82 (81)
4	2bed 3person	64 (61)	8 (20)	72 (81)
5	2bed 4person	81 (70)	14 (20)	95 (90)
6	2bed 4person	76 (70)	7 (20)	83 (90)
7	2bed 3person	63 (61)	5 (20)	68 (81)
8	2bed 4person	81 (70)	3 (20)	84 (90)
9	3bed 5person	96 (86)	40 (50)	136 (136)
10	3bed 5person	87 (86)	7 (50)	96 (136)

27. The minimum floorspace requirements have been met internally with all units meeting the floorspace set out within the London Plan. In terms of external amenity space, only three of the proposed units comply with the guidance contained in SPG17, which recommends a minimum of 20sqm be provided per flat and 50sqm per family dwellinghouse. Notwithstanding this, SPG17 does offer some flexibility with regard to unit sizes, allowing for a lower amount of amenity space where larger units are provided internally or in areas of particular constraint, and it is noted the proposal is very closely located to parkland. At a minimum, all units would be required to have access to well designed, oriented and usable amenity space with three bedroom units ideally providing direct access to a garden. Indeed, whilst it is noted that all flats have some level of amenity space, it is thus unclear why the 2 x three bedroom units have been located on the third floor when clearly the largest provision of amenity space could be best accommodated on the ground floor where a ground floor one bedroom unit is proposed which has private access to a 145sqm garden.

28. Many of the proposed amenity spaces are badly designed, poorly oriented and cause issues of overlooking. The terrace to Apartment 2 on the ground floor would sit directly to the north of the boundary fence, which would be likely to overshadow these spaces for much of the day and face habitable rooms within Oman Court. The south facing terrace to Apartment 5 at first floor alongside the balconies to Apartments 4, 7 and 10 (1st, 2nd and 3rd floor respectively) would be oriented to the south of the site, also directly facing the habitable rooms of Oman Court. 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 on main rear elevations.

29. To the north of the site the balcony to the first floor of Apartment 4, by virtue of its of its set back, proximity to the gardens of No. 150 and its high level, would result in overlooking to the gardens of the flats. It is also noted that the third floor north/ eastern facing terrace proposed to Apartment No. 9 is shown to have obscure glass to the balustrade prevent overlooking to the flank habitable room windows and gardens to the flats at No. 150 Olive Road. However, the proposed indicative glazing would fail to restrict these views in consideration of its height which is proposed to be less than 1m and furthermore any additional height to the balustrade the northern boundary would disrupt the visual integrity of the front and flank elevations.

30. Impact on adjoining residential amenity

31. It noted that the overdevelopment of the site causes a material loss of amenity to the those units with habitable rooms within Oman Court and to the rear gardens of 150 Olive Road by virtue of the proximity of the development to its boundaries.

32. There are habitable rooms located both within the northern facing units at Oman Court and the southern flank windows to 150 Olive Road. As set out within Brent's SPG17 document, the minimum direct distance between habitable rooms on the main rear elevation (not extensions) and the rear boundary, or flank wall of adjoining development, should normally be 10m or more. Oman Court is a U-shaped four storey block of flats, with the closest habitable rooms located less than 3m away from the site boundary. Although the proposal has effectively designed out any directly facing habitable rooms, this close relationship, which is worsened in comparison with the existing library given the proposed development's extra width (4m) and height (0.5m maximum additional height, with 7.5m additional height to the southernmost/ northernmost part of the development), the proposal would have a detrimental impact on light and outlook to both properties, failing to comply with SPG17 and Brent's Unitary Development Plan policies.

33. There are concerns about the worsening relationship with the development's neighbouring boundaries. Supplementary Planning Guidance Note 17, "Design Guide for New Development" states that in general, the building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of the adjoining existing property, measured from height of 2m above floor level. The development clearly fails to comply with this rule adjoining Oman Court to the south and whilst it is noted the existing library also fails to comply with this rule, it is expected that the situation should not be worsened which, unfortunately, is with the proposed building envelope. Where proposed development adjoins private amenity/ garden areas, the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. Whilst this rule may not be relevant for developments which generally respect the adjoining building lines and thus do not have an impact, it is noted that the development projects some 16m or more distance beyond the rear walls of the adjoining properties to the north, No. 150 and 148 Olive Road, and thus in this case it is considered relevant. Although the depth of the existing library is deeper than that of the proposed development, it complies with the 45 degree angle adjoining the gardens of Nos. 150 and 148 Olive Road, whereas the proposed development does not.

34. In addition to this, those southern facing flank windows to ground floor apartment No. 2 and the rear balconies/ terraces of 4, 5, 7 and 10 would directly face those north facing habitable rooms within Oman Court; as previously noted it is normally expected that a minimum separation of 20m between directly facing habitable room windows are maintained on main rear elevations.

35. Finally, as noted within paragraph 25, the balcony to first floor Apartment 4 and third floor Apartment 9 would overlook the gardens of No. 150 Olive Road.

36. Transport, Parking and Servicing

37. The site has no existing parking and lies within an area of very poor Transport Accessibility (PTAL). It is within a Controlled Parking Zone (CPZ) where restrictions apply from 10.00 am - 9.00 pm Mon – Sat.

38. The residential element of the proposed scheme provides two 1-bed flats, six 2-bed flats and two 3-bed flats. These are subject to parking standards set out in PS14 of the UDP-2004, and in a location which does not benefit from good PTAL ratings the full standards are applied whereby 1-bed flats can be permitted up to 1.0 car spaces, 2-bed flats up to 1.2 car spaces and 3-bed flats up to 1.6 car spaces. With the proposed dwelling mix, a combined residential parking standard of up to 12.4 car spaces may be calculated. This is a very significant increase over the existing use of the site. The proposed use of the site will retain a D1 use, which will be subject to the same PS12 standard. As such, at least two car spaces are permissible for this premises.

39. The proposal will not provide any on-site car parking and as such, the impact of the proposal on on-street car parking should be considered. Olive Road is defined as being heavily parked, and within CPZ "GM" as a whole 1092 permits have been issued in a zone with just 1220 spaces in total (89.5% of capacity).

40. The applicant has submitted an overnight parking beat survey in support of their application which found that of 108 car spaces within 200m walk of the site, only 61 were occupied (56% of spaces). This is a long way below the threshold for heavily parked streets, which is 85% of capacity. It is noted that the Council's Transportation Department has conducted their own survey which showed that 101 spaces were occupied

with a figure of 60% capacity as the parking stress level.

41. Notwithstanding the existing on-street capacity, Policy TRN23 of the UDP-2004 specifies that on-street parking may be acceptable “for the frontage of the development only.” The frontage of the development site measures approximately 17.5m, and thus is able to accommodate three cars. Opposite the site lies Gladstone Park, and as such there is the potential capacity for three further cars. However, this would satisfy only 50% of the maximum residential parking standard.

42. Notwithstanding the spare parking capacity identified in the locality by the applicant, the policy is clear regarding the parameters of acceptable on-street car parking to be considered within a planning application. As such, the development is likely to lead to excessive levels of overspill car parking to the detriment of highway and pedestrian safety.

43. With regard to cycle parking, six spaces are shown in a secure and covered store to the side of the block which fails to meet the requirement outlined in UDP policy PS16, which requires one space per dwelling. Three “Sheffield” type cycle stands provide up to six cycle spaces for the proposed D1 use which is acceptable. Refuse and recycling storage for all of the flats and the D1 unit are proposed within communal stores close to the street frontages, which are satisfactory.

44. Sustainability and renewable energy

45. Major applications outside Growth Areas are required to meet Code for Sustainable Homes (CSH) Level 3 and a minimum of 50% on the Council’s Sustainability Checklist is also sought. At the time of submission for the application, an improvement of 25% over Target Emission Rate of Part L of 2010 Building Regulations was required, as set out by London Plan policies 5.1 and 5.2. No Sustainability Checklist has been submitted as part of the proposal, however it is noted this could be secured by condition.

46. A Renewable Energy Options Assessment and a has been submitted which shows compliancy with these policies. Although no Sustainability Checklist was submitted as part of the application, this could be secured through a S106 and as such has not been included for a reason for refusal.

47. Both the sustainability report and Code for Sustainable Homes (CSH) pre-assessment assume the use of CHP for the scheme. The details of the system in these two documents are not fully consistent with each other in that the heat -to-power ratios assumed in the Sustainability statement are not available in the Gas Turbines considered in the CSH assessment; according to the applicants own figures a more polluting Gas Engine would be required.

48. The level of projected NOx emissions and how this translate into assessments of actual pollution cannot properly be assessed, nor can the impact on the residential uses without the specific location of the CHP unit and outlet stack. Without details of an end-of-pipe measure showing the NOx output and without plans showing the location and subsequent impact of the unit, support cannot be given to the proposal.

49. Public realm and landscaping

50. It is noted that very little has been provided by way of landscaping and public realm details; however it is noted there are no sensitive trees or landscaping/ public realm issues that would be required to be submitted up front, and as such this has not been included for a reason for refusal.

51. Community Infrastructure Levy

52. The following table provides a summary of the development schedule for the proposed scheme:

Use	Existing Floorspace (sqm GIA)	Proposed Floor Space (sqm GIA)	Net Difference (sqm GIA)
Community (D1) Use	413	157	-256
Residential (C3) Use	0	874	+874
TOTAL	413	1031	+618

53. If approved, the application would attract a liability for both Brent and Mayoral Community Infrastructure Levy (CIL).

54. In terms of Brent CIL this would only be applicable on the residential element of the scheme as community uses are charged at a zero rate. Based on the above floor areas the Brent CIL liability is

estimated as £178,719.28.

55. In terms of Mayoral CIL this would be chargeable on the whole development. Based on the above floor the Mayoral CIL liability is estimated as £36,894.08

56. Conclusion

57. Overall, for the reasons set out above it is considered that the proposal would fail to provide sufficient mitigation for the loss of the existing community facility, would fail to provide a sufficient standard of residential quality and amenity for future occupiers and would have a detrimental impact on adjoining residential amenity. The size, scale and density of the development is clearly too large for the plot and fails to respect its context. The proposed on-street parking would result in overspill parking to the detriment of highway safety. As such, officers recommend that the application be refused.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The applicant has failed to demonstrate that the proposed community hub would be of a size, layout and quality that sufficiently and suitably meets the local need for community facilities to a degree that it would adequately compensate for the loss of the existing community facility on site. As such, the proposal would be harmful to the future provision of community and cultural facilities for local residents contrary to policy CP23 of the London Borough of Brent LDF Core Strategy 2010.
- (2) The proposed development, by reason of its scale and massing, design, proximity to site boundaries and failure to respect existing property lines, constitutes an overdevelopment of the site that fails to respect its context, appearing overly bulky within the street scene and cramped within the plot, contrary to policies H13, BE2, BE7 and BE9 of the Adopted Brent Unitary Development Plan 2004, London Borough of Brent LDF Core Strategy 2010 policy CP17 and Supplementary Planning Guidance 17 - "Design Guide for New Development".
- (3) The proximity and relationship of the of the proposed habitable rooms within Apartments 10, 5, 8, 3, 6 and 9 to the site boundaries results in restricted light and outlook to habitable rooms and provides a lack of usable quality amenity space for the proposed future occupiers, symptomatic of the overdevelopment of the site and contrary to Core Strategy policy CP17, Brent Unitary Development policies BE9, H13 and H22 and Brent's Supplementary Planning Guidance Note 17, "Design Guide for New Development".
- (4) The proposed development, by reason of its proximity to habitable rooms within Oman Court to the south and to neighbouring properties to the north fronting Olive Road, would result in loss of light, outlook and appear overbearing when viewed from these properties and their gardens. The proposed amenity spaces at high level would provide unrestricted views to neighbouring properties and gardens on Olive Road to the north and would allow for direct views into the habitable rooms of Oman Court. The development is thus contrary to Brent's London Borough of Brent LDF Core Strategy 2010 policy CP17, Unitary Development Plan (2004) policies BE9, H22 and SPG17 "Design Guide for new Development".
- (5) It has not been demonstrated that the proposed car parking demand can be satisfactorily accommodated without resulting in excessive overspill of car parking onto surrounding residential streets, to the detriment of highway and pedestrian safety. The proposal therefore fails to comply with TRN23 of Brent's Unitary Development Plan 2004.
- (6) In the absence of an Affordable Housing Viability Assessment, the proposed development provide a sufficient level of affordable housing contrary to policy CP2 of London Borough of

- (7) Information has not been submitted to demonstrate that the Combined Heat and Power system would have an acceptable impact on air quality for existing and proposed residential accommodation. As such, the proposal is contrary to London Borough of Brent LDF Core Strategy 2010 CP19 and policies EP2 and EP3 of Brent's Unitary Development Plan 2004.

INFORMATIVES:

- (1) The applicant is reminded of the pre-application advice that was given on 17/05/2013. As the applicant has failed to address the issues set out in this letter, the Council has resolved to refuse the application.

Any person wishing to inspect the above papers should contact Laura Jenkinson, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5276

Committee Report
Planning Committee on 16 October,
2013

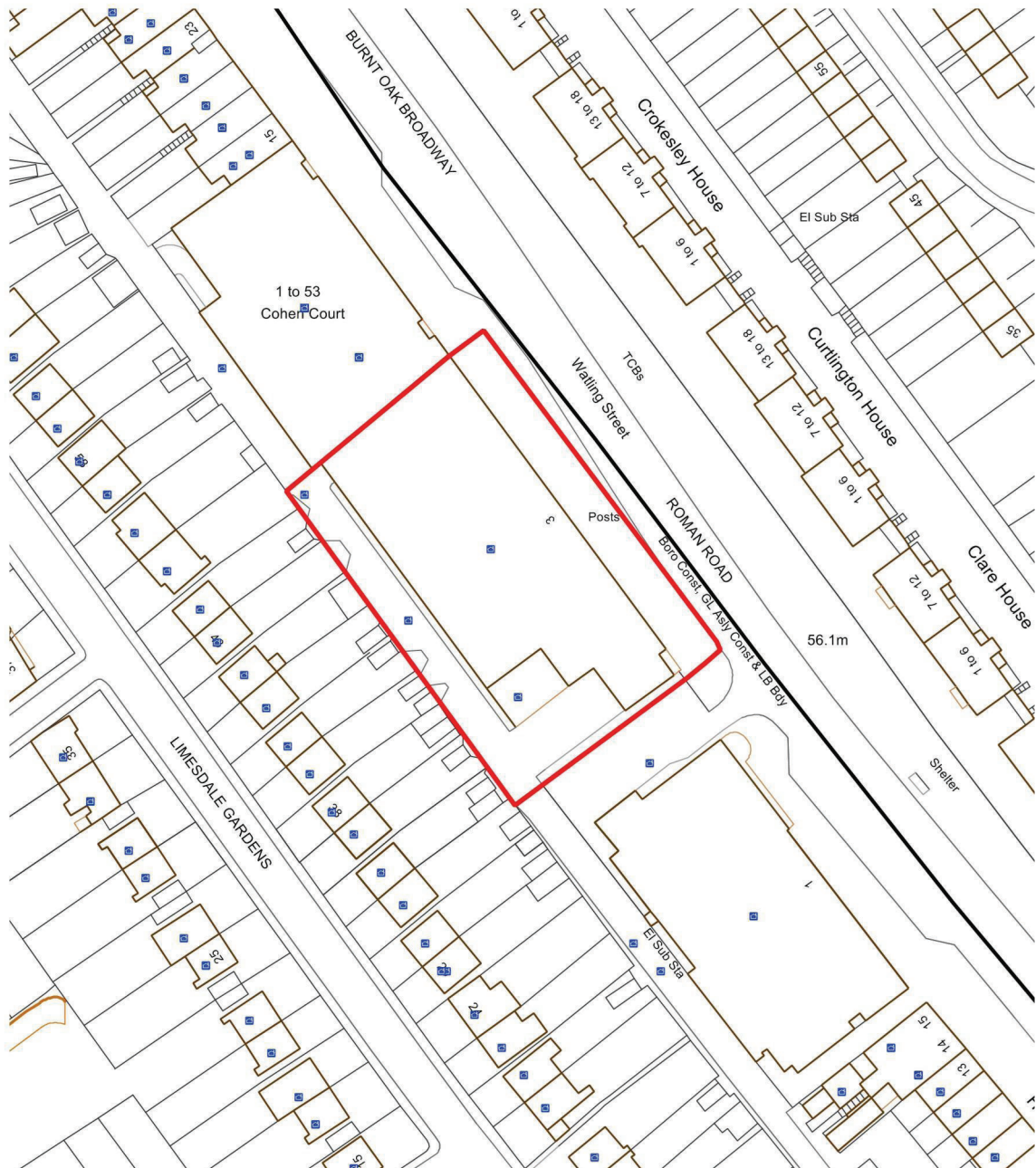
Item No. 08
Case No. 13/2062



Planning Committee Map

Site address: 3 Burnt Oak Broadway, Edgware, HA8 5LD

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This map is indicative only.

RECEIVED: 19 July, 2013

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 3 Burnt Oak Broadway, Edgware, HA8 5LD

PROPOSAL: (a) Variation of Condition 2 (development in accordance with plans) to allow a minor material amendment to planning permission 11/0403 dated 32 June 2011 for Demolition of existing building and erection of a seven-storey mixed use building comprising 76 flats (23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units), 925m² of commercial floorspace (Use Class A1 and A2), with 75 parking spaces, first floor rear communal roof terrace and associated landscaping (as amended by plans received on 19 April 2011), subject to a Deed of Agreement dated 03/06/2011 under Section 106 of the Town and Country Planning Act 1990, as amended. The amendments include:

- Revision to internal layouts of flats;
- Revisions to ground floor/mezzanine level car parking layout including to separate retail loading bays from residential car parking;
- Increase height of building by 0.8 metres;
- Changes to residential entrances and stair cores;
- Residential refuse stores re-located to Burnt Oak Broadway frontage;
- Alterations to layout and locations of communal gardens

(b) Variation of Condition 19 (landscaping) to change submission date to within 6 months of construction to planning permission 11/0403 dated 32 June 2011 for Demolition of existing building and erection of a seven-storey mixed use building comprising 76 flats (23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units), 925m² of commercial floorspace (Use Class A1 and A2), with 75 parking spaces, first floor rear communal roof terrace and associated landscaping (as amended by plans received on 19 April 2011), subject to a Deed of Agreement dated 03/06/2011 under Section 106 of the Town and Country Planning Act 1990, as amended.

APPLICANT: Catalyst Housing Group

CONTACT: MEPK Architects

PLAN NO'S:
See Condition 2.

RECOMMENDATION

Approval.

EXISTING

The application site is located on the southwest side of Burnt Oak Broadway with a site frontage of approximately 74 metres and area of 2740sqm. It is located within the Burnt Oak Secondary Town Centre Shopping Frontage and on a London Distributor Road.

The site has the benefit of planning permission for the erection of a seven-storey mixed use building comprising 76 flats, 925m² of commercial floorspace (Use Class A1 and A2), 75 parking spaces and first

floor rear communal roof terrace and associated landscaping (as amended by plans received on 19 April 2011), subject to a Deed of Agreement dated 03/06/2011 under Section 106 of the Town and Country Planning Act 1990, as amended (LPA Ref: 13/0403).

There is an approximate drop of 2 metres in ground level across the site from north to south.

To the rear (west) of the site there is a service road which serves the units to Burnt Oak Broadway alongside the rear garages of the semi detached properties to Limesdale Gardens.

To the east of the site, across the other side of the Broadway within the London borough of Barnet, the uses are residential (three storey flats).

To the north is the recently completed mixed use residential development at the Theoco site, and to the south the Grade II listed Mecca Bingo Building.

PROPOSAL

(a) Variation of Condition 2 (development in accordance with plans) to allow a minor material amendment to planning permission 11/0403 dated 32 June 2011 for Demolition of existing building and erection of a seven-storey mixed use building comprising 76 flats (23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units), 925m² of commercial floorspace (Use Class A1 and A2), with 75 parking spaces, first floor rear communal roof terrace and associated landscaping (as amended by plans received on 19 April 2011), subject to a Deed of Agreement dated 03/06/2011 under Section 106 of the Town and Country Planning Act 1990, as amended. The amendments include:

- Revision to internal layouts of flats, entrances, stair cores and commercial floorspace;
- Revisions to ground floor/mezzanine level car parking layout including to separate retail loading bays from residential car parking;
- Increase height of building by 0.8 metres and revisions to rear fenestration;
- Alterations to servicing arrangements including type of communal heating system and residential refuse stores re-located to Burnt Oak Broadway frontage;
- Alterations to layout and locations of communal gardens

(b) Variation of Condition 19 (landscaping) to change submission date to within 6 months of construction to planning permission 11/0403 dated 32 June 2011 for Demolition of existing building and erection of a seven-storey mixed use building comprising 76 flats (23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units), 925m² of commercial floorspace (Use Class A1 and A2), with 75 parking spaces, first floor rear communal roof terrace and associated landscaping (as amended by plans received on 19 April 2011), subject to a Deed of Agreement dated 03/06/2011 under Section 106 of the Town and Country Planning Act 1990, as amended.

HISTORY

13/2484: Details pursuant to Condition 5 (piling), Condition 8 (insulation and ventilation details) and Condition 16 (Construction Method Statement) of full planning permission reference 11/0403 dated 03/06/2011 for demolition of existing building and erection of a seven-storey mixed use building comprising 76 flats (23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units), 925m² of commercial floorspace (Use Class A1 and A2), with 75 parking spaces, first floor rear communal roof terrace and associated landscaping (as amended by plans received on 19 April 2011), subject to a Deed of Agreement dated 03/06/2011 under Section 106 of the Town and Country Planning Act 1990, as amended – *under consideration*

13/1596: Details pursuant to condition 10 (vehicle wheel washing facilities) of full planning permission reference 11/0403 dated 03/06/2011 for demolition of existing building and erection of a seven-storey mixed use building comprising 76 flats (23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units), 925m² of commercial floorspace (Use Class A1 and A2), with 75 parking spaces, first floor rear communal roof terrace and associated landscaping (as amended by plans received on 19 April 2011), subject to a Deed of Agreement dated 03/06/2011 under Section 106 of the Town and Country Planning Act 1990, as amended – *Granted, 29/09/2013*

13/1825: Details pursuant to conditions 11 (archaeological report), 12 (foul & surface water capacity report) and 14 (sewage infrastructure report) of full planning permission reference 11/0403 dated 03/06/2011 for demolition of existing building and erection of a seven-storey mixed use building comprising 76 flats (23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units), 925m² of commercial floorspace (Use Class A1 and A2), with 75 parking spaces, first floor rear communal roof terrace and associated landscaping (as amended by plans received on 19 April 2011), subject to a Deed of Agreement dated 03/06/2011 under Section 106 of the Town and Country Planning Act 1990, as amended (Description Revised 28/08/2013) – *Granted, 28/08/2013*

13/0909: Details pursuant to condition 10 (vehicle wheel washing facilities) of full planning permission reference 11/0403 dated 03/06/2011 for demolition of existing building and erection of a seven-storey mixed use building comprising 76 flats (23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units), 925m² of commercial floorspace (Use Class A1 and A2), with 75 parking spaces, first floor rear communal roof terrace and associated landscaping (as amended by plans received on 19 April 2011), subject to a Deed of Agreement dated 03/06/2011 under Section 106 of the Town and Country Planning Act 1990, as amended – *application withdrawn*

11/0403: Demolition of existing building and erection of a seven-storey mixed use building comprising 76 flats (23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units), 925m² of commercial floorspace (Use Class A1 and A2), with 75 parking spaces, first floor rear communal roof terrace and associated landscaping (as amended by plans received on 19 April 2011), subject to a Deed of Agreement dated 03/06/2011 under Section 106 of the Town and Country Planning Act 1990, as amended – *Granted, 03/06/2011*

POLICY CONSIDERATIONS

National Planning Policy Framework 2012

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced 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. 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 are required.

Accordingly, the policies contained within the adopted 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.

London Plan 2011

- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.16 Protection and enhancement of Social Infrastructure
- 5.2 Energy Assessments
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 8.2 Planning Obligations

Core Strategy 2010

- CP2 Housing Growth
- CP11 Burnt Oak/ Colindale Growth Area
- CP14 Public Transport Improvements
- CP15 Infrastructure to Support Development
- CP18 Protection and Enhancement of Open Space, Sports and Biodiversity
- CP21 A Balanced Housing Stock

Site Specific Allocations 2011

UDP 2004

BE2 Townscape: Local Context and Character
BE3 Urban Structure: Space & Movement
BE4 Access for Disabled People
BE5 Urban Clarity & Safety
BE6 Public Realm: Landscape Design
BE7 Public Realm: Streetscape
BE9 Architectural Quality
H12 Residential Quality – Layout Considerations
H18 Quality of Flat Conversions
TRN3 Environmental Impact of Traffic
TRN11 The London Cycle Network
TRN22 Parking Standards – Non-residential Developments
TRN23 Parking Standards – Residential Developments
TRN34 Servicing in New Development

SPG17: 'Design Guide for New Development'

CONSULTATION

Public consultation

The Council consulted 201 residents, Ward Councillors and the Kingsbury/ Queensbury Residents' Associations on 19/07/2013. One letter of support has been received for the proposal.

Statutory and Internal consultees

Statutory consultees were consulted on 19/07/2013.

Their comments are summarised, where relevant, below.

Brent's Transportation Unit

The council's Transportation Department have not raised any objection to the proposal, but have suggested a number of additional details that could be secured through planning conditions.

Brent's Design Unit

No objections raised to the principle changes to the proposal, although concern was raised regarding the detailing proposed to the rear elevation.

Brent's Environmental Health Officers

Environmental Health have requested that further details of the proposed plant equipment for the Exhaust Air Source Heat Pumps, together with any ancillary equipment so as to prevent the transmission of noise and vibration into neighbouring premises, are provided. The equipment should be at least 10 dB below the measured background noise level when measured at the nearest noise sensitive premises and the method of assessment carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. It should be assumed that each item of plant incurs a +5dB(A) penalty to account for tonal qualities.

Brent's Planning Policy Team

No comments or objections raised to the proposal.

Brent's Landscape Department

The Council's Landscape Department have not raised any objection to the proposal, but have suggested a number of additional details that could be secured through planning conditions, **such as**

Housing Unit

No representations received on the proposal.

Transport for London

No objections raised subject to adequate provision of 20% vehicular electric charging points and the provision of two additional cycle parking spaces for visitors.

Thames Water

No representations submitted for the current proposal, however it is noted that for the previous approval no objections were raised providing conditions were included relating to foul/ sewage conditions. These conditions have now been discharged.

Barnet Council

No representations submitted received on the proposal. It is noted that no objections were raised in relation to the original planning application.

Environment Agency

No representations received for the subject application. It is noted that no objection was raised to the previous proposal subject to a condition being attached to ensure that the piling for the foundations does not penetrate the London Clay and contaminate the principal chalk aquifer; this condition is currently under consideration.

REMARKS

1. Key considerations

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

3. Summary and principle of proposed changes

4. The Burnt Oak/Colindale area is identified in the Council's Core Strategy (adopted 2010) as a growth area. Policy CP11 in the Core Strategy sets out the general approach to development in the area; it states that new economic activity will be created in the form of ground floor commercial frontage. New connections will be created in the form of improved access to local stations and the creation of effective interchanges with new buses. 14.65 hectares of land is promoted for at least 2,500 new homes to 2026, supported by infrastructure developments.

5. This site has a Site Specific Allocation which identifies the site as being suitable for mixed use including residential and retail. In addition, the principle of a mixed use residential and retail development has been accepted by the previous permission (LPA Ref: 11/0408) for a mixed use scheme comprising 76 flats and 925m² of commercial floorspace and as such the variation of conditions are considered acceptable subject to detailed policy considerations.

6. Relating specifically to the variation of conditions, the proposal seeks to make variations to Conditions 2 (development to be carried out in accordance with the approved plans) and Condition 19 (landscaping) of the approved scheme, LPA Ref: 11/0408.

7. It is noted that these amendments are required following the sale to a new owner, which is a Registered Provider.

8. The amendments include:

- Revisions to ground floor/mezzanine level car parking layout to separate retail loading bays from residential car parking including the provision of one additional parking space and 9 disabled bays;
- Reconfiguration to internal entrances, stair cores and residential accommodation to meet London Housing Design Guide requirements (mix to be retained as existing - 23 x 1-bed, 38 x 2-bed, 11 x 3-bed & 4 x 4-bed, with all of units proposed to be affordable);
- Increase in height of building by 0.8 metres;
- Residential refuse stores re-located to Burnt Oak Broadway frontage;
- Reconfiguration of amenity space including additional amenity space to 6th floor following the removal of the communal energy plant equipment, and a reduction in amenity space to first floor at north west of site to accommodate servicing bay;
- Reconfiguration of rear elevational detail including fenestration, additional height to rear servicing bay and larger rear balconies
- The reconfiguration of the commercial floorspace to provide three larger communal units as opposed to seven smaller commercial units;
- Internal alterations to servicing to re-position the refuse stores to the front of the building and to provide an additional substation;
- Variation of landscaping condition (Condition 19) to change submission date from within 6 months of construction to

9. Each of these issues are considered in more detail below.

10. Increase in height to existing building

11. The scale, massing and bulk of the proposal is an important consideration given the location of the site on Burnt Oak Broadway, a main thoroughfare through the Borough. The site is next to the recently completed mixed use residential development at the Theoco site to the north and to the south the Grade II listed Mecca Bingo Building. To the rear of the site are the more sensitive residential gardens of the dwellings on Limesdale Gardens and to the front (east) of the site are three storey residential flats located within the London borough of Barnet.

12. The proposed building will have 7 storeys, with the upper storey being recessed from the main front and rear elevations. The proposed building would be 0.8m higher than the existing permission (LPA Ref: 11/0408) however the upper storey will not be clearly visible from the street scene as it is set behind a parapet wall. It is considered that the building will still sit comfortably in the streetscene and relate well to both neighbouring buildings.

13. The proposal remains in compliance with SPG 17 in terms of the 30 degree and 45 degree sight lines in relation to neighbouring residential properties and gardens, and is not considered to have any additional impact on the adjoining residential properties to the east (front) and west (rear) of the site and is considered to have an acceptable visual impact from the neighbouring residential gardens and habitable windows.

14. Reconfiguration of elevational detail including fenestration and servicing bay

15. The plans propose to reconfigure the rear fenestration of the development; the amendments include alterations to the rear (western facing) balconies on the third, fourth and fifth floors which were previously recessed but are now proposed to project by 1m beyond the main footprint of the building. There are also some slight alterations in the locations and numbers of windows across the rear elevation, alongside an increase in the head height of the north western loading bay to allow servicing access for larger vehicles.

16. The increase in height for the servicing bay to the retail unit on the mezzanine floor now complies with the Council's requirements, and as such is acceptable.

17. Subject to the securing appropriate materials, the alterations to the rear fenestration are considered acceptable. It is noted the additional 1m projecting balconies will not have any significant impact on amenity to the rear gardens and properties to Limesdale Gardens as they replace balconies approved under the

original scheme. It is further noted the larger balconies allow for the provision of improved residential accommodation and these amendments, on balance, are thus considered acceptable in design terms.

18. Changes to parking and servicing layout

19. The plans propose to reconfigure the parking and servicing layout to the ground and mezzanine floors. One additional space is provided as a result of these changes, with the car park access to the lower level from the rear service road separated out from the main loading area via a new 4.5m wide entrance and 3.8m wide gates set 5m back from the rear service road. In addition, a separate transit- sized loading bay has been indicated at the northern end of the site, accessed via a separate 4.9m wide opening from the rear service road, thus allowing the transit bays previously approved within the car park to be removed. These details are considered acceptable by Transport for London and Brent's Transportation Department.

20. Bicycle parking remains unaltered, with 82 spaces in secure storerooms alongside the car park.

21. The proposed provision of 76 residential car parking spaces, i.e. one additional parking space, still accords with standards and would help to ensure no overspill residential parking occurs on the surrounding streets (particularly when supplemented by a Travel Plan) and as the car park is now separated out from the retail loading area and allocated for the use of residents only at a rate of one space per flat, there is no longer a need to approve a Car Park Management Plan (as previously secured through the S106 Agreement).

22. The revised car park and loading bay access arrangements now results in four accesses from the rear service road and the gradients (maximum 1:12), widths and visibility splays shown are considered acceptable.

23. Transport for London have requested that cycle parking provision is amended to reflect the latest London Plan Standards and take into account of the proposed minor Alterations to the London Plan where visitors cycle parking spaces should be provided at ratio of 1 space per 40 residential units; this would thus require 2 additional spaces which could be accommodated at the front of the site and has now been shown within the revised plans.

24. It is recommended by TfL that electric vehicle charging points at a ratio of 20% and further 20 passive provision should be made however as this was not secured through the original permission it is not considered that this it would now be reasonable to make this a requirement.

25. Provision of larger sub station

26. The utilities provider has required the applicant to provide an additional sub station to provide adequate electricity capacity for the units. This has been provided to the rear of the site to its south west and it is noted that, given the Communal Heating System will no longer be provided, this can be easily accommodated without compromising any other space or access.

27. Re-location of refuse

28. The applicant has proposed to move the refuse stores to the front of the building; this is considered to be an acceptable arrangement and it is noted the facility will not be visible from the highway. The proposed bin storage capacities meet the Council's Waste Guidance and a condition will be included for further detail of the doors as required by Brent's Transportation unit. Bin storage for the retail units remains alongside the rear service road.

29. Alterations to proposed retail units and associated servicing

30. The original application proposed seven separate retail units, each no more than 141sqm in area (from north to south the retail units were proposed to be 120sqm, 141sqm, 120sqm, 94sqm, 103sqm, 90sqm and 113sqm). The revised plans propose three separate retail units which would be 295sqm, 377sqm, 251sqm respectively north to south.

31. It is noted that the servicing arrangements would not change which is considered acceptable. The provision of three larger units, in consideration of the development being located in a Secondary Shopping Frontage, is acceptable in policy terms.

32. Reconfiguration of residential layouts and amenity space

33. The plans propose internal amendments to the residential units to comply with the London Housing Design Guide.

34. The reconfiguration of the residential units will not result in any worsening amenity to the accommodation, and it is noted the proposed flats will all comply with the requirements of the Mayors SPG on housing in terms of minimum floor areas, room sizes and window sizes. The proposed unit areas are all above the Council's minimum floor area. Whilst most of the units are dual aspect those that are not are either east facing or west facing as such each unit will have direct sunlight at some point each day.

35. SPG 17 requires the provision of approximately 20sqm of amenity space per flat. Applying this standard, there is a requirement for 1520sqm of amenity space for this scheme.

36. The previous proposal provided access to a private balcony or roof terrace with communal gardens to the rear of the development, with a total level of amenity space at 1730sqm. The revised scheme results in a loss of some ground floor amenity space to allow for the provision of a 67sqm servicing bay, however larger balconies are proposed with additional communal roof terraces proposed to the 6th floor resulting in a further 40sqm of amenity space to the roof.

37. Although there is a slight loss in the level of amenity space provided compared to the previous scheme, it is noted that the Council's standards of 20sqm amenity space will be provided.

38. Sustainability and renewable energy

39. Individual heating systems are now proposed instead of community heating. The development still complies with the approved energy strategy as Exhaust Air Heat Pumps will be provided to make up for the shortfall in CO2 savings and still meet the Council's Sustainability policies for the Growth Area.

40. There is the potential for the plant equipment for the Exhaust Air Heat Pumps to cause noise and disturbance to residential uses. A condition has therefore been included to ensure further details are provided to address any noise concerns raised by the council's Environmental Health Officers.

41. Landscaping and the streetscape

42. Comments have been received on the proposal from Brent's Landscape Department in relation to proposed materials; play areas; street trees and further planting detail. This will be required through condition.

43. The applicant has requested to vary condition 19 to allow for the submission of the landscaping details within six months of construction which is considered acceptable.

44. Other indicative amendments

45. It is noted that there are some indicative amendments with regard to the materials within the development; the previously approved scheme seemingly proposed the set back to the 6th storey to be timber but it appears to now be render and the proposed windows appear to be UPVC. Existing conditions in relation to materials shall be attached to this permission to ensure these details are submitted to the Local Planning Authority.

46. Conclusion

47. The proposed alterations meet the policies set out within the council's Core Strategy (2010), Site Specific Allocations (2011) and Unitary Development Plan. Approval is recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent's Unitary Development Plan 2004
PPG3 Housing and PPG4 Industrial and COMmercial Development Central Government

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

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

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on 3 June 2011.

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

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

Revised Plans:

P-01; P-02 Revision C; P-03 Revision B; P-04; P-05; P-07; P-08 "Third Fourth and Fifth Floor Plan"; P-08 "Roof Plan"; P-09 Revision A; P-10 Revision B; P-11 Revision B; Daylight and Sunlight Report; Design Statement; Refuse Strategy

Details approved under reference 11/0403:

Design and Access Statement

Transport Statement by TTP Consulting dated February 2011

Three Dragons Toolkit by Kim Sangster Associates Ltd dated 21 February 2011

Energy Strategy Report by Price Myers Engineers dated 17 February 2011

BREEAM Retail 2008 Design Stage Assessment by Price Myers dated January 2011

Air Quality Assessment by Hilson Moran dated 15 February 2011

Code for Sustainable Homes Pre Assessment by Price Myers 14 February 2011.

Noise Survey Report by Hilson Moran 16 February 2011

Statement of Community Involvement

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

- (3) During demolition and/or construction works on site:-

(a) 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 Monday - Friday, 0800 - 1300 Saturday and at no time on Sunday or Bank Holidays;

(b) vehicular access to the adjoining and opposite premises shall not be impeded

(c) all plant and machinery associated with such works shall at all times be situated and operated within the curtilage of the site;

(c) no waste or other material shall be burnt on the application site;

(d) all excavated topsoil shall be stored on the site for reuse in connection with the landscape works scheme.

(e) a barrier shall be constructed around the site, to be erected prior to demolition

(f) a suitable and sufficient means of suppressing dust must be provided and maintained

- (g) the best practical means available in accordance with BS5228: 1984 shall be employed at all times to minimise the emission of noise from the site
- (h) all construction vehicles used during construction must meet European Emission Standards of Euro 3 during any works on site.
- (i) all non-road mobile vehicle with compression ignition engines used on the site shall comply with the emission standard contained in EC Directive 97/68/EC.
- (j).any diesel powered machines used on or otherwise serving the site shall be operated on ultra-low sulphur diesel meeting the specification BSEN950

Reason: To limit the detrimental effects of noise and disturbance from construction works on adjoining residential occupiers.

- (4) The car parking spaces shown on the approved plans shall be retained at all times. The nine disabled car parking spaces shall be marked as being available for use by disabled drivers only and be of a minimum width of 3.6m to ensure that they are accessible. The works shall be carried out in accordance with the approved details and maintained as such for the lifetime of the development.

Reason: To safeguard the amenities of the future occupiers of the development.

- (5) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Deep piling, foundations or basements could penetrate the London Clay, which protects the Chalk principal aquifer. Therefore details on maximum depth and the techniques used to assess the risk to groundwater in the deep aquifer are required to ensure the proposal complies with PPS 23.

- (6) The proposed full size servicing bay shall only be used for loading and unloading of goods and shall only be used outside the hours of operation of the north bound bus lane on Burnt Oak Broadway.

Reason: To ensure that vehicles waiting or being loaded or unloaded do not interfere with the free passage of vehicles or pedestrians along the public highway.

- (7) Notwithstanding the details of materials provided within the submitted application, prior to the commencement of development full details of materials for all external work with samples of all external surfaces i.e. bricks, fenestration, roofing materials and other surfaces and window reveals at least 100-150mm, shall be submitted to and approved by the Local Planning Authority. The works carried out in accordance with the approved details.

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

- (8) Before any building works commence on the site, a scheme providing for the insulation and ventilation of the proposed building shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented.

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

- (9) The cycle parking details hereby approved, including the provision of a minimum of 82 secure cycle parking spaces for prospective residents and five publicly accessible spaces along the site frontage for the commercial unit, shall be completed prior to occupation of the development hereby approved and so maintained in accordance with the details so approved for the lifetime of the development.

Reason: To ensure satisfactory facilities for cyclists.

- (10) Vehicle wheel washing facilities shall be provided on site, in accordance with planning application reference 13/1596. Such facilities shall be used by all vehicles leaving the site and no work shall take place at any time the said facilities are not present or are otherwise incapable of use.

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

- (11) Further details shall be submitted to the local planning authority for approval within three months of the commencement of the development which shall consist of:
- (i) Security measures for the underground car parking area;
 - (ii) CCTV measures overlooking the rear service road to provide safety and security;

The details as approved in writing by the local planning authority shall be fully implemented.

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

- (12) Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The development shall be carried out in full accordance with the details approved in the Construction Method Statement.

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

- (13) Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

- (15) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority within 6 months of construction and shall be carried out within the first available planting season. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (a) proposed walls and fences indicating materials and heights;
- (b) screen planting along the rear boundary of the first floor residential units;
- (c) details of drainage, irrigation and water points.
- (d) areas of hard landscape works and proposed materials;
- (e) details of the tree pits to the frontage
- (f) details of the childrens play space
- (g) details of the proposed arrangements for the maintenance of the landscape works.

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

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

- (16) Notwithstanding the plans hereby approved, the expected noise levels and any mitigation measures necessary to achieve the required noise levels for the plant equipment proposed for the Exhaust Air Heat Pumps shall be submitted to and approved in writing by The Local Planning Authority within three months of the date of this permission. The rated noise level from all plant and ancillary equipment shall be at least 10 dB below the measured background noise level when measured at the nearest noise sensitive premises. The method of assessment should be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. It should be assumed that each item of plant incurs a +5dB(A) penalty to account for tonal qualities. The plant shall thereafter be installed and maintained in accordance with the approved details.

Reason: To protect acceptable local noise levels, in accordance with Brent Policy EP2

INFORMATIVES:

- (1) The applicant is reminded that, as balconies are shown overhang the adopted highway, an oversailing licence will be required from the Highway Authority under S177 of the Highways Act 1980.
- (2) All external samples should be left on site, viewable at a convenient time for the Local Planning Authority.

Any person wishing to inspect the above papers should contact Laura Jenkinson, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5276

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Committee Report Planning Committee on 16 October, 2013

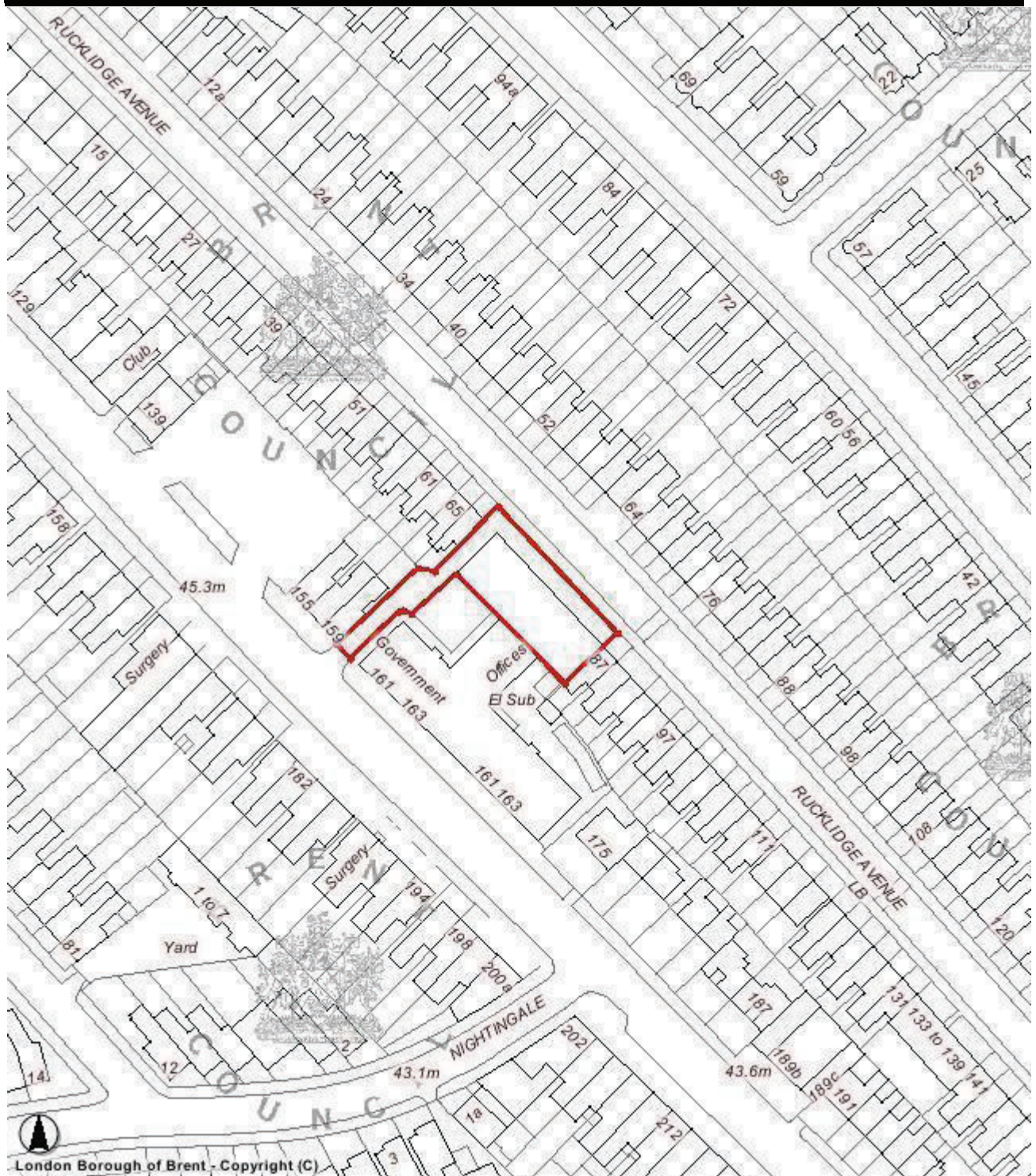
Item No. 09
Case No. 13/1888



Planning Committee Map

Site address: Joy House, 69-85 Rucklidge Avenue, London, NW10 4QA

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This map is indicative only.

RECEIVED: 5 July, 2013

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Joy House, 69-85 Rucklidge Avenue, London, NW10 4QA

PROPOSAL: Renewal of planning permission reference 08/0593, dated 27/05/2008, for change of use from offices (Use Class B1) to 49-bedroom (116-bed) hostel for the homeless, including the erection of an entrance canopy, installation of front boundary railings, access door for disabled and construction of a bicycle store and subject to a Deed of Agreement dated 27th May 2008 under Section 106 of the Town and Country Planning Act 1990, as amended

APPLICANT: CALUMET PROPERTIES LTD.

CONTACT: RKA

PLAN NO'S:
RK/TP/754/01
RK/TP/754/02
RK/TP/754/03
RK/TP/754/04
RK/TP/754/05
RK/TP/754/07
RK/TP/754/08
RK/TP/754/09

RECOMMENDATION

Approval

EXISTING

Joy House is part of a former four storey office block with an H-shaped footprint, located between the south-western side of Rucklidge Avenue and the north-eastern side of High Street, Harlesden. Joy House, currently used as a hostel for the homeless, occupies the northern section of this block, fronting Rucklidge Avenue. The main access from Joy House to the High Street is provided by way of a pedestrian footpath running along the north-western side of the site.

PROPOSAL

As above

HISTORY

Current Planning Use

Planning permission for the change of use of the premises from Office (Use Class B1) to a 49 bedroom hostel was originally approved in October 2002 under application 01/1877. This permission was granted for a temporary period of 5 years from the date of first occupation in order to accord with Unitary Development Plan policy H27 which set out that hostel uses should only be granted on a temporary basis in order to allow the LPA to conduct an on-going review of the demand for such accommodation. The original temporary permission was renewed in May 2008 under planning application 08/0593 for a further period of 5 years from 1st September 2008. As such, permission for the current use of the site as a hostel expired on 1st September 2013.

Applications for Permanent Hostel Use

A planning application (10/0188) for the permanent change of use of the property to a hostel for the homeless was submitted in February 2010. However, this application was withdrawn by the applicant prior to

determination. A further application (10/3148) for a permanent change of use was submitted in January 2011 and this application was refused by the Council in March 2011 for the following reason:-

"In the absence of an identified future demand for homeless hostel accommodation within the Borough, the proposed permanent use of the premises for the provision of non self-contained hostel accommodation would constitute the inappropriate provision of a substandard form of residential accommodation on a site capable of providing local employment opportunities or, potentially, permanent self-contained affordable residential accommodation for which there is an identified demand contrary to policy CP21 of the London Borough of Brent LDF Core Strategy 2010 and policy EMP9 of the London Borough of Brent Unitary Development Plan 2004."

Following the refusal to grant permission for a permanent change of use the applicant appealed the decision. Following a public hearing, the appeal was dismissed by the Planning Inspector in August 2011.

POLICY CONSIDERATIONS

National Planning Policy Framework 2012

The National Planning Policy Framework (NPPF) was published on 27 March 2012 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. 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 are required.

Accordingly, the policies contained within the adopted 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.

London Plan 2011

London Borough of Brent LDF Core Strategy 2010

CP21 A Balanced Housing Stock

London Borough of Brent Unitary Development Plan 2004

EMP9 Local Employment Sites

SUSTAINABILITY ASSESSMENT

The application does not trigger the requirement for a sustainability appraisal.

CONSULTATION

Public Consultation

Consultation letters, dated 30th July 2013, were sent to Ward Councillors and 107 neighbouring owner/occupiers, including the Rucklidge Avenue Residents Association (RARA). Three letters were received in response, including representations from RARA. The letters raise the following issues.

- The access gate to the site from Rucklidge Avenue is not being restricted to disabled users only and signage informing visitors of this restriction has not been erected.
- There have been problems with loud music being played by occupiers of the hostel when the windows are open.
- There is no mention in the application of a roof extension that has been erected to the property.
- There is strong objection to the granting of permission on a permanent basis.
- Will the development provide s106 contributions for local improvements.

Internal

Housing

The Council's Accommodation Service Manager has stated that the Council are looking to reduce their dependency on BB/hostel accommodation but they would support an extension to the existing hostel use for a further 24 months.

Environmental Health

Confirmed that they have no recent records of complaints about the property and therefore they have no objection to the application.

REMARKS

Background

1. The conversion of the former office building to a hostel for the homeless was first permitted following a grant of temporary planning permission in 2002. In planning policy terms the principle of the change of use was justified as the hostel was required in order to help address an acute need at that time for accommodation for homeless families in the Borough. At that time the permission was subject to a block booking arrangement with the Council, secured through a s106 agreement, which ensured that the hostel would be used principally to support homeless families within Brent.
2. In 2008 an application to extend the use for a further period was submitted to the Council. In assessing this further application the need for hostel accommodation to support homeless families was again reviewed and it was found that this need still existed. On this basis permission was granted, on similar terms to the previous application, for a 5 year extension to the use. This permission expired on 1st September 2013 and the current application seeks permission to extend the use once again.

Housing Need

3. In order to assess the need for this type of hostel accommodation to address homelessness within the Borough, advice was sought from the Accommodation Service Manager (ASM). Housing and welfare reforms, particularly through the Localism Act, and budgetary pressures placed on the Council mean there is greater uncertainty around the ways in which the Council will seek to address the issue of homelessness, and further reforms are expected. The ASM states that the Council are looking to reduce dependency on private BB/Hostel accommodation as a means of satisfying the Council's statutory obligations to accommodate homeless families. The Council are reluctant to enter into block booking agreements and therefore cannot guarantee continued use of BB/Hostel type accommodation moving forward.
4. Given the Council's reluctance to enter into a block booking agreement it would now seem unreasonable to impose this obligation on the any new permission even though this has been applied to the previous permissions for the hostel use. However, given the level of uncertainty around the future need for this type of accommodation it is considered appropriate to restrict the length of any temporary permission to a period of 2 years to allow the situation to be reviewed in a timely manner.

Residential Amenity & Transport

5. The impacts of the development on residential amenity and transport have been considered under the previous applications and have generally been found to be acceptable within the context of the use and site. There have been no material changes, in respect of these particular issues, since the previous application on the site that would require further consideration in the determination of the current application. Issues relating to the use of the access gate on to Rucklidge Avenue and the playing of loud music within the building have been raised in the representations received. These matters have been addressed in the table below.

Consideration of Representations

6. The following table sets out to address the issues raised in the submitted representations.

Issue

The access gate to the site from Rucklidge Avenue is not being restricted to disabled users only and signage informing visitors of this restriction has not been erected

There have been problems with loud music being played by occupiers of the hostel when the windows are open.

There is no mention in the application of a roof extension that has been erected to the property.

Officers Comments

A condition ensuring the erection of appropriate signage should be attached to any further permission. If this is not adhered to this matter can be referred to the Planning Enforcement Team.

This issue relates to the unreasonable behaviour of individuals rather than being a direct impact of development. The Council's Environmental Health team have powers to deal with instances of unreasonable noise disturbance.

It appears that this extension was constructed sometime ago and is now likely to be immune from enforcement

There is strong objection to the granting of permission on a permanent basis.

Will the development provide s106 contributions for local improvements.

action.

The recommendation to approve the current application is on the basis that the permission will be for a temporary period of 2 years.

Since the adoption of Brent CIL it is not currently possible for the Council to seek financial contributions to public realm improvements through s106. In any case, it is noted that s106 contributions have already be secured under previous applications on the site and these have been used towards additional tree planting within the locality of the site. Temporary permissions are exempt from CIL.

Conclusion

7. The renewal of the consent for the hostel use on a 2 year basis will secure the provision of a form of accommodation for which there is currently an identified need. On this basis, at present the proposal accords with the Council's Local Development Framework and approval is recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent LDF Core Strategy 2010
Brent Unitary Development Plan 2004

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

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development
Employment: in terms of maintaining and sustaining a range of employment opportunities
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

- (1) This permission shall be for a limited period of 2 years only, expiring on 1st September 2015 when (unless a further application has been submitted to and approved in writing by the Local Planning Authority) the use hereby approved shall be discontinued..

Reason: The proposed use is considered to be acceptable only on a temporary basis to accommodate an existing and exceptional need for accommodation of this type in accordance with Policy CP21 of the London Borough of Brent LDF Core Strategy 2011.

- (2) The pedestrian access gate on to Rucklidge Avenue shall be used to provide access to the premises for disabled persons only and visitors to the site shall be informed of this restriction by way of a sign installed on the pedestrian gate clearly indicating this restriction. This sign shall be displayed until such time that the use of the premises, hereby approved, ceases.

Reason: In the interests of residential amenity.

INFORMATIVES:

- (1) The applicant is informed that with regards the condition relating to the pedestrian access gate on to Rucklidge Avenue and the need for a sign to be installed on the pedestrian gate in order to clearly indicate the restriction this must be complied with as a matter of urgency. Failure to do so will result in the Council having to consider taking enforcement action.

Any person wishing to inspect the above papers should contact Ben Martin, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5231

Committee Report Planning Committee on 16 October, 2013

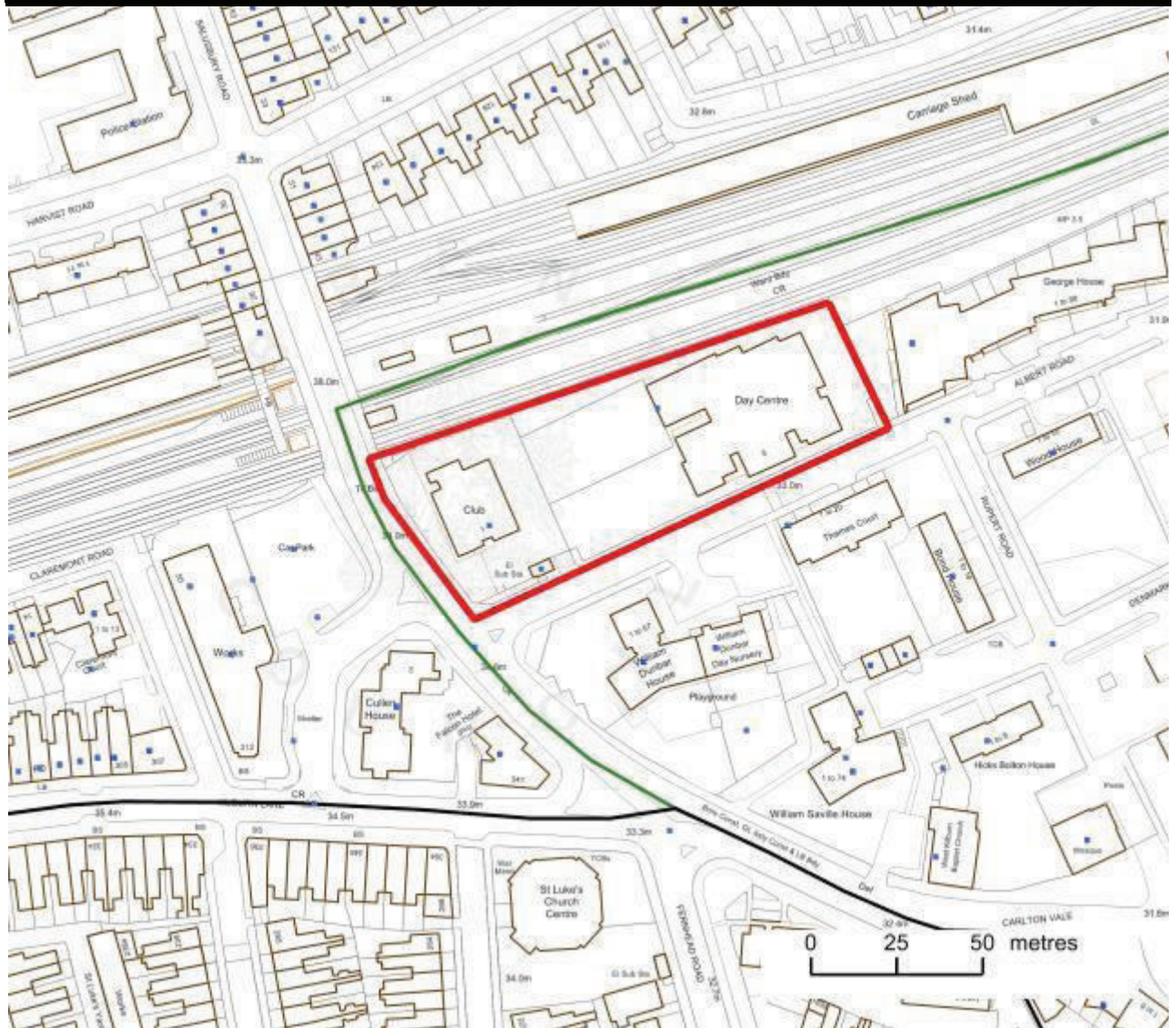
Item No. 10
Case No. 13/1978



Planning Committee Map

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

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This map is indicative only.

RECEIVED: 16 July, 2013

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

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

PROPOSAL: Approval of reserved matters relating to access, appearance, landscaping, layout and scale of outline planning permission reference 12/1516.

Application 12/1516, dated 30/08/2012 for demolition of existing structures on site and erection of new mixed use development comprising of 144 residential units and 480m² of commercial floorspace (Use Class A1/A3/A4) and subject to a Deed of Agreement under Section 106 of the Town and Country Planning Act 1990, as amended or equivalent

APPLICANT: Bouygues Development

CONTACT: DP9

PLAN NO'S:
See condition 1.

RECOMMENDATION

Approval

EXISTING

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

PROPOSAL

See description above.

HISTORY

12/1516. Outline application (all matters reserved) for demolition of existing structures on site and erection of new mixed use development comprising of 144 residential units and 480m² of commercial floorspace (Use Class A1/A3/A4) and subject to a Deed of Agreement under Section 106 of the Town and Country Planning Act 1990, as amended or equivalent. Granted 30/08/2012.

POLICY CONSIDERATIONS

National Planning Policy Framework

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

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

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

considered to comply with the NPPF.

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

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

London Borough of Brent Core Strategy 2010

London Borough of Brent Unitary Development Plan 2004 (UDP)

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

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

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

The Masterplan for the Regeneration of South Kilburn (2004)

Supplementary Planning Document: Planning Obligations

Unitary Development Plan 2004

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

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

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

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

BE4 Access for disabled people.

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

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

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

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

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

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

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

H12 Seeks to ensure that all residential development has a high quality layout, has an appropriate level of car parking and features housing facing onto streets.

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

TRN3 Environmental Impact of Traffic

TRN10 Walkable Environments

TRN23 Parking Standards – Residential Developments

TRN35 Transport Access for Disabled People and others with Mobility Difficulties

PS14 Car Parking Standards – Residential Development

PS15 Parking for Disabled People

PS16 Bicycle Parking

Core Strategy 2010

CP1 Spatial Development Strategy

CP2 Population and Housing Growth

CP5 Place Making

CP6 Design and Density in Place Shaping

CP9 South Kilburn Growth Area

CP14 Public Transport Improvements

CP15 Infrastructure to Support Development

CP16 Town Centres and the Sequential Approach to Development

CP 19 Brent Strategic Climate Change Mitigation and Adaptation Measures

CP 21 A Balanced Housing Stock

SUSTAINABILITY ASSESSMENT

Compliance with the relevant sustainability policies and requirements was secured through an appropriately worded legal agreement at the time of the application.

CONSULTATION

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

No comments have been received.

Transportation Engineers

Subject to the submission and approval of further details of electric vehicle charging points within the car park and the traffic light control system on the access ramp, there would be no objections on transportation grounds to these detailed proposals.

Officer Comment

A condition will be attached to the application requiring the submission of further details of electric vehicle charging points within the car park and details of the traffic light control system.

Landscape Design

No objections to proposed landscape scheme, which overall is excellent. Further details of the landscaping and hard-surfacing materials will be provided to satisfy the landscaping condition on the outline permission.

Urban Design and Regeneration

No objection

Environmental Health

No objections.

Network Rail

No comment received.

Officer Comment

There are existing planning conditions on the outline planning permission which will have to be satisfied in consultation with Network Rail prior to development commencing on site. Applicants have confirmed that they have already had discussions with Network Rail.

HS2

It has been a requirement since July 9th 2013, when the first HS2 safeguarding direction was issued, that any application for development (apart from a few exempted) within the relevant zone be referred to HS2. The relevant zone crosses the south of Brent.

No comment received.

REMARKS

APPLICATION BACKGROUND

1. This proposal forms part the ongoing attempts on behalf of the Council to regenerate the South Kilburn Estate. The New Deals for Communities (NDC) programme is no longer in existence and an alternative approach to regeneration is being progressed by the Council. An update is provided below, by way of background.

SOUTH KILBURN CURRENT PLANNING CONTEXT

2. The original South Kilburn Masterplan SPD was adopted in 2005, based on a strategy of comprehensive redevelopment of 1400 dwellings, subsidised by the delivery of 1500 private dwellings. The Council appointed a consortium of housing organisations, which included Hyde Housing, Bellway and Taylor

Wimpey, to redevelop South Kilburn. The business case was predicated on the consortium running the whole redevelopment from start to finish. In 2007 the Council submitted a bid to Central Government for £100m to fund the project, but was awarded only £50m. This lack of funding, coupled with the impact of the housing recession meant the Consortium was no longer able to deliver the regenerative development programme. As a result, Members will be aware that the Council itself has been leading the regeneration programme bringing individual sites forward with a number of different partners with a wide range of different funding opportunities. However, the key objective remains the delivery of the overall regeneration programme.

3. To date 362 new homes have been completed as part of '**Phase 1a**' (defined as Texaco Garage Site, Macdonald House, Marshall House Albert Road Zone 11a and the Carlton Vale Roundabout Site Zone 3C) of the South Kilburn Regeneration Programme. 264 of these new homes are affordable and have been occupied by South Kilburn households.
4. On 13th February 2012 the Executive authorised the disposal of the land at Cambridge Court, Wells Court and Ely Court and Bond Hicks Bolton and Wood House together defined as '**Phase 1b**' to Catalyst Housing Group. On 13th July 2012 the Phase 1b sites were handed over to Catalyst Housing Ltd (formally Catalyst Housing Group) and a capital land receipt was obtained. Construction works are now underway on site. This development will deliver 208 new homes in summer/autumn 2014, 107 of these new homes will be affordable.

MASTERPLAN & PRINCIPLE OF REDEVELOPMENT

5. The redevelopment of this site represents a departure from the previous approach of obtaining detailed planning approval for each site prior to the disposal of the site to an appropriate development partner. As explained above, this approach has been successful in ensuring high quality redevelopment of a number of sites across the regeneration area. The original application was submitted in outline form only, seeking consent for the quantity and type of development proposed, which in this case is for 144 residential units and 480m² of commercial floorspace (Use Class A1/A3/A4). The current application considers all the matters that were reserved as from the outline application. The matters which were reserved from the previous application and which will be assessed in this application are:
 - (a) access;
 - (b) appearance;
 - (c) landscaping;
 - (d) layout; and
 - (e) scale
6. Site 11b falls within Phase 2 of the South Kilburn Masterplan and also forms part of a Site Specific Allocation within the Council's Local Development Framework document adopted in 2011. This sets out an indicative development capacity for this site of 173 units to be completed between 2014-2016. As explained, the approved level of development for the site is for 144 residential units, with a split of 20% social rent and 80% market housing, as well as 480 sq metres of flexible commercial space on the Salusbury Road frontage.
7. The application has a site area of 0.69ha and with the level of development proposed the approved outline permission will result in a density of 209 units per hectares, in accordance with London Plan requirements for Urban Areas with a very good, or excellent, public transport accessibility (PTAL 5 & 6). It would also accord with the South Kilburn SPD which identifies the site as one where a density of 900-1500 habitable rooms per hectare. The proposals will also involve the demolition of all existing buildings on the site to make way for the re-development of the site for the mixed use residential and commercial scheme. The existing buildings are not of any architectural merit in their own right, but do provide accommodation for the British Legion Social Club and the Albert Road Day Care Centre. Both of these uses have been re-provided elsewhere with the Royal British Legion Club re-located to Peel Precinct within the South Kilburn Area. The existing adult day care services provided at the Albert Road Centre have been re-provided in the John Billam Centre in the north of the Borough which opened in Autumn 2012. This new centre was purpose built for the provision of care services and forms a key part

of the Day Opportunities Strategy agreed by the Council in 2010.

8. Following the approval of the outline planning permission the site was put out to tender and details planning and design statements were prepared by planning officers to form part of the tender information. Planning officers also met with the different tender groups and reviewed their proposals prior to the tender submission. The South Kilburn Board then selected the preferred bidder. Council planning officers were then involved in further detailed design discussions with the bidder to suggest alterations and to clarify planning requirements. Alterations and amendments made following the involvement of planning officers include:
 - Changing the material of north and west public elevations from metal cladding to brick to provide a building less commercial in appearance and more in keeping with local character.
 - Introduction of additional architectural detailing to break down the massing of the proposed buildings
 - The proposed cantilever has been shifted up by one storey to appear more prominent within the streetscene
 - Improvements to the outlook of the affordable units adjacent to the basement access road with the introduction of a soft landscaping and a trellis over the access.
 - Details of additional tree planting and parking provision on Albert Road
 - Alterations to the ground floor layout of flats to ensure that there are no habitable room windows directly next to pedestrian pathways or entrances.
 - Introduction of pedestrian access points to Albert Road.
9. The application for the Reserved Matters was submitted in July. Additional minor amendments were then submitted in August. This report will now consider how the detailed plans comply with the relevant policies in relation to the Reserved Matters.

Layout

10. The proposed development site is laid out in 3 separate blocks in keeping with the outline planning consent. Block A is the block which runs parallel with Salusbury Road to the west, Block B is the central L-shaped block and Block C is the eastern L-shaped block. The west flank of both the L shaped blocks is splayed so that block B is set between 8.25m-11m from Block A at its closest point and Block C is 8.75-11.45m from Block B at its closest point. The gaps between the buildings helps breakdown the overall massing of the proposed development and ensures that there is not a continuous wall adjacent to the railway to the north.
11. This arrangement of buildings is in accordance with the parameters of the outline permission and ensures that the proposed residential units comply with the privacy requirements of SPG 17. The elevations of the building with facing habitable room windows are over 30m apart while block C is set over 20m from the nearest facing elevation on the neighbouring building.
12. Block A fronts onto Salusbury Road and is a mixed use building with a 480sqm of commercial floorspace on the ground floor and 43 residential flats above. The rear elevation of this block faces Block B and the first communal garden area. The two flanks are also prominent in the streetscene when viewed from south and north from Salusbury Road. This block is part 5/part 6/part 8 storeys in height and its maximum height is a storey higher than blocks B and C (although it appears higher due to its raised ground level).
13. The 43 residential units are full private. Block A is on a raised ground level which steps down to the east. There is a graded pedestrian access to both the residential and retail entrances on Salusbury Road along with additional soft landscaping. The main residential entrance is set back 12m from the pedestrian pathway and the retail entrance is 8m from the pedestrian pathway. The groundfloor south elevation is set in between 3.7m and 5.02m from the pavement edge on Albert Road. The first floor is set in between 3.91m and 5.55m from the ground floor edge and is stepped up from Albert Road to the boundary with the railway. This provides an appropriate setting for what will be a prominent building when viewed from north and south.

14. Block B is the central block and is L-shaped with a west and south wing arranged around a central courtyard. The flank wall of the southern wing is set in 3m from boundary with Albert Road. The west elevation of the southern wing is 32.77m from the east elevation of Block A. The north elevation facing the railway line is set in 3m from the boundary. This unit contains 56 residential flats all of which are private units. The groundfloor residential units are all laid out with a 2.5m deep area of defensible space. The west elevation of the west wing is splayed and has a distance of between 8.3m and 11m from the east wall of Block A. There are no directly facing habitable room windows between these elevations.
15. Block C is also L-shaped with a west and south wing arranged around a central courtyard. This building contains 53 residential units of which 28 are affordable residential units. The flank wall of the southern wing is set in 1m from boundary with Albert Road. The west elevation of the southern wing is 34.9m from the east elevation of Block B. The north elevation facing the railway line is set in 3m from the boundary. This unit contains 56 residential flats all of which are private units. The groundfloor residential units are all laid out with an area of defensible space to maintain privacy with a minimum depth of 2.5m. The west elevation of the west wing is splayed and has a distance of between 8.5-11.5 from the east elevation of block B. There are no directly facing habitable room windows between these elevations. The east elevation of the south wing faces the access ramp to the basement car park and the neighbouring development at George House over 20m beyond.
16. The proposed flat layouts are such that there are no single aspect north facing units and that all residential units have acceptable levels of daylight sunlight and privacy. This includes ensuring and appropriate area of defensible space for each of the groundfloor residential units adjoining the communal open space.
17. At the ground level there are two central communal amenity spaces. The Courtyard 1 situated between the east elevation of Block A and the south and west elevations of Block B and Courtyard 2 is between Block east elevation of block B and the south and west elevations of block C. The quality of the landscaping will be set out in the landscaping section below. To the north of the blocks B and C is an access path between the north elevation of the building and the boundary with the railway line with a width of 3m. This will not be for general use but will be retained for waste and general maintenance servicing for the development and access for Network Rail for boundary maintenance.
18. The north boundary is 3m in height and is formed by a perimeter wall with fencing on top. This will be the sole outlook for 13 habitable rooms (all bedrooms). While this will not be a particularly attractive view as the rooms affected are all bedrooms and the units are all dual aspect the impact of the limited outlook is not considered to be significant when considered in light of the scale of the development as a whole, which provides 144 residential units and 379 habitable rooms.
19. There are pedestrian pathways through the courtyards providing routes from Block A to the entrance of Block B and from Block B to the entrance to Block C as well as pedestrian routes from Blocks B and C to Albert Road. Each groundfloor residential unit has defensible space of approximately 2.5m.
20. At the basement level is a 57 space car park for the private residential including the provision of 6 disabled parking bays. The access to the car park is provided to the east of Block C. This is also set in from the north boundary to ensure that it does not interfere with Network Rail operational land. While there is no requirement to provide this the outline permission allow for its provision and the applicants have insisted on providing it.
21. The layout of the proposed development is considered to be in accordance with the parameters of the outline permission and complies with Regional and Council policies and guidelines.

Scale

22. As set out above the proposed development involves the construction of three separate buildings. The building on the Salusbury Road frontage is the largest building at 5-8 storeys in height. The Salusbury Road frontage has a length of 44m and a depth of 16.8m. The proposed building steps up from the Albert Road flank wall to 5 storeys where it is set in 3.12m from the ground floor flank wall, to 6 storeys where it is set in 8.52m from the fifth storey and to 8 storeys where it is set in 11.9m from the sixth storey. This is generally below the height of the indicative outline proposal except for part of the eight storey element. The outline permission envisaged the building stepping up to the junction of Albert Road from the railway rather than to the railway as is now proposed. The groundfloor projects out towards the Albert Road. The

indicative scheme is not binding as permission was granted for up to 8 storeys without the final scale and massing being agreed. The proposed increased height on the boundary adjacent to the railway is considered to be acceptable and will not have an unacceptable impact on streetscene or amenity of nearest residential properties on the other side of the railway line.

23. The concentration of the greatest height adjacent to the railway line is considered to be acceptable although the success of the elevations in terms of appearance will be reliant on high quality materials being used for the finish. The quality of the materials will be considered in the *appearance section* below. Block A also has a four storey cantilevered element which projects out 6m from the main elevation for a width of 11.5m above the ground and first floors. This is on the north part of the Salusbury Road frontage and is a feature that addresses visual interest to the building while also breaking down its scale.
24. Both blocks B and C are predominantly 5 storeys in height with a recessed upper floor to six storeys. The top floor on both blocks is set back a minimum of 7m from the south elevation of the south wing and is set in 2m from the south elevation of the west wing. The scale of blocks B and C ensures they are appropriately subservient to the main frontage building on Salusbury Road and the neighbouring buildings on Albert Road.
25. The upper floors are flush with the main on the north elevation with the railway line however there are additional gaps between the upper storeys on separate wings of the same building which in conjunction with the different materials proposed for the upper floors serves to breakdown the overall scale and give the buildings a five storey appearance. Projecting balconies, roof terraces and winter gardens on all elevations help to breakdown the massing and scale of the proposed buildings.
26. The proposed buildings are of a scale appropriate to their context and will make a positive contribution to the streetscene in accordance with Regional and Council planning policy.

Appearance

27. A similar palette of materials is proposed for the material finishes of the 3 blocks. The north elevations of each block are finished in brick. These elevations are articulated using a grid of recessed window reveals and brick panels. The windows are arranged irregularly across these elevations and the window and brick panel recesses introduce a vertical emphasis which helps to break down the massing of these elevations. The module width of these recesses varies along the length of the elevations due to internal space planning of the residential units which they relate to and minimum window area requirements for north facing windows. The windows will have white powder coated aluminium frames with the upper openings and fixed lights below.
28. The Council's planners have consistently emphasised the importance of north elevation as a result of view of the site from Salusbury Road, Kilburn Conservation Area and the railway. As a result of this emphasis amendments were sought throughout the pre-planning process which have resulted in higher quality materials and greater articulation of these elevations. The brick that has been submitted is Wienerberger 'Marziale' which is a grey coloured brick. This brick will be used with a dark coloured mortar to ensure that the prominent north and west elevations are of a high quality and will be in keeping with the character of the conservation areas to the north and other high quality brick built buildings within the Conservation Area. The details submitted with the application are considered to provide this level of quality.
29. The south and west elevations of Block A are treated in the same manner with the main material finish being the Wienerberger Marziale brick. There are projecting balconies on both elevations from the second floor upwards and a four storey 6m projecting cantilever from the second to fifth floor also containing a projecting balcony. The balconies will have a solid concrete floors with 1.1m high glazed panels and full height sliding perforated zinc panels.
30. The proposed cantilever with the 6m projection creates a dramatic elevation on the main frontage particularly when viewed from north on Salusbury Road and from Queens Park Station. This will act as a prominent gateway building emphasising the importance of high quality design within the South Kilburn Regeneration Area while also creating a continuity in the streetscape which physically links the Regeneration Area to the successful Queens Park and Kilburn areas to the north.
31. The ground floor retail frontage and main residential entrance will be predominantly glazed with full height clear glazing panels on the ground floor and opaque glazing panels above. This frontage will have a powder coated aluminium frame. The shop front signage can be accommodated within the proposed

shop front although a separate advertising application will be required for any signage.

32. The elevations of the proposed blocks facing the courtyards are treated differently from the brick clad north elevations. The east elevations of Blocks A and B and the west and south elevations of Blocks B and C are clad in standing seam zinc arranged in vertical panels from the ground floor to the 5th floor. There are also projecting balconies from the first floor to the fifth floor. The elevation behind these is to be clad in timber cedar panelling with the same balcony treatment as that on the Salusbury Road frontage. There is also a double height glazed section on the lower ground and ground floor levels which links to the main residential entrance on Salusbury Road. The lower ground floor section of this elevation also includes a brick wall at the courtyard ground level.
33. The top floors of block B and C and the upper two floors of Block A will be finished in standing seam zinc used in conjunction with full height glazed panels. This treatment of the upper floors along with there set in from the main frontage will ensure that they appear subservient to the main building. '
34. The flats roofs of the buildings will be used as green and brown roofs while the projecting roofs of the fourth, fifth and sixth floors on Block A and the fourth floor roofs of Blocks B and C will be used as roof terraces to provide additional amenity space. The terraces will have glass panelled boundary railings with planters around the edges.
35. To the east of Block C is the access road to the basement car park. This has a width of 5.5m and will appear prominent in the Albert Road street scene. planter beds are proposed with a width of 0.5m either side of the access road. A timber trellis is also proposed over the access ramp where it curves under block C to soften the impact of the ramp between Block C and the neighbouring development on Albert Road.
36. The boundary treatment between the development and Albert Road is also an important consideration when reviewing the appearance of a development. An evergreen hedge is proposed along this frontage, which will be kept to a maximum height of 1m behind this a 1.8m high steel railing fence is proposed. To the north a timber panelled acoustic barrier is proposed at a height of 3m along the boundary with the railway.
37. The proposed treatment of the elevations, materials and landscape design demonstrate that the proposed development will be of the high quality required for a site which has been identified as a gateway to the South Kilburn Regeneration Area while also being of design which complements the more traditional residential Conservation Areas of Queens Park and Kilburn to the north. As such it is considered to comply with the requirements of the Council's Planning Policies and Guidelines and the South Kilburn Masterplan.

Access

38. The principal pedestrian access to the site is from the north west corner on Salusbury Road. This is defined under the prominent cantilever and is highlighted by the double storey glazed panelling. This will provide access to all the private residential units within the site and is located close to the Queens Park Underground/Overground Station. Additional pedestrian access points are provided on Albert Road which will provide access to the flats in Blocks B and C. The affordable housing residents will have a separate entrance from Albert Road as they do not have access to the communal gardens.
39. Block A will have one core located in the north part of the building at the groundfloor level there is a large atrium with a service/reception desk with access to the central core and lift which will provide access to the basement car park and upper floors. There is also a stepped access from the atrium to the rear access to Courtyard 1.
40. Blocks B and C will both have two core each one serving the south wing and the other serving the west wing. Within Block C the core serving the west wing will provide the sole access to the affordable accommodation. residents of this wing will only be able to access the site from Albert Road and will have no access to the courtyards or the basement car park.
41. Servicing for the retail unit will be undertaking from a proposed servicing bay on Salusbury Road. This is consistent with the outline planning permission and will provide space for vehicles up to a 10m rigid Heavy Goods Vehicle. The use of this space will be controlled by a servicing management plan, which has been sought by condition as part of the outline consent and should be used outside of peak travel times. This will seek to ensure that deliveries to the retail unit occur outside peak travel times to stop the

space having a detrimental impact on congestion.

42. The refuse storage space has been difficult to provide given that the proposed stores should be within a 30m carry distance from each dwelling while being within 9m of the nearest access point as 9m is the maximum distance refuse collectors will travel to collect bins. Given the depth of the site and the location of the residential blocks away from the Albert Road frontage it is not possible to provide a bin store which meets both these parameters. To resolve this issue planning recommended a management solution which involves the bin stores located within close proximity to the residential units so that the 30m carry distance is met and the bins being moved by a caretaker on bin collection day to an agreed point within 9m of the highway. Two collection points on the plans, one in Courtyard 1 and the other in Courtyard 2. A refuse management plan has been sought by condition as part of the outline consent and will have to be agreed with the Council's Waste Management Services.
43. A basement car park is proposed providing 57 spaces include 6 disabled bays. The basement also provides space for 7 motorcycle and 122 cycling parking spaces. Tracking diagrams have been provided with a transport assessment to show that vehicles will have adequate space manoeuvre in the basement. As this does not meet the parking standard for the site spaces will be allocated through a management scheme. A car free agreement was also secured as part of the outline permission which removes the rights of residents of the private residential accommodation to access parking permits for the local controlled parking zone.
44. The car park is to be accessed via a ramp from Albert Road between the east elevation of Block C and the neighbouring development on Albert Road. Transportation have reviewed the access arrangements and do not object to these. Where the ramp curves round into the basement it is single carriage to ensure that it provides for safe vehicle movements a traffic light system will be installed to ensure safe vehicle movements. This is considered acceptable in principle, with sufficient space proposed at the top of the ramp to allow two cars to wait clear of the highway whilst waiting for cars to exit the car park. Tracking diagrams have been provided to show the curve in the ramp would be able to accommodate cars. The proposed 10% gradient (easing to 5% at either end) of the ramp meets design standards and ensures cars enter the highway on a reasonably level platform.
45. This access point was identified as a potential concern in terms of its impact on the streetscene and the amenity of overlooking residents. The applicants have insisted on retaining this and the outline permission did permit a basement car park and this position is considered to be the least intrusive. The applicants have sought to overcome the identified concerns in relation to its impact through additional boundary planting and a trellis covering part of the ramp. Council officers consider that this is the most appropriate means by which to address these issues.
46. 15 on-street parking spaces are provided on the north side of Albert Road. Only the residents of the affordable unit will have access to parking permits as this is needed to ensure that residents who are moved from other flats scheduled for demolition within the Regeneration Area have access to parking spaces in accordance with the terms of their transfer agreement. At the Outline stage Highways raised concerns with the impact of the proposed development on on-street parking however this was a worse case scenario based on a proposed development with no on-site parking provision. The Council's Highways Officer has reviewed the current proposal and is satisfied that the proposed development will have an acceptable impact on local parking.
47. Cycling parking for the affordable units is provided in the form of cycle shelters along the pedestrian access to the affordable units from Albert Road. 4 Sheffield type cycle stands will also be proposed for the Salusbury Road frontage to provide for visitors to the commercial unit.
48. The Council's Highways Officers have assessed the Transportation Statement and the details submitted to support this. They have confirmed that the highways issues are in accordance with current transportation standards and that there will be no detrimental impact on local highways conditions and safety as such the proposals are in accordance with the relevant planning policies.

Landscaping

49. The landscaping proposals for the site play an important role in integrating the site within its urban environment while also helping to create a high quality urban environment for prospective residents. The site has two frontages with public highway on Salusbury Road and Albert Road. Salusbury Road is a London Distributor Road and a local shopping centre and contains the Queens Park

Underground/Overground station entrance while Albert Road is a quieter residential street.

50. The Salusbury Road frontage which is intended to act as an extension to the Queens Park town centre shopping frontage will be predominantly hard landscaped with hard surfacing to the entrance to the residential (under the cantilever) and retail frontage. The hardstanding will be a mix of high quality natural concrete, paving stones and with the kerbs and edging provided by natural stone trim and panels. There will be 3 areas of soft landscaping along this frontage one in the north east corner and one to form a visual break between the residential entrance and the retail frontage and one more centrally in front of the retail frontage. This will be mainly shrub planting with some small trees.
51. The Albert Road frontage is more domestic and as it contains a public path to other residential properties along Albert Road. The pavement will be paved to match the existing. Soft Landscaping is limited to the provision of 6 London Plane trees between the proposed on-street parking bays. The Council's Landscape Designers have requested that these be London Plan trees as they will complement the wider strategy for tree planting within the South Kilburn Area. The proposed public realm interventions are considered to be of a high quality and will complement the character and appearance of the proposed development and surrounding streetscene.
52. The southern boundary of the site is next to the pedestrian pathway on Albert Road. This boundary will be treated with a low boundary hedge to be trimmed at a height of 1.2m a proposed 1.5m high fence will act as another level of security behind this hedge. The low rise hedge and open railings will ensure that the communal landscaping within the site provides visual amenity for the surrounding area.
53. The outline planning permission includes a condition that the proposed development will provide a minimum of 20sqm of amenity space per flat. The applicants have demonstrated that the scheme will provide approximately 2000 sqm of communal amenity space and a minimum of 6sqm private space for each residential unit. This would comply with this condition. The amenity space within the site is provided in the form of 2 communal courtyards, private gardens, roof terraces and balconies.
54. The communal courtyards will be landscaped with a pallet of high quality materials and soft landscaping. The hard standing will include areas of paving, resin bound gravel and timber decking while the soft landscaping will be a mix of shrub planting, grass lawns and small and large trees. A childrens playspace is proposed within the courtyard incorporating level changes, greenery, tree planting, sculpture, seating and boulders providing a total of 300sqm of space.
55. The area between Block C and the neighbouring residential site on Albert Road includes areas of landscape space around the entrance to the basement car park. The entrance road will be bounded by a concrete retaining wall while the road will be bonded gravels. The walls will contain planters into which a winter green hedge will be planted to the rear where the road curves into the basement a trellis will be installed with a grid mesh over the roof to allow for climbing plants to cover this section of the entrance. To the east of the access road will be a small area of planting of small plants and shrubs. To the west will be the rear gardens of the affordable units. It is considered that the proposed access road will be suitably screened from the neighbouring residential and from the streetscene and will ensure a high quality development. Further details of landscaping and its maintenance are required as condition of the original outline permission.
56. The roof of the blocks will be a mix of "green" and "brown" roofs with some solar panels as well. The green roof will be a light weight roof system with sedum planting which will not be generally accessible. The highest roofs will be brown roofs in which crushed stone will be used as a substrate capable of supporting windblown plants and invertebrates. While these roofs will not be visible from the streetscene and with access limited to maintenance they will help to attenuate surface water run off while providing for increased bio-diversity.
57. The proposed landscaping details accord with the requirements of local planning policy and will help to integrate the development into the local area while also providing a high quality of amenity space for each of the prospective residents.

Conclusion

58. The proposed development represents a high quality development which will act as a gateway to the South Kilburn Area and contribute to the Council's on-going efforts to regenerate South Kilburn. The proposals are considered to accord with the policies set out within the Brent UDP 2004, South Kilburn SPD and Masterplan, and on this basis, it is recommended that the details submitted pursuant to

condition 3 of Outline Planning Consent 12/1516, the Reserved Matters, are acceptable and recommend that this application is approved.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
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 hereby permitted shall be carried out in accordance with the following approved drawings and/or documents:

7301-A-G100-XP-00-099
7301-A-G100-P-00-099 Rev 01
7301-A-G200-P-B1-099
7301-A-G200-P-B0-099
7301-A-G200-P-00-099 Rev 02
7301-A-G200-P-01-099 Rev 02
7301-A-G200-P-02-099 Rev 02
7301-A-G200-P-TY-099 Rev 02
7301-A-G200-P-05-099 Rev 02
7301-A-G200-P-06-099 Rev 02
7301-A-G200-P-07-099 Rev 02
7301-A-G200-P-RF-099 Rev 02
7301-A-G100-E-N-099 Rev 01
7301-A-G100-E-S-099 Rev 02
7301-A-G100-E-E-099 Rev 02
7301-A-G100-E-W-099 Rev 01
7301-BA-A-G200-E-N-099 Rev 01
7301-BA-A-G200-E-S-099 Rev 01
7301-BA-A-G200-E-E-099 Rev 01
7301-BB-A-G200-E-W-099 Rev 01
7301-BB-A-G200-E-S-099 Rev 01
7301-BB-A-G200-E-E-099 Rev 02
7301-BB-A-G200-E-N-099 Rev 01
7301-BC-A-G200-E-N-099 Rev 01
7301-BC-A-G200-E-W-099 Rev 02
7301-BC-A-G200-E-S-099 Rev 02

7301-BA-A-G200-S-AA-099
7301-BB-A-G200-S-BB-099
7301-BC-A-G200-S-CC-099
7301-A-G100-S-DD-099
7301-BA-A-G200-S-DD-099
7301-BB-A-G200-S-DD-099
7301-BC-A-G200-S-DD-099
7301-A-G251-D-001-099
7301-A-G251-D-002-099
7301-A-G251-D-003-099
7301-A-Z200-X-001-099
7301-A-Z200-X-002-099 Rev 01
7301-A-Z200-X-003-099
7301-A-Z100-X-001-099 Rev 01

Design and Access Statement by Ian Simpson Architects July 2013

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

- (2) Notwithstanding the plans hereby approved further details of the proposed basement car park and access ramp shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the residential element of the development. The details shall include:
- (i) details of the operation traffic light control system on the access ramp
 - (ii) a minimum of 12 of the proposed basement parking spaces with electric vehicle charging points.

The development shall be completed in accordance with the approved details.

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

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Robin Sedgwick, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5229

PLANNING & ENFORCEMENT APPEALS

DATE / YEAR September 13

Received	4/01
Decided	4/02
Selected Decisions	4/03
Copies of selected Decisions	4/04

SPECIAL ITEMS

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Received PLANNING Appeals between 1-Sep-2013 and 30-Sep-2013

Planning Committee: 16 October, 2013

Application Number: 13/0318 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 18/09/2013 **Appeal Against:** Refusal of planning permission
Location: 412B High Road, Wembley, HA9 6AH
Proposal:

Retrospective application for a side to rear dormer window and insertion of double glazed doors with juliet balcony within third floor level of existing second floor flat

Application Number: 13/0422 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 20/09/2013 **Appeal Against:** Refusal of planning permission
Location: 1-58 (inc) Kingsley Court, Park Avenue, London, NW2 5TH
Proposal:

Installation of six replacement antennas, a proposed 600mm dish and installation of three equipment cabinets to replace cabinets on the roof of existing six storey residential building at Kingsley Court.

Application Number: 13/1019 **Team:** Northern Team **Application Type** S78 HSE
Appeal Received: 19/09/2013 **Appeal Against:** Refusal of planning permission
Location: 13 Coniston Gardens, London, NW9 0BA
Proposal:

Single storey rear extension to dwelling house

Application Number: 13/1162 **Team:** Southern Team **Application Type** S78 HSE
Appeal Received: 20/09/2013 **Appeal Against:** Refusal of planning permission
Location: 13A Greenhill Park, London, NW10 9AN
Proposal:

Erection of part first floor rear extension to first floor flat

Application Number: 13/1165 **Team:** Northern Team **Application Type** S78 HSE
Appeal Received: 23/09/2013 **Appeal Against:** Refusal of planning permission
Location: 51 Chartley Avenue, London, NW2 7QY
Proposal:

Alterations to existing single storey detached outbuilding to rear of property.

Application Number: 13/1358 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 10/09/2013 **Appeal Against:** Refusal of planning permission
Location: 169-171 Cricklewood Broadway, London, NW2 3JB
Proposal:

Erection of additional floor to create 1 self contained flat

Application Number: 13/1595 **Team:** Western Team **Application Type** S78 HSE
Appeal Received: 20/09/2013 **Appeal Against:** Refusal of planning permission
Location: Ohm, 1 Queen Victoria Avenue, Wembley, HA0 4RW
Proposal:

Demolition of existing garden shed and erection of a single storey side and rear extension and erection of 1.8m high timber gate located within the frontage to the front and to the side of the dwellinghouse

Application Number: 13/1711 **Team:** Southern Team **Application Type** Other CLD
Appeal Received: 13/09/2013 **Appeal Against:** Refusal of planning permission
Location: 126 Herbert Gardens, London, NW10 3BP
Proposal:

Certificate of lawfulness for proposed side roof extensions, rear dormer window and 2 front and 2 rear rooflights to dwell

Received PLANNING Appeals between 1-Sep-2013 and 30-Sep-2013

Planning Committee: 16 October, 2013

<u>Application Number:</u>	13/1712	<u>Team:</u>	Southern Team	<u>Application Type</u>	Other CLD
<u>Appeal Received:</u>	13/09/2013	<u>Appeal Against:</u>	Refusal of planning permission		
<u>Location:</u>	64 Okehampton Road, London, NW10 3EP				
<u>Proposal:</u>					

Certificate of lawfulness for proposed removal of existing dormers and erection of a side to rear dormer window and 6 ro
roofslope of dwellinghouse

<u>Application Number:</u>	13/2157	<u>Team:</u>	Northern Team	<u>Application Type</u>	Other CLD
<u>Appeal Received:</u>	24/09/2013	<u>Appeal Against:</u>	Refusal of planning permission		
<u>Location:</u>	55 Ballogie Avenue, London, NW10 1SU				
<u>Proposal:</u>					

Certificate of lawfulness for proposed single storey rear extension to dwellinghouse.

Received ENFORCEMENT Appeals between 1-Sep-2013 and 30-Sep-2013

Planning Committee: 16 October, 2013

Application Number: E/11/0869 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 20/09/2013**Location:** Flats 1-9, 33-35 High Street, London, NW10 4NE**Description:**

The change of use of the premises above ground floor level to nine self-contained flats.

("The unauthorised change of use")

Application Number: E/12/0102 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 12/09/2013**Location:** 20 Queens Walk, London, NW9 8ER**Description:**

Without planning permission, the erection of front and side boundary walls to the front garden of the premises.

("the unauthorised development")

Application Number: E/12/0241 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 12/09/2013**Location:** 91 Neasden Lane, London, NW10 2UE**Description:**

Without planning permission, the erection of a two storey extension to the side of the premises

("the unauthorised development")

AND

Without planning permission, the change of use of the premises into 4 self contained flats.

("the unauthorised change of use")

Application Number: E/12/0749 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 12/09/2013**Location:** 17 Aston Avenue, Harrow, HA3 0DB**Description:**

Without planning permission, the erection of a terrace and basement extension to the rear of the premises

("the unauthorised development")

Application Number: E/12/0880 **Appeal Against:** Enforcement Appeal **Team:****Appeal Started:** 11/09/2013**Location:** 51 Brenthurst Road, London, NW10 2DX**Description:**

Without planning permission, the change of use of the premises into six flats.

("the unauthorised change of use")

Received ENFORCEMENT Appeals between 1-Sep-2013 and 30-Sep-2013

Planning Committee: 16 October, 2013

Application Number: E/13/0284 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 20/09/2013**Location:** 25 Limesdale Gardens, Edgware, HA8 5JD**Description:**

The unauthorised erection of a building in the rear garden of the premises.

The unauthorised erection of a raised terrace in the rear garden of the premises.

("The unauthorised development")

Application Number: E/13/0388 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 17/09/2013**Location:** 110 Lyon Park Avenue, Wembley, HA0 4EY**Description:**

The erection of a building in rear garden of the premises

Application Number: E/13/0511 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 11/09/2013**Location:** 67 Church Lane, London, NW9 8ED**Description:**

The change of use of domestic outbuilding to a self-contained unit of residential accommodation.

Decisions on PLANNING Appeals between 1-Sep-2013 and 30-Sep-2013

Planning Committee: 16-Oct-2013

Application Number: 12/1942 **PINSRefNo** A/13/2193928 **Team:** Southern Team

Appeal Decision: Appeal Dismissed**Appeal Decision Date:** 19/09/2013**Location:** 16C Callcott Road, London, NW6 7EA**Proposal:**

Installation of a rear terrace and rear door to second floor flat

Application Number: 12/2409 **PINSRefNo** A/13/2197147 **Team:** Western Team

Appeal Decision: Appeal Dismissed**Appeal Decision Date:** 11/09/2013**Location:** Flats 1-6 INC, 84 Bowrons Avenue, Wembley, HA0**Proposal:**

Erection of roof extension to existing three storey block of flats to form two new flats (1 x 2 bed & 1 x 1 bed)

Application Number: 12/2819 **PINSRefNo** D/13/2201210 **Team:** Southern Team

Appeal Decision: Appeal withdrawn**Appeal Decision Date:** 02/09/2013**Location:** 70A Hanover Road, London, NW10 3DR**Proposal:**

Construction of a vehicular crossover and associated hard and soft landscaping to the front of ground floor flat

Application Number: 12/3204 **PINSRefNo** A/13/2195195 **Team:** Southern Team

Appeal Decision: Appeal Dismissed**Appeal Decision Date:** 17/09/2013**Location:** 15B Herbert Gardens, London, NW10 3BX**Proposal:**

New rear dormer window, one rear and two front rooflights to first floor flat

Application Number: 13/0878 **PINSRefNo** D/13/2200455 **Team:** Southern Team

Appeal Decision: Appeal Allowed**Appeal Decision Date:** 19/09/2013**Location:** 13 Dyne Road, London, NW6 7XG**Proposal:**

Single storey side/rear extension

Application Number: 13/1242 **PINSRefNo** D/13/2201711 **Team:** Northern Team

Appeal Decision: Appeal Allowed**Appeal Decision Date:** 23/09/2013**Location:** 53 Chartley Avenue, London, NW2 7QY**Proposal:**

Demolition of part of the existing outbuilding to form a new smaller outbuilding to rear of dwellinghouse

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Decisions on ENFORCEMENT Appeals between 1-Sep-2013 and 30-Sep-2013

Planning Committee: 16 October, 2013

Application Number: E/09/0719 **PINSRefNo** C/13/2193964**Team:** Southern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 02/09/2013**Location:** Rear of 7 Strode Road, London, NW10 2NN**Proposal:**

The erection of storage containers next to flank wall of 5 Hawthorn Road.

("the unauthorised development")

Application Number: E/11/0216 **PINSRefNo** C/12/2181118**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 06/09/2013**Location:** 49 Springfield Gardens, London, NW9 0RY**Proposal:**

Without planning permission, the erection of a two storey side to rear extension, single storey rear extension and rear do premises.

("The unauthorised development")

Application Number: E/11/0621 **PINSRefNo** C/13/2196350**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 20/09/2013**Location:** 19 Forty Lane, Wembley, HA9 9EU**Proposal:**

Without planning permission, the erection of railings to the 2nd storey rear projection to the premises.

("the unauthorised development")

Application Number: E/12/0034 **PINSRefNo** C/13/2193960**Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 02/09/2013**Location:** 30 Lancelot Road, Wembley, HA0 2BN**Proposal:**

Without planning permission, the change of use of the premises into three self-contained flats

("the unauthorised change of use")

AND

Without planning permission, the erection of a single storey rear extension to the premises

("the unauthorised development")

Application Number: E/12/0366 **PINSRefNo** C/13/2195729**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 20/09/2013**Location:** Flats1-6, ASHFORD HOUSE, Ashford Road, London, NW2 6TL**Proposal:**

Without planning permission, the erection of a building to the rear and the erection of fencing panels to the side and rear

("The unauthorised development")

Decisions on ENFORCEMENT Appeals between 1-Sep-2013 and 30-Sep-2013

Planning Committee: 16 October, 2013

Application Number: E/12/0455 **PINSRefNo** C/13/2196030**Team:** Southern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 20/09/2013**Location:** 75A Denzil Road, London, NW10 2UY**Proposal:**

Without planning permission, the erection of a single storey rear extension to the rear of the premises.

("The unauthorised development")

Application Number: E/12/0522 **PINSRefNo** C/13/2191557**Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 19/09/2013**Location:** 70 Scarle Road, Wembley, HA0 4SW**Proposal:**

The erection of "L" shaped building to the rear of the premises (as shown cross-hatched on the attached plan B to the n

("the unauthorised development")

AND

The change of use of the premises from one dwellinghouse to three dwellinghouses.

("the unauthorised change of use")

Application Number: E/12/0603 **PINSRefNo** C/13/2195460**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 10/09/2013**Location:** 273 Kenton Road, Harrow, HA3 0HQ**Proposal:**

The erection of a dwelling to rear garden of the premises for residential purposes.

("The unauthorised development")

Application Number: E/12/0607 **PINSRefNo** C/13/2195490**Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 18/09/2013**Location:** 154 Windermere Avenue, Wembley, HA9 8QT**Proposal:**

Without planning permission, the erection of a conservatory extension onto the back of an existing extension to the rear

("The unauthorised development")

Application Number: E/12/0610 **PINSRefNo** C/13/2195697**Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 02/09/2013**Location:** 58 Abbey Avenue, Wembley, HA0 1LL**Proposal:**

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

("The unauthorised development")

Decisions on ENFORCEMENT Appeals between 1-Sep-2013 and 30-Sep-2013

Planning Committee: 16 October, 2013

Application Number: E/12/0619 **PINSRefNo** C/13/2199461& 2191689 **Team:** Western Team**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 26/09/2013**Location:** 93 Beaumont Avenue, Wembley, HA0 3BY**Proposal:**

Without planning permission, the construction of a single storey rear extension and the erection of a building in the garden

("The unauthorised development")

Application Number: E/12/0712 **PINSRefNo** C/13/2194367 **Team:** Northern Team**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 02/09/2013**Location:** 91 C, D, E, F, G Mora Road, London, NW2 6TB**Proposal:**

Without planning permission, the material change of use of the premises from offices to a mixed use as offices and residential

("the unauthorised change of use")

Application Number: E/12/0773 **PINSRefNo** C/13/2195451 **Team:** Western Team**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 11/09/2013**Location:** 19 Watford Road, Wembley, HA0 3ET**Proposal:**

The construction of an unauthorised building at the rear of the premises.

("The unauthorised development")

Application Number: E/12/0880 **PINSRefNo** C/13/2204959 **Team:****Appeal Decision:** Appeal withdrawn **Appeal Decision Date:** 16/09/2013**Location:** 51 Brenthurst Road, London, NW10 2DX**Proposal:**

Without planning permission, the change of use of the premises into six flats.

("the unauthorised change of use")

Application Number: E/13/0198 **PINSRefNo** C/13/2199461& 2191689 **Team:** Western Team**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 26/09/2013**Location:** 93 Beaumont Avenue, Wembley, HA0 3BY**Proposal:**

The change of use of the property into three self-contained flats, the addition of a rear dormer loft extension to the premises and the front porch of the premises.

("The unauthorised development")

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**PLANNING SELECTED appeal DECISIONS between
1-Sep-2013 and 30-Sep-2013
Planning Committee: 16 October, 2013**

Introduction

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those that have been allowed or partly allowed on appeal, are attached to the agenda. These include the following:

Our reference:	13/0878	Appeal Decision: Appeal Allowed	Appeal Decision Date: 19/09/2013
Team:	Southern Team		
Location:	13 Dyne Road, London, NW6 7XG		
Proposal:	Single storey side/rear extension		

Our reference:	13/1242	Appeal Decision: Appeal Allowed	Appeal Decision Date: 23/09/2013
Team:	Northern Team		
Location:	53 Chartley Avenue, London, NW2 7QY		
Proposal:	Demolition of part of the existing outbuilding to form a new smaller outbuilding to rear of dwellinghouse		

Background Information

Any persons wishing to inspect an appeal decision not set out in full on the agenda should check the application details on contact the Technical Support Team, Planning and Development, Brent House, 349 High Road, Wembley, HA9 6BZ. Telep 5210 or email tps@brent.gov.uk

Chris Walker, Assistant Director - Planning and Development

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ENFORCEMENT SELECTED appeal DECISIONS between
1-Sep-2013 and 30-Sep-2013

Planning Committee: 16 October, 2013

Introduction

In order to keep Members fully informed of Enforcement Appeal decisions, copies of Inspector's decision letters concerning where Enforcement action has been initiated and the appeal has been allowed or part allowed, are attached to the agenda include the following:

Our reference: E/12/0773	Appeal Decision Date: 11/09/2013
Team: Western Team	Appeal Decision: Appeal Allowed

Location: 19 Watford Road, Wembley, HA0 3ET

Proposal:

The construction of an unauthorised building at the rear of the premises.

Background Information

Any persons wishing to inspect appeal decision letters not set out in full on the agenda should contact the Planning Services Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ.
Telephone 020 8937 5210 or email: tps@brent.gov.uk.

Chris Walker, Assistant Director - Planning and Development

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Appeal Decision

Site visit made on 10 September 2013

by **Clive Tokley MRTPI**

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

Decision date: 19 September 2013

Appeal Ref: APP/T5150/D/13/2200455

13 Dyne Road, London, NW6 7XG.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tavona Chihambakwe against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/0878 was refused by notice dated 11 June 2013.
 - The development proposed is a single storey ground floor extension to the side of the rear addition, alterations to the existing ground floor rear extension, a single storey ground floor side extension and a new side gate.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey ground floor extension to the side of the rear addition, alterations to the existing ground floor rear extension, a single storey ground floor side extension and a new side gate at 13 Dyne Road, London, NW6 7XG. The permission is in accordance with the terms of the application Ref 13/0878 and is subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The materials to be used for the external surfaces of the extension shall match those of the existing dwelling in colour and texture.
 - 3) The two roof lights within the extension closest to the main rear elevation of the original house shall be glazed in obscured glass and shall be non-openable. Those roof lights shall remain so glazed and non-openable.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved drawings:- P-1A, P-6B and P-7B.

Main issue

1. The main issue is the effect of the proposal on the character and appearance of the dwelling and the North Kilburn Conservation Area (CA).

Reasons

Character and appearance

2. The CA is a tightly-knit residential area comprising mainly two- and three-storey terraced and semi-detached dwellings. At the front the brick-built houses have decorated window surrounds and porches resulting in an attractive

9. The Council refers to the North Kilburn Conservation Area Design Guide but there is no indication of its status or date. The design guide indicates that within the CA single storey extensions are limited to 2.5m on the end of the outrigger of terraced properties and 3m on semi-detached properties; however the guide gives no explanation for the difference in depth. I give the design guide very limited weight.
10. Policies BE2 and BE9 of the 2004 Brent Unitary Development Plan (UDP) seek to ensure, amongst other things, that new development respects its surroundings and does not harm conservation areas. These objectives are consistent with those of the National Planning Policy Framework as regards the consideration of proposals that might potentially affect heritage assets. Subject to appropriate matching external materials, which can be controlled by condition, I consider that the proposal would not conflict with either local or national policies that seek to safeguard heritage assets.

Other matters

11. The proposal would create a flank wall extending over 8m alongside the garden boundary with No 11; however the building would have an eaves height of just over 2m and I consider that the flank wall and shallow mono-pitch roof would not unacceptably detract from the outlook at the rear of No 11. In the interests of consistency and the living conditions of the occupiers of No 11 I have imposed a condition along the lines imposed by the Council requiring the roof lights closest to that dwelling to be obscure glazed and fixed shut.

Conclusion

12. Taking account of all matters I have concluded that the appeal should succeed.

Clive Tokley

INSPECTOR

Appeal Decision

Site visit made on 16 September 2013

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 23 September 2013

Appeal Ref: APP/T5150/D/13/2201711

53 Chartley Avenue, London, NW2 7QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hamburg Management Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/1242, dated 9 May 2013, was refused by notice dated 4 July 2013.
 - The development proposed is the demolition of part of the existing outbuilding to form a new smaller outbuilding.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of part of the existing outbuilding to form a new smaller outbuilding at 53 Chartley Avenue, London, NW2 7QY in accordance with the terms of the application Ref, 13/1242, dated 9 May 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Other than required by the condition below, the development hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers 53CR/OB1, 53CR/OB2, 53CR/OB3 and 53CR/OB4.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing dwelling.

Procedural matters

2. There is an existing outbuilding in the rear garden of 53 Chartley Avenue. Planning permission was refused for the retention of that structure and an appeal against that decision was subsequently dismissed (appeal reference APP/T5150/D/12/2188159) ('the previous appeal scheme').
3. The scheme before me involves the demolition of part of the existing structure considered in the previous appeal scheme and the retention of the remainder. As the development proposed is 'the demolition of part of the existing outbuilding to form a new smaller outbuilding', it would require works to be carried out and I have dealt with the appeal on that basis.

Living conditions

10. No. 51 Chartley Avenue is at a lower elevation than the appeal site. At ground floor the dwelling has an obscure-glazed window on its rear elevation closest to the appeal site and a patio door further to the west which looks out onto the rear garden area. There are also rear-facing windows above ground floor level.
11. Whilst the proposed outbuilding would be sited on higher ground than no.51 which increases its prominence, it would nonetheless have a similar overall height to the outbuilding within the garden of no. 51. The northern flank would project approximately 1.4 meters beyond the front face of the neighbouring outbuilding at no. 51. However, in my view, the distance between the rear-facing windows in no.51 and the proposed outbuilding, and the angles of view are such that there would not be a significant adverse effect on the outlook from within that property. In addition I note that the outlook from the first floor windows is largely above the roof of the proposal.
12. Furthermore, given the limited projection beyond the front face of the neighbouring outbuilding and the similar height of the two structures, I consider that the proposal would not cause significant harm to the enjoyment of their garden by the occupiers of no. 51 as a consequence of overbearance or a significant sense of enclosure.
13. The Council states that the proposal would result in the retention of 48sqm of garden space which is just below its standard of 50sqm set out in SPG17. However, in my view, the retained garden area would be of sufficient size and configuration to provide a suitable space for residents to sit outside or hang washing, and the proposal would therefore provide acceptable living conditions within the garden for the occupiers of the host property.
14. Finally, I consider that the reasonable use of the outbuilding would not give rise to any significant loss of privacy, pollution or adverse noise impact to other residential occupiers, and given the limited height of the structure, its proportions and siting, it would not cause any significant loss of light.
15. I have considered the proposal against policy BE9 of the UDP which requires, amongst other things, that new buildings should be laid out to ensure that the relationship with other buildings promotes the amenity of the users and provides satisfactory levels of sunlight, daylight, privacy and outlook for existing and proposed residents. However, for the reasons set out above, I am satisfied that the proposal does not conflict with this policy and that the scheme before me overcomes the concerns raised by the Inspector in the previous appeal scheme.

Conclusion and conditions

16. For the reasons set out above and having regard to all other matters raised, I will allow the appeal.
17. Turning to the matter of conditions, I have noted under the Procedural Matters, that the scheme requires works to be carried out. Whilst the Council has not suggested any conditions, I have therefore imposed the standard time limit condition. In addition, I have applied the tests in Circular 11/95, and in the interests of the character and appearance of the area, I consider it necessary to impose a condition requiring that the structure be finished in materials to match the existing dwelling. Finally, for clarity and in the interests of proper

Appeal Decision

Site visit made on 2 September 2013

by **David Leeming**

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

Decision date: 11 September 2013

Appeal Ref: APP/T5150/C/13/2195451

19 Watford Road, Wembley HA0 3ET

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Wasim Khan against an enforcement notice issued by the Council of the London Borough of Brent.
 - The Council's reference is E/12/0773.
 - The notice was issued on 15 February 2013.
 - The breach of planning control as alleged in the notice is the construction of an unauthorised building at the rear of the premises.
 - The requirements of the notice are: Demolish the unauthorised building in the rear garden of the premises and remove all items, material and debris arising from this demolition from the premises.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is allowed and it is directed that the enforcement notice be quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. Neither party was present at the arranged time for the site visit. However, it was possible to view the appeal building and neighbouring outbuildings from the access lane alongside. The appellant did subsequently turn up and opened the side door, enabling a view into the building to be obtained. This provided confirmation, as I had observed previously from looking through the rear window, that the outbuilding was being used for a significant level of storage. No discussion on the merits of the appeal took place in the presence of the appellant and no prejudice has arisen as a result of the non-attendance of a representative of the Council at the site visit. The Council have confirmed that they have no objection to the issue of the decision.

Main Issues

3. The first main issue is the effect of the development on the character and appearance of the area. The second is its effect on the living conditions of neighbours in respect of outlook.

David Leeming

INSPECTOR