



## Planning Committee

**Wednesday 12 February 2014 at 7.00 pm**

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

### Membership:

#### Members

Councillors:

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

#### first alternates

Councillors:

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

#### second alternates

Councillors:

Daly  
Ogunro  
Moloney  
Naheerathan  
HB Patel  
Hopkins  
Beck  
Al-Ebadi  
Brown  
Harrison  
Mashari

**For further information contact:** Joe Kwateng, Democratic Services Officer  
020 8937 1354, [joe.kwateng@brent.gov.uk](mailto:joe.kwateng@brent.gov.uk)

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

[democracy.brent.gov.uk](http://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 meeting		1 - 6
<b>Extract of Planning Code of Practice</b>		
<b>APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING</b>		
3. SKL House, 18 Beresford Avenue, Wembley, HA0 1YP 03 (Ref. 12/3089)	Alperton	11 - 28
<b>NORTHERN AREA</b>		
4. Chalkhill Health Centre, Chalkhill Road, Wembley, HA9 9BQ (Ref. 13/3357)	Barnhill	29 - 36
<b>SOUTHERN AREA</b>		
5. Open Space Aylestone Avenue, London NW6 (Ref. 13/2490)	Brondesbury Park	37 - 44
6. BRITISH LEGION HALL, 1 Albert Road & 5 Albert Road, London, NW6 5DT (Ref. 13/3367)	Kilburn	45 - 70
<b>WESTERN AREA</b>		
7. Alperton House, Bridgewater Road, Wembley, HA0 1EH (Ref. 13/3557)	Alperton	71 - 80
8. Wembley High Technology College, East Lane, Wembley, HA0 3NT (Ref. 13/2961)	Northwick Park	81 - 106
9. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.		

Site Visit

## SITE VISITS – SATURDAY 8 FEBRUARY 2014

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
13/2961	Wembley High Technology College, East Lane, Wembley, HA0 3NT	08	Northwick Park	9:35	139 - 148
13/2490	OPEN SPACE AYLESTONE AVENUE, Aylestone Avenue, London	05	Brondesbury Park	10:35	13 - 30

**Date of the next meeting: Wednesday 19 February 2014**

As the next meeting will consider reports on policy issues only there will be no prior site visits.



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.

This page is intentionally left blank



## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE Tuesday 14 January 2014 at 7.00 pm

PRESENT: Councillor Ketan Sheth (Chair), Councillor John (Vice-Chair) and Councillors Aden, Baker, Cummins, Hashmi, Hossain (alternate for Councillor Singh), Kabir and Kataria.

ALSO PRESENT: Councillors Adeyeye, Harrison and HB Patel.

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

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

Preston Park Primary School (Ref 13/2903)

Councillor Hossain declared that she was a former Governor of the school however she did not consider this a prejudicial interest and so remained present to consider and vote on this item.

Councillor Harrison declared that she was on the Governing Body of the school.

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

RESOLVED:-

that the minutes of the previous meeting held on 11 December 2013 be approved as an accurate record of the meeting.

#### 3. **Preston Park Primary School, College Road, Wembley, HA9 8RJ (Ref. 13/2903)**

PROPOSAL:

Demolition of existing dining room and kitchen block and the erection of a new two storey class room block incorporating replacement dining room and kitchen, a single storey extension to the existing nursery/reception year block, the removal of three temporary class room huts, increased cycle storage, new fencing, new landscaping, and the creation of a larger reception rear playground.

RECOMMENDATION: Grant planning permission subject to conditions as set out in the Committee report and revised condition 3 as set out in the supplementary.

With reference to the tabled supplementary report, Neil McClellan, Area Planning Manager informed members that the South Kenton and Preston Park Residents Association (SKPPRA) had reconfirmed their objection to the proposal on the grounds that the transport statement by the consultant Robert West was not

sufficient to meet the Department of Transport (DoT) criteria for a transport assessment for a school development of this size. In response, the Area Planning Manager stated that following an assessment by the Council's Transportation Team the majority of the assessment and its conclusions were considered to be correct. Having conducted their survey the Transportation Team acknowledged that the parking survey undertaken by Robert West overestimated the amount of on-street car parking available.

The Area Planning Manager considered that the proposal would be acceptable subject to the submission and approval of a revised School Travel Plan. Members were advised that Transport for London (TfL) had awarded Preston Park Primary a 'Gold Star' two years running for its travel plan and that the school had been recommended for a 'Platinum Star' this year. He then corrected the drawing numbers as set out in the supplementary which he added were the drawing numbers made available on the Council's website and consulted upon with residents. These amended condition 3 and superseded the drawing numbers listed in that condition.

Mr Rushe objecting on behalf of the South Kenton and Preston Park Residents Association (SKPPRA) reiterated their objection that the transport statement submitted by the consultant Robert West was not sufficient to meet the Department of Transport (DoT) criteria for a transport assessment for a school development of this size. He added that the proposed expansion of the school would create a dangerous parking situation and thus fail to meet the Council's parking standard.

***In accordance with the Planning Code of Practice, Councillor Harrison*** stated that she was on the Governing body of Preston Park Primary School and that she had not been approached. Councillor Harrison made reference to the school's track record shown by its 'Gold Star' Travel Plan and a possible 'Platinum Star'. She added that the highest construction standards would be maintained in order to ensure minimum disruption being caused to the local residents during the construction of the school buildings.

***In accordance with the Planning Code of Practice, Councillor HB Patel***, ward member stated that he was on the Governing body of Preston Park Primary School and that he had not been approached. Councillor HB Patel stated that as the school was located in a narrow and congested road residential amenity was being detrimentally affected as a result of inconsiderate parking by some parents. He continued that residents were unable to make proper assessment of the transport statement due to the length of the document and the period chosen for its circulation, during the festive period when some residents were away. Councillor HB Patel urged that if planning permission was to be granted, all conditions should be vigorously enforced. He also requested that railings be installed for the safety of the school children and to prevent accidents.

Cheryl Painting, the applicant's agent informed the Committee that the expansion of the school was to meet the growing demand for school places and that appropriate mitigation measures were in place to ensure that any detrimental impact was limited. She drew members' attention to the school's travel plan which

had been awarded a 'Gold Star'. The agent confirmed that guard railings would be introduced as part of the development.

In responding to some of the issues raised, Stephen Weeks, Head of Area Planning clarified that as Brent's parking standards set maximum (rather than minimum) standards, the parking provisions for the proposed development were acceptable. He drew members' attention to condition 1 which required the applicant to install guard railing to the front of the pedestrian access.

DECISION: Granted planning permission as recommended.

#### **4. Land rear of 270-288 Neasden Lane, NW10 (Ref. 13/3199)**

##### **PROPOSAL:**

Redevelopment of vacant land to form single storey office unit (use class B1a) with one associated car parking space and one delivery space to land off Cairnfield Avenue, NW2 and to the rear of Neasden Lane.

RECOMMENDATION: Grant planning permission subject to conditions as set out in the Committee report and additional condition requiring details of level changes as set out in the supplementary.

Rachel McConnell, Area Planning Manager in reference to the tabled supplementary informed the Committee that ground level changes across the site were not shown on the elevation plans. In order to address this and to ensure a satisfactory development, she recommended an additional condition as set out in the tabled supplementary. Rachel McConnell also clarified that in policy terms, the location of the site was considered appropriate for B1 office accommodation as it was located within a town centre and had good access to public transport.

Mr Zabihi, an objector stated that the site had been used as a service road and for car parking by local businesses owners within the area, staff and residents of 270-288 Neasden Lane and Cairnfield Court in excess of 25 years until the applicant started to take deliberate steps to prevent its use by installing entrance gates and encouraging deliberate fly tipping. He continued that the use of the site as a service road was vital for loading and unloading and urged the Council to compulsorily purchase the land. Mr Zabihi alleged that construction of the proposed development would adversely impact on the use of the service road and business activity in the area.

During questioning of the objector, Members discussed matters raised regarding the ownership of the land. The legal representative advised that ownership of the land was outside the remit of the Committee and that Members should focus on the lawful planning use rather than the ownership of the land. He added that as a general rule, a landowner can take steps to prevent the unauthorised use of his land but that where it was felt that the landowner had carried that out illegally, civil remedies including an injunction could be sought.

Jane Brumwell, an objector circulated copies of her statement that raised the following issues:

- (i) The use of the service bay would be available exclusively to the units within the proposed development and would therefore be of no use to local business owners in the shopping parade.
- (ii) Construction noise would adversely impact on residential amenities.
- (iii) Being the only open space adjacent to their homes and where local children use as a play area, by blocking the walkway adjacent to the service road, the children would be denied the facility.
- (iv) The applicant had used intimidatory tactics including illegally erecting a fence and containers, issuing of bogus parking tickets, debris, tyres and strewn glass over the parking area to prevent the use of the site as a service road.
- (v) The proposed development would not enhance the local environment.
- (vi) Although no one could confirm the ownership of the land, local businesses had been made to contribute towards the clear up of debris left on the land.

Mr Chris Veasey, the applicant's agent and the transport consultant, confirmed that the land was in the ownership of the applicant who had previously fenced it off to prevent unauthorised use. He added that he had not observed significant pedestrian or business use of the service road. He continued that the existing width of the service road would remain and that the development would result in an improvement of unused land. In response to a Member's question about the use of the land, Mr Veasey reiterated that the applicant fenced off the site to prevent endemic fly tipping and that the service road would not encroach on the activities of the local businesses.

In response to some of the issues raised, Rachel McConnell stated that the lawful use of the land was for car parking for occupiers of 312 to 314 Neasden Lane secured by Condition 3 of planning permission reference 90/2038. The condition had since been removed by a recent application under reference 13/2865 and that there were no other planning restrictions. She advised Members that a Construction Method Statement secured by condition would require the applicant to submit information to minimise the impact on the use of the service road during construction. Stephen Weeks, Head of Area Planning added that the service road was in private ownership and not a major thoroughfare. He advised that these sorts of service road existed across the Borough and had similar characteristics and that a requirement to provide a separate footpath could not be justified.

DECISION: Granted planning permission as recommended.



**5. Valiant House, 365 High Road, Wembley, HA9 (Ref. 13/3216)**

**PROPOSAL:**

Demolition of existing third floor and erection of new third, fourth and part fifth storey building with three storey rear extension and conversion into hotel, comprising 116 hotel rooms, ancillary bar/lounge, restaurant in basement, provision of 8 car parking spaces, 26 cycle stands, 5 motorbike spaces and associated parking for coaches.

**RECOMMENDATION:** Grant planning permission subject to conditions and a S106 legal agreement as set out in the Committee report and additional condition requiring alterations to provide sufficient headroom to allow coach access as set out in the second supplementary.

Neil McClellan, Area Planning Manager, tabled a second supplementary to supersede the first supplementary, which informed members that a solution to the headroom over the proposed undercroft coach parking area was feasible. He continued that the solution would require the height of the proposed part 2/part 3-storey extension to the rear of the existing building to be raised by up to 0.6 metres. This relatively marginal increase in height would provide the required 4.5 metre headroom required by coaches to access the undercroft area without significant impact on the neighbouring amenity or on the appearance of the development. The Area Planning Manager therefore recommended an additional condition as set out in the second tabled supplementary to secure the required height. He advised that this information would be subject to appropriate consultation.

**DECISION:** Granted planning permission as recommended.

**6. Planning Appeals 1 November to 31 December 2013**

**RESOLVED:**

that the schedule of appeals from 1 November to 31 December 2013 be noted.

**7. Any Other Urgent Business**

None raised.

The meeting closed at 8.30 pm

K SHETH  
Chair

This page is intentionally left blank

## **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.

This page is intentionally left blank

	<b>Planning Committee Map</b>
Site address: SKL House, 18 Beresford Avenue, Wembley, HA0 1YP	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

**RECEIVED:** 20 November, 2012

**WARD:** Alperton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** SKL House, 18 Beresford Avenue, Wembley, HA0 1YP

**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 existing extraction plant/wood burner installation to the rear and change of use from office (B1a) to a mixed use with B2 (general industrial), B8 (warehouse & distribution) with ancillary office and ancillary showroom (as amended by revised plans).

**APPLICANT:** UKB Ltd

**CONTACT:** Mann Associates Ltd.

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

---

## **BACKGROUND**

This application was deferred by Planning Committee on 11 December 2013. The decision by Members to defer was to allow for the application to be re-considered with an Officer from Environmental Health present at Committee.

Prior to this the application had been deferred from previous Committee's. The application timeline is summarised below:-

- Application deferred from Planning Committee on 18 September 2013 after it came to light a database error had occurred which meant that not all interested parties had been notified of the Committee arrangements. In these circumstances it was considered appropriate to defer the application to allow the Committee notification issue to be rectified before the application is considered.
- Prior to this the application had been deferred from the Planning Committee meeting of 13 February 2013 in order to allow Members request to undertake a site visit. The intention at that time was to report to the March Committee after the site visit had been carried out.
- Shortly before the Members site visit was due to take place in March 2013 Officers became aware a large piece of plant equipment had recently been erected to the rear of the building. Local residents had bought this to Officers attention. It has since been established that this is a wood burner, and it had been transferred from another site owned by the applicant in Alperton. The applicant was advised that the installation of this plant requires planning permission, and as it is critical to how the use of the building would operate on a day-to-day basis that it would need to be considered at the same time as proposals to extend the building and change its use. Revised details were requested so that the wood burner could also be considered. As this installation represents a material change to the original submission then it was deemed necessary to re-consult neighbouring properties on these amended proposals. So in light of the request for revised details and the need to re-consult Officers had to request that Members deferred the application. A Members site visit still took place as arranged on 9 March 2013, and the application was deferred from the March committee.

Revised details (including plans and specification) relating to the wood burner were received in April 2013, and further consultation on these changes carried out on 14 May 2013.

Discussion on the wood burner, its visual impact, what it is used for and the impact this has on local amenity is set out in the 'remarks' section (see paragraph's 13 - 19). Also in response to the re-consultation exercise further representations were received. These are also discussed in the 'consultation' section within the main body of the report.



### UPDATE FROM ENVIRONMENTAL HEALTH SINCE DEFERRAL IN DECEMBER 2013

Since deferral on 11 December 2013 a surprise site visit was carried out by EH, on 19/12/13. At this time the wood burner was in full operation, and no smoke was visible from the burner stack.

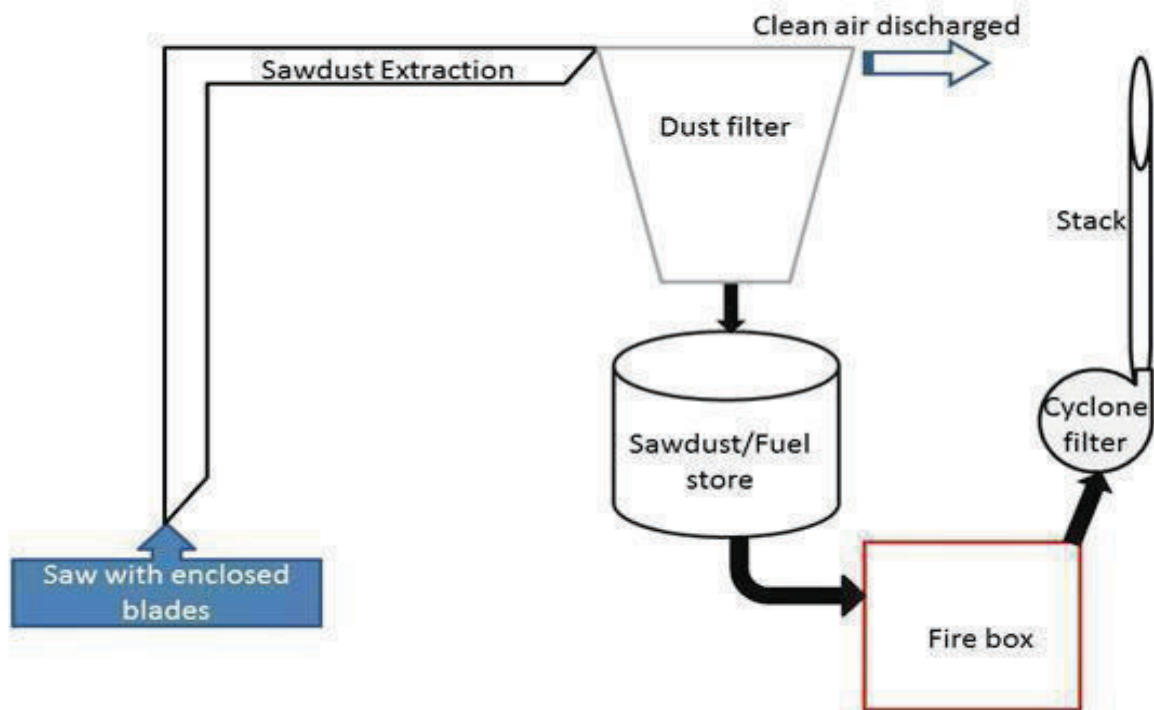
It was evident that a large amount of wood panels are stored on site for use. Checking of the storage areas by EH revealed the following materials; - medium density fibreboard, chipboard, melamine faced chipboard, solid wood and wood laminate. All of these materials are likely to be introduced into the burner.

The following equipment was noted on site as being ducted to the burner; - 1 x beam saw/1 x panel saw/1 x CNC (computer controlled router)/1 x small CNC and 1 x chipper (used for larger offcuts and trimmings from wood laminate).

#### Process description and burner specification:

The burner installed is a high specification unit that is integrated with dust control on the large saws and planes used. Working parts of the saws and planes are enclosed and saw dust produced is sucked through a system of ducts into a filter. Clean air is separated from the dust and discharged through the stack. The saw dust is dropped, through an enclosed system, directly into a storage hopper. From here saw dust is fed automatically via an enclosed archimedes screw, into the fire box when the unit is on. Fly ash is cleaned out using a cyclone filter and the remaining air is discharged through a high level stack.

The diagram below has been provided to help illustrate the burner process described.



The burner system installed is a Ranheat WA500. This was government approved for use in a smoke control area under Statutory Instrument SI 1996/1108.

In order to be an 'approved' appliance a burner has to pass a strict set of lab tests, undertaken by an independent body, to demonstrate that it will not produce smoke when burning the fuels it is designed to use. In the case of the Ranheat WA500 the approval specifies that it may be used to burn only the following fuels; - chipboard, fibre board, melamine coated chipboard, wood offcuts and softwood or hardwood shavings or dust (N.B fibre board includes particle board and MDF).

#### Particulate emissions & impact assessment:

The Ranheat WA500 has a rated thermal input of 125kW, which is at the smaller end of what could be considered a viable industrial application. To put this in context a domestic Aga has a rated input of 12 - 15kW, has no pollution controls, and can be installed without the need for any form of approval or permit.

With a small scale burner such as the one at SKL House, that is approved for use in a smoke control area it is not common practice to ask for an Air Quality Impact Assessment as the worst case emissions are usually too small to be of concern and are guaranteed by the government approval process.

EH have modelled the impact of this burner using the following information;-

1. The as installed height and diameter of the stack.
2. Particulate concentrations at the highest limit allowed by the smoke control approval tests.
3. The burner operating 24/7 (which is significantly more intensive than the actual on-site use)
4. A full years operation using real meteorological data.

Note that points 2 and 3 represent significantly more intense emissions and usage than the actual burner at SKL House, but have been chosen to represent the worst possible case.

The model used has calculated the average impact over a whole year, and uses real weather conditions to ensure an even spread of conditions over the course of a typical year, as weather conditions have an impact on particulate dispersion. The model has been run to calculate the impact of the burner every hour, as if it was being operated 24/7 for a whole year. The results produced show that annual average impacts were too small to have a meaningful impact. The worst single hour figures were not significantly greater, and are discussed below..

The units of air quality measurement are  $\mu\text{g}/\text{m}^3$  where 1  $\mu\text{g}$  (microgram) = 0.000001 grammes. The highest impact calculated by the model, based on a worst case scenario was 0.038  $\mu\text{g}/\text{m}^3$ . To put these figures into context;-

- The European Air Quality Standards for particulate are an annual average of 40  $\mu\text{g}/\text{m}^3$  or a daily average of 50  $\mu\text{g}/\text{m}^3$  (i.e. approximately 1000 times higher than the worst single hour impact modelled from the burner at SKL House).

Potential for pollution from emissions and toxins:

DEFRA has issued guidance setting out necessary control techniques that are required for any wood burning process, this is to limit the potential for pollution.

For any fuel store the control technique is for this to enclosed. The fuel store at SKL House is a fully enclosed silo, with additional dust filters on the air vents.

In terms of flue gas, where the fuel is plywood, chipboard, fibreboard or melamine faced wood then particulate matter, carbon monoxide, oxides of nitrogen, formaldehyde, hydrogen cyanide and volatile organic compounds can be present. But with effective control techniques in place that accord with DEFRA guidance the impacts and potential for harm can be minimised.

At SKL House;-

- Cyclones are used to control particulate matter in flue gases. This is one of DEFRA's effective control techniques.
- Good combustion, another control technique is ensured by the design of the burner, which has temperature and oxygen sensors that feedback to the fuel and mechanical air supply. A system that has good combustion minimises the production of emissions nitrogen oxides, volatile compounds, carbon monoxide, particulate matter and hydrogen cyanide.
- Only a small amount of melamine is burnt, but combined with the good combustion conditions associated with the burner this would provide effective control.
- Painted or coated materials are not allowed to be burnt, except for wood laminate and a very small amount of melamine. These materials used on site do not contain any chlorine, so do not lead to the production of any hydrogen chloride.
- EH advise that formaldehyde is no longer a common component of wood glues and is not present in most MDF or fibreboard products any longer. If any trace of this are present it will be burned to produce CO<sub>2</sub> and water, this is due to the good combustion associated with the burner. So through this process any formaldehyde is destroyed.
- Carbon monoxide production is prevented by the use of a mechanical air supply (linked to the computer controls).

- Hydrogen cyanide is very unlikely to be formed due to the good combustion conditions associated with the burner, and due to the very small amounts of melamine (if any) in the fuel.

EH Officer's are satisfied that the high specification burner that has been installed, and the control techniques that are incorporated (in line with DEFRA guidance) are effective in ensuring no harmful pollutants are discharged through the stack.

Dust issues/soiling of vehicles:

Resident's have concerns that the burner is responsible for dust soiling of vehicles. EH Officer's are satisfied that the burner at SKL House is not responsible for this as only filtered air is discharged through the stack.

Possible sources of this dust soiling have been identified. Firstly the operator has recently identified that some of the contractor's who are supplied at SKL House have been shaking out dust sheets when parked outside the building. Since early December 2013 the operator has taken action to stop this practice.

Secondly, following a separate complaint, received in November 2013 EH have identified a large pile of rubble being stored on a site on Wycombe Road (to the rear of SKL House). EH Officer's are working with the site owner to arrange for removal of the material as soon as possible. However as dust soiling is not considered to be a statutory nuisance EH have limited powers to enforce the removal.

Thirdly a second site on Wycombe Road has been identified, this is used as a plant hire depot and generates dust. EH are working with the operator to ensure better housekeeping in the future to eradicate the dust problem.

Both these sites are between 50 and 100 metres from the residential properties on Beresford Avenue.

In summary EH are confident both sites on Wycombe Road can be brought up to a satisfactory standard, and that the operator at SKL House will enforce better behaviour in respect of the issue with dust sheets. The dust soiling issue that has been reported by residents should be addressed by these actions.

Draft Environmental Permit:

Draft permit SR/02865/13, issued by Environmental Health on 26/06/13 allows the operation of plant for the incineration of wood. This has been issued in accordance with the Pollution Prevention and Control Act 1990, and Environmental Permitting (England and Wales) Regulations 2010. There are a number of conditions attached to the permit which the operator has to obey by, failure to do so is enforceable.

One of the permit condition requires further clarification. Condition 12 (as it currently stands) of the draft permit prohibits the burning of melamine treated wood, and EH Officer's advise that this is a standard condition that is not applicable in all cases, and in this case needs to be amended before any final permit is issued.

As discussed above some of the wood that is burnt on site is melamine treated, EH Officer's are fully aware of this practice and have witnessed this on site. They are comfortable in allowing the burning of some melamine treated wood on site on the basis that only a small amount of the wood used by the operator is melamine treated, and after the cutting process an even smaller amount will be contained within the saw dust. But critically the burner at SKL House is actually designed to take melamine treated wood. This is noted in the Clean Air Act Order that allows the burner's use within a smoke control area.

Further, DEFRA guidelines concerning the burning of melamine treated wood is that this can be carried out provided operator's have effective control techniques in place. The effective control recommended by DEFRA is a system with good combustion, as this will ensure any melamine present is burnt to produce CO<sub>2</sub> and water. The Ranheat WA500 is of high specification, and will provide good combustion, thus minimising any harmful emissions.

For these reasons EH do not have any cause to be concerned with the types of wood that are being fed through the burner.

**Other than the additional information discussed above the main body of the report below does not change from the previous Committee.**

**RECOMMENDATION**

Approve

## EXISTING

The site is located on the southern side of Beresford Avenue within the Northfield's Industrial Estate which is designated as a Strategic Industrial Location. Surrounding uses here are a mixture of commercial and industrial on the southern side of Beresford Avenue, with residential properties along the northern side of the street.

The site is mostly taken up by a two storey 1950s era brick commercial building with clad elevations. Formerly in use as a warehouse/industrial building it was converted to office use and subdivided into separate office suites sometime in the past. The building was vacant for a period before undergoing internal refurbishment and is now occupied by the current applicant's. A crossover provides access to frontage parking and a loading area.

The site is not within a Conservation Area, nor does the application related to a Listed Building.

## 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 & distribution) with ancillary office and ancillary showroom (as amended by revised plans).

## HISTORY

### 10/1604 – Refused – Appealed – Dismissed on Appeal

Retrospective application for change of use from offices (Use Class B1) to a college of further education (Use Class D1).

#### Reason for refusal:

*The proposed change of use from offices (Use Class B1) to a college of further education (Use Class D1) is contrary to policies CP3, CP12 and CP20 of the Brent Core Strategy (adopted July 2010) and policy CF2 of Brent's Unitary Development Plan 2004, resulting in the loss of protected employment land.*

### 06/0715 - Certificate of Lawful Development - Granted

Certificate of lawfulness for existing use for the use of the building as offices (Use Class B1(a)). This showed the building laid out internally into a number of self-contained office suites. It is now understood that this building has been gutted internally so this layout no longer exists.

## POLICY CONSIDERATIONS

### National Planning Policy Framework - 2012

### London Plan 2011

### Policy Considerations

#### Brent Unitary Development Plan 2004

BE2	<i>Townscape: Local Context &amp; Character</i>
BE4	<i>Access for Disabled People</i>
BE9	<i>Architectural Quality</i>
EP2	<i>Noise &amp; Vibration</i>
EP3	<i>Local Air Quality Management</i>
EP4	<i>Potentially Polluting Development</i>
TRN3	<i>Environmental Impact of Traffic</i>
TRN22	<i>Parking standards – non-residential development</i>
TRN34	<i>Servicing in New Development</i>
PS6	<i>Parking Standards – 1 space per 150m<sup>2</sup> of floor area applies.</i>
PS19	<i>Servicing Standards</i>

#### Brent Core Strategy – July 2010

CP20 *Strategic Industrial Locations*

#### Main Considerations:-

Acceptability of the use of the building

Impact on neighbouring properties  
 Impact on servicing and parking arrangements  
 Impact on local amenity  
 Size, scale and design of extensions & plant

## CONSULTATION

### First round of consultation (Dec 2012):-

Letters were sent out to 21 properties on **6 December 2012**.

Three objections were received and a petition objecting to the proposal has been received from Heather Park Neighbourhood Watch, this is signed by 8 signatories. The reasons for objecting to the application have been summarised below:-

<b>Grounds for Objection</b>	<b>Response</b>
<i>The existing building works and associated vehicles are blocking traffic along Beresford Avenue</i>	Any disruption caused during building works, and vehicles associated with the construction period would be for a temporary period only. This would not be sufficient to justify a refusal, and it should be noted there is no Transport objection.
<i>Existing refuse provision is inadequate</i>	It is sought to improve this situation, and Condition No 10A requires the submission and approval of further details for this.
<i>Traffic and parking is an existing problem on Beresford Avenue, workers and visitors to the proposed use will worsen the situation</i>	Existing parking problems are likely to be caused by any number of nearby businesses within the Northfields Industrial Estate. There is no CPZ in place to restrict on-street parking along BA and there may be a case for introducing on-street parking controls, subject to funding and subject to a consultation process with residents and businesses in the area. As demonstrated within this report the scheme (as amended) meets adopted UDP parking and servicing standards for a building of this size and there are no objections on Transport grounds.
<i>Any reduction of off-street parking spaces on the application site will worsen the parking congestion on Beresford Avenue</i>	Presently there is capacity for up to 7 spaces to park on the frontage, though this is problematic as spaces are not formally laid out and the layout is neither safe or well designed. It is proposed to alter and formalise the front layout to provide 4 spaces. The UDP standard for a building of this size is for a maximum of 5 parking spaces, and Transportation will support 75% of the maximum standard being provided off-street. As such the provision of 4 parking spaces is acceptable as this represents 80% of the standard and the alterations to the front layout welcomed, as this provides the opportunity to formalise the layout to the benefit of pedestrian and highway safety.
<i>Objection to the use of the building as an education facility</i>	This is incorrect, there is no proposed change of use to a place of education
	.

### *Transportation & Highways comments:-*

The site is currently served by up to 7 parking spaces, at the front of the site. These are accessed via an 8m wide crossover.

The application site is on the southern side of BA, a local distributor road. The site has moderate access, with a PTAL rating of level 3.

The proposed extensions will increase the total floor area of the building to 825sqm. This increase does not trigger an increase to the parking or servicing standards.

The existing depth between the front of building and back edge of highway is approximately 6m, and at present the building line is staggered which results in an area which is recessed and projects further back than the rest. This recess is deep enough for an 8m long rigid vehicle to stand clear of the highway, which is required by UDP servicing standard PS19.

As originally proposed the extension would have meant that it would no longer be possible for an 8m vehicle to stand clear of the highway without overhanging the footpath. The loss of this ability to service the building was objected to on transportation grounds. To address this objection the proposal has been amended, and the ground floor infill extension has been omitted from the revised scheme. So instead a recessed loading bay is proposed on the ground floor, with 8m depth maintained directly in front of this ensuring adequate servicing provision in line with PS19 remains.

The front forecourt layout has also been amended, this proposes to rationalise the parking layout so that four spaces will be clearly marked out perpendicular to the highway. These will have better access, unlike the current forecourt parking layout which due to the width of the crossover results in vehicles having to illegally cross the footpath to access certain spaces. This rationalisation will accommodate a reduced number of four spaces, which is considered acceptable to Transportation as this represents 75% of the maximum parking standard for a building of this size, which is 5 spaces. Furthermore the revised layout is considered to represent an improvement to pedestrian and highway safety, as vehicles will no longer need to illegally cross the footpath to access parking bays.

The existing 8.5m wide crossover is excessively wide and the applicant has agreed to Transportations request to reduce its width. The alterations to the kerb radii as shown on the revised plan will reduce the length of crossover and act as further prevention to vehicles from illegally crossing the footpath. Furthermore a new dwarf wall is to be erected either side of the crossover, this will run along the frontage and this will also help to prevent vehicles from crossing the footpath in the future. The reduction in crossover width, reinstatement of a section back to footway and these other measures are considered to represent an improvement to pedestrian and highway safety.

Details of refuse and recycling storage and collection arrangements have not been supplied at this stage, and are to be secured through planning condition. The same applies to cycle parking details, these too will be secured through condition.

Summary:-

Transportation confirmed that with the amendments that (i) see the retention of an adequate 8m deep servicing bay on the frontage (ii) improved front parking layout (iii) and reduction in width to the existing vehicle crossover and erection of dwarf wall that they remove their initial objection. The proposal can now be supported on Transportation grounds.

**Second round of consultation following the installation of the wood burner; (May 2013)-**

Letters were sent to 23 addresses inviting further comments to the revised plans, these letters were dated 14 May 2013.

The Heather Park Neighbourhood Watch Group (HPBNW), Brent Transportation and Environmental Health have also been re-consulted on the revised proposals.

Additional representation received;-

An additional objection has been received from a resident on Beresford Avenue. HPBNW objected again to the revised scheme (letter dated 13 June 2013) and submit a petition with 23 signatories, all opposing the application. This follows a letter of objection from HPBNW, dated 4 February 2013 and a petition with 31 signatories on it. It should be noted that there is a degree of overlap with these two petitions as some of the same signatories do appear on both.

In addition to the objections already summarised above HPBNW raise the following points;-

<b>Grounds for Objection</b>	<b>Response</b>
<i>The proposed reduction in parking numbers and the parking arrangement shown mean that access to spaces will be impractical when commercial vehicles visit the site.</i>	This is likely to have been the case with previous uses of the building as there is no formal layout in place. The frontage is constrained but the proposed layout is seen to be an improvement and has the support of Transportation Officer's.
<i>Again there is no provision for refuse bins, and it</i>	Further details for the storage of refuse bins will be

<i>is likely these would be positioned on the frontage and would result in the loss of further parking spaces below the 4 shown.</i>	secured through Condition 10A, and this will give the Council sufficient control over their location, so as not to obstruct parking spaces.
<i>The operation of the business involves manufacturing which is contrary to the supporting details set out in the initial submission.</i>	This has been recognised and since its initial submission the development description amended to take this into account. It now refers to a B2 use. This revised development description was set out in the second round of consultation letters that went out in May 2013.
<i>The wood burner was installed without planning permission, or a permit from Environmental Health. This is in breach of Environmental Health regulations and it may be detrimental to local resident's. Furthermore operation of this wood burner has continued in spite of the fact the operator's do not have all the necessary permissions to do so. Use of it was reported over the May bank holiday.</i>	This has been recognised and the development description amended to include this installation. Details of the wood burner have been submitted and assessed by Environmental Health Officer's, who have carried out a number of site visits since the use of the burner was reported. As discussed below and in the 'remarks' section EH Officer's have assessed this thoroughly and are satisfied that the plant can operate without unduly harming amenity. They have issued a draft Environmental Permit to operate, no further complaints have been received since and they are minded to issue the operator with the necessary permit (subject to robust conditions and regular inspections being carried out).
<i>The current operator's have shown complete disregard to the Council by failing to meet its requirements and to local resident's.</i>	It is regrettable that the applicant has carried out works before having the necessary authorisation however this is not a reason to refuse the application.

*Transportation & Highways Comments;-*

As previously stated, Transportation re-confirm that the proposed change of use and increase in floorspace does not trigger an increase to the parking or servicing requirements. Under UDP standard PS6 a building of this size would require 5 spaces, and with 75% of the parking standard to be met on the site frontage this is considered to be an acceptable arrangement. In terms of servicing then it is clear that the building was originally used as a form of factory/warehouse (Use Class B2/B8) without a 16.5m long bay suitable for articulated lorries, this was before it was converted into offices. So this proposal would see it reverting to its original use and on this basis it would be unreasonable to insist that a 16.5m loading bay be provided now. As an absolute minimum though an 8m length bay must be retained.

Revised plans received show that an 8m length loading area will be maintained on the frontage so this is sufficient to meet the servicing demands.

The same revised plans also propose the reduction in crossover width already discussed. This will be reduced to 4.5m which Transportation view as acceptable, along with the revisions to the car park layout and provision of 4 parking spaces. This is all as agreed previously.

No transportation objections to the revised plans subject to planning conditions being secured to submit further details of refuse and recycling storage arrangements and a minimum of 2 cycle spaces.

*Environmental Health Comments;-*

As a direct response to resident's reporting the installation and operation of the wood burner Environmental Health Officer's visited the premises, initially in April 2013. A number of follow up site visits have taken place in April, May and June 2013. On only one of these occasion's was the burner in operation. Officer's have also confirmed that they have received a small number of noise complaints about the operations on this site, particularly in respect of operations late in the evening and on Bank Holiday Monday's. However to date Nuisance Officer's have not established that a statutory nuisance has been caused in relation to these complaints, and have therefore not taken any formal action.

Due to the premises being located within an Air Quality Management Area (AQMA) and close to residential properties further details of the proposed extraction system were requested in order to establish that its emissions do not have a detrimental impact on air quality, or that it will not cause nuisance to nearby residents in terms of noise and odour.

In order to protect local residential amenity E.H Officer's recommend that an hours of operation condition be attached to any planning permission if granted. It is recommended that such a condition only allows the operation of the site equipment and other nuisance causing activities between the hours of 08:00 - 18:00

Monday to Friday and 08:00 - 13:00 on Saturday's and at no time on Sunday or Bank Holiday's unless otherwise agreed in writing by the LPA.

With regards to the extraction plant and wood burner E.H Officer's have confirmed that the operator's require a Environmental Permit ( which is issued by Environmental Health) to operate this equipment. It is also confirmed that an application for this permit has been received, and on the basis of the information received and in light of several site visits to the premises EH Officer's are minded to issue a permit for this.

If granted, the Environmental Permit will contain conditions designed to ensure that any potential for air pollution is minimised. In this case EH Officer's have advised that conditions would be attached to the permit that would include prohibition of any smoke from the burner, controls on the containment and handling of sawdust and wood waste, controls on ash handling and controls on what material can be burned. In addition the permit will contain management conditions designed to ensure proper control and maintenance of the equipment going forward.

In the event that a permit is granted the site would be subject to regular inspections from EH Officer's to ensure compliance with the permit conditions. Permit conditions are enforceable either directly by EH Officer's, or ultimately through the courts and can carry significantly higher penalties than statutory nuisance offences. EH Officer's are satisfied that the permitting scheme will provide a good level of continuous control over potential pollution from these premises.

## REMARKS

### Principle of development:-

1. This proposal is to extend the existing building for use by a company who are in the business of kitchen furniture production, assembly, packaging and distribution. An ancillary showroom will also be provided on the ground floor. Following Member's request for greater clarity on this showroom a floor plan has been submitted to confirm its size. The combined showroom and reception area is to 63sqm, this represents less than 10% of the floorspace of building which has an existing floor area of approximately 775sqm. Due to its size this is considered to be ancillary to the main use of the building. In any event this showroom will be restricted by condition for use by trade customers only and is not permitted for general visitors and members of the public (see Condition.No.8).
2. It has been confirmed that the day-to-day activities on site involves cutting and assembly of pre-manufactured wood, for kitchen furniture production. A wood burner is required on site to extract fine dust from wood cuttings and an internally located spray booth is used to absorb smells. This plant has already been installed on site.
3. Officer's consider that the type of operation here will include a mixture of B2 and B8 processes, with ancillary office space and ancillary showroom, and that it is not appropriate to describe the use as B1(c) light industrial, which the applicants had done initially when submitting their application. In any event, in policy terms this is an appropriate, policy compliant use within designated Strategic Industrial Land, it will bring back into use a vacant building, and will provide an economic benefit to the area.

### Size, scale & design of extension:-

4. The ground floor infill extension has been omitted from the revised proposal now and it is proposed to maintain a loading bay in this area (with roller shutter access). On the first floor it is proposed to extend the front building across, eastwards. The additional floor space at first floor level will provide additional, ancillary office space.
5. The extensions are proposed to support the use of the building, and materials to be used will match those found on the existing building and the visual impact of the proposed extension is acceptable.

### Transportation impacts:-

6. Officer's from Highways and Transport Delivery were initially concerned about the implications of the ground floor infill extension (now omitted). As discussed above in the 'consultation' section concerns were initially raised on servicing grounds, and to the vehicle access arrangements. In response to these concerns the infill extension has since been removed from the plans, this enables an 8m long servicing vehicle to stand.
7. The scheme as amended now addresses each of the concerns raised, how this has been achieved is briefly set out below;-



- An 8m deep loading/servicing bay is to be maintained on the frontage. This will comply with UDP standard PS19.
- The front parking layout is to be improved by formalising the layout, four parking spaces are proposed. The maximum standard, when applying standard PS6, is for five parking spaces. However Transportation will accept 75% of this standard being provided off-street, and they have confirmed this level of parking to be acceptable.
- The existing vehicle crossover is excessively wide at 8.5m. The applicant has agreed to reduce the crossover width in accordance with drg 02C and this is welcomed by Transportation. This should also prevent vehicles from illegally crossing the footway to access spaces in the future.
- A new dwarf wall is to be erected to the eastern side of the access, along the site frontage. This will prevent vehicles from illegally crossing the footpath in the future, at the moment there is no deterrent to doing this.

Impact on surrounding area, local air quality and residential amenity:-

8. The premises are bordered either side (and to the rear) by industrial and commercial premises. The proposed extension and associated works would not impact directly on these neighbours.
9. A material consideration is the impact of this proposal on highways safety. However this matter has now been addressed to Officer's satisfaction, the revised plans proposing servicing and off-street parking have the support of Transportation Officer's.
10. Local residents and the HPBNW have objected to the proposal. Their concerns are related to traffic and parking, with concerns being raised that this use will worsen traffic conditions on Beresford Avenue, and add to the local parking congestion that exists. Their other concern is related to the impact the use and the wood burner extraction system will have on local residential amenity in terms of increased noise and pollution.
11. In response to these concerns Officer's consider that the use of the building is appropriate in planning policy terms for a site situated within designated Strategic Industrial Land, this is in compliance with Core Strategy policy CP19, and London Plan policy as such uses are directed to designated SIL. The proposed extension to the building does not trigger an increase in the parking or servicing standards either. The application instead provides the opportunity to secure improvements to the servicing arrangements, front parking layout and the vehicle access arrangements, all of which are welcomed by Transportation.
12. Objectors refer to existing parking problems locally that are associated with nearby businesses parking vehicles along Beresford Avenue. However if other businesses locally are operating in a manner that is inconsiderate this on its own is not a reason to resist this proposal. It is appropriate to assess this application on its own merits, and Officer's are satisfied that it has been demonstrated that suitable parking and servicing arrangements will be provided off-street, in accordance with adopted UDP standards.
13. As previously discussed the application has been amended since its initial submission, one of the main reasons for this is to consider the wood burner that has been installed to the rear. Further consultation has taken place giving local residents and statutory consultees the opportunity to make further representation about this element.
14. Further details of the plant have been provided and it is understood that the plant is required to extract wood dust from the various cutting machines used in the furniture manufacturing and assembly processes. This wood waste, a mixture of chipboard, MDF and solid timber then undergoes a burning process. It is submitted that the plant equipment will burn 3200kg of waste wood over the course of a typical week. The actual piece of equipment installed has been transferred from a site used by the applicant's on Athlon Road, where it was subject to regular inspections by Environmental Health for safety and compliance.
15. The site is located within an Air Quality Management Area (AQMA) and close to residential properties on the opposite side of Beresford Avenue. Accordingly the impacts of the wood burner have been assessed by Environmental Health Officer's. Since the wood burner was installed on site Environmental Health Officer's have made a number of visits to the site, the first of these was on 18/04/13. Noise Officer's have visited on a number of different occasions since, and to date have not established that a statutory nuisance has been caused, therefore they have not followed this up with any formal action. As a safeguard measure a condition is recommended by EH Officer's to restrict the hours of operation to no later than 6pm, this is recommended in light of the proximity of the site to residential properties.

16. Following the installation of the wood burner at the rear it has since been confirmed by E.H Officer's that the applicant requires an Environmental Permit to operate the wood burner. This permit is issued by Environmental Health. It has been confirmed that permit application has been duly made by the operator's, further information was requested initially but E.H Officer's now advise that on the basis of the information received and in the light of several site visits to the property to inspect the premises they are minded to issue an Environmental Permit to operate. So a draft permit was issued on 26/06/13, whereby Environmental Health agreed to the operation of the burner on a test basis. It should be noted that any Environmental Permit that may be issued is independent of any planning permission required. But it has been agreed by E.H Officer's that the operator can operate the burner on a trial basis for now so that they can assess their ability to comply with the permit conditions and monitor any effect they may have on neighbouring amenity. The wood burner has been operating since the temporary permit was issued and since this time it is understood that Environmental Health have not received further noise, smoke or odour complaints relating to the use here. The site was visited by EH Officer's on the 30th August in order to assess compliance with the permit conditions and they found the site to be well run and largely in compliance with the draft permit conditions. Consequently they are minded to formally grant the Environmental Permit for the operation of the wood burner.
17. The Environmental Permit will contain conditions designed to ensure that any potential for air pollution is minimised. In this case E.H Officer's confirm these conditions will prohibit any smoke from the burner, place controls on the handling of sawdust and wood waste, controls on ash handling and controls on what material can be burned. In addition the permit will contain management conditions designed to ensure proper control and maintenance of the equipment. These conditions should ensure its operation does not result in pollution, harm to local air quality or residential amenity going forward.
18. As this would be classed as a 'permitted installation' the site would be the subject of regular inspections to ensure compliance with the permit conditions. Any failure to comply with the conditions of the permit are enforceable by Environmental Health. However in their experience E.H Officer's advise that the permitting regime provides a good level of continuous control over potential pollution.
19. On the basis of the above advice, and with the robust permit conditions in place it is considered that the wood burner will not be harmful to air quality or residential amenity. Environmental Health raise no concerns to it being granted permission to remain.

Summary:-

20. There is no objection in principle to extending the premises and the use proposed is acceptable in planning policy terms as the site is designated Strategic Industrial Land. Objections to the scheme have been duly considered. The revised plans which omit the ground floor 'infill' extension, in order to retain a suitably sized servicing/loading area on the frontage are considered to be acceptable and with the revised parking layout and associated alterations to the access arrangements the scheme is assessed as being acceptable on transportation grounds. The impact of the wood burner on local air quality and residential amenity have both been duly considered. E.H Officer's have carried out a number of site visits, and have advised on the operator's requirement to be granted an Environmental Permit to operate the plant equipment. It is also confirmed that as a 'permitted installation' then any such permit would be subject to a number of conditions to ensure that any potential for air pollution is minimised. With this safeguard in place then the use of this plant equipment can be supported.
21. On balance it is considered that the operation will not result in undue harm to amenity or unacceptable transport impacts and it is recommended that planning permission be granted, subject to the attached conditions.

**SUPPLEMENTARY REPORT TO PLANNING COMMITTEE on 11 December 2013**  
(The following text has been extracted directly from the previous Supplementary report)

Councillor's Brown and Chohan both expressed an interest in the application and asked for progress updates on the application. Both Councillor's were notified of this being reported to Committee, and no further comments have been received.

**FURTHER REPRESENTATIONS RECEIVED**

**MP letter dated 6 Dec 2013:-**

Barry Gardiner MP has sent a letter on behalf of his constituent David Stock, Chair of the Heather Park Branch Neighbourhood Watch Group (HPBNW), who have objected to the application. Mr Gardiner has intervened on behalf of his constituent because of concerns Mr Stock has expressed with the planning and consultation process.

**1. The first point that is raised is in relation to the development description being revised during the course of the application to include the "wood burner".**

**Response:** To re-confirm, Officer's became aware that the wood burner had been installed in early March 2013. Following this further details of the burner were requested. On receipt of these details the application was amended and the Council considered it necessary to re-consult. On 14/05/13 the Council re-consulted on the amendments to the application. Acolaid confirms these letters were despatched.

**2. It is questioned why the wood burner was allowed to continue to operate with the Council's knowledge, and why no Enforcement Notice was issued.**

**Response:** Environmental Health have received complaints from Mr Stock about the operation of the burner, the last of these being on 31/05/13. These complaints were acted on at that time and a number of site visits were made by Environmental Health Officer's. On these occasions the burner was not witnessed in operation. So as no statutory nuisance has ever been established at the site Environmental Health have not issued a notice.

**3. The HPBNW group advised Environmental Health on 07/05/13 that they would cease reporting the unauthorised use of the burner to the Council unless assurances were given that these concerns would be acted upon.**

**Response:** Environmental Health are able to confirm that in fact two further complaints were received from Mr Stock on the 28th and 31st May this year reporting the operation of the burner. Upon receipt of the complaint of the 31st May a site visit was carried out and EH Officer's again found no evidence of the burner being operated, but advised Mr Stock that they would continue to actively pursue any further complaints received. To date no further complaints have been received.

**4. Why were resident's not informed that Environmental Health had issued a draft Environmental Permit for the burner to operate?**

**Response:** Environmental Health advise that unlike a planning application there is no legislative requirement for the Council to consult on Environmental Permit applications, and that it is standard Council protocol to not consult.

**5. The re-consultation letter of the 14 May 2013 wasn't received by local resident's.**

**Response:** Acolaid confirms that letters to notify resident's and the HPBNW of the amended application were despatched on 14/05/13. In fact an objection was received on 28/05/13 from 65A Beresford Avenue and this specifically objects to "*reduction in width of the existing crossover*" and "*alterations to the front forecourt layout*". Both of these elements are referred to in the revised development description only, strongly suggesting that the re-consultation letter was received.

**6. It is reported that there are differences in copies of revised consultation letters that the HPBNW are in receipt of. The letter sent to Councillor's has a different address.**

**Response:** The reason for this has been explained to Mr Stock previously. The letter addressed to Councillors on 15/05/13 contained the Planning Department's old Wembley High Road address within the letterhead. This letterhead would have been on all neighbour consultation letters sent at that time. Mr Stock recently asked for a copy of this revised consultation letter to be sent to him. A copy of the May letter was produced as requested but it now appears on a different letterhead, listing the Council's new address on Engineer's Way, which is the difference Mr Stock is referring to. Acolaid which is the database used does not have the facility to store text relating to re-consultation letters, so when asked at a later date to re-produce a copy of a re-consultation letter the system will automatically generate this letter on a letterhead applicable at that point in time. This is why the letter emailed to Mr Stock last week on 05/12/13 appears on the new letterhead, with Engineer's Way as the Council address.

#### **7. Mr Stock is unhappy with some information set out in the Committee Report.**

**Response:** It was initially understood that the applicant's were re-locating from a site outside the Borough. It has since been established that this was not the case and that they had operated out of a site on Athlon Road, so the report was amended to reflect this.

#### **8. The Committee Report does not address health problems raised by resident's, nor are there any attempts to monitor pollution levels around the site.**

**Response:** Health complaints have been raised by Mr Stock on behalf of others. If these complaints had been made by the people directly affected (which has not happened) EH would normally, in the first instance, refer them to a medical professional. If there is a clear pattern or a referral from a doctor stating that the symptoms are related to exposure to industrial pollution urgent action would be taken against an operator. It is also the case that any unusual clusters would be referred to the HPA who would take appropriate action and/or require the Council to take relevant steps.

In their professional opinion E.H Officers advise that the burner that has been installed is a high performing piece of plant equipment that has been rigorously tested and approved for use within a Smoke Control Zone. Approval for use in a smoke controlled zone is based on the ability of the plant to operate without the emission of smoke, particles or grit. The testing is independently done in a government approved laboratory and the results confirmed by DEFRA prior to approval being granted.

On the issue of monitoring EH Officers advise that the process controls for any permitted installation are considered to be sufficient to ensure that operation in compliance with the permit conditions will ensure that there are not unacceptable impacts on the local environment. It is therefore not necessary or proportionate to proceed with a complex and costly programme of monitoring, when ensuring compliance with the permit will achieve better results.

#### **9. Does Brent's Air Quality Policy prevent burning processes from occurring?**

**Response:** Brent's Air Quality policies do not forbid the burning of material. All of Brent is within a 'smoke control area' which forbids the emission of dark smoke from trade premises, but does not forbid burning. The site is located within an Air Quality Management Area (AQMA), aimed primarily at reducing traffic pollution levels. Environmental Health firmly believes that pro-active approach under permitting legislation, and the robust controls that can be introduced by condition of any Environmental Permit give the Council a better level of control over potentially harmful processes.

#### **Additional neighbour objection received:-**

57 Beresford Avenue objects to the application. This is on the grounds of noise and burning pollution affecting people using a nearby park, particular if users are from the nearby primary school. There is a concern that hazardous mdf plastics are being burned and that the applicant disregards health and safety regulations.

**Response:** Despite a number of site visits to the premises by EH Officer's a statutory nuisance has not been established. The draft permit issued to operate the burner on a trial basis has conditions attached which are intended to ensure that its use does not result in unacceptable impacts on the local environment. The permit specifically forbids the burning of plastics and the operator had to have procedures in place to prevent this prior to the draft permit being granted. Environmental Health has gained no evidence of the operator burning items that are a breach of the draft permit conditions.

#### **Further objections from Heather Park Branch Neighbourhood Watch:-**

Since the Committee report was published HPBNW have made further representation objecting to the application because of concerns about the transport implications this will have and on the grounds that the use of the wood burner will have health implications. The Council's consultation process has also been questioned further.

<b>HPBNW Objection</b>	<b>Comment</b>
It is requested that the case be deferred as insufficient notice of the Committee had been provided.	Notification was sent by email and letter on 29/11/13 of the meeting on the 11/12/13. This gives 9 working days, exceeding the minimum requirement for 5 days notice.
Why were resident's not informed about the issuing of a draft environmental permit to operate the burner?	As advised above there is no legislative requirement for the Council to consult on environmental permits. Standard Council procedure is not to consult.
A copy of the draft environmental permit is requested.	This is sent to Mr Stock by email.
Why did the Council not re-consult when EH advised on 07/05/13 this would happen?	The Council re-consulted on the amended planning application on 14/05/13.
The report states that no complaints have been received since the draft permit was issued on 26/06/13 - but how could residents complain if they were not notified of this?	To be absolutely clear the report advises Environmental Health have not received any complaints about the burner being operated, since the applicant was granted a draft permit to operate.
Why was the burner allowed to be re-located from a site on Athlon Road?	The applicant did not notify the Council of his intention to do so. Once the burner was reported by HPBNW in early March 2013 the Council sought further details and duly amended the application.
It is inappropriate to have a wood burner in this location when Brent has air quality policies that prohibit items from being burnt.	EH Officer's are comfortable with the burner in this location. It is a high performing piece of plant equipment that has been rigorously tested and approved for use within a Smoke Control Zone.  As covered above the burning of items is not forbidden by a blanket rule.
The 8m length loading bay is insufficient as full sized articulated vehicles visit. Photo's have been provided of one occasion when this happened.	Adopted standard PS19 would normally seek a 16.5m loading bay. Transportation Officer's do fully support the use with an 8m bay. In doing so there is acknowledgement of the fact the building was historically used for B2/B8 uses without a 16.5m loading bay, so it is reverting back to it's original use. On this basis it would be hard to justify insistence on providing a new 16.5m loading bay.  Photos provided by HPBNW were taken some time in March 2013 and submitted with one of their objections, these show an articulated truck servicing directly from Beresford Avenue. No further incidents like this have been reported since. This may support the applicant's view that articulated vehicles do not normally visit, and that

servicing is typically carried out by smaller vehicles for which the 8m loading bay will be suitable.

If a Controlled Parking Zone, with waiting and loading restrictions were to be introduced along Beresford Avenue it could help to manage this.

Where are traders vehicles to park?

It is anticipated that these would use the loading bay when available.

HPBNW have queried the consultation process in respect of the re-consultation.

On 14/05/13 the Council re-consulted on the changes to the application. Acolaid confirms the revised consultation notifications were despatched.

HPBNW state the Committee Report is incorrect as no objection was received after 14/05/13.

This is not the case. The Council received an objection on 28/05/13 from 65a Beresford Avenue.

The application is "flawed" as the application form doesn't contain details of the burner.

The burner did not form part of the original submission. Officer's became aware of it being installed in March 2013. The application was duly amended at that time, revised details submitted and further consultation carried out with the revised description making specific reference to the wood burner.

The burner is causing health problems and for dust/particles to settle on cars nearby.

E.H Officer's understand the dust soiling may be connected to other site's in the vicinity. The burner installed at SKL House is a high performance plant that has been through rigorous testing. There is no evidence they operating in breach of the draft permit conditions.

Consultation letters sent in May 2013 are inconsistent?

See explanation above.

**RECOMMENDATION:** Grant Consent

#### **REASON FOR GRANTING**

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

National Planning Policy Framework 2012  
LDF Core Strategy 2010  
Brent Unitary Development Plan 2004  
Central Government 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  
Employment: in terms of maintaining and sustaining a range of employment opportunities  
Environmental Protection  
Transport: in terms of sustainability, safety and servicing needs

**CONDITIONS/REASONS:**

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

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

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

Dwg 01A  
Dwg 02C (dated Nov 2013)  
Dwg 03A (dated April 2013)  
Dwg 04A (dated Nov 2013)

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

- (3) All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

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

- (4) The existing vehicle access shall be altered in width fully in accordance with the details hereby approved, as shown on drawing 02C (dated Nov 2013), and such works shall be fully completed within 3 months of the date of decision.

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

- (5) The front forecourt area shown on the approved plans shall be permanently retained and shall be used only for the purposes of parking and loading/unloading in association with the approved use of the building.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways and to maintain specified servicing area.

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

All parking spaces, loading bays, access works and front boundary dwarf wall works shall be constructed and permanently marked out no later than 3 months from the date of decision.

(B) Parking spaces 2.4m x 4.8m

All parking spaces shall be laid out with minimum dimensions 2.4m x 4.8m.

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.

- (7) The office floorspace hereby approved shall be used only in conjunction with and ancillary to the main approved use of the building and for no other purpose.

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

- (8) The showroom floorspace shall be used/visited by trade customers only, and not by visiting members of the public for general retail sales, and shall not be separately occupied from the main premises, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the building is not occupied by a stand alone A1 retail use in Strategic Industrial Land and an out of centre location, in accordance with policies EMP8 and SH5 of Brent's Unitary Development Plan 2004.

- (9) The operation of plant and site equipment generating noise audible at the site boundaries shall

only be carried out between the hours of 0800 - 1800 (Mon-Fri), 0800-1300 Saturday's and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason; To protect the amenity of nearby neighbouring residents.

- (10) (a)Details of adequate arrangements for the storage and disposal of refuse and recyclable material shall be submitted within 1 month of the date of decision for approval, and implemented fully within 2 months of the date of approval in writing of the Local Planning Authority.

(b)Details of the provision of a minimum of 3 secure cycle parking spaces shall be submitted within 1 month of the date of decision for approval, and implemented fully within 2 months of the date of approval in writing of the Local Planning Authority and these facilities shall be fully retained thereafter.


Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to ensure satisfactory facilities for cyclists

#### **INFORMATIVES:**

- (1) If the development is carried out it will be necessary for alterations to be made to the existing crossing over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Should an application for such works should be made to the Council's Safer Streets Department, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 020 8937 5050. The grant of planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Highways Act.
- (2) Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
- (a) illuminated fascia signs
  - (b) projecting box signs
  - (c) advertising signs
  - (d) hoardings

Any person wishing to inspect the above papers should contact Gary Murphy, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5227



	<b>Planning Committee Map</b>
Site address: Chalkhill Health Centre, Chalkhill Road, Wembley, HA9 9BQ	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

**RECEIVED:** 13 November, 2013

**WARD:** Barnhill

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

**LOCATION:** Chalkhill Health Centre, Chalkhill Road, Wembley, HA9 9BQ

**PROPOSAL:** Variation of condition 8 to enable the cafe to be used separately from the Community Centre, of full planning permission reference 05/0968 dated 29 June 2005 for erection of 14 no. 1-bedroom and 28 no. 2-bedroom flats, office accommodation for Housing Association, community centre and Brent Primary Care Trust incorporating 2 GP practices, 38 car-parking spaces, landscaping to car park, re-alignment of 1 turning-head and 1 crossover, with elevated walkway linking PCT to Asda car park, accompanied with Building, Engineering and Environmental Report; and Design Statement and as amended by letter dated 20/05/05 with plans . STATS Geotechnical and Geoenvironmental Report (no. 34962/01), subject to a Deed of Variation dated 2014 under Section 106 of the Town and Country Planning Act 1990, as amended

**APPLICANT:** Metropolitan Housing Partnership LTD

**CONTACT:** BNP Paribas Real Estate

**PLAN NO'S:**  
Refer to Condition 1

---

## **RECOMMENDATION**

Grant Consent subject to Section 106 Legal Agreement

### **RECOMMENDATION**

To:

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

### **SECTION 106 DETAILS**

The original planning permission (Ref: 05/0968) was subject to a Section 106 Agreement which secured the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Contribution of £5,000 towards the Air Quality Action Plan implementation;
- Contribution of £20,000 for the implementation and first two years' operating costs of a car sharing scheme;
- Contribution of £5,000 towards a review of the waiting restrictions outside the site;
- Provision of 100% Affordable Housing
- The adoption of a 4m. extension to the existing turning head through a S.38 Agreement.

The current application is subject to a deed of variation to the original Section 106 Agreement so that the ongoing requirement that the scheme provides 100% Affordable Housing is secured.

### **CIL DETAILS**

This application is not liable to pay the Community Infrastructure Levy (CIL) as it involves a variation of

condition and no new floorspace is being created.

#### **CIL Liable?**

Yes/No: No

#### **EXISTING**

The application site comprises a "L" shaped building. The main part of the building that fronts Chalkhill Road is two storeys high and contains Metropolitan Housing Trust offices and the community centre on the ground floor and PCT offices and services on the first floor. The western end of the building is six storeys high and contains 42 residential flats.

The development was granted planning permission in 2005 and has been built and is in use. See planning history below for further details.

#### **PROPOSAL**

Variation of condition 8 to enable the cafe to be used separately from the Community Centre, of full planning permission reference 05/0968 dated 29 June 2005.

#### **HISTORY**

**08/3298:** Details pursuant to condition 23 (regarding suitable and sufficient apparatus for the neutralisation of all effluvia from the processes of cooking, etc.) of full planning permission reference 05/0968, dated 29 June 2005 - Granted, 24/02/2009.

**08/2575:** Details pursuant to conditions 3a(external appearance), 3e(access provision), 3l(pedestrians walkway), 10(tree protection), 11(landscaping scheme), 12(Management Plan) and 16(access layout in Northwest corner) of full planning permission reference 05/0968 dated 29 June - Granted, 26/09/2008.

**08/1701:** Details pursuant to condition 3(f) (external lighting), 3(g) (undercroft security), 3(h) (CCTV) and 15 (management of car-park uses) (as accompanied by Car Park Management Information Plan dated 8 September 2008 and addendum to Car Park Management Information dated 17 September 2008) of full planning permission 05/0968, dated 29 June 2005 - Granted, 25/09/2008.

**07/0472:** Details pursuant to condition 18 (contamination) of full planning permission reference 05/0968 dated 29 June 2005 - Granted, 09/05/2007.

**06/3407:** Details pursuant to condition 3 b, c, d (Landscaping and treatment of open areas) of Full Planning Permission reference 05/0968 dated 29 June, 2005 - Granted, 05/12/2006.

**06/3405:** Details pursuant to condition 2 (materials) of Full Planning Permission reference 05/0968 dated 29 June, 2005 - Granted, 13/12/2006.

**06/2736:** Details pursuant to condition 26 (on site drainage) of Full Planning Permission reference 05/0968 dated 29 June, 2005 - Granted, 30/11/2006.

**06/1642:** Details pursuant to condition 17(details of junction radii) of full planning permission reference 05/0968 - Granted 05/07/2006.

**05/0968:** Full Planning Permission sought for Erection of 14 no. 1-bedroom and 28 no. 2-bedroom flats, office accommodation for Housing Association, community centre and Brent Primary Care Trust incorporating 2 GP practices, 38 car-parking spaces, landscaping to car park, re-alignment of 1 turning-head and 1 crossover, with elevated walkway linking PCT to Asda car park, accompanied with Building, Engineering and Environmental Report; and Design Statement and as amended by letter dated 20/05/05 with plans - Granted, 29/06/2005.

#### **POLICY CONSIDERATIONS**

##### Brent's UDP 2004

BE17: Building Services Equipment

CF3: Protection of Community Facilities

TRN22: Parking Standards - Non Residential Development

TRN34: Servicing in New Development

## CONSULTATION

Consultation Period: 14/11/2013 - 05/12/2013

Additional Consultation Period: 20/12/2013 - 20/01/2014

Site Notice: 29/11/2013 - 20/12/2013

Press Notice: 28/11/2013 - 19/12/2013

116 neighbours consulted - no comments received.

Chalkhill Residents Association - no comments received.

Ward Councillors - no comments received.

### Internal consultation

Environmental Health - no objections raised.

Transportation - proposal can be supported on transportation grounds.

## REMARKS

1. This application seeks to vary condition 8 of full planning permission reference: 05/0968 to allow the cafe on the ground floor to be used separately from the Community Centre.

2. Condition 8 of full planning permission reference: 05/0968 reads as follows:

*The floor space devoted to the proposed kitchen and cafe as shown on the ground floor plan hereby approved shall not be increased without the prior consent in writing of the Local Planning Authority. The proposed cafe shall be used solely for ancillary purposes in conjunction with the proposed community centre and shall not be operated as a separate retail unit (Use Class A3) without the prior consent of the Local Planning Authority.*

*Reason: To ensure that no separate use commences due to the inadequacy of the site to serve an additional use which would constitute an over-intensive use of the site.*

3. The key considerations which this application are:

- whether the proposal will adversely impact on the existing community facility
- whether the proposal will impact upon neighbouring residential amenity
- whether the proposal will compromise safety of the adjoining public highway

*(a) whether the proposal will adversely impact on the existing community facility*

4. The approved building included an ancillary café and kitchen (130m<sup>2</sup>) at ground floor level with seating indicated for 20 customers, accessed through the main reception area. This application seeks a variation to the planning condition, allowing the café to be operated as a separate business to the community centre. Seating for up to 20 customers is again proposed, with two staff being initially required to operate the café. The floorspace will not be increased.

5. The cafe is proposed to be operated by a community based group that has come together to operate the cafe. It will operate as a commercial entity separate to the community centre. The cafe will remain open to people using the community centre and members of the public.

6. The applicant (Metropolitan Housing Trust) has advised that the current management plan for the centre does not include any policy to allow for the use of the kitchen area. However to ensure that the cafe fits in with the wider activities taking place within the community centre, the applicant is prepared to offer access to those hiring meeting rooms within the community centre the use of the kitchen for making tea/coffee and warming food in the microwave. Limited access to the kitchen facilities can only be provided due to the need to allow the cafe to operate their business without restrictions and taking into account health and safety requirements.

7. The proposal will not result in the loss of the community facility. The cafe will be open to those attending meetings/classes within the community facility. The proposal therefore complies with CP3.

*(b) whether the proposal will impact upon neighbouring residential amenity*

Officers in Environmental Health have advised that they have no complaints of nuisance caused by the current use of the kitchen. They raise no objections to the current proposal.

8. The application does not seek to alter the current hours of use of the community centre. The current hours are 0830 - 2230 hours Mondays to Sundays with the premises cleared within 30 minutes after these times.

*(c) whether the proposal will compromise safety of the adjoining public highway*

9. The car parking assessment undertaken for the proposed building in 2005 did not consider the café as a separate use, instead incorporating its parking requirements into the overall standard for the community centre as a whole. If parking allowances for a café use are applied separately, then this would increase the car parking standard for the building by just one space, as it has a floor area below 400m<sup>2</sup>. With the building as a whole having a total parking allowance of 75 spaces, officers in Transportation have advised that an increase in the parking allowance by one space is too marginal to be of concern.

10. A total of 38 spaces are provided within the site, with shared access to certain bays between the various uses. One of these spaces is stated as being available to staff from the café, in accordance with the parking standard.

11. Consideration also needs to be given to the potential impact of overspill parking from the site and in this regard, the adjoining Asda supermarket provides a large public car park that can be used by visitors to the centre. That said, car use would not be necessary for the majority of visitors to this small local facility, which also has good access to public transport services.

12. In terms of deliveries, just 1-2 deliveries are anticipated per week and these are likely to be made primarily by transit sized van, which can make use of the rear car park to unload goods (or failing that, the short cul-de-sac along the western side of the building).

13. In conclusion, the café is small and is already permitted to be run as an ancillary facility to the community hall. Access arrangements through the building reception area will not change and the separation of the operation to allow it to be independently run is not therefore considered likely in itself to lead to any parking problems in the vicinity of the building.

#### Conclusion

14. In conclusion, running the cafe independently from the community centre is not considered to have a detrimental impact on the continued operation of the community centre impact on neighbouring amenity or lead to parking problems in the vicinity of the site.

15. Approval is accordingly recommended subject to a Deed of Variation in relating to the original section 106 agreement.

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

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

Brent's Unitary Development Plan 2004  
Central Government Guidance - PPG1 & PPG3  
Council's Supplementary Planning Guidance no.17  
Chalkhill Conceptual Conservation Area Design Guide

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

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

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

JLP/4684/4001 Existing ground floor plan sheet 2  
JLP/4684/4001 Proposed ground floor plan sheet 2  
Location Plan at scale 1:1250  
Letter from Bnp paribas real estate dated 12 November 2013  
Additional information from Bnp paribas real estate dated 28 January 2014

Please refer to 05/0968 for the following:

2251/D/- 002/rev.P2  
003/rev.P2; 004/rev.P2  
005/rev.P2; 006/rev.P2  
007/rev.P2  
008/rev.P2  
009/rev.P2  
010/rev.P2  
011/rev.P2  
015/rev.P2  
016/rev.P2  
020/rev.P2  
025/rev.P2  
030/P2  
031/P2  
032/P2.  
2251/D/030/P3  
2251/SKD/- -39, -40, -41, -42, -43

- (2) Activities within the community building including cafe shall only be permitted between 0830 - 2230 hours Mondays to Sundays with the premises cleared within 30 minutes after these times (unless the Local Planning Authority agrees other hours in writing).

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

- (3) The health centre premises shall be used only for purposes within Use Class D1 as defined in the Town and Country Planning (Use Classes) Order 1987 as amended and for no other purpose without the further written consent of the Local Planning Authority.

Reason: No separate use should commence without the prior approval of the Local Planning Authority in order to ensure that use of the premises does not prejudice the amenity of the area and of adjoining residents.

- (4) The community centre premises shall be used only for purposes within Use Class D2 as defined in the Town and Country Planning (Use Classes) Order 1987 as amended, and for no other purpose without the further written consent of the Local Planning Authority.

Reason: No separate use should commence without the prior approval of the Local Planning

Authority in order to ensure that use of the premises does not prejudice the amenity of the area and of adjoining residents.

- (5) The cafe shall be used only for purposes within Use Class A3 as defined in the Town and Country Planning (Use Classes) Order 1987 as amended, and for no other purpose without the further written consent of the Local Planning Authority.

There shall be no increase to the floor space devoted to the kitchen and cafe as shown on the ground floor plan hereby approved without the prior consent in writing of the Local Planning Authority.

Reason: To ensure that any alternative/enlarged use can be considered in terms of its impact on the adjoining highway and relationship with other uses within the building.

- (6) This permission allows use of the office accommodation proposed only by the Metropolitan Housing Trust and by no other organisation without the further written consent of the Local Planning Authority..

Reason: The proposed office use would not normally be permitted, but personal permission is given because of the local service provided to the adjoining housing estate. The Local Planning Authority is satisfied that the specific development, managed as proposed, will not be detrimental to the amenities of the area.

- (7) No music, public address system or any other amplified sound shall be audible  
(a) Not audible at any boundary at any boundary  
(b) Not audible at noise sensitive premises within any noise sensitive premises either attached to or in the vicinity of the subject premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- (8) No goods or refuse of any description shall be stored or deposited under the building in the area designated for parking, servicing and access.

Reason: To ensure the proposed development does not prejudice the amenities of the residential occupiers of the building or conditions of vehicle, pedestrian and highway safety, and in the interests of visual amenity.

- (9) The community centre shall only be occupied in accordance with the Management Plan approved as part of application reference: 08/2575 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory management of the parking and to ensure that the proposed development does not prejudice the enjoyment of the neighbouring occupiers in the area

- (10) The hard and soft landscaping within the site shall be maintained in full accordance with the details approved as part of application ref: 06/3407. A list of the approved documents is listed below:

JLP/4884/4900P3; JLP/4684/- 4901P3, 4902P3, 4910P3, 4912P3.  
And Specifications Q1 and Q3.

Any trees or shrubs which within 5 years of planting die, are removed, or becomes seriously damaged or diseased shall be replaced with others of the same species and size and in the same positions unless otherwise agreed in writing by the local planning authority.

Reason: To provide suitable amenity space and a satisfactory environment for the prospective occupants, to complement the development and to enhance the visual amenities of the locality and to provide for the planting of trees in compliance with Section 197 of the Town and Country Planning Act 1990, as amended and in pursuance of the built environment policies within the Unitary Development Plan.

- (11) Notwithstanding the details of the car park management plan for different users within the site approved as part of application reference: 08/1701, revised details shall be submitted that includes the provision of a dedicated space for the café user within the car park prior to commencement of use of cafe separate to the Community Centre. The car park management plan shall thereafter be carried out in full accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.


Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of safety by giving rise to kerb side parking along the adjoining highway.

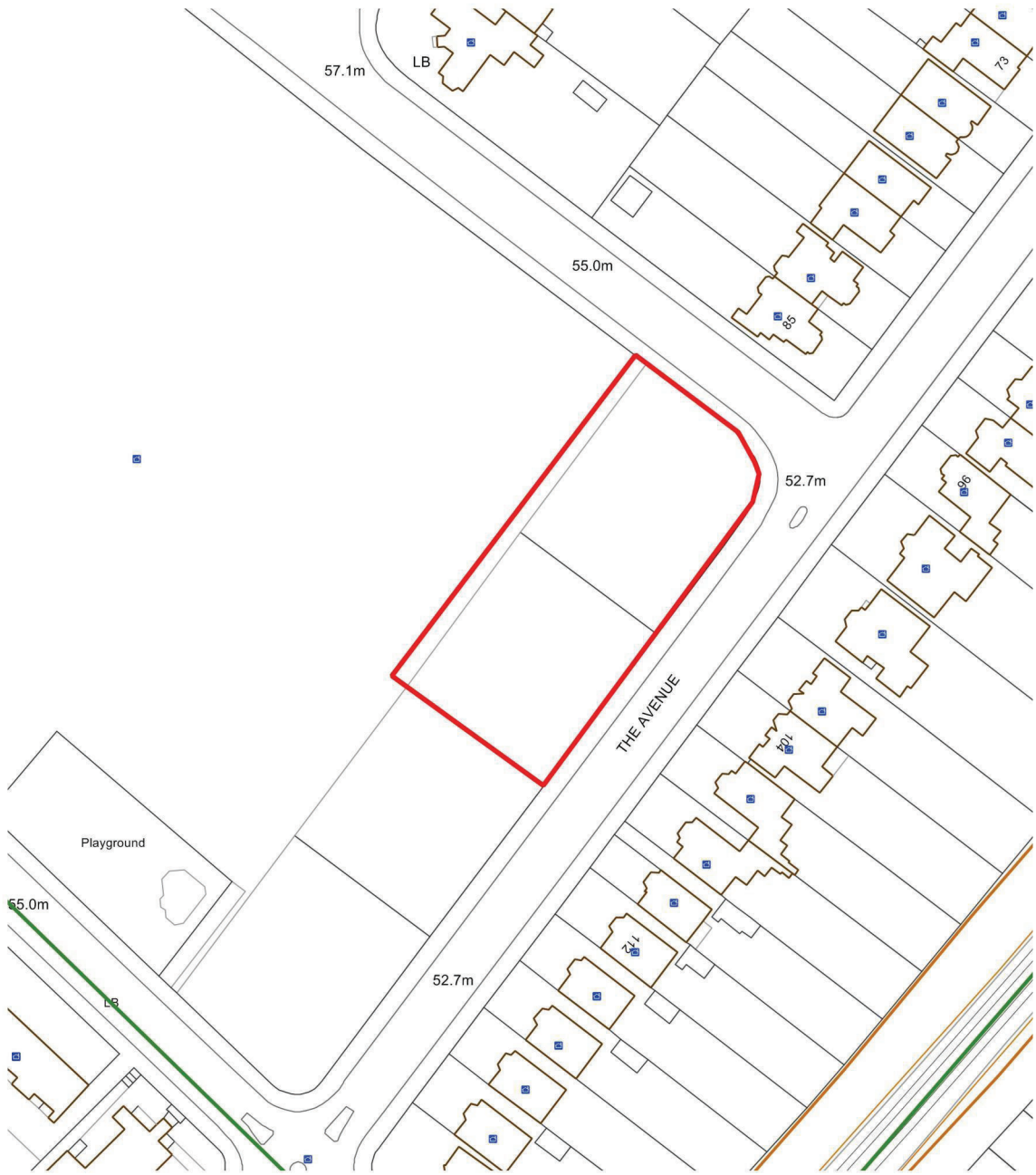
**INFORMATIVES:**

None Specified

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



 **Planning Committee Map**  
Site address: OPEN SPACE AYLESTONE AVENUE, Aylestone Avenue, London  
© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

**RECEIVED:** 15 August, 2013

**WARD:** Brondesbury Park

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

**LOCATION:** OPEN SPACE AYLESTONE AVENUE, Aylestone Avenue, London

**PROPOSAL:** Full planning permission sought for creation of a multi-use games area (MUGA) within south-east corner of Tiverton Green Open Space, consisting of installation of outdoor table tennis tables, a tranverse climbing wall, walking/jogging routes, grass mounds and associated landscaping works.

**APPLICANT:** Sports and Parks Service

**CONTACT:** Sports and Parks Service

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

---

## RECOMMENDATION

Approval.

## EXISTING

The subject site contains land currently occupied by a tarmac surface within the south-eastern corner of Tiverton Open Space adjacent to the Avenue (to the south) and Aylestone Road (to the east). The surrounding uses are residential. The site does not contain a listed building and is not located within a conservation. It is a designated public open space.

## PROPOSAL

See above.

## HISTORY

<b>Application:</b>	Planning	<b>Number:</b>	12/1998
<b>Validated:</b>	24/07/2012	<b>Type:</b>	Deemed (Reg3 Councils own Development)
<b>Status:</b>	Application Decided	<b>Date:</b>	08/10/2012
<b>Summary:</b>	Granted		
<b>Description:</b>	Installation of outdoor gym with an area of 9.5m x 6m in an area of existing hard-surfacing in South West corner of the open space		
<b>Application:</b>	Planning	<b>Number:</b>	00/2373
<b>Validated:</b>	23/10/2000	<b>Type:</b>	Deemed (Reg4 Councils Other Development)
<b>Status:</b>	Application Decided	<b>Date:</b>	04/07/2001
<b>Summary:</b>	Granted		
<b>Description:</b>	Proposed tennis school development incorporating resurfacing 4 tennis courts, refencing the area, installation of floodlighting and installation of a temporary building providing office and changing facilities		

## POLICY CONSIDERATIONS

National Policies

**National Planning Policy Framework**

The NPPF was published on 27<sup>th</sup> March 2012 and replaced 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 have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where LDF Core Strategy, UDP saved policies and SPG's 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.

#### **Brent's Core Strategy (July 2010)**

CP18        Protection of Open Space  
CP23        Protection of Community Facilities

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

BE2        Townscape: Local Context & Character  
BE4        Access for Disabled People  
PS16       Cycle Parking Standards  
OS8        Protection of Sports Ground

#### **Main Policy Considerations**

- Impact on use of open space
- Impact on existing sports provision
- Visual impact on surrounding area

#### **CONSULTATION**

Public consultation undertaken 19/09/2013 - 10/10/2013. 84 neighbouring properties were consulted.

26 responses were received of which 8 were objections, 16 were in support of the proposal and 2 were raising queries regarding the proposal.

A summary of the reasons for **support** raised are summarised in the table below:

#### **Issue raised by consultee**

1. Current tennis courts are in a poor state and out of use. The introduction of the MUGA would revitalise the area, enhance the area visually, socially and physically.
2. Great utilisation of what is a disused space.
3. The introduction of the outdoor gym that was recently installed (to the immediate west of the site) has been a success and the MUGA would provide a safe, dog-free, clean and fenced-off area to run, climb and play ball games. The facility will improve civic behaviour and promote community cohesion and engagement.
4. The recently installed exercise area has been used by different age groups from a cross section of our community using the equipment. The introduction of a multi use area would further enhance this breadth of engagement. Whilst it may be mainly aimed towards secondary aged children, it will also be used by adults for exercise. There is an issue with dog-mess on the park and an all weather, specific play area will overcome this issue.
5. The facility will be a great asset for many local children who don't have their own garden, or even an outdoor communal area in their flats.
6. The houses on The Avenue are all well set back from the road, behind either hedges or fences and are well 'insulated' from any perceived noise that may be generated. Given that The Avenue/Wrentham Avenue is already quite a busy and noisy road at most hours, both with vehicular and pedestrian traffic and bordered at the rear by a noisy railway line, any 'extra' noise generated would be minimal and negligible.

A summary of issues raised in **objection** shown in the table below.

#### **Issue raised by consultee**

1. Objection to the MUGA being accessible at all hours as it could lead to congregation of groups

#### **Response to comments**

Whilst there would be no restriction on when the facility is used, the park as existing is open 24 hours a day and

- and anti-social behaviour. There does not seem to be a plan for regulation/monitoring the use which could lead to noise disturbance and litter
2. Loss of view resulting from proposed hedge
3. Safety of users of park resulting from the proposed restricting views of the park
4. Will existing problem of water-logging be addressed.
5. Concerns regarding the distribution of on-street parking controls on adjacent streets, where proposed reduced hours on controlled parking on The Avenue and Aylestone Road are not to be employed on Tiverton Road.
- whilst the improved standard of sports and recreational equipment may attract increased use of this section of the open space, the omission of flood lighting would discourage use of the facility during unsociable hours. Inevitably outlook will change for the people living nearby as they have had views of a disused open area of dilapidated hard-standing for a number of years. However, officers consider that the changes proposed would not have a significantly unacceptable visual impact on the area taking into account the overall scope of the works, which involve the planting of a 1.2 metre height hedge on the southern boundary. The location and boundary treatments proposed would still allow for the MUGA facility to be well-observed from the park, and the height of the boundary fencing would not restrict views of the wider park area from the adjacent streets. Whilst no measures have been raised in the submission with regards to how this issue would be addressed, the proposal would not be considered to worsen but actually improve upon the existing drainage within the park by introducing soft landscaping to an area which is currently 100% hard standing. The Council's Sports and Parks Services will maintain the facility in a similar fashion to that of other sports provision within parks. If there is an issue with drainage then this is a matter which the Council's Parks service will seek to resolve.
- This comment stems from a recent decision by the Council to amend the Zone 'KS' Car Parking Zone following consultation with residents affected by the proposal, which shall be implemented in February 2014. Further information on this is provided within the remarks section of the report.

The Friends of Tiverton Green (FOTG) have written in supporting the application. They consider that the plans to improve the area and provide facilities for children and young people to play football, basketball, cycling, horizontal climbing and table tennis came out of a widespread consultation process involving local residents and schools. FOTG lends its full support to the plans and the plans also have the full support of the two closest community schools

#### **Statutory consultees:**

Although the site itself is in Brondesbury Park Ward, the opposite side of The Avenue is actually in Queens Park Ward. As a result, all ward Councillors within the Brondesbury and Queens Park Wards have been consulted.

- Queens Park Ward Councillors: Support from Councillor Denselow.
- Brondesbury Park Councillors: Councillor Shaw queried issues raised by her constituents relating to hours of parking, community safety which are addressed within the objection response section above and in more detail within the remarks section of the report.
- Transportation: No objections on transportation grounds
- Landscaping: No objection on landscaping grounds but advised that Environmental Health Team is consulted to discuss re-use of materials, top-soil depths and any issues with contamination.
- Sport England: Did not wish to comment on the application.
- Brent Strategy, Partnerships and Improvement Department: Support for the application
- Brent Community Safety Team (BCS): No objections were raised by the BCS in relation to the introduction of a MUGA in this location, as it would not be considered to be a driver for anti-social behaviour. The future management of the facility would be considered to be important.

#### **REMARKS**

##### **Site Context and Surroundings**

1 This application seeks planning permission for the installation of a Multi Use Games Area (MUGA) within the south-east corner of Tiverton Open Space. The immediate section of the park is bordered by residential properties to the south on The Avenue, to the east by properties on Aylestone Avenue, the turfed Tiverton open space to the north, and by the other tarmaced section of open space to the west which has had a childrens play area recently installed.

1.1 Queens Park Community School is located to the north beyond the open space.

1.2 The proposed MUGA will be located towards the south-eastern end of the open space in an area previously used as tennis courts.

### **Proposal and layout**

2 The proposal is to construct a multi-use games area (MUGA) that can be used for basketball, football and multi-sports on the eastern side (corner of The Avenue and Aylestone Avenue) of the currently dilapidated hard standing. The MUGA would occupy approximately 2,500m<sup>2</sup> area. This proposal also includes installing a climbing wall, outdoor table tennis tables, perimeter low level fencing and pathways as well as landscaping improvements including hedges, grass mounds and raised plant beds.

### **Use of the proposed facilities**

2.1 The addition of a MUGA would increase and enhance the play offer in the local area by increasing the sports facilities available. It will provide opportunities for the older range group of young children in the Brondesbury and Queens Park Wards to participate in activities such as football and basketball for free.

2.2 The Sports and Parks Service outline that their work is driven by two strategies; 'The Sport and Physical Activity Strategy 2010 - 2015' (SAPAS) and The Planning for Sport and Active Recreation Facilities Strategy 2008-2021. The MUGA would work towards a number of goals within the SAPAS strategy including increasing provision of appropriate facilities, getting people more active and increasing sports opportunities for young people. The Facilities strategy identifies that MUGAs are a cost effective way of providing ideal sporting and social play area for teenagers, older children and adults.

2.3 The proposal has been created alongside the local community as part of a consultation process that led to the vision to create an outdoor gym (phase 1 which has already been delivered) and the MUGA facility subject to this application.

2.4 There is no freely accessible MUGA provision within 800 metres of Tiverton Green. The introduction of this facility would transform a dilapidated area of hard standing at the southern end of the open space, allowing the local community to participate in physical activity. A number of comments received during the consultation process of this application outline the success they consider the introduction of the outdoor gym to the west of the site to have been in terms of its use by a diverse cross-section of the community. The introduction of the MUGA facility would further diversify the range of sporting facilities in a safe all-weather environment available to the local community.

### **Landscaping**

3 The proposal would improve the current lack of landscaping within this part of the open space which is currently 100% hardstanding. The western section of the site would be turfed with grass whilst there would a 6.5 metre depth landscape strip located close to the southern section of the site adjacent to The Avenue, with a 1.2 metres height hedge placed adjacent to the boundary, which would also cover the boundary with Aylestone Avenue. An asphalt jogging track would border the perimeter of the site, enclosed by the hedge to the south and a 1.2 metre height fence would be positioned between the track and the northern boundary shared with the park. 4 raised bed planters are also proposed on the borders of the MUGA.

3.1 It is considered that the proposed landscaping would enhance the visual amenities of the existing site.

### **Fencing**

4 No alterations to the existing 3 metre height 'chicken wire' fencing on the boundaries of The Avenue and Aylestone Avenue are proposed. The MUGA would be set-off the boundaries shared with The

Avenue and Aylestone Avenue by approximately 8.45 metres and 8.3 metres respectively. A 1 metre height internal perimeter fence would be placed around the southern and northern elevations of the MUGA with a 2-3 metre height enclosure located at the goal ends.

4.1 No specific details of the fencing materials are provided but further details can be required by condition.

### **Access**

5 Access to the MUGA will be via the existing access-gate off the Aylestone Avenue, which can accommodate both able bodied and disabled users. No new accesses will be created, but a perimeter pathway to the north of the site within the park will provide a hardstanding route from the existing park footpath to the facility entrance. It is anticipated that the new facilities will be able to be accessed by all.

5.1 Aside from two small benches to the north of the site, the facility does not provide any provision of furniture that would encourage congregation or loitering.

5.2 The perimeter fence with gates will provide a safe, semi-enclosed environment for users which will discourage people from entering the site whilst passing either from the street or the park, and thereby work towards ensuring that the site is used for its solely for its purpose as a multi-use sporting facility.

### **Impact upon residential amenity/Floodlighting/Management of use**

6 The applicant has stated that there is no proposal to floodlight the sports area. This is to minimise recreational noise during hours of darkness as well as avoid any unacceptable nuisance from the light itself. Officers welcome this approach.

6.1 Concern has been raised by objectors that despite there being no floodlighting provided, street lighting would facilitate 24 hour use of the MUGA. There is 1 street-light located within a reasonably close vicinity of the MUGA on The Avenue which would be approximately 11 metres away and facing the street. It is not considered that this would provide sufficient light dispersal to facilitate use of the MUGA beyond hours of daylight.

6.2 Concerns have been raised that enabling 24 hour use of the facility will encourage anti-social behaviour. Whilst there would be no restriction on when the facility is used, the park as existing is open 24 hours a day and whilst the improved standard of sports and recreational equipment may attract increased use of this section of the open space, the omission of flood lighting would discourage use of the facility during unsociable hours.

6.3 A condition is suggested reminding the applicant that any flood lighting would need planning permission in its own right.

6.4 Some of the comments received indicate that anti-social behaviour already occurs in the park. Whilst in planning terms the Council seek to ensure such developments are well observed and secure, the behaviour of other park users is not a matter that can be controlled by the planning system. The provision of this facility within a public park is considered to be acceptable as it will enhance and increase the range of activities available to members of the public within the park. The Brent Community Safety Team did not consider that the introduction of a MUGA in this location would give rise to concerns regarding anti-social behaviour by congregating groups and in theory MUGAs can act as a diversion from engaging in anti-social behaviour. As mentioned within the section of this report discussing access, the fencing surrounding the perimeter of the park itself and not including additional accesses off the street should reduce scope for impromptu entrance into the MUGA by people passing it from the street, which reduces the likelihood of people with no intention of using the facility other than for its intended purpose for games and sports from entering the site.

6.5 The MUGA is visible from people passing through the park. This will allow natural surveillance of this space from users of the park, and those passing through it.

### **Transportation**

7 The site lies within Car Parking Zone (CPZ) "KS" which operates 08:00 – 18:30 Monday to Friday, but has fairly low accessibility with a PTAL rating of level 2. Consultation has recently been undertaken on the times of operation of the CPZ and there is a change coming into effect at the end of

February. Once the changes take effect, the majority of the zone will reduce to 10am to 3pm Mon-Fri.

7.1 No car parking is provided for the facility as it is intended to serve a predominantly local community, There is a large provision of on-street parking available outside of peak periods, with pay & display car parking available on both sides of Aylestone Avenue as well as on the north side of The Avenue

7.2 Objection 5 within the consultation section of the report raised concerns that as The Avenue will be subject to shorter controlled parking hours from the end of February, more people will park there than on Tiverton Road, on which the CPZ hours would remain the same. Whilst there may well be an increase in on-street parking on The Avenue following this change, the changes are being made taking into account feedback provided from the the public consultation that was undertaken in May - June 2013. Residents requested shorter hours in the consultation as they feel there is not significant parking pressure currently and would prefer for their visitors not to have to pay during extended hours. The reduction in operating hours was strongly supported by the residents and implicit to this is some acceptance that this reduction may lead to some additional on-street parking. Most residents on Tiverton Rd did not support reduced hours and therefore the existing CPZ hours on that street have been maintained.

7.3 Officers views are that is not anticipated that the facility will attract significant numbers of car-borne users.

7.4 "Sheffield" type cycle stands will allow up to fourteen cycles to be securely parked at the site. There will remain the possibility of increasing this provision if it is well used.

### **Other matters**

8 Concerns were raised in relation to apparent existing issues with the park becoming water-logged. Whilst no measures have been raised in the submission with regards to how this issue would be addressed, the proposal would not be considered to worsen but actually improve upon the existing drainage within the park by introducing soft landscaping to an area which is currently 100% hardstanding. The Council's Sports and Parks Services will maintain the facility in a similar fashion to that of other sports provision within parks. If there is an issue with drainage then this is a matter which the Council's Parks service will seek to resolve.

8.1 The submitted plans show the treatment of the western end of the tennis court site adjacent to the Tiverton Road of the open space redeveloped to be used as a cycle track. As per the MUGA application, all the improvements have stemmed from consultation with the local community and are anticipated to be subject to a separate planning in the future.

### **Summary**

9 The proposal accords with policies in the UDP (2004) and Core Strategy, is an appropriate use of public open space, will not result in the loss of formal pitches, will not be harmful to the visual amenity of the area and will enhance the existing sports offer in this area. Your officers recommend approval accordingly.

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004  
Brent Core Strategy 2010  
National PLanning Policy Framework

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  
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

**CONDITIONS/REASONS:**

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

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

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

Design & Access Statement Proposed MUGA and facilities, Tiverton Green Open Space  
Tiverton Green Open Space MUGA Maintenance & Management Programme  
ML005/P/005  
ML005/P/006b  
ML005/P/006a  
Tiverton Green Schedule of Works Landscape Works Jun 2013  
ML005/P/002  
ML005/PL/003  
ML005/P/004 rev. A

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

- (3) No security lighting or other forms of floodlighting shall be erected on the site without the submission of full details to, and written approval from, the Local Planning Authority.

Reason: in the interest of safeguarding local amenity and the character of the Public Open Space.

- (4) The landscape works and planting shown on the plans and details as set out within the schedule of landscaping works hereby approved shall be carried out in accordance with a programme agreed in writing with the Local Authority.

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 position, unless the Local Planning Authority first gives written consent to any variation.

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

- (5) Further details of the MUGA and site boundary gates/fencing design and materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of all works on site. The works shall be undertaken in accordance with the approved details.


Reason: To ensure a satisfactory standard of development is achieved.

**INFORMATIVES:**

None Specified

Any person wishing to inspect the above papers should contact Roland Sheldon, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5232



	<b>Planning Committee Map</b>
Site address: BRITISH LEGION HALL, 1 Albert Road & 5 Albert Road, London, NW6 5DT	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

**RECEIVED:** 4 November, 2013

**WARD:** Kilburn

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

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

**PROPOSAL:** Variation of condition 2 (approved plans) to allow minor material amendment including the increase in commercial floor space from 480msq to 590msq, of planning permission reference 12/1516 dated 04/09/2012 for 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 480m<sup>2</sup> 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 2

---

## **RECOMMENDATION**

Approval

## **EXISTING**

The subject site is currently occupied by the Former British Legion Social Club and the Former Albert Road Daycare Centre. Both buildings are currently unoccupied. The site is not within a Conservation Area and neither buildings a listed. The site is within the South Kilburn Regeneration Area.

## **PROPOSAL**

See description above

## **HISTORY**

Relevant Applications:

**12/1516.** Outline planning consent sought for demolition of existing structures on site and erection of new mixed use development comprising of 144 residential units and 480m<sup>2</sup> 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.

**13/1978** Approval of reserved matters relating to access, appearance, landscaping, layout and scale of outline planning permission reference 12/1516. Approved 18/10/2013.

**13/3368.** Non material amendment comprising:

Amendment to wording of condition 12 to require the submission of landscaping details prior to construction works commencing on site of planning permission reference 12/1516. Granted 02/12/2013.

**13/2531.**Details pursuant to Conditions 4 (Details) 13 (Site Waste Management Plan) 14 ( details of communal television system/satellite dish provision) 16 (Flood Risk Assessment ) 20 (Bin collection) 21 (Demolition or site clearance), of Outline planning permission reference 12/1516 dated 4th September 2012 for 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 480m<sup>2</sup> 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 27/11/2013

**13/2206.** Details pursuant to condition 15 (finished site and ground level), of planning permission reference 12/1516 dated 04/09/2012 for 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 480m<sup>2</sup> 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. Grante 10/10/2013

### **POLICY CONSIDERATIONS**

**Please see those set out in reports on original outline application 12/1516 and Reserved Matters Application 13/1978.**

### **CONSULTATION**

A site notice was installed outside of the site on 27/12/2013 and a press notice was published on 9/01/2014 advertising the application as being of public interest.

No objections have been received.

### **REMARKS**

#### **Background**

1. This site falls within the South Kilburn Regeneration Area and was subject of outline and reserved matters applications for the redevelopment of the site to provide a mixed use development containing 144 residential units arranged over 3 blocks and 480sqm of retail space fronting onto Salusbury Road. The site has been disposed of by the Council and is now being privately developed by Bouygues and London and Newcastle. The commercial space is to be let out to a retail operator.
2. Changes to Government policy have in recent years have been made to introduce more flexibility to the planning system; 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). In this instance the applicants seek confirmation that the proposal to increase the area of commercial floor space from 480sqm to 590sqm can be treated as a minor material amendment.

#### **Assessment of Proposed Amendment**

3. The key consideration with this application is whether the proposed additional commercial floor space would result in a development which is not substantially different from the one which was approved.
4. The additional floorspace would be in the form of a mezzanine level above the proposed sub station in the southern area of the frontage block. The applicants require this space to provide additional plant for the retail space while maximising the area of commercial floor space available as retail space. The outline planning consent gave permission for 480sqm of commercial floor space but did not approve a formal layout for the proposed floorspace. It was anticipated that there would be plant equipment provided as part of the 480sqm floor space. As such there are conditions attached to the original planning consent to ensure that each of the residential units has appropriate levels of sound insulation and that full details of any plant equipment are submitted to ensure that users of the surrounding area are do not suffer loss of amenity by reason of noise nuisance. These conditions will be attached to the new permission as set out in the paragraph on conditions below.
5. A section drawing has been submitted which shows that the mezzanine floor space also has limited headroom and will not be used as additional retail space. The parking and servicing standards will not be changed by the increase in floor space of 110sqm. Therefore there will be an acceptable impact on highway safety or parking as a result of the proposed increase in floorspace. The proposed servicing space, created by the provision of a new servicing lay-by, will remain on Salusbury Road.

#### **Conditions**

6. The conditions attached to the original decision notice are repeated, although the standard time condition is amended to reflect the original decision date and where further details have been approved, these are included in the conditions. For the avoidance of confusion the plans approved under the reserved matters application have been included in condition 2.

## Conclusion

7. The changes proposed are not considered to significantly change the approved scheme, but are necessary to ensure the viability of the commercial floor space and to fit with the programme of works. Your officers recommend the minor material amendment be approved.

**RECOMMENDATION:** Grant Consent

## REASON FOR GRANTING

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

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

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

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

## CONDITIONS/REASONS:

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

- (i) the expiration of three years from the 04/09/2012; or  
(ii) the expiration of two years from the final approval of the reserved matters application reference 13/1978 on 18/10/2013 .

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990.

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

- MLA-303-L-002-P1
- 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-AL-001-099  
 7301-A-G251-D-AL-002-099  
 7301-A-G251-D-AL-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  
 7301-A-G200-P-00-002Rev14  
 7301-A-G200-A-AARev01

- Design and Access Statement by Ian Simpson Architects July 2013

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

- (3) The development shall be carried out and completed in all respects in accordance with the details so approved under the Reserved Matters application 13/1978 approved on 18/10/2013, before the buildings are occupied.

Reason: These details are required to ensure that a satisfactory development is achieved. For the avoidance of doubt, the definitions of Reserved Matters are contained within Circular 01/2006 and other conditions may require further information concerning details required.

- (4) Prior to the commencement of any of the residential development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that residential premises will be designed in accordance with BS8233:1999 'Sound Insulation and Noise Reduction for Buildings-Code of Practice' to attain the following internal noise levels as a minimum:

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

If the above internal noise levels are not achieved then further works, in accordance with

details specified by the Local Planning Authority, shall be carried out in order to achieve such levels.

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

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

- (5) An active commercial frontage shall be maintained at ground floor level along Salusbury Road unless otherwise approved in writing by the Local Planning Authority.

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

- (6) The development shall make an overall provision for amenity areas equivalent to a minimum 20sqm per residential unit.

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

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

Reason:

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

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

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

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

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

- (10) No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To ensure that any piling would not have a detrimental impact on local underground water utility infrastructure.

- (11) No phase of the development hereby permitted shall commence (save for demolition) until samples of the external materials and finishes to be used for all external surfaces relevant to that phase (including but not limited to roofs, elevation treatment, glazing and balconies) have been submitted to and approved in writing by the Local Planning Authority. The relevant part of the development shall in all aspects be carried out in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order that the Local Authority is satisfied with the details of the proposed development.

- (12) The remainder of the undeveloped land within the curtilage of the site, within the relevant parts of the development hereby permitted shall be suitably treated with hard and soft landscaping, including trees/shrubs/grass (including species, plant sizes and planting densities), in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction work on the site; such landscaping work shall be completed prior to occupation of the buildings within these phases, or within six weeks of the commencement of the next planting season, if the commencement of construction of the development takes place outside the planting season, in accordance with a program to be first agreed in writing by the local planning authority. The approved maintenance arrangement shall be fully implemented.

Such a landscaping scheme shall also indicate:-

- (a) a full tree survey of all trees on the site
- (b) full details of the proposed play space including equipment, surfacing, boundary treatments and planting
- (c) all existing and proposed levels throughout the site
- (d) other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, footways and other paved pedestrian areas.
- (e) full details of the proposed arrangements for maintenance of the landscaping for the first 5 years
- (f) full details of the proposed boundary treatments and fencing within the site and around the perimeter of the site. indicating materials and heights
- (g) details of screen planting along and surrounding proposed car parking areas
- (h) areas of hard landscape works and proposed materials
- (i) full details of replacement trees and tree protection measures to be carried in accordance with BS 5837:2005 for any existing trees to be retained within the relevant parts of the development during construction.
- (j) full details of the construction of any podium decks

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

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

- (13) The development hereby approved shall be carried out in compliance with Site Waste Management Plan detailing all the waste streams and the measures taken to reduce construction waste generated by the development approved by the Local Planning Authority under planning reference 13/2531 approved on 27/11/2013.

Reason; to ensure that waste generated by the development is minimised.

- (14) The development hereby approved shall be carried out in accordance with the details of communal television system/satellite dish provision approved in writing by, the Local Planning Authority under planning reference 13/2531 approved on 27/11/2013

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

locality in general.

- (15) The development hereby approved shall be carried out in accordance with the Detailed drawings approved in writing by the Local Planning Authority under planning reference 13/2206 on 10/10/2013, indicating the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved. The gradients of any new road or turning area should not exceed 1:25 and those of parking or loading bays should not exceed 1:40.

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent development and the highway, and that satisfactory gradients are achieved.

- (16) The development hereby permitted shall only be carried out in accordance with the Drainage Strategy report and other details approved in writing by the Local Planning Authority under planning reference 13/2531 on 27/11/2013.

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

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

Reason: In the interests of highway and pedestrian safety.

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

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

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

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

- (20) Development shall take place in accordance with the refuse management strategy for the moving of bins to and from a collection point approved in writing by the local planning authority under planning reference 13/2531 approved on 27/11/2013. Once the strategy has been approved it must be fully implemented.

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

- (21) Works shall be carried out in accordance with the Construction Logistics Plan (CLP) approved in writing by, the local planning authority under planning reference 13/2531 on 27/11/2013. The approved CLP shall be adhered to throughout the construction period.

The demolition/site clearance/building works hereby approved shall not commence until the vehicle wheel washing facilities have been provided on site in accordance with the approved details and such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until



completion of the appropriate stages of development or such other time as may be agreed in writing with the Local Planning Authority.

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

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

Such details shall include:

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

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

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

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

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

- (24) Any remediation measures in relation to the site investigation 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.

#### **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

This page is intentionally left blank

# APPENDIX

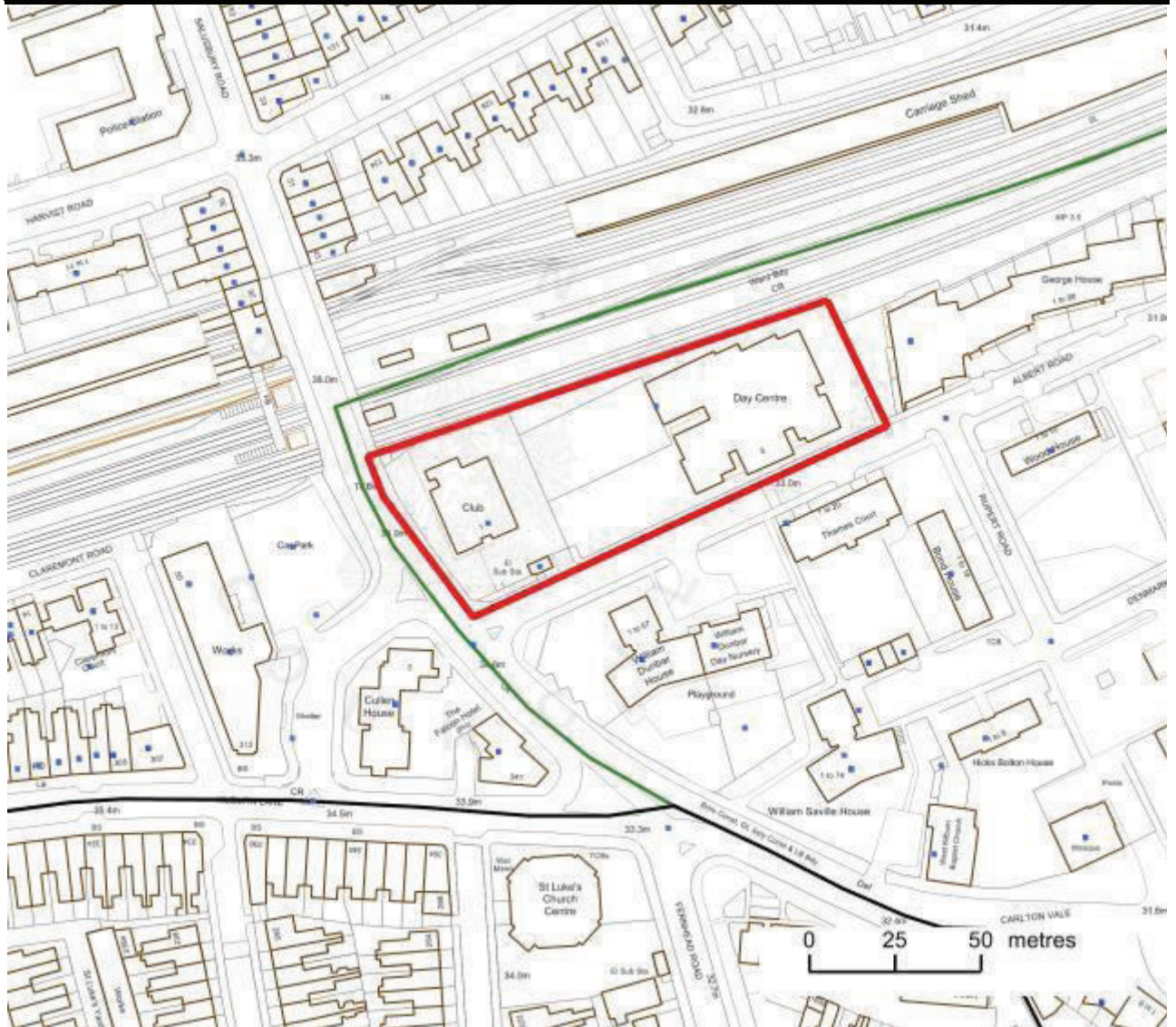
This page is intentionally left blank



**Planning Committee Map**

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

© Crown copyright and database rights 2011 Ordnance Survey 100025260



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 480m<sup>2</sup> 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 480m<sup>2</sup> 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 9<sup>th</sup> 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 13<sup>th</sup> 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 13<sup>th</sup> 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 480m<sup>2</sup> 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 Salisbury 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 an 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 floor 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 their 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 undertaken 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 provided 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:**

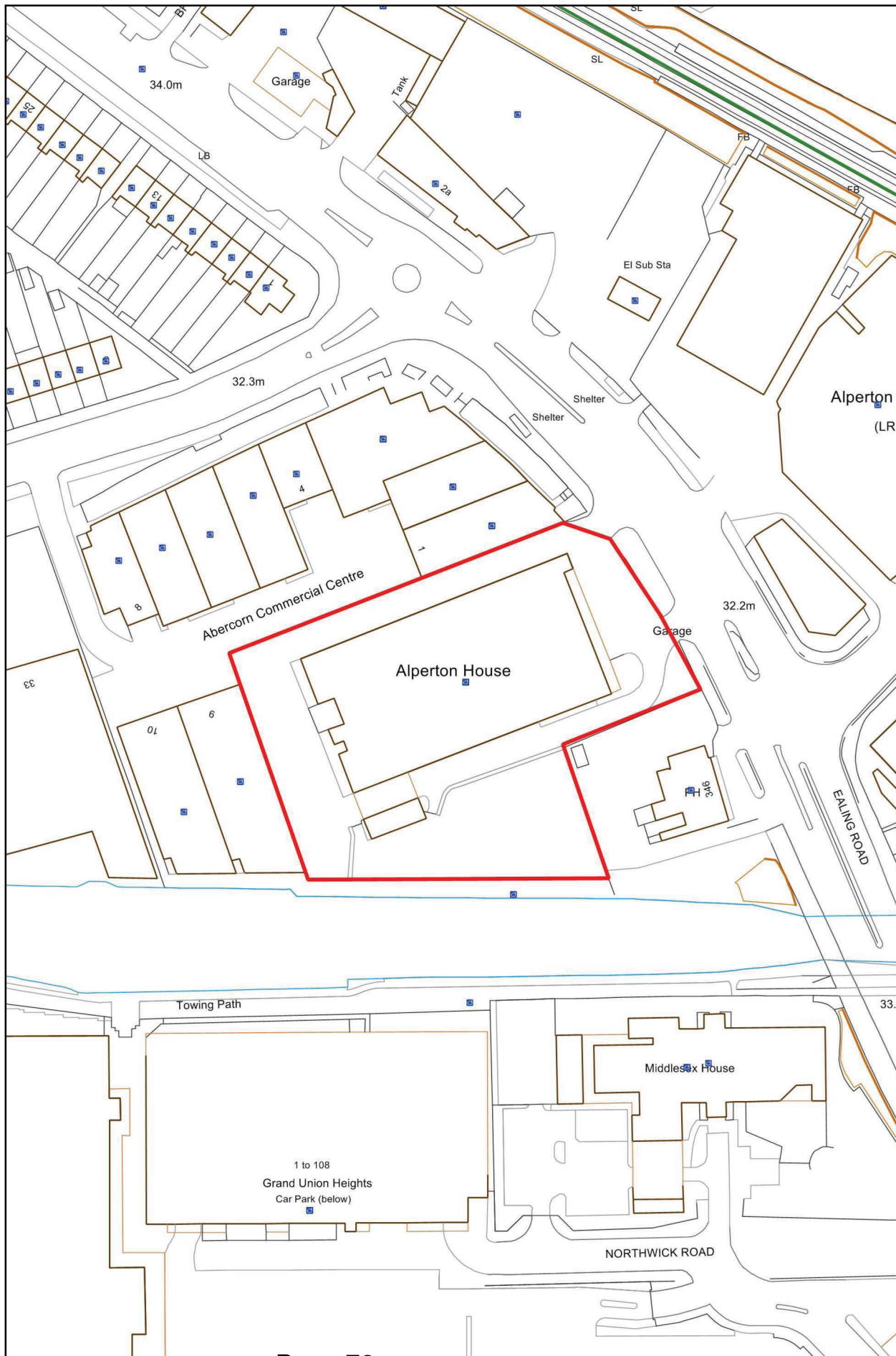
None Specified

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

**Committee Report  
Planning Committee on 12 February,  
2014**

Item No. 07  
Case No. 13/3557

	<b>Planning Committee Map</b>
	Site address: Alperton House, Bridgewater Road, Wembley, HA0 1EH
	© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

**RECEIVED:** 19 November, 2013

**WARD:** Alperton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** Alperton House, Bridgewater Road, Wembley, HA0 1EH

**PROPOSAL:** Renewal of planning permission reference 10/1631, dated 18/01/2011, for change of use of first, second, third, fourth and fifth floors of building to a mixed use as an office (Use Class B1: business) and non-residential institution (Use Class D1: non-residential institutions - education and training centres) and subject to a Deed of Agreement dated 13th January 2011 under Section 106 of the Town and Country Planning Act 1990, as amended

**APPLICANT:** London and Cambridge Properties

**CONTACT:** D2 Planning

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

---

#### **RECOMMENDATION**

Grant temporary consent for a period of two years

#### **CIL DETAILS**

This application is not liable to pay the Community Infrastructure Levy (CIL).

#### **CIL Liable?**

Yes/No: No

#### **EXISTING**

Alperton House is a six-storey commercial building fronting the Bridgewater Road. The first, second, third, fourth and fifth floors of the building have temporary consent for mixed use as an office (Use Class B1: business) and non-residential institution (Use Class D1: non-residential – education and training centres). The ground floor is in retail use (A1). The site is identified as being a locally significant industrial site in the Council's Core Strategy; and has a Site Specific Allocation and lies within the wider Alperton Growth Area. The site is not within a Conservation Area, nor is the building listed.

#### **PROPOSAL**

Renewal of planning permission reference 10/1631, dated 18/01/2011 for change of use of first, second, third, fourth and fifth floors of building to a mixed use as an office (Use Class B1: business) and non-residential institution (Use Class D1: non-residential institutions - education and training centres) and subject to a Deed of Agreement dated 13th January 2011 under Section 106 of the Town and Country Planning Act 1990, as amended

#### **HISTORY**

10/1631 - Change of use of first, second, third, fourth and fifth floors of building to a mixed use as an office (Use Class B1: business) and non-residential institution (Use Class D1: non-residential institutions - education and training centres) and subject to a Deed of Agreement dated 13th January 2011 under Section 106 of the Town and Country Planning Act 1990, as amended.

*Granted 18/01/2011 with the following condition:*

*This permission shall be for a limited period of 3 years only, expiring on 13/01/2014, when (unless a further*

*application has been submitted to and approved in writing by the Local Planning Authority) any D1 non-residential educational and training-centre use hereby approved shall be discontinued and the relevant floors of the building shall only be used for B1 purposes.*

*Reason: To allow review of the site as the proposals within the draft Alperton Growth Area Supplementary Planning Document and Site-Specific Allocations document are adopted, and enable the impacts of the use to be assessed against the functioning of the "B" Use Classes within the building, ensuring that the favoured employment-generating uses are not jeopardised.*

**The following applications relate to the above consent:**

11/3300 - Details pursuant to condition 6 (refuse/recycling) of full planning permission 10/1631 dated 14/01/11 for Change of use of first, second, third, fourth and fifth floors of building to a mixed use as an office (Use Class B1: business) and non-residential institution (Use Class D1: non-residential institutions - education and training centres) and subject to a Deed of Agreement dated 13th January 2011 under Section 106 of the Town and Country Planning Act 1990, as amended *Granted 13/02/2012*

11/1083 - Details pursuant to condition 5 (details of servicing area) of full planning permission 10/1631 dated 14/01/11 for change of use of first, second, third, fourth and fifth floors of building to a mixed use as an office (Use Class B1: business) and non-residential institution (Use Class D1: non-residential institutions - education and training centres) and subject to a Deed of Agreement dated 13th January 2011 under Section 106 of the Town and Country Planning Act 1990, as amended *Granted 28/06/2011*

11/1084 - Variation of the wording of condition 7 to read:

*Within 3 months of the date of this decision, revised drawings detailing the siting of a cycle storage area capable of providing parking for 30 cycles to be implemented within 8 months of the date of the decision notice (August 2011), followed by a further 30 spaces, to be provided 1 year after the date of this decision (August 2012), followed by a further 66 spaces, (subject to take up students,) to be provided two years after the date of this decision (August 2013)*

of full planning permission 10/1631 dated 18/01/11 for change of use of first, second, third, fourth and fifth floors of building to a mixed use as an office (Use Class B1: business) and non-residential institution (Use Class D1: non-residential institutions - education and training centres) and subject to a Deed of Agreement dated 13th January 2011 under Section 106 of the Town and Country Planning Act 1990, as amended. *Granted 05/07/2011*

11/1246 - Removal of condition 6 (Refuse/ recycling area), of full application reference 10/1631 dated 18 January 2011 for: Change of use of first, second, third, fourth and fifth floors of building to a mixed use as an office (Use Class B1: business) and non-residential institution (Use Class D1: non-residential institutions - education and training centres) and subject to a Deed of Agreement dated 13th January 2011 under Section 106 of the Town and Country Planning Act 1990, as amended. *Refused 24/06/2011*

11/0962 - Details pursuant to condition 8 (disabled parking), of full application reference 10/1631 dated 18 January 2011 for: Change of use of first, second, third, fourth and fifth floors of building to a mixed use as an office (Use Class B1: business) and non-residential institution (Use Class D1: non-residential institutions - education and training centres) and subject to a Deed of Agreement dated 13th January 2011 under Section 106 of the Town and Country Planning Act 1990, as amended *Granted 07/06/2011*

## **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 is 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

CP8 – Alperton Growth Area  
CP20- Strategic Industrial Locations and Locally Significant Industrial Sites

London Borough of Brent Site Specific Allocations (SSA) DPD, adopted July 2011

Alperton House is allocated for mixed use development, including residential, food and drink and workspace.

London Borough of Brent Alperton Masterplan SPD, adopted July 2011

Alperton House is located within the Alperton Growth Area

London Borough of Brent Unitary Development Plan 2004

- TRN3 Environmental Impact of Traffic
- TRN11 The London cycle network
- TRN22 Parking Standards – Non-Residential Developments
- TRN34 Servicing
- PS12 Parking Standards (Use Class D1)
- PS16 Cycle parking standards
- CF1 Location of Large Scale Community Facilities
- EMP10 The Environmental Impact of Employment Development
- EMP15 Location of B1 Business Development
- EMP17 Reuse of Redundant Offices

**SUSTAINABILITY ASSESSMENT**

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

**CONSULTATION**

88 letters sent out to neighbouring properties. Representations from 11 addressees have been received.

6 letters of support have been received, some of which include tenants of the building currently operating as D1 use. The following is highlighting the main points within their comments

- The London School of Science which currently operates in the building provides 75-80 employees and 900 students
- The college is doing a good job for the community. There is hardly any other higher education providers in the area and this college is providing good access to education facilities
- We have been using the tuition agency Talent Engaged Tuition for some of our most vulnerable pupils out of school and the location is accessible for most of our pupils and parents/carers to get to.
- The building is a renowned hub for education which many benefit from
- The facilities include offering alternative educational support for children with SEN (Special Educational Needs). The location of Alperton House is conveniently within the local community.

3 businesses located within Alperton House have objected. The issues raised are summarised below:

The building is primarily being used for educational use and business users are being squeezed out. The building is unsuitable to be used intensively for educational purposes and should be restricted to no more than 50% of floor area of the building for educational use	The principle of this level of education use within this building has already been established by the original permission. See also paragraph 13
There is considerable traffic congestion at the property. Students are parking their cars in bays marked for disabled persons when they do not have disabled badges	See paragraph 11
There is a concern that children as young as 5 years are attending	See paragraph 6 & 12



school in the building and running around the building unsupervised. This cause disruption to other users in the building	
The parents of the children are waiting in the car park and roadways when they drop off or collect their children, which is causing congestion	See paragraph 8
There are forklift trucks operating around the building which is a potential health and safety risk to the children	See paragraph 10
Ideally the Council should restrict educational use to adult education only i.e. students of 18 years of age and over, and restrict the building to no more than 50% educational use so that B1 office use for business users can be maintained without disruption	See paragraph 12, 13

Alperton Ward Councillors were also notified. No response

### Transportation

The submitted drawing number SK002 Rev J satisfies Transportation requirements in the following ways:

- The number and details of disabled car parking spaces within the car park are as previously agreed, and satisfy Policy TRN35 of the UDP-2004 requirements.
- The hatched areas for service vehicle access and manoeuvring within the car park are as previously agreed, and satisfy requirements under Policy TRN34 of the UDP-2004.
- The location of refuse and recycling storage adjacent to/within the servicing area is as previously agreed and satisfies requirements under Policy TRN34 of the UDP-2004.
- The location, type and quantity of secure cycle parking is as previously agreed and satisfies requirements under Policy TRN11 of the UDP-2004.

With regard to the travel surveys and any potential requirement of a travel plan, Transport had the following comments to make:

At the time of the previous application, it was agreed that a Travel Plan should only be produced for the college if it passed a specified 'trigger point'. This was set out in the S106 Agreement, confirming that annual Modal Surveys would be carried out, and that if at any time more than 10% of students were travelling to the site by car, then the college would commission a Travel Plan. Transportation are not aware of having received any feedback regarding these modal surveys at any time. Before this renewal application can be supported, Modal Surveys should be carried out, its results analysed and if necessary, a Travel Plan commissioned. The surveys should include full information regarding staff and student numbers, and that the Modal Surveys which should have been submitted annually are now carried out in order to demonstrate whether a Travel Plan will be necessary to mitigate the impact the development.

In response to these comments, the applicant has provided the Modal Surveys required for the previous three years, as well as a current one. Based on the details submitted, the transport officer is satisfied with the monitoring of travel behaviour that has taken place, and subject to continued annual monitoring, transportation can accept the renewal of planning permission.

### **REMARKS**

#### Background

1. The conversion of the first, second, third, fourth and fifth floors of the former office building to a mixed use as office (Use Class B1) and non-residential institution – restricted to specifically education and training (Use Class D1), was granted temporary planning permission in 2011. In planning policy terms, the principle of the change of use was justified as there was a lack of demand for office use in the area, and that, in light of the emerging site specific allocation for this site, temporary consent for 3 years in this case can be granted. The current application seeks to extend the use of the building for a further period.
2. Since the previous application, in July 2011, Brent's Alperton Masterplan SPD and Site Specific Allocation DPD have both been adopted. Alperton House is located within the Alperton Growth Area, and allocated for mixed use development, including residential, food and drink and workspace. However, the Head of Planning Policy confirms that at this time it is unlikely that such development will be carried out for the next 2 years. On this basis, a further consent for 2 years may be granted, on similar terms to the previous application, and such consent would not prejudice the

implementation of future development of the site.

### Current Use of the Building

3. Floors 1-5 of Alperton House have been currently operating under D1 use (non-residential) – restricted to education and training, occupying over 8000m<sup>2</sup> floor space. Currently, there are 5 different education providers, known as London School of Science & Technology, City Educators, West London Vocational Training, Essex College and Talent Engaged. Collectively, the college provides education facilities for the local and wider community.

### Transport

4. The site has good access to public transport and attracts a PTAL of 4. The applicant has undertaken travel surveys covering the past 3 years which the Council's transport officer has assessed. The Council's transport officer is satisfied that there is currently no requirement for a travel plan, but recommends that annual surveys are undertaken to ensure acceptable traffic impact. If more than 10% of students were travelling to the site by car, then the college should commission a Travel Plan. A condition requiring this will be attached should the application be supported.
5. The previous permission sought details of the servicing area, refuse/recycling area, the siting of the cycle storage area and the provision disabled parking spaces by relevant planning conditions. These conditions had been discharged since the original application, and the applicants have submitted a plan showing the same details, which the transport officer has confirmed satisfies all these requirements. Subsequently a condition requiring these provisions to be maintained will be attached, should the application be supported.

### Response to objections

6. The objections raised are largely building-management matters. The objectors' concerns regarding children using the education facilities within the building, including their safety and supervision have been passed to the applicants. Their response has been that the other businesses have been offered to move to a similar sized suite on another floor in the office building to address the issues they are encountering. The applicants have also clarified that the 'after school' tutors start around 4.30pm Mondays to Fridays, and full days Saturdays and Sundays, which are essentially outside of conventional office hours.
7. They have also added the following in response to the objections received:
  8. *Any issues with the car park are not caused by drop-off or pick-up by parents of the tutors, problems had been incurred at early mornings and additional security has been put in place for the benefit of the tenants who pay for parking spaces.*
  9. *On the 2<sup>nd</sup> floor the 'after school' tutors do have children who have to travel the full length of the corridor as the majority of their rooms are at the far end of the building to keep them as self-contained as possible.*
  10. *The ground floor tenant, Tile Depot, is the only company with a forklift truck. As their loading bay is situated by the exit barrier on some occasions they use their forklift for loading and unloading which may cause a driver exiting the car park a minute or two delay but at no time at all does it circulate the building and at no point does it present a potential health and safety hazard to the children.*
11. The use of disabled bays by non-disabled badge holders is also a matter for the management company, and not within the jurisdiction of the Council.
12. Officers consider that the issues raised by the objections may be addressed by the management company of the building and their tenants, rather than by any planning conditions. A planning condition restricting the age of students would result in the loss of existing education provision within the building, for which there is a demand.
13. It should be highlighted that the site is allocated within the Alperton Growth Area, with a site specific allocation to redevelop the site for mixed use, to include residential, food and drink and work space, and therefore the continued use of the site as a mixed use education and offices at this time is expected to only be for the short term.

## Conclusion

14. The renewal of the consent for D1 non-residential, education and training use at Alperton House, on a 2 year basis, will ensure the continued use of the building to provide education facilities for which there is a current demand. This would also ensure that future development of the site for mixed use development within the Alperton Growth Area is not prejudiced.

**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  
Employment: in terms of maintaining and sustaining a range of employment opportunities  
Transport: in terms of sustainability, safety and servicing needs  
Community Facilities: in terms of meeting the demand for community services

## **CONDITIONS/REASONS:**

- (1) This permission shall be for a limited period of 2 years only, expiring on 12<sup>th</sup> February 2016 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.

The application site is located within the Alperton Growth Area, with a specific type of development allocated within Brent's adopted Site Specific Allocations DPD, adopted 2011, and permission for a longer period would prejudice their implementation.

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

Site Location Plan; L1070/02(A)01/GA:01; AlpertonHse-03; AlpertonHse-04 (3);  
AlpertonHse-05; 1428/02F; SK002 Rev J;

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

- (3) The elements of the building detailed as "D1 Use" or "B1 Use" within the drawings hereby approved shall be used only for purposes within Use Classes B1, as defined in the Town and Country Planning (Use Class) Order 2005, as amended, or as non-residential education and training centres and shall not be used for any other purposes within Use Class D1, as defined in the Town and Country Planning (Use Class) Order 2005, as amended, nor for any purposes without the further written consent of the Local Planning Authority.

Reason: No separate use should commence without the prior approval of the Local Planning Authority, in order to ensure that the use of the premises remains appropriate for this Locally Significant Industrial Site.

- (4) No amplified-sound systems shall be used, unless details of any proposed system and associated sound-insulation measures are first submitted to and agreed in writing by the Local

Planning Authority prior to installation, and thereafter such a system shall be installed and maintained in accordance with the approved details.

Reason: To prevent noise nuisance to adjacent occupiers.

- (5) The details of the servicing area, the siting of the refuse/recycling area, the siting of the cycle storage area and disabled parking spaces, as shown on approved drawing no. SK002 Rev J, shall be maintained, unless otherwise agreed in writing with the Local Planning Authority.

Reason: to ensure adequate servicing on site and prevent harm to the local highway network; to ensure the adequate provision of waste ad recycling storage and prevent harm to local amenity; to ensure the adequate provision of cycle-parking to promote the use of non-car modes of access to the site and to ensure the adequate disable parking provision on site.

- (6) Within 12 months of the date of this decision, a Travel Survey shall be carried out on behalf of the Owner, and thereafter it shall be arranged for such surveys to be carried out on an annual basis for each year in which the Planning Permission continues in existence. Details submitted shall include a Technical Note to the Council after each Travel Survey, setting out the findings of the Travel Survey. If it is found that more than 10% of the occupiers and users of the Development travel to and from the site by car, then the Owner shall commission a Travel Plan, of sufficient quality to score a PASS rating using TfL's ATTrBuTE programme, to incorporate targets for minimising car use and increasing sustainable travel, monitoring of those targets and associated measures to meet those targets. The Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented

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

#### **INFORMATIVES:**

None Specified

Any person wishing to inspect the above papers should contact Avani Raven, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5016



**RECEIVED:** 23 September, 2013

**WARD:** Northwick Park

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** Wembley High Technology College, East Lane, Wembley, HA0 3NT

**PROPOSAL:** Proposed new four form of entry primary school comprising 3 x 2 storey blocks and one single storey block - incorporating class rooms, multi use hall, kitchen, library, staff and administration rooms, ancillary storage and plant rooms, and including new external multi use games area, external playgrounds, new access from East Lane, staff car parking spaces and associated landscaping and lighting.

**APPLICANT:** Brent Council

**CONTACT:** Curl la Tourelle Architects

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

---

## **RECOMMENDATION**

To resolve to grant consent, subject to:

- (a) the referral of the application to the Mayor of London in accordance with part 5 of the Town and Country Planning (Mayor of London) Order 2008, and
- (b) in the event of officers failing to agree mitigation measures that meet the requirements of Sport England referral to the Secretary of State in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011.

## **CIL DETAILS**

This application is not liable to pay the Community Infrastructure Levy (CIL).

### **CIL Liable?**

Yes/No: No

## **EXISTING**

Wembley High Technology College is an academy school located on East Lane in North Wembley, opposite the Vale Farm open space. It is a secondary school currently providing four forms of entry for pupils from age 11-16 (Years 7 through to 11) and also provides a sixth form. It currently has around 1350 pupils. The school also has two temporary reception classes located in temporary class rooms.

The site is bound on 3 sides by the rear gardens of properties in Oldborough Road, East Court, West Court and in Byron Road. East Lane runs along the south side and around the main secondary school building which is located on the western half of the site.

The proposed new primary school is to be located within the eastern half of the site; the closest neighbouring properties are in Byron Road whose rear gardens back on to the site.

East Lane is classified as a London Distributor Road and is an important route through the borough it is also part of the London Bus Priority Network.

## **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**

Primary Use	Existing	Retained	Lost	New	Net Gain
assembly and leisure	0		0	0	
businesses / research and development	0		0	0	
businesses and light industry	0		0	0	
businesses and offices	0		0	0	
drinking establishments (2004)	0		0	0	
financial and professional services	0		0	0	
general industrial	0		0	0	
hot food take away (2004)	0		0	0	
hotels	0		0	0	
non-residential institutions	0		0	4127.8	
residential institutions	0		0	0	
restaurants and cafes	0		0	0	
shops	0		0	0	
storage and distribution	0		0	0	

#### TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0		0	4127	

#### Monitoring Residential Breakdown

##### Existing

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total

##### Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total

#### PROPOSAL

Proposed new four form of entry primary school comprising 3 x 2 storey blocks and one single storey block - incorporating class rooms, multi use hall, kitchen, library, staff and administration rooms, ancillary storage and plant rooms, and including new external multi use games area, external playgrounds, new access from East Lane, staff car parking spaces and associated landscaping and lighting.

#### HISTORY

Wembley High Technology College was established in 1979 but there has been a school on the site since the 1930s and parts of the building date from this time. The school has been added to over the years and there has been a number of significant extensions in recent years. The most recent relevant planning history is set out below.

#### Relevant Planning History

- 19/04/2013 Planning permission granted for the demolition of the existing gymnasium and erection of a 3 storey extension with replacement gymnasium on the ground floor and 8 additional classrooms on the first and second floors (Ref: 13/0230).
- 29/01/2013 Planning permission granted for installation of roof over external courtyard (Ref: 12/3134).
- 25/07/2012 Planning permission granted for the replacement of existing windows and external doors to the west elevation (facing East Lane) and north elevation (facing Oldborough Road) with double glazed aluminium

	windows and doors (Ref: 12/1423).
21/05/2012	Planning permission granted for single storey extension to north-western corner of the school to create a library for the lower school and single storey extension to the existing school kitchen (Ref: 12/0798).
22/03/2011	Planning permission granted for the infilling of two courtyards in order to create two single storey extensions to school (Ref: 11/0197).
10/01/2011	Planning permission granted for a three-storey extension to school building to provide sixth-form facility adjacent to East Lane (Ref: 10/0436).
23/07/2008	Planning permission granted for the erection of a single-storey detached building adjacent to East Lane, comprising a school hall and 4 classrooms (Ref: 08/1481).
25/08/2005	Planning permission granted for the installation of replacement powder coated aluminium windows and doors to parts of school building (Ref: 05/1946).
03/02/2003	Planning permission granted for the erection of a two-storey extension to the south and west elevations, a single-storey extension to the north elevation and construction of a new main entrance on the west elevation and formation of disabled parking space (Ref: 01/2963).

## **POLICY CONSIDERATIONS**

### National Planning Policy Framework

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

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

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

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

### London Plan 2011

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



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

Objective 1: A city that meets the challenges of economic and population growth.

Objective 2: An internationally competitive and successful city.

Objective 3: A city of diverse, strong, secure and accessible neighbourhoods.

Objective 4: A city that delights the senses.

Objective 5: A city that becomes a world leader in improving the environment.

Objective 6: A city where it is easy, safe and convenient for everyone to access jobs, opportunities and facilities.

Key policies include:

#### *Social Infrastructure*

3.16 Protection and Enhancement of Social Infrastructure.

3.18 Education Facilities..

3.19 Sports Facilities.

#### *London's Response to Climate Change.*

5.1 Climate change mitigation.

5.2 Minimising carbon dioxide emissions.

5.3 Sustainable design and construction.

5.7 Renewable Energy.

5.8 Innovative energy technologies.

5.9 Overheating and cooling.

5.10 Urban Greening.

5.11 Green roofs and development site environs.

5.13 Sustainable Drainage.

#### *London's Transport*

6.3 Assessing effects of development on transport capacity.

6.7 Better streets and surface transport.

6.9 Cycling.

6.10 Walking.

6.13 Parking.

*London's living places and spaces*

7.2 An inclusive environment.

7.3 Designing out crime.

7.4 Local Character.

7.5 Public realm.

7.6 Architecture.

7.14 Improving air quality.

7.15 Reducing noise and enhancing soundscapes.

7.19 Biodiversity and access to nature.

7.21 Trees and woodlands.

#### London Plan SPG

The Mayor's Transport Strategy (May 2010)

Sustainable Design and Construction – Supplementary Planning Guidance (2006)

Accessible London: achieving an inclusive environment (April 2004)

Planning for Equality and Diversity in London (October 2007)

#### Local Policy

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

#### Brent Unitary Development Plan 2004

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

#### *Strategic*

STR5 Reduces the need to travel, especially by car.

STR6 Parking controls.

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

STR13 Environmentally sensitive forms of development will be sought.

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

## *Built Environment*

BE2 Townscape: Local Context & Character

BE3 Urban Structure: Space & Movement

BE4 Access for Disabled People

BE5 Urban Clarity & Safety

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE9 Architectural Quality

BE12 Sustainable Design Principles

## *Transport*

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

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

TRN4 Measures to make transport impact acceptable.

TRN10 Walkable environments.

TRN11 The London cycle network, schemes should comply with PS16.

TRN12 Road safety and traffic management.

TRN13 Traffic calming

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

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

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

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

PS12 Car parking standards – Class D1.

PS15 Parking standards for disabled people.

PS16 Cycle parking standards.

*Open Space, Sport & Recreation*

OS9 Dual Use Open Space.

*Community Facilities*

CF8 School Extensions.

CF10 Development Within School Grounds.

### Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

CP 1 Spatial development strategy. This sets out the spatial strategy, outlining where growth is to be focused.

CP 5 Place making. Sets out requirements for place making when major development schemes are considered.

CP 6 Design & density in place shaping. Sets out the requirements for appropriate design and density levels for development.

CP 15 Infrastructure to support development. Requires that the infrastructure requirements of new development are met.

CP18 Protection and enhancement of Open Space, Sports & Biodiversity. Protects all open space from inappropriate development. Promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created.

CP 19 Brent strategic climate mitigation and adaptation measures. Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas.

CP 23 Protection of existing and provision of new community and cultural facilities. Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities.

### Brent Supplementary Planning Guidance

SPG 17 "Design Guide for New Development" Adopted October 2001. Provides comprehensive and detailed design guidance for new development within the borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

SPG19 "Sustainable Design, Construction & Pollution Control" Adopted April 2003. This supplementary planning guidance focuses on the principles and practice of designs that save energy, sustainable materials and recycling, saving water and controlling pollutants. It emphasises environmentally sensitive, forward-looking design, and is consistent with current government policy and industry best practice, aiming to be practicable and cost-effective.

## **CONSULTATION**

### Local Consultation

Consultation letters were sent out on the 25/10/2013 to 525 properties including properties in East Lane, Oldborough Road, East Court, West Court, Blockley Road, Holt Road, Byron Road, Shelley Gardens, Nathans Road (just 1 property) and Woodfield Avenue.

The proposal was advertised in the press on the 31/10/2013.  
Site notices were put up on the 05/11/2013.

Individual responses have been received from 57 properties along with a 262 signature petition all objecting to the proposal. Sudbury Court Residents Association has also objected and echoes many of the concerns raised by residents individually. The concerns raised are summarised below.

<b>Grounds of Objection</b>	
Many of the roads around the site are narrow and the area is already congested as a result of the existing school, this proposal will only aggravate the situation.	
Impact on road safety.	
Inadequate consultation.	
Wembley High School is already advertising the Primary school places.	
The public alleyway between Byron Road and East Court is a Public footpath used by many people including cyclists, mums with pushchairs, elderly residents, the creation of a new entrance from this alleyway into the school will cause congestion, disturb residents who adjoin the alleyway and encourage parents to drop their children off in Byron Road and East Court.	
The Robert West transport assessment particularly the parking survey is totally inaccurate.	
Where is the emergency access?	
A proper travel plan is required. The assumptions made regarding how the transport impacts can be mitigated are naive and unrealistic.	
Loss of privacy to properties in Byron Road resulting for the erection of a new 2-storey school close to the boundary with those properties.	
Appropriate control of litter which is already a problem.	
The amount of traffic that will be generated is underestimated and the number of pupils who will walk or travel by public transport are overestimated.	
Lack of an environmental impact assessment.	
There are already a number of primary schools in the area and there cannot be a local demand for 800 additional primary school places. The school will therefore attract pupils from throughout the borough.	
If there is such demand for new primary school places why has Brent Town Hall been allowed to become a French school?	
Why wasn't the Arc Academy which is on a larger space with none of the access issues of WHTC not built to accommodate a new primary school?	
The Council should provide details of what other sites were considered in the area to meet the demands of a new school and why WHTC was selected.	
The National Planning Policy Framework (NPPF) Paragraph 74 of the NPPF states that existing open space, sports and recreational buildings and land,	

including playing fields, should not be built on unless: · an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or · the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or · the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.	
This is an over-concentration of new primary school places in one area. Given that the borough has 59 state funded primary schools greater consideration should be given to spreading the load more evenly across the borough.	
The local bus network cannot support the additional demand.	
Loss of green space and increased sprawl will impact on the character of the area.	

**Ward Councillors** - Councillors for Sudbury and Northwick Park wards were also consulted.

A response was received from Cllr Harihar Patel who highlighted the amount of local concern about the proposal and requesting that a Committee members visit the site.

#### Internal and Statutory Consultees

**Environmental Health** – no objections subject to conditions regarding contaminated land remediation and verification. A noise impact assessment in relation to the MUGA is required. The acoustic barrier proposed should be detailed.

**Landscape Design** – no objections subject to conditions on hard and soft landscaping (including dense boundary planting, ground cover shrubs and trees,) and trees to be protected during construction works to BS5837 standards.

**Highways** – pending further review of the Transport Assessment and junction modelling results, this proposal can be supported, subject to the following conditions:-

- (i) The development shall not be occupied until such time as a scheme to improve road safety along East Lane and around the site has been implemented to the satisfaction of the Head of Transportation; such works include: (i) upgrading of the existing crossing facility close to the main school entrance from a pedestrian refuge to a zebra crossing with associated guard railing; (ii) provision of SCHOOL KEEP CLEAR markings and revised school advance warning signage; (iii) provision of new pedestrian refuges in the vicinity of Woodfield Avenue and on the western side of the Sudbury Avenue junction; (iv) widening of the existing pedestrian refuge on the eastern side of the Sudbury Avenue junction; (v) provision of a right-turn lane at the access to the East Lane pavilion car park; (vi) widening of the existing crossover to the car park so as to align with the existing gates; (vii) upgrading of two bus stops and shelters on East Lane; and (viii) a review of waiting restrictions in the area surrounding the school, in particular on East Court and Byron Road;
- (ii) The development shall not commence until such time as a Travel Plan for the School has been submitted to and approved by the Local Planning Authority, with the Travel Plan then to be fully implemented upon opening of the school;
- (iii) The development shall not come into use until such time as a management plan for the use of the East Lane pavilion car park has been approved by the LPA, such plan to include details of the operation of a 'walking bus' between the car park and the school entrance, provision of covered muster points for children to wait and provision of adequate funding (at a current cost of £6,000 per annum) for a school crossing patrol warden on the East Lane;
- (iv) Further details of the enlarged car park for the school shall be submitted for approval, showing the provision of at least two wide disabled parking spaces, electric vehicle charging equipment and the provision of an emergency vehicle access gate to the new school;
- (v) Further details of lighting and drainage within the site shall be submitted for approval prior to commencement;

**Environment Agency** – No objections raised.

**Sport England** – objects to the proposal because is not considered to accord with any of the exceptions in Sport England’s playing fields policy. If the Council is minded to grant permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Unit for Land Acquisition and Disposal at the Department of Communities and Local Government.

**Greater London Authority** – as the proposal affects a playing field of more than 2 hectares its is defined as a development of ‘potential strategic importance’ (PSI) as defined by The Town and Country Planning (Mayor of London) Order 2008. As such, the proposal is referrable to the Mayor of London for consideration.

The GLA Stage 1 Report can be summarised as:

Whilst the application is broadly acceptable in strategic planning terms the following changes are suggested to ensure the proposal is fully compliant with the London Plan:

- Whilst the provision of educational facilities is strongly supported, the loss of playing fields needs to be addressed.
- Further details of the proposed platform lifts and disabled parking spaces should be provided.
- The applicant should revise and confirm the predicted carbon savings.
- A number of concerns in regard to the traffic impact assessment, electrical vehicle charging points, local bus stop and pedestrian environment and the school travel plan need to be resolved.

**REMARKS**

**REMARKS**

**Introduction**

Wembley High Technology College is an academy secondary school currently providing four forms of entry for pupils from age 11-16 (Years 7 through to 11) and also provides a sixth form. It currently has an existing school roll of 1,353 pupils aged 11-19 years and employs 141 staff.

Currently, the demand for school places in Brent, as with many outer London boroughs, is increasing. The demand for primary places in the north of the borough specifically has led Brent Council in partnership with the Governing Body WHTC to propose a new four form of entry primary school within the existing school’s site.

The new school will accommodate up to 840 pupils aged 4-11 on the eastern end of the existing playing fields to allow the school to operate as an ‘all-through’ school. There are currently 28 temporary reception places which will be incorporated into the school and the school roll will be increased gradually year-on-year to reach full capacity by 2022.

The new school will comprise four separate blocks comprising 28 classrooms, a specialist teaching room, two science labs, two libraries, five group rooms, a large sports/dining hall (355m<sup>2</sup>), a small hall (175m<sup>2</sup>), a kitchen, staff rooms and offices, toilets and storage. Staffing is estimated at 100 employees. Externally, a Multi-Use Games Area and associated playground areas for each year group are proposed. The remaining playing fields for the secondary school will be reconfigured accordingly, with a replacement MUGA provided for the existing MUGA lost to the new primary school development.

**The current places in the school 2012/13 academic year**

Number on Roll (2013)	Year 7	Year 8	Year 9	Year 10	Year 11	Sixth Form	Total
WHTC	216	213	212	216	212	284	

The Governing Body of Wembley High Technology College is proposing to change the character of the school on a permanent basis by becoming an “all-through” school by September 2014. “All-through”

means the lower age limit will change from 11 years old (Year 7) to 4 years old (Reception). The school will eventually offer places from Reception to Sixth Form (4 years old to 19 years old). There are currently two temporary Reception classes on the Wembley High Technology College site in temporary accommodation. It is intended that these pupils will become permanent students if the proposal is successful.

The pupils in Year 6 (by September 2018 at the latest) will automatically move to Year 7 in the following academic year. The school will use the admissions criteria to fill the remaining places (i.e. the additional places and unfilled places, resulting from the lack of take up in Year 6).

**The growing number of primary school pupils**

The number of children seeking a primary school in Brent is increasing year on year. This is due to several factors e.g. the renewed popularity of Brent schools, the inward migration of families into the borough, the new housing developments throughout the borough attracting new families and the rising birth and fertility rates. As a result, in areas of high demand there are insufficient school places.

**New primary school places**

In June 2011 the Local Authority consulted with all primary schools in the borough to explore the possibility of increasing the number of school places. It has been evident that the demand for Reception places would be greater than the number of available places. This assessment was based on the number of on-time and ad hoc admissions applications received by the Local Authority, the current forecast of student numbers and local factors such as feedback from schools.

Subsequently, the Local Authority reviewed capacity constraints at all primary schools and identified the maximum need for school places in the local areas. Discussions took place with schools which were suitable and willing for expansion. This was followed by an initial feasibility assessment.

Since 2005 the Local Authority has analysed the increased demand for school places and created a programme to increase primary places through permanent expansion of schools and temporary classes. The table below demonstrates how many permanent and temporary primary places have been created since September 2006.

Total number of additional places (Reception to Year 6)	Permanent places(Reception to Year 6)	Temporary places(Reception to Year 6)
4164	3423	741

Despite adding new places, there remains a shortfall of Reception places in the borough. As at 11 January 2013, there were 201 primary aged children without a school place for the 2012/13 academic year. Of which 54 were Reception age (4 years old).

**The need for more primary school places in the future**

In August 2011, Brent Council carried out a review of primary school places which estimated that an additional 15 forms of entry (15FE) will be required in Brent by 2014/15 - an estimate of 450 places in each year group. The pressure of increasing demand is already evident with few places available in Brent's 60 primary schools. Brent Council is supportive of the proposed expansion of Preston Park Primary School to help address the shortage of primary school places.

Demand continues to increase in the north of the borough and a permanent increase from 3 to 4 forms of entry will help satisfy some of that demand. It is also anticipated that the increased demand for primary school places will eventually create a shortage of secondary school places.

The rising demand for primary school places is posing a serious challenge in Brent. Brent Council is working closely with local schools and together we are doing everything we can to provide more places for the borough's pupils. Over the next four years, we will be investing around £90 million with aim of offering a primary place to every local child who needs one.



## **BREEAM and Energy**

As well as meeting the design targets set-out in BB101, the buildings have been designed to target BREEAM 'Excellent' standard. Refer to BREEAM design stage assessment in the supporting documents. The buildings will be economical in use of energy and resources and are designed to be flexible in use and adaptable to future change.

Some of the low energy and environmentally positive measures that the buildings adopt are

- Natural ventilation to all classrooms
- Heat recovery throughout
- Night-time cooling through phase change board to naturally ventilated areas
- BREEAM A or A+ rated materials
- Surface water attenuation
- PV Cells on roof (see section below)
- Low-E glazing to relevant doors and windows in addition to solar protecting glass to south facing elevations
- Low u-values commensurate with BB101 recommendations
- Maximising natural day lighting
- Sensor-switching to lights with manual override in teaching areas and offices Supporting Document for Planning Application for Curl la Tourelle Architects

The energy and sustainability strategy has been amended to address comments in the GLA's Stage I response. It now a 45% overall onsite Carbon reduction. These targets have been achieved in the scheme through proposing best practice U-value for the building fabric, optimising natural daylight, using natural ventilation through the use of E Stack where possible (offices, staff room areas and group rooms will all be mechanically ventilated), any mechanical ventilation will be installed with heat recovery and energy efficient heating. To ensure the carbon reduction, it is now proposed that 600m<sup>2</sup> of photovoltaic cells along with Lean savings will satisfy the GLA target of 45% reductions.

## **Layout**

As described above, the area of the secondary school site designated for the new primary school is to the east of the site and runs the full depth of the site from north to south. The main entrance to the new school will be from East Lane. To relieve the potential pupil congestion at this entrance, an alternative disused pedestrian route to the North of the site is proposed. The footpath running from East Court to Byron Road will be utilised and upgraded to provide secure entry/egress for pupils. This has caused considerable concern from residents living near the alleyway in East Court and Byron Road over the potential for this to encourage parents to drive and drop off their children in these roads. A condition is suggested requiring that a method for controlling this entrance to allow only those pupils living in streets close to this entrance will be allowed to use it is submitted and approved prior to this new entrance being opened.

The school buildings are set back from the site boundary, with playgrounds extending to the site boundary. This suits the school's desired adjacencies at the same time as addressing many elements of concern in planning guidance SPG-17 with respect to privacy, layout, size and scale, and sunlight.

The new school is comprised of four separate buildings: a main entrance building with Reception and Key Stage 1 classrooms housing Year 1 and Year 2 pupils, a Key Stage 2 Junior building housing Year 3 and Year 4 pupils, a Key Stage 2 Senior building housing Year 5 and Year 6 pupils and a Hall/Dining Room building equidistant to all three other buildings.

Each teaching building has the full complement of learning support and administration for its building in addition to a distinct specialist teaching room.

A Staff Room, Library and ICT suite are located in the Reception/KS1 building which also is the main entrance for visitors to the school. Canopies link the buildings to one another to provide covered outdoor circulation. A large canopy links the Reception/KS1 buildings to the Hall/Dining Room building which also serves as a covered outdoor play area. Canopies are also provided outside the Reception classrooms and over the Main Entrance.

The four separate buildings form an 'x' shaped outside area between them. This provides clear visibility and ease of orientation within the school grounds. A further advantage of the layout of the separate

buildings is that year-group appropriate playgrounds and external learning areas are adjacent to the classrooms. This consequentially provides playtime access to age-appropriate WCs and efficient circulation.

The layout of the buildings subsequently carves out distinct playground areas that have appropriate adjacencies to the classrooms but also to each other. The KS2 playgrounds are separated from the Reception and KS1 playground by a shared outdoor eating and study/outdoor teaching areas between the two KS2 buildings. The KS1 playground is, however, adjacent to the Reception playground, so the Reception Year children could access to the KS1 play equipment when appropriate.

### **Scale**

The area required by the new school and the overall site area indicates that a two-storey building is most appropriate. Three of the blocks are 2-storey. The School Hall building is single storey, but is higher than an average single story as it needs to accommodate a gymnasium.

The heights of the buildings do not contravene the policies set out in SPG-17 and are set sufficiently far back from site boundaries.

### **Landscaping**

Additional trees are proposed to line the pedestrian entrance from East Lane making an inviting, welcoming and attractive entrance to the school. A condition is proposed requiring further details of additional planting to site boundaries.

### **Appearance**

A restrained palette of red brick is proposed to match and complement the existing brick palette of the secondary school and the surrounding residential buildings. In keeping with the more recently constructed existing secondary school buildings, the roofs of the new buildings are flat with a parapet rising high enough to hide any plant that may be required on the roof and to act as a safety barrier for maintenance staff.

External windows and doors are powder-coated metal and create a balanced rhythm on the façade. Windows incorporate natural ventilation louvers at high level, with a glazed panel in between.

The canopies are a major visual element within the design of the scheme. In addition to their practical use of covered passage or play, they also give the primary school a strong visual identity helping to visually tie the different buildings together. The canopies are at different heights, which, with the undulating ground levels, create visual variety and interest when viewed against the simple solid form of the proposed buildings.

### **Impact of new buildings on neighbours**

All the proposed new buildings meet the relevant guidelines set out in SPG17 in terms of its impact on the residential amenities of surrounding neighbours. The nearest residential properties are in Byron Road whose rear gardens back on to the site. The distance between the nearest new buildings and the boundary is 10 metres. The rear gardens of properties on this side of Byron Road are typically over 40 metres, the closest is Dickens Court which is a block of flats with distance of 30 metres between its rearmost block and the boundary with the school. This still gives a separation of 40 metres between the new school buildings and the nearest neighbouring building – far exceeding the minimum 20 metre distance advised in SPG17.

### **Impact on Playing Field.**

The site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

The proposed new primary school will be located on the east side of the playing field. It would lead to a significant loss of playing field and one 'large grass pitch' (measuring 57.6m x 81.5m), the relocation and reduction in size of one 'small MUGA' and the loss of part of the outfield for cricket. Overall the existing area of what might be considered useable playing field (including existing hard surfaced courts and playing areas and MUGAs) is being reduced from approximately 2.8 ha to 2.3 ha.

The proposed layout of the retained playing field area has been revised to demonstrate that it retains the

ability to accommodate a running track and a rounder's pitch. Overall the retained and re-provided external play and sports space include:

- Hard surfaced tennis court - 1200 sqm
- 2x MUGAs - 684 sqm and 4362 sqm respectively
- Astro turf pitch – 771 sqm
- A retained grass playing field of 9,150 sqm capable of accommodating 2 seven a side pitches a full sized pitch suitable for hockey and football and long and high jump pits. During the summer these playing pitches can be converted to accommodating cricket, rounder's, a running track, javelin and shot put.
- A number of informal playgrounds and social areas are also provided in including separate junior and senior playgrounds for the new primary school.

While it is considered possible for the existing and new school to meet the area guidelines contained in Department for Education Building Bulletins, either on their own sites or through the availability of facilities off-site, the applicant acknowledges that there will be a reduction in the size of the playing field, and that there will be no replacement playing field provided as part of this development. Therefore, the proposal will not meet the circumstances described in any of the exceptions to Sport England's Playing Fields Policy.

Sport England's policy and the NPPF applies to the provision of playing fields to meet the needs of the whole community and not just those of the school. The development must therefore be considered in the context of paragraph 74 of the National Planning Policy Framework (NPPF) and Sport England Playing Field Policy. The NPPF states:

*74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The Policy states that:

*“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies.”*

It should be noted that the strength of Para 74 of the NPPF has been tested recently at appeal. In a recent appeal (ref APP/U4610/A/12/2176169) the Planning Inspector considered what constitutes a playing field and whether there would be a requirements of replace this playing field under the provisions of Para 74. In that case, it was held that, in accordance with Local Plan Policy and National Planning Policy Framework, compensatory replacement provision was necessary and should be provided as part of the scheme.

Sport England therefore **objects** to the proposal because is not considered to accord with any of the exceptions in Sport England's playing fields policy.

Should the Planning Committee be minded to grant planning permission for the development then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011, the application should be referred to the National Unit for Land Acquisition and Disposal at the Department of Communities and Local Government.

Officers are in discussion with Sport England over what compensatory measures can be offered in the local area in order to off-set the loss of playing field that would result from the proposed development. A similar compromise was achieved with the new Primary School at Preston Manor High School in 2010. Some of the measures being offered include much needed drainage and other improvements to existing pitches at Vale Farm and Northwick Park. Officers are therefore asking members should they support the proposal to

delegate authority to agree suitable compensatory measure with Sport England on the understanding that if agreement cannot be reached the application will be referred to the Secretary of State.

## **Highways**

Wembley High Technology College is located on the northern side of East Lane (a local distributor road) to the east of its junction with Oldborough Road and opposite its junction with Woodfield Avenue.

This secondary school has an existing school roll of 1,353 pupils aged 11-19 years and employs 141 staff.

A 15-space staff car park is located in the southeastern corner of the site, along the southern edge of the playing fields and accessed via a 3m wide crossover and gates onto East Lane. A secondary 4m wide access to a service yard/school minibus parking area is located on Oldborough Road, whilst the main school entrance is located on Oldborough Road at the triangle junction with East Lane. A total of 54 covered bicycle parking spaces are provided within the school at present.

The existing car park along the southern side of the site is to be enlarged to provide 25 spaces. Bin storage is also proposed alongside the car park and deliveries to the primary school are intended to take place from this area.

The main pedestrian access will be via a 9.5m wide pedestrian entrance route from East Lane, with a secondary pedestrian access indicated in the north eastern corner of the site from a public footpath connecting Byron Road with East Court. Covered shelters for 158 bicycles and 20 scooters are to be provided within the site.

On-street parking along the East Lane frontage of the site is generally unrestricted, other than on Wembley Stadium Event Days when parking is prohibited between 8am and midnight. However, the presence of a pedestrian refuge in East Lane close to the proposed new pedestrian entrance means there are associated double yellow lines prohibiting parking at all times. A zebra crossing in East Lane close to Oldborough Road also restricts on-street stopping towards the western end of the site. Being a main road, East Lane generally tends to be very lightly parked.

Otherwise, parking in the surrounding residential area is generally unrestricted, but the narrowness of many of the streets around the school means that parking is often able to take place on one side of the street only. The area is not generally considered to be heavily parked at night, but detailed daytime surveys of parking occupancy have been undertaken during the day, showing some streets suffering high levels of parking stress, particularly Oldborough Road and areas close to the existing school entrance.

The school has fairly low access to public transport services (PTAL 2), with close access to North Wembley station (London Overground and Bakerloo lines) and bus route 245 on East Lane.

## **Parking**

The car parking allowance for the school (use class D1) is set out in standard PS12 of the UDP 2004. The parking requirement for disabled people is given in standard PS15. The bicycle parking requirement is given in standard PS16.

The parking allowance for the school is therefore up to a maximum of 1 space per 5 staff, plus a further 20% for visitors. There are 112 existing staff, which will increase to 128 with the proposed development. The car parking allowance for the school will therefore increase from 26 spaces to 30 spaces.

The provision of 19 standard width spaces within the school frontage will therefore continue to accord with standards, with the provision of a disabled parking space meeting the requirements of standard PS15 (5% of spaces to be marked for disabled drivers).

Provision should also be made for electric vehicle charging and at least two spaces should therefore be provided with charging facilities as a condition of any approval.

The bicycle parking requirement for the school is a minimum of 1 space per 10 staff, with bicycle parking for children not being required. As such, the requirement will increase from 12 spaces to 13 spaces with this proposal. The proposed increase in bicycle storage from 12 spaces to 79 spaces plus 10 scooter spaces will therefore more than meet standards and will positively support the Travel Plan in encouraging greater use of bicycles for school journeys by staff and pupils.

Wembley High Technology College is located on the northern side of East Lane (a local distributor road) to the east of its junction with Oldborough Road and opposite its junction with Woodfield Avenue.

This secondary school has an existing school roll of 1,353 pupils aged 11-19 years and employs 141 staff.

A 15-space staff car park is located in the southeastern corner of the site, along the southern edge of the playing fields and accessed via a 3m wide crossover and gates onto East Lane. A secondary 4m wide access to a service yard/school minibuses parking area is located on Oldborough Road, whilst the main school entrance is located on Oldborough Road at the triangle junction with East Lane. A total of 54 covered bicycle parking spaces are provided within the school at present.

The existing car park along the southern side of the site is to be enlarged to provide 25 spaces. Bin storage is also proposed alongside the car park and deliveries to the primary school are intended to take place from this area.

The main pedestrian access will be via a 9.5m wide pedestrian entrance route from East Lane, with a secondary pedestrian access indicated in the north eastern corner of the site from a public footpath connecting Byron Road with East Court. Covered shelters for 158 bicycles and 20 scooters are to be provided within the site.

On-street parking along the East Lane frontage of the site is generally unrestricted, other than on Wembley Stadium Event Days when parking is prohibited between 8am and midnight. However, the presence of a pedestrian refuge in East Lane close to the proposed new pedestrian entrance means there are associated double yellow lines prohibiting parking at all times. A zebra crossing in East Lane close to Oldborough Road also restricts on-street stopping towards the western end of the site. Being a main road, East Lane generally tends to be very lightly parked.

Otherwise, parking in the surrounding residential area is generally unrestricted, but the narrowness of many of the streets around the school means that parking is often able to take place on one side of the street only. The area is not generally considered to be heavily parked at night, but detailed daytime surveys of parking occupancy have been undertaken during the day, showing some streets suffering high levels of parking stress, particularly Oldborough Road and areas close to the existing school entrance.

The school has fairly low access to public transport services (PTAL 2), with close access to North Wembley station (London Overground and Bakerloo lines) and bus route 245 on East Lane.

The scale of this proposal is such that it would be likely to have a significant impact on the local transport network. As such, Policy TRN1 requires the submission of a Transport Assessment and this has been prepared by Robert West Consultants.

## **Site Layout**

Car parking allowances for educational uses are set out in standard PS12 of the adopted UDP 2004. This allows up to one space per five staff, plus an additional 20% for visitors. With staffing numbers for the school as a whole estimated to increase from 141 to 241 staff, up to 57 spaces may be provided for the enlarged school. The proposed provision of 25 spaces would therefore accord with standards.

At least two spaces should be widened and marked for disabled parking within the site to satisfy the requirements of standard PS15 though. It is noted that the proposed site plan carries a note suggesting that access for disabled vehicles (as well as drop-offs) will be provided along the main pedestrian access, although no parking spaces are shown in this area. This is not supported and the main access should be retained for pedestrian (and emergency vehicle) access only.

At least 10% of spaces (3 spaces) should also be provided with electric vehicle charging points. This has been confirmed in the Transport Assessment, but further details are sought as a condition of any approval.

Standard PS16 requires the provision of at least one bicycle parking space per ten staff for primary schools, so at least ten spaces will be required. Two secure bicycle storage compounds with shelters are shown (one at the northern end of the site close to the secondary access and one on the western side adjoining the new MUGA). The Transport Statement confirms overall provision will be made for 158 bicycles and 20 scooters, which is more than sufficient to allow standards to be met.

Standing and turning of service vehicles delivering to and collecting refuse from the school is proposed within the staff car park, where there is adequate space for turning. No loading bay has been marked for the standing of vehicles though, so they would temporarily obstruct access to parking spaces. This is not ideal and deliveries should therefore be planned to take place during the core part of the day, when staff vehicles are less likely to be entering and leaving the site.

Emergency access is proposed along the main pedestrian access route. However, allowing such access directly from East Lane would preclude the provision of guardrailling in front of the site and it is therefore recommended that a vehicular access gate for emergency vehicles instead be formed from the eastern end of the car park, thereby avoiding any need for a new crossover to the site.

Comments have been made on previous applications for the secondary school concerning the width and misalignment of the existing crossover onto East Lane for the car park in relation to the entrance gates. With the enlargement of the car park and increased future use by delivery and service vehicles, it is essential that the eastern side of this crossover be amended to properly align with the access gates as a condition of any approval.

The Transport Assessment also states that a new pedestrian entrance onto East Lane will be formed for existing High School pupils, so that they will no longer share the car park entrance with vehicles. Details of this need to be shown on the plans as a condition of any approval.

The main pedestrian access from East Lane is of a generous width and is welcomed as a safe and inviting entrance to the school (assuming no vehicular access is proposed, as mentioned above). SCHOOL KEEP CLEAR zig-zag markings and guardrailling will be required on East Lane in front of the entrance, with the latter guiding children and parents towards the existing pedestrian refuge sited about 10m west of the entrance.

This crossing also needs to be upgraded to a zebra crossing to cater for the large increase in usage arising from the development of this new primary school on the site. The existing school warning sign sited on lamp column 39 in East Lane should also be resited to column 37, to provide adequate advance warning of the new school entrance.

The proposal to open up increased use of an existing rear access from the school onto the footpath between Byron Road and East Court is welcomed as a means of encouraging walking and cycling by parents and children living in the area to the north of the site, with a further footpath linking Byron Road to Nathans Road to bring pedestrians from the vicinity of South Kenton station.

Concerns have been raised by local residents that use of this access will encourage parents to park in Byron Road and East Court to set down and collect children, which would cause congestion in these narrow streets, whilst the narrow width of the footpath is also a concern for parents with pushchairs needing to pass one another.

Whilst it is acknowledged that this access may generate parking around either end of the footpath, East Court (and to a lesser extent Byron Road) is not particularly easy to reach. Therefore, it should be possible to keep such parking to a minimum by providing and encouraging the use of setting down areas for children along East Lane, either at kerbside or within East Lane pavilion car park. Nevertheless, a review of the need for waiting restrictions on Byron Road and East Court (and other streets in the vicinity of the site) is recommended to minimise such concerns.

Lighting and drainage details have also been provided for the site. Surface water from the site will be drained into a 155m<sup>3</sup> attenuation tank at the northern end of the site, which will in turn be connected to public sewers in the vicinity of the Byron Road/East Court footpath (locations to be confirmed) via a flow control valve. Foul water sewers are also proposed to be linked to the public sewer network in the same location. These details are subject to approval from Thames Water. Design of landscaping will need to comply with SuDS requirements, but in the meantime, these provisional arrangements are acceptable in principle.

Lighting details are a little sketchy at present, so will be subject to further detailed design by a lighting engineer. However, it is proposed to comprise a mixture of 32W luminaires mounted at a height of 3m on the walls of the school buildings, 1m high illuminated bollards with 42W lanterns along walkways and 35W lanterns suspended beneath canopies.

These are proposed to achieve average horizontal illuminance levels of 30 lux for pathways, 10 lux around the site perimeter and 5 lux along roadways. In terms of the general pedestrian and cyclist entrances to the

site, as long as these are not to be used by vehicles (aside from emergency access), then a reduced average horizontal illuminance level of 10 lux should suffice.

Conditions requiring further details of lighting and drainage are recommended to allow proposals to be drawn up in more detail for approval.

## **Parking**

Further to setting a maximum parking allowance within the site, standard PS12 also requires particular attention to be paid to setting down facilities outside schools and the impact that such parking would have on adjoining residential roads at the start/finish of the school day.

In order to assess parking capacity in the area, detailed parking beat surveys were undertaken by the Transport Consultant on Thursday 4<sup>th</sup> July 2013 in the surrounding area between 7.30-9.30am and 2.30-5.30pm.

Initial analysis of the results by the Transport Consultant took no account of the limited width of many of the streets in the area though, thus concluding that there is plenty of spare on-street parking space available for use by school staff and parents without inconveniencing local residents. This conclusion is not accepted by Brent Transportation officers, whose own assessment of actual safe on-street parking capacity in the area amounted to just over half the level assumed by the Transport Consultants (see attached spreadsheet).

It is therefore noted by Brent's officers that many of the residential streets in the area are currently fairly heavily parked, with an average of 70-75% of on-street parking space on residential streets being occupied. Particularly high parking levels were observed in Peel Road and Ada Road (where footway parking is endemic), Oldborough Road (particularly close to the school entrance) and the Shelley Gardens area.

However, it was also noted that very little on-street parking takes place along East Lane, which offers scope to safely park over 100 cars between The Fairway and Peel Road (other than on Wembley Stadium event days). With much of this parking space being located along the school frontage, this area offers plenty of scope for use by parents setting down and picking up children, well away from residential roads in the area.

Such arrangements would be likely to encourage U-turning manoeuvres by parents in the road though, which could be hazardous.

A preferable option that has been considered involves securing the use of a little-used car park on nearby Vale Farm Open Space for East Lane Pavilion. This area offers scope to park at least a further 50 cars and could be used as a drop-off area by parents. The car park is some 350m from the new school entrance though, so is less convenient than East Lane for parking.

Consideration has therefore been given to operating a 'walking bus' between the car park and the school, so that parents need only pull up for a short period when dropping children. This will need to be well managed by staff or parents and further details of how this would operate in practice are sought. For example, providing a covered muster point within the car park would be beneficial on wet days.

This 'walking bus' route would also make use of the existing zebra crossing on East Lane to take children safely to the opposite side of this wide road. With primary school children being affected, it is important that they are assisted in crossing the road safely and to this end, a school crossing patrol officer would be extremely beneficial, helping to keep traffic moving too. At present, no funding is available to introduce new crossing patrol sites, so to do so would require separate funding from the school, at a current cost of £6,000 per annum. It is recommended that this be secured as a condition of any approval.

Modification of the central hatched marking across the car park entrance to provide a ghost-island right-turning lane would also be beneficial in helping traffic to turn into and out of the car park without obstructing through traffic on East Lane.

Given the importance of the East lane pavilion car park in minimising on-street parking in the surrounding residential areas (including East Court and Byron Road as mentioned above), any permission for this school must be subject to a condition securing use of this car park (or a similarly convenient alternative facility), to provide comfort that adequate parking is available to mitigate the likelihood of parking taking place in the surrounding residential streets.

In order to estimate the likely total volume of parking generated, modal share data from Elsley Primary

School in Wembley was examined within the Transport Assessment, as it was considered to offer a reasonable comparison with this site. Those figures showed 31% of pupils being driven to the school by parents (of which 4% were car sharing with non-family members) and 58% of staff driving to that school (plus 8% car sharing).

To test the validity of those figures, Brent's officers have compared the results with modal share data held for two primary schools closer to the site (i.e. Sudbury Court Primary School and Byron Court Primary School, both of which have highly accredited Travel Plans). For Sudbury Court school, 30% of pupils were recorded as travelling by car to and from school, although the survey dates from 2011 so requires updating. For Byron Court, surveys have shown the School Travel Plan successfully reducing the proportion of children being driven to and from school by their parents from 38% in 2011 to 22% in 2013.

Based upon the above, the 31% pupil modal share by car figure used in the Transport Assessment is considered robust, with the results from nearby Byron Court suggesting that there is scope to reduce car use significantly below that figure with the operation of a successful Travel Plan.

The Transport Assessment has then assumed that each car will carry 1.2 siblings, which is considered to be a reasonable assumption. However, in arriving at total car trips, it has disregarded both car sharing trips and 'park-and-stride' trips (i.e. those which park more than 5 minutes' walk away, which could feasibly include future parents using East Lane pavilion car park), which has the combined effect of reducing the proportion of car trips amongst pupils to about 20%, which whilst achievable with a good Travel Plan, is less robust in terms of assessing impact on the local road network.

Applying the above figures to this proposal (with a correction to include park and stride and car sharing trips) would leave about 58 staff vehicles seeking to park at the school (45 of whom would thus need to park on-street) and about 210 cars bringing pupils to and from the school once it is fully operational.

These trips are additional to those for the existing Wembley High Technology College, for which surveys undertaken by the Transport Consultant show 201 cars taking pupils to and from the site and 54 cars bringing staff to the site. As such, the additional primary school could be expected to approximately double the number of cars on the local network.

Amended calculations of parking capacity within the Transport Assessment show that these high levels of parking would take up all spare parking capacity in the area, thus again highlighting the need to secure use of the East Lane pavilion car park for setting down pupils.

Of equal importance is the operation of breakfast and after-school clubs to help to spread arrivals and departures across longer time frames, so that not all parking demand is generated in the 10-minute period before the school opens. Parents that drop off and collect children on their way to and from work are those who are most likely to need to use their car and are also those who would be most likely to find breakfast and after-school clubs of use.

In conclusion, it is considered that as long as parking facilities are provided along East Lane, a robust Travel Plan is brought into effect to reduce car use and to spread arrivals and departures over longer time periods through the operation of breakfast and after-school clubs and parking controls are reviewed in the residential streets surrounding the school, then the impact of parking associated with the school can be managed so as not to have a severe adverse impact on local residential streets.

## **Highway Network**

To examine the wider traffic impact of the proposal, the predicted volume of traffic to and from the fully occupied new school was added to existing flows on the local road network, as surveyed on 12<sup>th</sup> December 2013. This distribution of trips is based on the known postcode catchment area for Wembley High Technology College, which is considered reasonable as the school is proposed to operate as an 'all-through' school in future. Please note though that this data was not supplied with the TA, so cannot be verified by Brent's officers. Nevertheless, 58% of trips are assumed to be to/from the west and 42% to/from the east.

The junctions of East Lane with Watford Road, Byron Road/Sudbury Avenue and Peel Road/Harrowdene Road were then tested using industry standard software.

The late submission of this information means that it has not been possible for Brent's Transportation officers to fully validate the results of these assessments at the time of writing this report. Further comments will therefore be provided in due course for inclusion in a Supplementary Report.



Nevertheless, the results show that, subject to optimisation of the signal timings at the East Lane/Watford Road and East Lane/Harrowdene Road/Peel Road junctions, both junctions can maintain adequate practical reserve capacity throughout the morning and mid-afternoon peak periods up to the future year of 2022, when the school will be running at full capacity.

The only caveat is that the Harrowdene Road junction is shown requiring a longer cycle time of 96 seconds to maintain capacity, which will add to waiting times for pedestrians wishing to cross the road. Cycle time should thus generally be kept to a maximum of 90 seconds in urban areas such as this and this should be reviewed further.

In the case of the East Lane/Sudbury Avenue/Byron Road junction, results showed the Sudbury Avenue arm of the junction operating at a ratio of flow to capacity (rfc) of 0.906 in the morning peak hour in 2022 following this development, against a general recommended maximum value of 0.85. However, it would still remain within the absolute maximum capacity of 1.0 and has been based on an hourly peak flow profile, whereas flow through the junction (particularly with the help of a breakfast club) is likely to be more evenly spread in practice. As such, this result does not give sufficient cause for concern to recommend refusal of the application.

In conclusion, the impact on traffic flow in the area of the additional traffic for the primary school has been shown to be acceptable, although this is subject to further verification by Brent's Transportation officers. The implementation of a Travel Plan to minimise car use to the site would help further.

### **Non-Car Access**

With regard to travel by other modes of transport, results from the Elsley Primary school suggest that just 1% of pupils would travel by rail/Underground and 9% by bus. 3% of staff trips are predicted to be by rail/Underground. These figures are comparable to data held for the Sudbury Court and Byron Court schools. On this basis, 79 journeys by bus would be generated and 11 journeys by rail in the morning peak hour, although it needs to be borne in mind that most pupil journeys by public transport would be escorted by parents, who will also travel away from the site after dropping children off.

As such, whilst the impact on rail and Underground services is likely to be very minimal (less than one passenger per train), the impact on local bus services could be very significant, with 10+ extra passengers per bus on route 245 potentially being generated as a result of this proposal.

Transport for London will need to assess the resultant impact on their services of these extra journeys and in this respect, it is noted that they have requested more information on catchment areas and verification of trip rates before they can do so. In mitigation though, it is noted that route 245 was converted to double-deck operation in August 2013, partly to help cope with additional journeys to the enlarged Crest Academy in Dollis Hill for which Brent provided funding, so this may provide sufficient spare capacity to cater for these further predicted additional trips.

TfL have also requested funding of up to £10,000 per stop to enhance two bus stops and shelters close to the site, which is supported. Alternatively, this could be added to highway works around the site.

The new school will also generate considerably higher numbers of pedestrian movements in the area and in this respect, TfL have requested a PERS audit be undertaken to identify shortcomings in the quality of the pedestrian routes in the area (particularly between the site and North Wembley station).

As noted above, the proposed opening of a secondary entrance for pedestrians at the northern end of the site onto the footpath connecting Byron Road and East Court is welcomed in terms of making the site more accessible by foot, so any PERS audit should also therefore look at footway conditions in this area.

The accident history for the area (500m radius of the school) has been examined for the five year period January 2008-December 2012. This identified a total of 16 personal injury accidents over the study period, two of which were serious. Whilst the accident rate for the area is low, it is notable that four accidents involved pedestrians along the stretch of East Lane between this school and Harrowdene Road, highlighting a need to examine whether existing pedestrian crossing facilities in this area are adequate to cater for a significant increase in school children.

As such, regardless of the outcome of any PERS audit, the need for improved pedestrian crossing facilities along East Lane is apparent. Upgrading of the pedestrian refuge outside the site to a zebra crossing has

already been mentioned above and this should be supplemented by the provision of new refuges on the western side of the East Lane/Sudbury Avenue junction, enlargement of the refuge on the eastern side of that junction and provision of a further refuge in the vicinity of Woodfield Avenue.

## **Travel Plan**

The above potential impacts on parking and traffic flow also demonstrate the need to ensure that any traffic generated by the site is minimised through a Travel Plan. To this end, Wembley High Technology College already operates a Travel Plan which has been accredited by TfL with a Bronze award.

No Travel Plan has been submitted with this application, but the Transport Assessment has set out a framework to be used to draw up a Travel Plan, that can operate in conjunction with the Wembley High Technology College Travel Plan, including co-ordination between the two schools where joint action would be mutually beneficial (e.g. operation of a car sharing database for staff).

The submitted framework sets out a number of measures that can be implemented to reduce car use and encourage use of sustainable transport, including road safety and cycle training for pupils, provision of bicycle and scooter parking and equipment storage, cycle training, 'Walk on Wednesday'-type promotions, promotion of car sharing, staggered start times for the Primary and High Schools, promotion of breakfast and after-school clubs and operation of the setting down area at East Lane pavilion.

Some common measures have not been listed though, such as provision of changing and showering facilities for cyclists and provision of interest-free loans for bicycle and season ticket purchase for staff, so the framework is not particularly comprehensive.

Marketing is to be carried out by a Travel Plan Co-ordinator through newsletters, noticeboards, websites and parents evenings etc.

No mention is made at this stage of the targets that need to be set to make the Travel Plan a success or how the success of the Travel Plan will be monitored, which are major omissions given the importance of the Travel Plan to making this proposal acceptable.

Given the potential impact that this school would be likely to have on the local area, it is thus recommended that a full Travel Plan be submitted and agreed in advance of any planning approval being given. If there is insufficient time to do this, then a more thorough travel plan will be required to be approved before this school comes into operation.

In conclusion, the proposal is likely to cause large amounts of on-street parking in the vicinity of the site at the start and finish of the school day (as would happen wherever a new school were sited), and to address this, it is vital that provision be made for the safe setting down and collection of children from East Lane and the East Lane pavilion car park to discourage parking in adjoining residential streets.

This will in turn entail a need for improvements to road safety on East Lane to ensure adequate safe crossing facilities are provided for the increased numbers of children, including funding of a school crossing patrol warden.

A robust Travel Plan will also be essential to minimise traffic and parking associated with the school.

## **Conclusion**

Subject to the conditions set out in this report and subject to final agreement with Sport England on an appropriate package measures to compensate for the loss of playing field the proposal can be supported.

**RECOMMENDATION:** Grant Consent

## **REASON FOR GRANTING**

- (1) The proposed development is in general accordance with policies contained in the:-  
Planning Policy Guidance 17 – Planning for open space, sport and recreation  
Planning Policy Statement 5 – Planning for the Historic Environment

London Plan 2004 as consolidated with amendments

Brent's Unitary Development Plan 2004  
Brent's Core Strategy 2010  
SPG17 - Design Guide for New Development  
SPG12 – Access for disabled people, designing for accessibility

**CONDITIONS/REASONS:**

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

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

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

491G 101 Rev D  
491G 102 Rev A  
491G 200 Rev E  
491G 201 Rev E  
491G 205 Rev B  
491G 206 Rev B  
491G 207 Rev B  
491G 208 Rev B  
491G 209 Rev B  
491G 210 Rev B  
491G 401 Rev A  
491G 402 Rev B  
491G 403 Rev B  
491G 404 Rev B  
491G 405 Rev B  
491G 501 Rev B  
491G 502 Rev B

Acoustic Design Report  
Arboricultural Statement  
BREEAM Report  
Design & Access Statement  
Energy Statement for Planning  
Planning Statement & Statement  
Traffic Assessment

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

- (3) Prior to the commencement of the use, a Community Access Plan shall be submitted to and approved in writing by the Local Planning Authority. The Community Access Plan shall allow for a minimum of 15 hours of community use each week and shall include details of rates of hire (based upon those charged at other public facilities), terms of access, hours of use, access by non-school users/non-members and management responsibilities.

The approved Community Access Plan shall be brought into operation within 3 months of occupation of the development and it shall remain in operation for the duration of the use of the development.

Reason: To secure well-managed, safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Local Plan Policy

- (4) The protection of the retained trees shall be implemented in full accordance with the approved details set out in the Arboricultural Impact Assessment prior to the commencement of any preparatory work or development and retained throughout the duration of the construction works.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure the viability and health of the existing trees.

- (5) The development shall not be occupied until the car-parking, additional cycle spaces have been provided in accordance with the approved details and these shall be retained thereafter for the lifetime of the development.

Reason: In the interests of highway safety and encourage use of sustainable transport.

- (6) No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors;
- (ii) Construction traffic routes to the development site;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel washing facilities and schedule of highway cleaning;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (ix) School and nursery access during the construction phase.

Reason: To protect residential amenity and ensure the development does not have an adverse impact on the highway.

- (7) Details of the extract ventilation system and odour control equipment for the kitchen, including all details of external ducting, must be submitted to the Local Planning Authority for approval. The approved equipment shall be installed prior to the commencement of the use of the kitchen and shall thereafter be operated at all times during the operating hours of the kitchen and maintained in accordance with the manufacturers instructions.

Reason: To protect the amenity of nearby residents.

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

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

- (9) The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed in the FRA:

- (i) Limiting surface water run-off generated by the 1 in 100 year (including an allowance for climate change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site as detailed in the FRA.
- (ii) Surface water storage to be achieved through the use of Sustainable Drainage Systems as detailed in the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed in writing by the local planning authority.

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

- (10) All existing redundant crossovers to the site from College Road shall be reinstated to footway and guard railing installed to the front of the widened pedestrian access on to College Road to the satisfaction of the Council's Transportation Department at the applicant's expense prior to occupation of the development.

Reason: In the interests of pedestrian safety.

- (11) The area(s) so designated within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

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

- (12) The development shall not be occupied until such time as a scheme to improve road safety along East Lane and around the site has been implemented to the satisfaction of the Head of Transportation; such works include: (i) upgrading of the existing crossing facility close to the main school entrance from a pedestrian refuge to a zebra crossing with associated guardrailing; (ii) provision of SCHOOL KEEP CLEAR markings and revised school advance warning signage; (iii) provision of new pedestrian refuges in the vicinity of Woodfield Avenue and on the western side of the Sudbury Avenue junction; (iv) widening of the existing pedestrian refuge on the eastern side of the Sudbury Avenue junction; (v) provision of a right-turn lane at the access to the East Lane pavilion car park; (vi) widening of the existing crossover to the car park so as to align with the existing gates; (vii) upgrading of two bus stops and shelters on East Lane; and (viii) a review of waiting restrictions in the area surrounding the school, in particular on East Court and Byron Road.

Reason: In the interest of pedestrian and vehicular safety.

- (13) The development shall not commence until such time as a Travel Plan for the School has been submitted to and approved by the Local Planning Authority, with the Travel Plan then to be fully implemented upon opening of the school.

Reason: To ensure the free and safe flow of traffic in the area.

- (14) The development shall not come into use until such time as a management plan for the use of the East Lane pavilion car park has been approved by the LPA, such plan to include details of the operation of a 'walking bus' between the car park and the school entrance, provision of covered muster points for children to wait and provision of adequate funding (at a current cost of £6,000 per annum) for a school crossing patrol warden on the East Lane

Reason: To ensure the free and safe flow of traffic in the area.

- (15) Further details of the enlarged car park for the school shall be submitted for approval, showing the provision of at least two wide disabled parking spaces, electric vehicle charging equipment and the provision of an emergency vehicle access gate to the new school.

Reason: In the interest of meeting the appropriate standards.

- (16) Further details of lighting and drainage within the site shall be submitted for approval prior to commencement.

Reason: To ensure a satisfactory development.

- (17) Before any construction work on site, excluding demolition and site clearance, further details of materials for all external work, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The details shall include:

- (a) Brickwork -
- (b) Render -
- (c) Windows;
- (d) Doors;
- (e) Roof finishes;

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

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

- (18) A scheme of mechanical services and any associated sound insulation measures shall be submitted to the Local Planning Authority for approval. The services and insulation shall be designed so that noise from the premises shall be at least 10 dB(A) below the measured background noise level at the nearest noise sensitive premises. The approved measures shall thereafter be implemented in full.

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

**INFORMATIVES:**

None Specified

Any person wishing to inspect the above papers should contact Neil McClellan, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5243