



Planning Committee

Wednesday 12 March 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
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democracy.brent.gov.uk

The press and public are welcome to attend this meeting

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

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meetings: 12 and 19 February 2014 Extract of Planning Code of Practice NORTHERN AREA		1 - 16
3. 110 Walm Lane, London, NW2 4RS (Ref. 13/3503) SOUTHERN AREA	Mapesbury	21 - 54
4. Ex Willesden New Social Club, Rucklidge Avenue, London, NW10 (Ref. 13/3702)	Kensal Green	55 - 72
5. Flats 1 & 2, Pember House, Pember Road, London, NW10 5LP; 35B Kilburn Lane, North Kensington, London, W10 4AE (Ref. 13/1938)	Queens Park	73 - 84
6. STORAGE LAND OPPOSITE LINDEN AVENUE, Station Terrace, London(Ref. 12/2511)	Queens Park	85 - 94
WESTERN AREA		
7. 30 Second Way, Wembley (Ref. 13/2832)	Tokynghon	95 - 114
SPECIAL ITEMS		
8. Sudbury Court Design Guides	Northwick Park	115 - 170
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 MARCH 2014

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
13/3702	Ex Willesden New Social Club, Rucklidge Avenue, London, NW10	10	Kensal Green	9:45	55 - 72
13/1938	Flats 1 and 2, Pember House, Pember Road, London, NW10 5LP and 35B Kilburn Lane, North Kensington, London, W10 4AE	10	Queen's Park	10.20	73 - 84
12/2511	Storage Land opposite Linden Avenue, Station Terrace, London	3	Queen's Park	10:50	85 - 94
13/3503	110 Walm Lane, London, NW2 4RS	10	Mapesbury	11:15	21 - 54
13/2832	30 Second Way, Wembley	10	Tokington	11:50	95 - 114

Date of the next meeting: **Wednesday 9 April 2014**

The site visits for that meeting will take place the preceding Saturday 5 April 2014 at 9.30am when the coach leaves the Civic Centre.



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

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

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 12 February 2014 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), Adeyeye, Baker, Cummins, Hashmi, Kabir, Kataria (alternate for Councillor CJ Patel), Moloney (alternate for Councillor Aden), Ogunro (alternate for Councillor John), Powney and Singh

ALSO PRESENT: Councillor Daniel Brown, Councillor Reg Colwill, Councillor Mary Daly, Councillor Margaret McLennan, Councillor Ruth Moher, Councillor Kana Naheerathan and Councillor Carol Shaw

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

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

Wembley High Technology College

Councillor Singh declared an interest that he lived close to Wembley High Technology College, left the meeting room and took no part in the discussion and voting in that application.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 14 January 2014 be approved as an accurate record of the meeting.

3. **SKL House, 18 Beresford Avenue, Wembley, HA0 1YP 03 (Ref. 12/3089)**

PROPOSAL:

Erection of first floor extension to front of building, alterations to the front forecourt layout, reduction in width to existing vehicle access, retention of 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).

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

The application was deferred by Planning Committee on 11 December 2013 for greater clarity of the environmental view including a fuller explanation on the impact of air quality and for an Officer from Environmental Health to be present at Committee when it was next considered.

With reference to the tabled supplementary, Neil McClellan, Area Planning Manager informed the Committee that in recommending approval of the proposal, due consideration had been given to the principle of the use, the transportation impacts, the impacts on the surrounding area, local air quality and residential

amenity. In addition, local objections had been reported in detail and the professional expertise of Environmental Health Officers (EHO) had been sought which confirmed the suitability of the site for the proposed use and the operation of the wood burner without causing harm to neighbouring residents.

Members heard that as the site was designated as Strategic Industrial Land it was not considered inappropriate for the proposal to be sited there and furthermore, the location of the burner to the rear of the building made it less prominent. The Area Planning Manager added that the site was within the Northfields Industrial Estate which remained protected for industrial use by the Mayor's London Plan. He continued that Transportation Officers fully supported the use with an 8m deep loading bay, as proposed. In respect of refuse storage and cycle parking, the Area Planning Manager stated that although this had been addressed, further details would be secured through Condition 10. Additionally, there existed sufficient space in front of the entrance for these to be located without obstructing parking bays.

Mr David Stock, in objecting to the proposal on behalf of Heather Park Branch Neighbourhood Watch (HPBNW) raised the following issues:

- i) Local residents had collected adequate evidence to prove that the burner was being operated after 6:00pm and during bank holidays.
- (ii) Residents were not informed about the draft permit that was issued to the applicant and that letters to the residents did not explain the burner process.
- (iii) The reduction of parking provision from 4 to 2 would compound the problems associated with parking, refuse storage and servicing arrangements caused by lorries.
- (iv) Detrimental environmental impact on residents as a result of the offensive odour and dust from the wood burner which was also soiling cars locally.

In response to members' questions, Mr Stock stated that residents were not consulted or contacted by EHO about the permit licence and the hours of operation. He continued that the applicant had flouted the permit licence by burning medium density fibreboard (MDF) on site. Mr Stock added that as filters for the burner were not being cleaned as often as they should be, offensive smells and dust were going onto cars and into lungs which could have fatal consequences in 10-15 years from now. He continued that the siting and operation of the wood burner which was between 30-50 metres away from residential properties was inappropriate.

In accordance with the provisions of the Planning Code of Practice, Councillor Brown stated that he had received a communication from HPBNW group. Councillor Brown highlighted the following key concerns;

- i) The location and operation of the wood burner some 30-50 metres away from residential properties was inappropriate in view of concerns expressed about the detrimental impact of burning MDF.
- (ii) More detailed work was required on parking issues particularly as part of the space was being taken by skips.
- (iii) Hours of operation including bank holidays should be restricted in the interest of residential amenity.

In response to a member's request, the Area Planning Manager commented on parking spaces and outlook. He stated that following consultation with and a site visit by Transportation officers, they had concluded that by formalising the arrangement and reducing excessive crossover, the parking situation would be acceptable. He added that as a strategic industrial estate in the Mayor of London's Plan, the proposal would not be out of place. He drew members' attention to conditions recommended to ensure satisfactory refuse storage and bicycle parking.

Stephen Inch, Enforcement Officer, Licensing and Pollution (EOLP) attended the meeting at the request of the Committee. The EOLP stated that in his professional view whilst MDF was unpleasant to work with, he was satisfied that the wood burning system had been constructed to prevent dust escape within smoke controlled areas. He confirmed the advice reported in the tabled supplementary and added that during his unannounced visits to the site he had not observed any odour nor received complaints about smells. Stephen Inch assured members that Environmental Services would continue its involvement and monitoring of the system.

In response to a member's enquiries, Stephen Inch stated that the burner could be operated 24 hours a day and throughout the week because the hours of operation were not defined in strategic industrial cases. He also stated that the permit had not been granted as officers were awaiting the outcome of the Planning Committee and to consider further representations that may be received. He confirmed that the decision to grant the permit would not be based solely on the site's designation. He also added that the design of the burner and the filters would minimise pollution in the area.

Stephen Weeks, Head of Area Planning advised members that if the applicant failed to comply with the parking layout as set out in the main report, it would constitute a breach of condition thus providing enough grounds with which to pursue enforcement action. He therefore recommended an amendment to condition 6 to reflect that. In his closing remarks, the Chair stated that Environmental Health Officers should maintain dialogue with the residents and the applicant and seek to address all complaints brought to their attention.

DECISION: Granted permission subject to a revised condition 6 regarding car parking.

4. Chalkhill Health Centre, Chalkhill Road, Wembley, HA9 9BQ (Ref. 13/3357)

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 Geo-environmental 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.

RECOMMENDATION:

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

DECISION: Granted as recommended.

5. Open Space Aylestone Avenue, London NW6 (Ref. 13/2490)

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.

RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the tabled supplementary, Andy Bates, Area Planning Manager responded to queries raised during the site visit. Members heard that the western end of the open space would have outdoor gym equipment (already installed), a cycle trackway, perimeter pathway and landscaping works to match the landscaping details submitted with the planning application. The outdoor gym would remain in its current position permanently once the works were complete. The area immediately surrounding the outdoor gym would be newly surfaced with a pathway. He continued that whilst there was no intention to erect a fence specifically around the outdoor gym, there would be a 1.2 metre high fence placed along the northern perimeter of the landscaped area which was expected to limit opportunities for dogs to enter the outdoor gym area.

The Area Planning Manager then referred to an additional letter received which reiterated the support of Aylestone Park Residents and Tenants Association (APRATA). He also referred to a letter of objection forwarded by Councillor Shaw from one of her constituents reiterating concerns raised in relation to the facility not being locked at night, the loss of general access to the open concrete area and the possibility that younger children would not have a hard surfaced area to play on in inclement weather conditions.

In response to the above issues, the Area Planning Manager stated that the MUGA would be for multi-purpose use which would allow for football, basketball and multi-sport games to be played upon the surface and would not exclude

children. He continued that whilst there may be instances of the new facility being in high demand from a range of age groups, it should not be a reason to resist providing these facilities in the first place.

In accordance with the provisions of the Planning Code of Practice, Councillor Shaw stated that she had been approached by the local residents. Councillor Shaw emphasised her support for the application however, she requested that if members were minded to grant planning permission they should impose additional conditions for a responsible guardian (for example a police officer) and adequate lighting to prevent domination by older teenagers and anti-social behaviour including gang loitering, thus ensuring security of use of the facility.

Neil Martin, Project Officer and Gerry Kiefer, Head of Sports Service were in attendance. Neil Martin informed the Committee that the proposal complied with the Council's corporate strategy to provide sporting facilities for all age groups. He outlined the proposal which he added would be free of charge to all users. He continued that the omission of floodlights meant that the facility reduced the likelihood of use when it became dark which should minimise the scope for anti-social behaviour.

In response to a member's question, Neil Martin stated that as the Council's warden service was mobile it would be difficult to focus resources on this facility alone. He added that there was no evidence of gangland loitering in any of the open spaces and parks within Brent. The comments were reiterated by Gerry Kiefer, Head of Sports Service who added that in order to encourage use by a wider section of residents, there would be no formal booking system.

DECISION: Granted as recommended.

6. BRITISH LEGION HALL, 1 Albert Road & 5 Albert Road, London, NW6 5DT (Ref. 13/3367)

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 480m² of commercial floorspace (Use Class A1/A3/A4) and subject to a Deed of Agreement under Section 106 of the Town and Country Planning Act 1990, as amended or equivalent.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Granted as recommended.

7. Alperton House, Bridgewater Road, Wembley, HA0 1EH (Ref. 13/3557)

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

RECOMMENDATION: Grant a two-year temporary planning permission subject to conditions.

Neil McClellan, Area Planning Manager, in reference to the tabled supplementary informed members that since the original committee report was written the applicant had reached a satisfactory agreement with the three objectors who had raised concerns about the retention of the nursery element of the proposal and its proximity to their businesses. As a result of that the objectors had formally withdrawn their objections to the application.

DECISION: Granted as recommended.

8. Wembley High Technology College, East Lane, Wembley, HA0 3NT (Ref. 13/2961)

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.

RECOMMENDATION:

- (a) Grant planning consent subject to the referral of the application to the Mayor of London in accordance with part 5 of the Town and Country Planning (Mayor of London) Order 2008, and;
- (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.

Neil McClellan, Area Planning Manager with reference to the tabled supplementary, responded to the concerns raised on behalf of Sudbury Court Residents Association which referred to a High Court Judgement against a Council for failing to have due regard to the European Commission (EC) Habitats Directive. He clarified that an extended phase 1 Habitat Survey, a standard technique for classifying and mapping British habitats including the presence of protected species was conducted following the methodology of the Joint Nature Conservation Committee and the Institute of Environmental Assessment. Members heard that no nature conservation sites with statutory protection within a

1 km radius of the survey area were identified. He added that whilst a number of semi-mature and mature scattered trees were of value and cannot be readily replaced if removed two mature horse chestnut trees would be removed to facilitate the construction of the new access road. No other habitats of notable consideration were identified on site. The Area Planning Manager drew members' attention to the recommendations from the Phase I habitat and recommended the following additional conditions;

- (i) Amendments to the landscaping condition to ensure sufficient implementation of appropriate planting to compensate for the loss of any mature trees.
- (ii) Amendments to the lighting condition to limit impacts 'dark' areas/ corridors, suitable for use by foraging and commuting bats.
- (iii) An additional condition requiring the submission of a scheme to be approved and implemented prior to the commencement of work to ensure any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape

He then submitted the following responses to a number of concerns raised by local residents;

- (a) The alley way between East Court and Byron Road was a public footpath which had been identified as Public Right of Way 48 and maintained by the Council.
- (b) The Council had 5 mobile camera cars which could be sited near schools on request to help enforce school travel plans and parking management.
- (c) The applicant had undertaken checks revealing that while there were restrictive covenants on the school they were not considered to prevent the proposal from going ahead.

He explained that the distance of the proposed senior playground would be located 5 metres from the boundary with rear gardens in East Court and that the proposed junior playground would be 1.5 metres from the boundary with rear gardens in Byron Road. He drew attention to a condition requiring further details of enhanced landscaping along the sites boundaries. He added that playground noise was not raised as an issue by the Council's Environmental Health Team. Officers understood that the governors of Byron Court School had put themselves forward as a potential site for school expansion however it was not part of the current school expansion programme agreed by the Executive. The Area Planning Manager clarified that sewage infrastructure was the responsibility of Thames Water, however as the new school would require entirely new services the proposal could allow for an improvement in the sites sewage infrastructure which it was hoped would address any existing problems.

In response to concerns raised on behalf of 93 Byron Road about the potential impacts of opening a secondary access into the school from the East Court/Byron Road alley way, he submitted that a risk assessment had not been undertaken for the use of the alley way as a secondary entrance as the entrance as it was intended for year 5 and 6 pupils and only those who live in roads on that side of the school. The aim was to discourage parents from using East Court or Byron

Road as an alternate drop off to the proposed designated drop off within the Sudbury Court Pavilion car-park on East Lane. In order to secure this, he recommended an additional condition that a management plan for the proposed secondary access from the alley be submitted to and approved prior to it being brought into use and that a review mechanism be introduced that in the event of the access proving unmanageable that it be closed.

In respect of traffic, he explained that the Council's Transportation Officer had carried out further assessment of the traffic modelling around the school and confirmed the impact on local junction capacity to be acceptable, subject to the conditions set out in the committee report. The Area Planning Manager made the following corrections;

2 full temporary reception classes were currently operating within the existing secondary school (not 1 class of 28 pupils, page 91 referred).

Preston Park rather than Wembley High (page 92 referred).

Condition 10, East Lane and not College Road (page 105 referred).

Krystal Foxcroft, solicitor representing the resident at 35A Byron Road reiterated her support for the objections raised against the proposed school expansion adding that it would breach an existing covenant. She continued that the use of the public footpath would raise serious safety issues for 830 school pupils and claimed that the matter could be referred to the Local Government Ombudsman for further investigations, if permission was granted.

Keith Barker objecting on behalf of Sudbury Court Residents' Association (SCRA) stated that many of the roads around the site were narrow and with the area already congested as a result of the existing school, the proposal would aggravate the situation. He added that as parents parked to drop off or pick up children, Shelley Court and East Court, which were already heavily parked, would be reduced to single lane traffic. Mr Barker continued that the creation of a new entrance from the alleyway between Byron Road and East Court would cause congestion and disturb residents who adjoined the alleyway. He stated that the proposed 2-storey school, so close to the boundary with residential properties, would result in noise nuisance and detrimental impact on residential amenity. Mr Barker claimed that the Council had not had due regard to the EC Habitats Directive and therefore to grant planning permission would constitute a breach of a High Court ruling.

Councillor Ruth Moher, Deputy Leader of the Council and a School Governor stated that the Council desperately needed additional school places in order to comply with its statutory duty to provide education. Whilst she appreciated residents' concerns, the need for school places could not be over-emphasised in view of demographic changes including the Borough's population increases.

In accordance with the provisions of the Planning Code of Practice, Councillor Daly stated that she had not been approached. Councillor Daly stated that the proposed expansion would present an unacceptable risk to local transport and could set an undesirable precedent. She felt that the travel plan was not adequately ambitious to address the potential concerns. Councillor Daly urged

members to ensure enforcement of the travel plans including pick up and drop off being made available during term time only.

In accordance with the provisions of the Planning Code of Practice, Councillor McLellan stated that she had been approached by local residents and members of SCRA. Councillor McLellan stated whilst she supported the proposal for school expansion, she felt that there was a demonstrable need for traffic enforcement particularly during term time.

In accordance with the provisions of the Planning Code of Practice, Councillor Colwill stated that he had been approached by local residents and members of SCRA. Councillor Colwill requested a separate report on the traffic impact of the application and a flood report on the land to be consulted upon with the residents. He added that the issues about the covenant needed to be addressed else, each member on the Committee could be surcharged and made personally responsible for any ensuing cost.

The legal representative advised that the restrictive covenant was not a material planning consideration and should therefore not be taken into account in deciding the application.

Mrs Gill Bal, head teacher of Wembley High Technology College in addressing the Committee stated that by providing a structured and disciplined working environment Wembley High had gained an established reputation for a strong focus on academic excellence. This had led to higher demand for its places and over-subscription. She added that the provision of land on which to build a primary school would provide “value for money” option and a seamless learning process within first class educational facilities.

In response to members’ questions, Mrs Bal stated that in order to control access to the alleyway, key fobs would be provided for those children who lived near to it which would be a maximum of 280. Mrs Bal continued that control of the number of children who would use the alleyway access would therefore be achieved via the admission criteria. She added that the provision of multi- use games area (MUGA) with all-weather sports pitches would be offered as compensatory package for use by schools in the area.

Sara Williams, Operational Director of Education, Children and Young People in setting the backdrop to the need for school places stated that the population census 2001 showed a marked increase in population of young children particularly in the Kingsbury and Wembley areas. This meant that the Council would be required to provide approximately one thousand (1,000) primary school places over the next five years in order to comply with its statutory duty to provide education. She confirmed that funds had been made available for the proposed school expansion.

In response to members’ questions, Sara Williams stated that in order to satisfy the administrative processes for school admissions, places for the proposed school were advertised in February and offers were to be made by 16 April 2014 for next academic year’s intake. She confirmed that nearby schools were full to

capacity. The Operational Director did not anticipate significant traffic of children from the south of the borough to the new school.

The Area Planning Manager explained that the pavilion area would be used for drop off and pick up only during term time and not as a car park. The alleyway secondary entrance would be re-modelled with a condition for boundary treatment and management of its access. He added that an effective travel management plan coupled with robust enforcement measures would address potential traffic and congestion that may ensue and reiterated the information in the tabled supplementary in relation to habitat concerns. Stephen Weeks, Head of Area Planning, echoed the above, stressed the importance of the drop off proposal and added that the wider educational case for the scheme had been made clear. Members heard that officers were awaiting a response from Sport England on a package of mitigation measures that had been provided in response to their objection. He continued that if an agreement could not be reached with Sport England then the application would be referred to the Secretary of State.

DECISION: Granted as recommended.

9. Any Other Urgent Business

None.

The meeting closed at 9.45 pm

K SHETH
Chair



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 19 February 2014 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), Aden, Adeyeye, Baker, Cummins, Hashmi, Kabir, Kataria(alternate for Councillor CJ Patel), Ogunro (alternate for Councillor John) and Powney

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

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

None.

2. **Brent Local Plan - Development Management Policies & Minor Alterations to Core Strategy**

The Committee received a report that presented a draft Development Management Policies document (DMPD), a proposed set of Minor Alterations to the Core Strategy, and proposed changes to the Proposals Map of Brent's Local Plan. Ken Hullock, Head of Planning and Transport Strategy explained that the reasons for producing the Development Management Policies document was to bring up-to-date the Unitary Development Policy (UDP policy), first drafted in 2000 and adopted in 2004.

He continued that the DMPD was the final step in drawing up the folder of Development Plan Documents (DPDs) that would make up the borough's development plan and as the basis for determining planning applications would ultimately supersede the UDP. Members heard that this round of consultation on the draft Development Management Policies document would provide an opportunity for the community and businesses to comment on the policies. He then outlined the key changes, drawing attention to the following;

Betting shops, Pawnbrokers/Payday Loans

It was proposed that a cap should be set to prevent an overconcentration of and clustering of Betting shops, Pawnbrokers/Payday Loans. He continued that in order to ensure these uses did not dominate any single length of frontage, a limit on the proximity of these uses to each other was proposed. Members heard that given the rapid increase in the number of these uses and the need for expedient action, consideration should be given to introducing an Article 4 Direction, to remove national permitted development rights. Introducing an Article 4 Direction has financial implications in terms of loss of fees and potential compensation claims and it was therefore recommended that a more detailed report on the implications be submitted to a future Planning Committee meeting for members' consideration.

Takeaways

To promote healthy eating and support the Brent Obesity Strategy (2010) it was proposed to introduce a policy which prevented an overconcentration of takeaways and restricted their proximity to schools.

Shisha Cafes

It was proposed to restrict the proximity of shisha cafes to schools. This proposal was in light of the evidence from the Brent Young Persons Cigarette and Shisha Audit (2012) which found that students from a school in Brent that had more than one shisha café within a 0.5 mile radius were twice as likely to be current shisha smokers than students from schools that had no shisha cafés within a 0.5 mile radius.

Frontage

It was proposed that the limit on the proportion of primary frontage in non-retail use be increased from 35% to 40%, in recognition that projected demand for comparison floor space had reduced and that with the exception of Ealing Road Brent's town centres were currently exceeding the limit

Retail impact assessment

It was proposed that a local threshold that would require retail impact assessment be set at 500sqm, as it was felt that the national threshold of 2,500sqm would potentially allow developments which could cause harm Brent's town centres.

Visitor accommodation

Conditions would be applied to ensure visitor accommodation was not permanently occupied by requiring applications for hotel development to be accompanied by an Accessibility Management Plan.

Protection of open spaces

The revised Policies Map circulated with the report showed all open space of local value that should be protected.

Local Employment Sites

A more flexible approach was proposed in policy DMP31 for Local Employment Sites of up to the maximum threshold of 7.5ha to be released with the intention of allowing these sites to contribute to housing supply, and meet the identified need for affordable workspace in the borough.

Ken Hullock informed members that wide publicity would be given to the six week long public consultation with advertisement in the local press and the Brent Magazine. Leaflets would be made available in the Council's libraries and published on the Council's website.

In response to members' questions, Claire Jones, Planning Policy Officer stated that currently the UDP had no specific policy for controlling betting shops pawnbrokers/payday loans. To counter that, it was proposed to introduce a policy in the DMDPD and consider also taking forward an Article 4 Direction which would remove national permitted development rights that allowed betting shops to open

without the need for planning permission in units previously used by restaurants and cafés (A3), drinking establishments (A4) and hot food takeaways (A5). Members heard that it was not possible to control the sale of “paan” tobacco as there were no controls on what could be sold within A1 retail use. Officers clarified that although there was no local policy on crematoriums, there was a national policy on minimum distances between a crematorium and residential properties.

In reference to the document setting out the list of locally listed buildings members sought a justification for the proposal not to add The Queensbury in Walm Lane to the list. Members were informed that the building was suffering from deterioration and as it was not considered a sufficiently unique building, it was not worthy of protection. Officers clarified that policy DMP39 introduced a minimum dwelling size for all houses where a conversion was proposed. Additionally, a new policy DMP44 had been introduced which would resist the loss of social infrastructure without adequate justification or provision for its replacement in terms of equivalent quantity and quality.

Concern was expressed about noise nuisance caused by minicabs and obstruction to highways and pavements caused by skip trucks during construction and officers were asked to convey this to the Environment and Neighbourhoods so that it could be considered as part of any review of the operation of this service. Officers were also requested to print copies of the policy map in A3 sizes for members.

RESOLVED:

- (i) that Executive be recommended to agree the draft Development Management Policies document, and the proposed Minor Alterations to the Core Strategy and changes to the Proposals Map, for public consultation starting on 26 May 2014 for 6 weeks;
- (ii) that the Strategic Director, Regeneration & Growth be authorised to make further editorial changes to the document prior to finally issuing it for public consultation.

3. Further Alterations to the London Plan- Public Consultation by the Mayor of London

Members considered a report that explained the key changes from the existing London Plan, highlighted the implications for Brent and suggested some basic responses to the key planning issues on Further Alterations to the London Plan which was currently being consulted upon by the Mayor of London. Ken Hullock, Head of Planning and Transport Strategy highlighted the key changes to the London Plan which had the biggest implications for Brent.

Population

The population projection that underpinned the Alterations to the London Plan showed that London’s population would grow from 8.2 million in 2011 to 10.11 million in 2036. This represented a growth of nearly 10% but for Brent, the

projected expected population growth was 25% which would present huge implications for planning in Brent. There would be a lot of pressure on the use of scarce land, particularly for housing and also the supporting infrastructure such as schools and health facilities and the need to accommodate job creating activities in a sustainable way.

Housing

The need to plan for this growth had the most significant implications for individual boroughs in terms of the housing targets that the London Mayor was setting through the Alterations. Brent's increase was 34% for conventional housing but this rose to 43% when account was taken of non-self-contained housing, almost completely attributable to student housing consents granted in the Wembley area.

Town Centres

Members heard that in response to previous GLA consultation, the Council made the case that, in light of the development of the London Designer Outlet and consented major retail street, Wembley and Wembley Park town centre would be effectively one centre, of a scale and with an offer characteristic of a Metropolitan centre as defined in the London Plan. As it was not acknowledged that both Wembley and Wembley Park could potentially change in status to one combined Metropolitan centre, officers were recommending that Brent made representations so that it was acknowledged within the London Plan that Wembley had the potential to expand as a single Metropolitan centre

Employment

It was proposed to focus release of land around transport nodes and town centres. Members heard that the proposed major release of industrial land in Park Royal at Old Oak, just over the borough boundary south of Willesden Junction station, had been accepted by Brent through the process of agreeing a draft Vision for the Old Oak area, although it was expected that this release would be compensated for by the intensive development in the area for alternative employment opportunities. Although Brent supported the identification of Old Oak as a new Opportunity Area with the potential to deliver 55,000 new jobs it was felt that the overall job creation figure could be higher as the Vision drawn up for the area estimated that up to 90,000 jobs could be created.

In the ensuing discussion, members noted that the housing target figure of 1,525 per annum would be difficult to achieve in the current economic climate and particularly due to scarcity of land in the Borough. It was pointed out that transport infrastructure to support increases in housing development and population increases was inadequate. Concern was expressed about inadequate parking facilities in and around the Wembley area which had seen a phenomenal increase in housing and retail developments. This was considered a major defect in attracting shoppers to the town centre and the retail facilities.

In responding to the above, the Head of Planning and Strategy stated that the Council would continue in its efforts to identify transport infrastructure to support the housing developments across the borough through the Development

Infrastructure Project Study (DIPS) and in liaison with Transport for London (TfL). He added that the Council was aware of the need to identify more sites for new housing allocations in the borough than previously estimated, or that development should be at higher densities than previously allowed, or both. Members heard that consents had been granted for new car parks including multi-storey car parks and that recent estimate showed that there were approximately 8,000 homes with planning consent in the borough which had not been implemented.

The Head of Planning and Transport Strategy added that following the Mayor's consultation period, officers of the GLA would make changes to the draft Alterations and then submit the proposed changes with the Alterations to the Secretary of State for Examination, which was scheduled to take place later in 2014. He requested members to agree the basic response to the key areas outlined in the report and to authorise officers to compile further comments based on the council's own planning and growth objectives to be submitted to the Mayor before 10 April 2014.

RESOLVED:

that the proposed alterations to the London Plan as outlined be noted and that the Strategic Director, Regeneration & Growth be asked to respond to the Mayor's consultation based upon the council's own planning objectives.

4. Any Other Urgent Business

None.

The meeting closed at 8.55 pm

K SHETH
Chair

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

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

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

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

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

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

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

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

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RECEIVED: 14 November, 2013

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 110 Walm Lane, London, NW2 4RS

PROPOSAL: Demolition of existing Public House and Conservative Club and erection of 2 to 10 storey building containing A4/D1 use unit on ground floor and 53 residential units on the ground and upper floors (13 x one bed, 30 x two bed and 10 x three bed). Formation of revised vehicular access from Walm Lane to basement car park comprising 23 parking spaces and associated amenity space, landscaping works and pedestrian access from Walm Lane, subject to Deed of Agreement dated under Section 106 of the Town and Country Planning Act 1990, as amended (revised description).

APPLICANT: Fairview New Homes Ltd

CONTACT:

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

To:

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

SECTION 106 DETAILS

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

- (i) Payment of the Council's legal and other professional costs on completion of the deed in (a) preparing and completing the agreement and (b) monitoring its performance.
- (ii) Notification of material start 28 days prior to commencement;
- (iii) Affordable Housing - 10 shared ownership units (3 x one-bed, 3 x two-bed and 4 x three-bed) + £138,346 offsite contribution + financial review mechanism on an open book basis;
- (iv) Community Access Plan - to secure a minimum of 18 hours per week for community use, requirement to find alternative accommodation for Busy Rascals (existing community use) during the construction period; and provision for the ancillary community space to continue to operate in the event that the A4 use is not occupied;
- (v) Sustainability - submission and compliance with the Council's Sustainability check-list ensuring a minimum of 48.4% score is achieved. Compliance with Code for Sustainable Homes Code Level 3 and carbon reduction of 40% improvement on 2010 Building Regulation (with compensation should it not be delivered);
- (vi) Notify Brent 2 Work of forthcoming job and training opportunities associated with the development;
- (vii) Join and adhere to the Considerate Contractors scheme;

(viii) Provision of a Travel Plan for the site;

(ix) Enter into a permit free arrangement to remove the rights of future residents and visitors being able to apply for a permit to park on neighbouring streets

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£1,382,214.75** of which £1,167,110.71 is Brent CIL and £215,104.04 is Mayoral CIL.

This application is proposing to demolish the existing building which has a floorspace of 753sqm. The deductions in respect of demolition will only apply where the existing building has been in continuous lawful use for at least six months in the 12 months prior to the development being permitted. This occupancy test is not applied until the final pre-commencement condition is approved.

It should also be noted that the scheme may be eligible to relief on the levy on the parts of the chargeable development which are intended to be used as social housing.

CIL Liable?

Yes/No: Yes

EXISTING

The application site comprises a part two part three storey detached building with accommodation within the roof located on the eastern side of Walm Lane. The site contains The Queenbury public house and the former, but now vacant, Conservative Club, although the caretakers flat and some first floor office accommodation used in connection with the Conservative Club is still occupied.

The car park which forms part of the site is being used as car parking for the underground station and as a car washing facility without the benefit of planning permission. It has also in the past been used for car boot sales. There is an ongoing enforcement case into these breaches of planning control which is currently on hold pending the outcome of this planning application which would see a redevelopment of there site if planning permission was forthcoming.

The site is located within the Mapesbury Conservation Area but the site does not contain a locally or statutory listed building. The site abuts the rear garden of Nos 147 A to E and Nos.153A to C Dartmouth Road to the east, a 5 storey recently constructed residential development at No. 112 Walm Lane to the north and three single storey commercial units to the south. The southern boundary of the site also abuts the railway line which serves the Metropolitan and Jubilee Lines of London Underground and Chiltern railway services. The railway habitat along the embankment of the railway line is designated as a "Site of Borough (Grade 1) Nature Conservation Importance - Railway Habitat (Metropolitan line between Kilburn and Neasden)"

On the opposite side of the railway line is Willesden Green Conservation Area. The western side of Walm Lane opposite the application site contains the secondary shopping frontage of Willesden Green Town Centre. This section of Willesden Green contains three storey terraced properties with commercial at ground floor and residential above.

Willessden Green Underground Station (a locally listed building) is in close proximity to the application site on the opposite side of Walm Lane. The site has a Public Transport Accessibility Level of 5 (PTAL 5).

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
drinking establishments (2004)	325		325	337	12
dwelling houses	0			5495	5495
sui generis	428		428	0	-428

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	753		753	5832	5079

Monitoring Residential Breakdown**Existing**

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Flats û Intermediate	0	0	0							
Flats û Market	0	0	0							

Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Flats û Intermediate	3	3	4							
Flats û Market	10	27	6							

PROPOSAL

Demolition of existing Public House and Conservative Club and erection of 2 to 10 storey building containing A4 use unit on ground floor and 53 residential units on the ground and upper floors (13 x one bed, 30 x two bed and 10 x three bed). Formation of revised vehicular access from Walm Lane to basement car park comprising 23 parking spaces and associated amenity space, landscaping works and pedestrian access from Walm Lane.

HISTORY

12/2373: Demolition of existing Public House and Conservative Club and erection of a residential development of 2 to 10 storeys comprising 56 flats (19 x 1 bed, 26 x 2 bed and 11 x 3 bed). Formation of revised vehicular access from Walm Lane to basement car park comprising 23 parking spaces and associated amenity space, landscaping works and pedestrian access from Walm Lane accompanied by a Design & Access Statement and subject to a Deed of Agreement under Section 106 of the Town and Country Planning Act 1990, as amended (revised description to more accurately reflect proposal) - **Withdrawn, 04/06/2013.**

12/2374: Conservation Area Consent for demolition of existing Public House and Conservative Club for redevelopment of site - **Withdrawn 04/06/2013.**

E/12/0740: Enforcement investigation into the change of use of car park to a Car Boot Sale/ Car washing business.(temp.desc.) - **under investigation.**

E/10/0396: Without conservation area consent, the removal of a tree(s) (temp.desc.) - **no breach established.**

04/1895: Variation of condition 6 of planning permission 01/3055 dated 28/3/2002, as amended by planning permission 02/3337, dated 09/04/2003, so as to increase opening hours to between 9.00am and 1.00am on the day following, on Thursdays, Fridays and Saturdays - **Refused, 26/08/2004.**

03/0838: Details pursuant to condition 8 (landscaping and boundary treatment) of planning permission 01/3055 dated 28/03/2002 - **Granted, 15/05/2003.**

02/3337: Variation of condition 6 (opening hours) of full planning permission 01/3055 dated 28/03/2002 - **Granted, 10/04/2003.**

02/2103: Details pursuant to conditions 4 and 8 of full planning permission reference 01/3055 dated 28/03/2002 - **Withdrawn, 01/06/2006.**

01/3055: Full Planning Permission sought for conversion of snooker hall to restaurant, bar and cafe and erection of single-storey rear extension - **Granted, 28/03/2002.**

01/0420: Installation of 12.5m-high street-furniture pole, incorporating 3 no. radio antennae equipment - Refused,

M6154 800869: Full Planning Permission sought for single storey rear extension - **Granted, 19/08/1980.**

D8745: Outline planning permission sought for demolition of existing building and erection of club and three storey block of flats and maisonettes and garages - **Refused, 10/01/1962.**

D8499: Outline Planning Permission sought for demolition of existing building and erection of two storey club and nine storey block of flats and garage accommodation - **Refused, 27/09/1961.**

D3209: Full Planning Permission sought for alterations and additions - **Granted, 26/07/1954.**

D1383: Full Planning Permission sought for internal alterations - **Granted, 15/01/1951.**

POLICY CONSIDERATIONS

National policy guidance

National Planning Policy Framework 2012

This sets out 12 core planning principles, of which the following are relevant. Planning should:

- be genuinely plan-led, empowering local people to shape their surroundings;
- proactively drive and support sustainable economic development to deliver the homes, infrastructure and thriving local places.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Regional policy guidance

[The London Plan 2011 and Revised Early Minor Alterations to the London Plan published on 11 October 2013](#)

The London Plan is the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London to 2031. London boroughs' local plans need to be in general conformity with the London Plan, and its policies guide decisions on planning applications.

Chapter 3 - London's People

Policy 3.3: Increasing Housing Supply

Policy 3.4: Optimising Housing Potential

Policy 3.5: Quality and Design of Housing Development

Policy 3.6: Children and Young People's Play and Informal Recreation Facilities

Policy 3.8: Housing Choice
Policy 3.9: Mixed and Balanced Communities
Policy 3.10: Definition of Affordable Housing
Policy 3.11: Affordable Housing Targets
Policy 3.12: Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
Policy 3.13: Affordable Housing Thresholds
Policy 3.16: Protection and Enhancement of Social Infrastructure

Chapter 4 - London's Economy

Policy 4.6: Support for and Enhancement of Arts, Culture, Sport and Entertainment Provision

Chapter 5 - London's Response to Climate Change

Policy 5.2: Minimising Carbon Dioxide Emissions
Policy 5.3: Sustainable Design and Construction
Policy 5.6: Decentralised Energy in Development Proposals
Policy 5.7: Renewable Energy
Policy 5.9: Overheating and Cooling
Policy 5.13: Sustainable Drainage

Chapter 6 - London's Transport

Policy 6.3: Assessing Effects of Development on Transport Capacity
Policy 6.9: Cycling
Policy 6.13: Parking

Chapter 7 - London's Living Places and Spaces

Policy 7.2: An Inclusive Environment
Policy 7.3: Designing Out Crime
Policy 7.4: Local Character
Policy 7.5: Public Realm
Policy 7.6: Architecture
Policy 7.8: Heritage Assets and Archaeology
Policy 7.9: Heritage Led Regeneration
Policy 7.14: Improving Air Quality
Policy 7.15: Reducing Noise and Enhancing Soundscapes
Policy 7.19: Biodiversity and Access to Nature

Chapter 8 - Implementation, Monitoring and Review

Policy 8.2: Planning Obligations

Local policy guidance

Brent's Core Strategy 2010

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

CP1: Spatial Development Strategy
CP2: Population and Housing Growth
CP16: Town Centres and the Sequential Approach to Development
CP18: Protection and Enhancement of Open Space, Sports and Biodiversity
CP19: Brent Strategic Climate Change Mitigation and Adaption Measures
CP21: A Balanced Housing Stock
CP23: Protection of existing and provision of new Community and Cultural Facilities

Brent's Unitary Development Plan 2004

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue

to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

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
BE8: Lighting & Light Pollution
BE9: Architectural Quality
BE10: High Buildings
BE11: Intensive and Mixed Use Developments
BE12: Sustainable Design Principles
BE15: Transport Corridors & Gateways
BE17: Building Services Equipment
BE20: Advertisements on Buildings
BE25: Development in Conservation Areas
BE27: Demolition & Gap Sites in Conservation Areas
BE28: Open Space in Conservation Areas

Environmental Protection

EP2: Noise & Vibration
EP3: Local Air Quality Management
EP4: Potentially Polluting Development
EP6: Contaminated Land
EP14: New Energy, Renewable Energy and Fuel Storage Development
EP15: Infrastructure

Housing

H12: Residential Quality - Layout Considerations
H13: Residential Density

Town Centres and Shopping

SH10: Food and Drink Uses
SH11: Conditions for A3 Uses

Transport

TRN3: Environmental Impact of Traffic
TRN4: Measures to make Transport Impact Acceptable
TRN10: Walkable Environments
TRN11: The London Cycle Network
TRN22: Parking Standards - Non Residential Developments
TRN23: Parking Standards - Residential Developments
TRN34: Servicing in New Developments
TRN35: Transport Access for Disabled People and Others with Mobility Difficulties

Open Space and Recreation

OS12: Development on SSSIs and Sites of Metropolitan, and Borough (Grade I) Nature Conservation Importance
OS18: Children's Play Areas

Community Facilities

CP2: Location of Small Scale Community Facilities

Supplementary Planning Guidance and Design Guides

Mayor's Housing SPG, November 2012

S106 Planning Obligations SPD, July 2013

Supplementary Planning Guidance 17 "Design Guide for New Development", October 2001

Mapesbury Conservation Area Design Guide

CONSULTATION

Public Consultation

Consultation letters were sent out to 1189 local residents and the Ward Councillor's for Mapesbury, Willesden Green, Dudden Hill and Brondesbury Park wards on 22 November 2014 . A site notice was also displayed on 29 November 2013 and a press notice published on 5 December 2013.

In response to the consultation 168 objections have been received from individual households. A summary of the areas of objection and frequency of each area of objection is set out below:

Area of objection	Frequency of objection
Loss of the Queensbury Pub and Busy Rascals which are both important local community facilities	140
Height of replacement building too tall with surrounding area and modern design out of keeping the character of the area	105
Replacement building is inappropriate and detracts from the character of the Mapesbury Conservation Area and setting of nearby heritage assets including Willesden Green Underground Station	69
Demolition of existing building	68
Designation of pub as Asset of Community Value should require its protection and be a material planning consideration	43
Loss of existing pub will affect the wider regeneration of the area. Reference made to loss of the Deli on Walm Lane and loss of other community facilities including the Spotted Dog Pub and Willesden Library	41
Replacement community space within the new building does not adequately compensate for the loss of the Queensbury Pub and Busy Rasals	33
Lack of residential parking will lead to further congestion on surrounding roads	31
The site is large enough to be redeveloped whilst retaining the existing building for use by The Queensbury public house and Busy Rascals. Housing can be provided elsewhere within the site.	26
Lack of affordable housing within the scheme	26
Lack of active frontage in replacement building	16
Inappropriate mix of residential units/lack of family sized units (three bedrooms or more)	12
No mechanism to ensure that the replacement facility is occupied by the The Queensbury public house or Busy Rascals, or that provision is made to find replacement accommodation for Busy Rascals during the build period	11
Developer only interested in making a profit	10
New flats will be sold to overseas investors	8
Proposal too dense/overdevelopment of the site	8
Loss of privacy to neighbouring properties	7
Loss of light to neighbouring properties	7
Insufficient infrastructure such as schools and doctors to support increased housing in area	7
Area does not need any more housing. Proposals should consider the reuse of vacant properties	5

Proposal would set a precedent for similar developments in the future including the demolition of other buildings within the Conservation Area	5
Public consultation by the Council and Fairview Homes inadequate	4
Ground floor space could remain vacant for a number of years	4
Café/commercial unit will add further competition in the area that will adversely affect other cafes within the local area and the Willesden Green High Street	4
If planning permission is granted for the development, a subsequent planning application could be submitted and approved for alternative uses on the ground floor, or an approved A3/A4 use could change to an A1/A2 without requiring planning permission	3
No dedicated service area for deliveries and refuse vehicles	2
Unviable to have a pub below residential units as there would be too many restricted conditions for the pub to operate within	2
Disruption from construction works and traffic	2
Inaccurate information submitted in planning submission such as reference to Willesden Library in "Audit of Local Facilities"	2
Residential accommodation within the proposal is of poor quality	2
The Council is only supporting this scheme for financial gain e.g. funding from New Homes Bonus	2
Underground car park contrary to Council's environmental policy	1
Rubbish bins facing onto street are unsightly	1
Devaluation of property prices in the area	1
Loss of external space and open aspect	1
The application has not considered the impact of the tall building upon the microclimate outside Willesden Green Underground Station	1
Incorrect to state that Busy Rascals operating within the pub breaches its lawful planning use	1
Underground car park could damage foundation of nearby buildings	1

One comment has also been received from a local resident who is of the opinion that the height is acceptable in this location as it is close to Willesden Green Town Centre and reflects the height of the development on other side of railway line. However they do raise concerns with the quality of materials, flat roof design and lack of parking. They also request that provision is made for replacement street trees in the area.

Save The Queensbury

A letter of objection has been received from Save The Queensbury. A summary of the objections are set out below:

- Loss of an identified Asset of Community Value and inadequate substitute for it
- A more sympathetic, alternative development is possible on the site
- Design of the proposals, particularly height
- Conservation matters
- Loss of community facilities
- Inferior accommodation.

A petition has been organised by Save The Queensbury which has received 4011 signatures. Objections were raised on the following grounds:

- Overdevelopment of the site with excessive residential component.
- Loss of existing heritage building that enhances the visual amenities and character of the area
- Loss of affordable community amenity in the form of the Queensbury public house, restaurant and deli,
- Loss of mother and baby drop in classes (Busy Rascals)

North London Branch of the Campaign for Real Ale ("CAMRA)

Objections raised on the following grounds:

- Demolition of existing building in conservation area
- Loss of community facility
- Replacement community space within the new building does not adequately compensate for the loss of the The Queensbury public house

Mapesbury Residents Association (MapRA)

MapRA advised that they emailed their members (a total of 485 members) to seek their views on the development. The following views (approximately 38) have been expressed in order of frequency:-

1. It is unacceptable to demolish a building within a Conservation Area as demolition defeats the purpose of the Mapesbury Estate having conservation status;
2. Demolition of a building within a Conservation area (even if permitted), should enhance the Conservation Area itself. Replacement of the existing, original Mapesbury style building with a modern building which departs entirely from any Mapesbury design is, per se, unacceptable;
3. The proposed building is too high;
4. The design is unacceptable. Further, the design does not sit happily with neighbouring properties and does not incorporate any design details that link it with Mapesbury;
5. As a matter of policy, and where Brent has allowed far too much residential development in the area to the detriment of the neighbourhood by creating a loss of retail space, further development should not be allowed that does not strike a balance between what residents need from their High Street and the perceived need for housing;
6. The loss of the Queensbury pub, presently operating from the site, is a loss of a local amenity and no application should be allowed unless issues as to neighbourhood amenity are addressed;
7. There are parking issues that are not addressed by the present provision within the basement;
8. The development is excellent and will enhance Willesden Green.

The letter sent from MapRA, advised that it's main committee convened on 14 January 2014 to consider the views expressed by residents in light of the issues raised by the application. The most frequent concern was (a) the height; and (b) need for amenity space which would preserve and hopefully increase local amenity so that the area would have a sense of vibrancy and serve the community. MapRA have advised that following meetings with the applicants to explain the changes to the scheme, whilst the user of the proposed building may replace the loss of the Queensbury pub, concerns as to height and design have not been addressed.

North West Two Residents Association

Objections raised on the following grounds:

- Loss of The Queensbury public house and Busy Rascals which are both important local community facilities
- Replacement community space within the new building does not adequately compensate for the loss of The Queensbury public house and Busy Rascals
- No provision is made to find replacement accommodation for Busy Rascals during the build period
- Designation of pub as Asset of Community Value should requires its protection
- Height of replacement building too tall with surrounding area.
- Replacement building is inappropriate and detracts from the character of the Mapesbury Conservation Area and setting of nearby heritage assets including St Gabriels Church
- Inaccurate information submitted in "Audit of Local Facilities"
- Lack of affordable housing within the scheme
- The site is large enough to be redeveloped whilst retaining the existing building for use by Queensbury Pub and Busy Rascals. Housing can be provided elsewhere within the site.

The London Gastropub Limited (owners of The Queensbury public house)

A letter has been submitted that advises that they are intending to manage the ground floor space within the new development and that ongoing discussions are taking place with Fairview Homes. They have advised that the design of the ground floor space is workable for them to operate a new bistro/wine bar (known as The Queensbury II). They have confirmed that they will continue to support Busy Rascals and any other community groups.

Response from ward councillors and MPS

Councillor Krupesh Hirani (Dudden Hill Ward) - objection raised based on a representation received from a constituent that wishes not to see the site replaced by flats.

Councillor Christopher Leaman (Mapesbury Ward) - Objections raised on the grounds of the loss of the community facility (The Queensbury public house and Busy Rascals) and the design is not in keeping with the area.

Councillor Carol Shaw (Brondesbury Park Ward) - Objections raised for the following reasons:- (1) The Queensbury Pub has been listed as an Asset of Community value and therefore needs to be protected and not demolished; (2) loss of public house which is a community facility; (3) loss of building in a conservation area; (4) replacement building does not fit in with its surroundings and will adversely impact on setting of other listed buildings in the area; and (5) increased traffic, noise and pollution.

Councillor Aslam Choudry (Dudden Hill Ward) - Objections raised to the planning application.

Councillor Alison Hopkins (Dollis Hill Ward) - Objections raised on the grounds of the loss of the community facility (The Queensbury public house and Busy Rascals) and the design plans are not in keeping with the area.

Navin Shah AM - Objections raised for the following reasons:- (1) Loss of public house/community facility; (2) Loss of a building in a conservation area; (3) Design - too tall for conservation area; (4) Substandard accommodation - lack of affordable housing and family sized units; and (5) development too dense for this location.

Sarah Teather MP - Objections raised for the following reasons:- (1) Out of character with surrounding area - too tall; (2) Loss of public amenity - building will overshadow area; (3) Substandard accommodation - lack of affordable housing and family sized units; and (4) loss of community asset, The Queensbury Pub - replacement ground floor use does not compensate for the loss of the pub and its status as an Asset of Community Value should be a material planning consideration.

External Consultation

Thames Water - Recommends that their preferred option is for all surface water to be disposed of on site using SUDs as per policy 5.13 of the London plan.

English Heritage (Greater London Archaeological Advisory Service) - No archaeological requirements.

London Underground - No objections in principle to the development but given its close proximity to the railway line recommends a number of conditions are attached to any forthcoming planning consent.

The Victorian Society - Objections raised to the loss of the existing building which would be harmful to Walm Lane and the wider Mapesbury Conservation Area.

Transport for London - No objections raised subject to (1) London Underground infrastructure protected; (2) provision of Delivery Service Plan and Travel Plan; (3) provision of electric vehicles charging points in line with London Plan standards; (4) removal of rights for residents to apply for permits to park on surrounding streets; (5) a possible reduction in car parking spaces on site; (6) cycle parking in line with London Plan standards; and (7) Mayoral CIL.

Internal Consultation

Landscape - Proposal generally acceptable in landscape terms. Full details to be conditioned together with landscape management plan.

Design - Overall, the proposals deliver the quality and community benefit that the justification for the demolition of the existing building requires.

Transportation - The following comments have been provided: - (1) Sufficient space needs to be provided within the site to service the ground floor use of the building; (2) Flats to all be permit free; (3) a standard payment in the sum of £60,000 will also be sought towards improving highway safety, new parking controls

and better non-car accessibility to the borough; and (4) works to crossover to be appropriately secured.

Environmental Health - Further details required on air quality. Subject to conditions on noise, use of ground floor premises and contamination, the scheme is acceptable.

REMARKS

Main Considerations

1. The proposed development would involve the demolition of the existing building located within the Mapesbury Conservation Area and its replacement with a building up to 10 storeys high providing an A4/D1 use on the ground floor and 53 residential flats on the ground and upper floors. It is considered that the main planning consideration in relation to the determination of the application are:-
 - Whether the demolition of the existing building can be supported
 - Whether sufficient mitigation is provided for any loss of community facilities
 - Whether the design of the replacement building is acceptable for its location within the Mapesbury Conservation Area
 - Whether the proposed residential units provide an acceptable quality of residential accommodation and amenity for future occupiers.
 - Whether the replacement building would have an acceptable impact on the amenity of adjoining residents
 - Whether the proposed development would have an acceptable impact on local highways and parking condition
2. The above is a summary of the main planning considerations to be taken into account when assessing the current proposal. The application should be determined in accordance with the development plan and any other material planning considerations.

Comparison of current scheme with previous withdrawn scheme

3. As set out in the planning history above, an application was submitted on 3 October 2012 for the redevelopment of the site to provide 56 flats (LPA Ref: 12/2373). This application was withdrawn by the applicant on 6 June 2013. The main differences between this scheme and the previous withdrawn scheme is set out below:
 - An A4 use with ancillary D1 space has been provided on the ground floor
 - The public realm on Walm Lane has been redesigned and ownership of the entire space gained and included in the application site.
 - External stair and lift element to the rear of the tower have been internalised
 - Attic storeys to lower blocks have been resigned together with flank elevations in tower
4. The previous scheme was accompanied by an application for Conservation Area Consent for the demolition of the existing building. However, legislation changed on 1 October 2013 with there no longer being a requirement to submit a separate application for conservation area consent for the demolition of an unlisted building in a conservation area. The government has changed legislation so that demolition works in conservation areas will now require planning permission. This change means that whilst the permission of the Council is still required, it is no longer necessary to submit two applications for development proposals involving the demolition and replace of a building in a conservation area.

Demolition of existing building

5. The existing building was designed as an Edwardian "Arts and Crafts" style building, which was built in 1893, originally as a doctors's surgery on the ground floor with residential accommodation within the remainder of the building. The building was subsequently occupied by the Conservative Club in 1911. In 2001 the northern part of the building which was formally occupied by the snooker club for the Conservative Club was converted into a cafe/bar. This space is currently occupied by The Queensbury public house. The Conservative Club has since moved out of the building. A number of extensions have been added to the building over the years including a two storey side extension and a number of rear extensions. There is a large car park at the rear of the premises which is used as station car parking and car wash facility without the benefit of planning permission.
6. The site lies within south western-most tip of the Mapesbury Conservation Area, and as such is last building falling within this designation on Walm Lane. The site lies between the more urban context of

Willesden Green to the south beyond the Jubilee and Metropolitan line railway cutting, and the more suburban context of Mapesbury to the north.

7. Policy BE27 of Brent's Unitary Development Plan states that consent will not be given for the demolition of a building, or alteration involving demolition of part of a building, in a Conservation Area unless the building, or part of the building, positively detracts from the character or appearance of the Conservation Area. The existing building is not considered to positively detract from the character and appearance of the Conservation Area and as such, its demolition signifies a departure from the development plan. However, regard also has to be given to the National Planning Policy Framework, which seeks local planning authorities to take into account the desirability of new development making a positive contribution to local character and distinctiveness.
8. Whilst the original building and in particular its front facade does make a positive contribution to the Mapesbury Conservation Area, and the character of the building has been eroded by later unsympathetic extensions and additions. The large expanse of hard standing to the rear of the site used as car parking detracts from the setting of the building. It should also be noted that the character of the immediate locality is not in keeping with the traditional character of the Mapesbury Conservation Area, i.e. red brick plain clay tiled late Victorian buildings. The character comprises more modern developments including 3 storey block of flats with timber roof extension known as Westley Court and redevelopment of 112 Walm Lane with 5 storey block of flats. The current use of the building fails to make efficient use of the existing site, and it is considered that given the high public transport accessibility level of the site, it lends itself to a more comprehensive development within the site.
9. It is also important to consider the wider benefits of the proposal; it is considered that the wider benefits that the proposal will bring are sufficient to justify a departure from policy, and outweigh the harm caused by the loss of a building within the Mapesbury Conservation Area. A summary of the wider benefits are set out below:
 - The proposal will re-provide an A4 use of comparable size with The Queensbury public house
 - The proposal will formalise the D1 community uses within the building;
 - The scheme will provide 10 affordable housing units;
 - The replacement building will be of a high quality design, is appropriate in this context and will maximise the development potential of the site;
 - The scheme will improve the public realm outside the site facing Walm Lane;
 - The proposal will remove unauthorised activities which currently take place within the car park (station car parking and car wash facility).

Replacement of community facility

10. The existing building is partly occupied on the ground floor by the Queensbury public house. As part of an informal arrangement with The Queensbury public house, the space is also used by a local community group known as Busy Rascals providing mother and baby drop in sessions during the mornings on Mondays to Saturdays.
11. Core Strategy policy CP23 states existing community and cultural facilities, that support community participation and development will be protected, or their loss mitigated where necessary. This conforms with the NPPF, which recognises public houses as a community facility, and states planning decisions should guard against the unnecessary loss of valued services and facilities, particularly where it would reduce the community's ability to meet its day-to-day needs.
12. There is evidence that The Queensbury is of value to the community as a place for social gatherings, functions, entertainment and use by community groups such as Busy Rascals. In support of this, the Queensbury has been registered as an Asset of Community Value under the Localism Act 2011. The Department for Communities and Local Government has produced non-statutory guidance on the Community Right to Bid. Paragraph 2.20 sets out that 'the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.' Whilst regard must be had to the development plan in the determination of the application, it is considered that in this case the fact that the building is listed as a Asset of Community Value is also a material planning consideration as it reasonably demonstrates that there is a local demand for the community facility within the locality and, in particular, a demand that those facilities should be provided on the site.

13. The current application seeks to provide a replacement A4 space with ancillary D1 use on the ground floor of the new proposal. Consideration of the existing and new space is set out below:

Comparison of floor space

The total area of the existing public house has been calculated at approximately 250sqm with a cellar of 75sqm. The proposed area of the new premises is 258sqm with a cellar of 79sqm. Within these areas the existing front of house area is 166m² (back of house: 84m²) compared to the proposed front of house area: 173m² (back of house: 85m²). The overall amount of floorspace has marginally increased as part of the new proposal.

It should be noted that a letter has been received from the current owners of The Queensbury public house which advise that they have reviewed the plans for the new floor space and find the layout acceptable for them to operate within the new development. They have also advised that they are in the process of securing a long term lease for the ground floor premises within the new development.

Use of the ground floor space

The existing planning permission is for a bar/restaurant falling within use class A4. As part of the planning permission, there was no condition which restricted the use to use class A4. This means that the floor space occupied by The Queensbury public house could be changed into another use falling within use classes A1 to A3 without the need for planning permission. As part of this proposal, the applicant has advised that they wish to operate the ground floor space as a licensed premises falling within use class A4 (drinking establishments). They have agreed to any forthcoming planning consent having a restriction on the use class removing permitted development rights for it to be changed into another use falling within use classes A1 to A3. Planning permission would therefore be required in the future to change the use of the ground floor space to an alternative use. This will allow the Local Planning Authority to assess such applications in consideration of the development plan for the borough.

Flexible community space

Whilst the use class of the ground floor space will fall within use class A4/D1, the northern proportion of the ground floor space has been specially designed to accommodate a flexible space for ancillary D1 use during quieter periods of the week. This flexible environment can accommodate a variety of uses; the practical shape of the unit allows tables and chairs to be laid out in various configurations; tables and chairs can be stored away to provide a clear open space; the ancillary kitchen is large enough to accommodate full height storage cupboards to store equipment for regular users such as parent and toddler groups.

The flexible space will be dedicated for community use for a minimum of 18 hours per week. This level of provision reflects the existing hours operated by Busy Rascals. It will be made available to Busy Rascals and any other community groups, secured through a community management plan as part of a Section 106 Agreement. This is considered to be a significant improvement to the current informal arrangement, as it formalises a requirement for the new floor space to provide 18 hours of community access per week. At the current time, the arrangements are informal and can be withdrawn at the any time.

Relocation of Busy Rascals during the construction period

It is recognised that Busy Rascals provides an important facility to the local community. There will be an obligation as part of the Section 106 Agreement for suitable accommodation to be sought within the local area for Busy Rascals during the construction period. Such obligation will require the new space to be available for 18 hours per week so that Busy Rascals can offer the same level of activities as existing. This will enable them to meet their day to day needs.

Measures to ensure the continued use of the ancillary D1 floorspace in the event that the ground floor space is not occupied

The ground floor space has been purposely designed so that the ancillary D1 element can be used independently from the remainder of the ground floor space in the event that it is not occupied or becomes vacant at a later date. It has its own entrance from the street frontage with access to kitchen facilities and toilets. This will enable the space to be self contained from the remainder of the

floor space in the event that the A4 space is not occupied . This will be secured through the Section 106 Agreement.

14. It is considered that the replacement space is an overall improvement to the existing space which will secure wider benefits of the local community including formalising the arrangements of the ancillary D1 space within the site.

Design of replacement building

15. The proposed building comprises a 10 storey element at the frontage sitting on a plinth that is 6 storey high gradually stepping down to 2 storeys at the rear. The positioning of the building within the site is considered to be the most appropriate location to minimise the impact on neighbours and at the same time preserve a reasonable relationship for residential use with the railway line. The tall element of the building sits forward on the site to make a positive contribution to the streetscape. Whilst the building will be higher than the surrounding developments, it is considered that a case can be made for a taller building in this location on the railway between the urban context of Willesden and the more suburban area of Mapesbury. The scheme is considered to deliver high quality architectural and urban design quality with a well attenuated tower element. The location of the site within the edge of the Mapesbury Conservation Area and Willesden Green Town Centre, opposite the underground station, emphasises the important location on the site, and a distinctive high profile building is considered appropriate in this context. The modern design reflects the character of surrounding developments in the immediate locality such as 112 Walm Lane.
16. The Government attaches great importance to the design of the built environment. The use of external materials and detailing within the elevations is considered important to ensure that a high quality design is achieved that is appropriate for this setting. The palette of materials include red stock bricks which will be used for the lower elements, drawing reference from materials characteristic of the Mapesbury Conservation Area. The upper storey will comprise zinc cladding to provide distinction between these upper and lower elements. Windows will have deep reveals to provide interest to the facade and contribute to the overall quality of the scheme. The windows will be finished in grey together with the balconies. The tower element will contain terracotta cladding and louvers which is considered to compliment the use of the red stock brick. A high quality glazing system and balcony system will be incorporated.
17. The scheme comprises two cores with the private residential flats accessed from the front of the site and the affordable residential units accessed from the southern side of the building. A series of pergolas and landscape pathway will guide the entrance to the affordable block. This will be overlooked by the residents units to provide natural surveillance.

Public realm improvements

18. The scheme is considered to site comfortably within the streetscene. It is also important that at street level the development provides appropriate detail at a more human scale The frontage of the site is to be improved with new stepped and ramped access to serve both the residential units and the ground floor space. This will allow access for less mobile users such as people with wheelchairs and buggies. This will include new areas of soft landscaping and tree planting to soften the frontage of the site. The new frontage will allow for outdoor seating for the new A4 use. It is considered the an active frontage will still be maintained and that the level of natural surveillance will be further enhanced by the new residential units on the upper floor overlooking the street. The frontage area has been extended from the previously withdrawn scheme to allow a more comprehensive improvement strategy to the site frontage.

Affordable Housing

19. The application proposes to provide 10 of the 53 residential units for affordable housing (all shared ownership), accounting for 18.8% of the total units. Brent's Core Strategy and the London Plan seeks to deliver 50% affordable housing on new housing sites of ten units or more It also seeks a mix of tenure with 60% affordable rent and 40% shared ownership. This scheme does not meet this target, and in response to this shortfall, the applicant has submitted a Viability Assessment to demonstrate that the scheme can not provide any further affordable housing.
20. Officers have instructed an independent assessor to undertake an Appraisal of the Viability Assessment. They have recommended that the affordable housing provision is secured as part of the Section 106 Agreement: (1) 10 shared ownership units, (2) £138,346 offsite contribution and (3) financial review

mechanism on an open book basis.

Quality of proposed accommodation

Size and mix of units

21. The application proposes a total of 53 residential units served by two cores. The main core located to the front of the site serves the private units and the secondary core to the rear of the site serves the affordable units. A breakdown of the unit mix is set out below:

	One bed units	Two bed units	Three bed units
Overall scheme	13 (24%)	30 (57%)	10 (19%)
Private units	10 (23%)	27 (63%)	6 (14%)
Affordable units	3 (30%)	3 (30%)	4 (40%)

22. Policy CP21 of Brent's Core Strategy seeks an appropriate mix of unit sizes within a scheme including a proportion of 25% of units to be three bedrooms or more. In this case, whilst the overall scheme provides 19% of units as three bedroom units, this shortfall is considered to be compensated by the high proportion of affordable units within the scheme that are three bedroom units, accounting for 40%.

23. The London Plan requires residential units to provide the following internal floor space standards:

- 1 bed 2 person - 50sqm
- 2 bed 3 person - 61sqm
- 2 bed 4 person - 70sqm
- 3 bed 4 person - 74sqm
- 3 bed 5 person - 86sqm
- 3 bed 6 person - 95sqm

24. Further guidance on the internal room sizes within the residential units are set out in the Mayor's Housing SPG that states that a minimum area of 8sqm should be provided for a single bedroom and 12sqm for a twin/double bedroom. The floor space for living/dining and kitchen is recommended to be:

- 1 person/2 person - 23
- 3 person - 25
- 4 person - 27
- 5 person - 29
- 6 person - 31

25. All units within the scheme meet or exceed the minimum internal floor space standards and internal room sizes as set out in the mayor's Housing SPG. A schedule of the proposed accommodation is tabled in Appendix 1 to this report

Outlook and privacy

26. The majority of units are dual aspect and where there are single aspect units these do not face in a northerly direction. Amendments were requested during the course of the application to open up the kitchens into the living areas as they were closed in with no outlook. The majority of units with the exception of units 1 and 40 now have open plan kitchen/living areas or outlook from a dedicated kitchen area. The overall level of outlook is considered acceptable meeting the objectives of policy BE9 of Brent's UDP 2004.

27. The units do not directly overlook one another to cause a loss of privacy. Likewise, they are a good distance from neighbouring properties to prevent overlooking from other properties. The ground floor units have good landscape buffers between them and the communal garden/access pathway to the affordable units to ensure that they will not experience a loss of privacy. In addition, the ground floor units will overlook the communal spaces providing natural surveillance.

Wheelchair units and lifetime homes

28. Five units within the scheme are proposed to be designed as wheelchair housing. These are all located within the private element and are located on the ground, first and second floors with access via a lift for the upper floors. The number of wheelchair units account for approx. 9.5% of units which marginally falls

short of the 10% requirement as set out in policy CP21 in Brent's Core Strategy 2010. However, this shortfall is not considered significant to warrant a reason for refusal. All homes will be built to lifetime home standards.

External amenity space

29. The site is located within an area of open space deficiency. Each residential flat has access to its own private balcony or terrace. The majority of these balconies/terraces meet or exceed the minimum requirement as set out in the mayor's Housing SPG (5sqm for 1 to 2 bed person units and an extra 1sqm for each additional occupant), details of which are set out within the accommodation schedule in Appendix 1. In addition all residents will have access to a communal garden which is 447sqm. The communal garden is considered to be well laid out with a good variety of plants, trees, grassed area and informal spaces with seating.
30. Consideration also needs to be given to SPG17 which requires 20sqm of external amenity space per unit. Based on 53 flats this would amount to 1060sqm of external amenity space. The scheme provides a total of 842sqm of external amenity space so has a short fall of 218sqm or 4sqm per unit. SPG17 does advise that such shortfalls can be mitigated if the internal sizes of the internal units exceed minimum standards. As discussed above a large proportion of units within the scheme exceed the minimum internal floor space standards. The over provision is approx. 321sqm in total. In addition the London Plan requires playspace requirement of 160sqm for this development. The site does not provide any formal on site play space but informal play for under 5's will be provided within the communal garden for supervised play with parents/toddlers. It is considered that the given that each unit has its own private balcony or terrace, that communal garden is of a high quality landscape design which is overlooked by the residential units and has direct access to sunlight during the morning, and that each residential unit either meets or exceeds the minimum floor space standards as set out in the London Plan that there is justification to support the shortfall in the overall amount of external amenity space and the lack of provision for formal play space on site, even with it being located within an area of open space deficiency. Full details of the external amenity space are recommended to be conditioned as part of any forthcoming consent.

Noise impact from the adjoining railway line and Walm Lane

31. A noise impact assessment has been submitted which demonstrates that the residential units facing Walm Lane and the railway do have the potential to experience unacceptable levels of noise impact unless mitigation measures are proposed. The report recommends the use of a specified glazing system to provide suitable mitigate to achieve good internal noise levels. Officers in Environmental Health have reviewed this report and have advised that the proposed mitigation is acceptable. They have advised that the is secured through a planning condition.

Residential Density

32. The scheme proposed a density of 1006 habitable rooms per hectare. This has been calculated using a site area of 0.2076 hectares and a total of 209 habitable rooms.
33. The proposed density significantly exceeds London Plan density range for this site, which recommends density between 200 to 700 habitable rooms per hectare for urban sites with PTAL 5. However it should be noted that increased densities are promoted in the London Plan and the UDP where public transport accessibility is good due to the need to use land more efficiently, increase housing delivery and in part due to the sustainability advantages increased density can confer. This is a specific objective of the UDP as stated in policy STR3, which states that development of previously developed urban land will be maximised.
34. One of the factors that contribute to the density being so high is that the living/dining/kitchen areas are counted as two habitable rooms as they all exceed 18sqm. This is as per the guidance as set out within the glossary of the UDP in terms of counting habitable rooms for density purposes. Your officers of the view that the scheme can be supported despite the high density range as the proposal is considered to deliver a high quality building respect the context of the surrounding buildings, provides a good standard of accommodation and provides significant benefits in the form of a provision of affordable housing and replacement A4/D1 use with formalised arrangement for community access.

Impact on neighbouring occupiers

Privacy

35. To ensure that an adequate level of privacy is maintained for neighbouring properties, SPG17 requires a minimum distance of 10m to be maintained from habitable room windows to the rear boundary and a minimum distance of 5m from flank elevations that serve secondary windows.
36. In this case a distance of over 16m is maintained from the development to the boundary with the communal garden of No. 112 Walm Lane. At ground floor there are secondary flank wall windows that are over 5m away from the rear boundary with the rear gardens of Nos. 146 and 153 Dartmouth Road. At upper floor levels up to Level 4 there is the potential for balconies that serve the affordable units to indirectly overlook the rear garden of No. 153 Dartmouth Road, as these balconies are approx., 5 to 6m away. To reduce the level of overlooking it is recommended that a condition is secured for screening along the edge of the balcony to prevent unacceptable overlooking to the rear garden of Nos. 146 and 153 Dartmouth Road.

Overshadowing and overbearing

37. SPG17 sets out general guidance for the massing of new buildings, to ensure they do not have an overbearing impact on the neighbouring properties and avoid unnecessary overshadowing. In general, the building envelope should be set below a line of 30 degrees from the nearest rear habitable-room window of adjoining existing properties, measured from height of 2m above floor level. SPG17 goes on to say that where proposed development adjoins private amenity/garden area, then the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m.
38. In this case the development does not face rear habitable rooms so 30 degree line is not applicable. The site does however abut the communal amenity space of No. 112 Walm Lane and the rear garden of No. 153 Dartmouth Road. The building envelope falls within 45 degree from both the communal garden of No. 112 Walm Lane and the rear garden of No. 153 Dartmouth Road, thus complying with SPG17.
39. The application is also accompanied by a Daylight, Sunlight and Shadow Study, which has looked at the impact of the development upon 112 Walm Lane, Westley Court. And 153 Dartmouth Road. It has also looked the impact upon the buildings on the opposite side of the road including 2 to 6 Station Parade and Nos. 53 to 67 Walm Lane and Erin Court on the opposite side of the railway line. This report concludes that all of the neighbouring properties identified above will fully comply with BRE guidelines for sunlight, and that the scheme will not have an adverse impact on neighbouring amenity in shadow terms.

Relationship of A4 use and surrounding residential uses including flats within the new development

40. It is not uncommon to have an A4 use located under residential flats in town centre locations. To ensure that an acceptable level of amenity is maintained for surrounding residential occupiers the following factors need to be considered:

Hours of use

41. The Queensbury currently has planning permission to operate from am to 11pm Sunday - Thursday and 9am to Midnight Friday and Saturday . The application form submitted with this application proposed hours of use 9am to 11pm Monday to Saturday and 9am to 10.30pm on Sunday. However, following discussions between the owners of The Queensbury and the applicant, they have requested whether these hours can be reviewed to reflect the current approved arrangement. Your officers are of the view that given that there are no known problems with the current hours of operation and that the objections have not raised issues regarding noise and disturbance from the operator of the Queensbury, that allowing the operating hours to reflect the current approved arrangement is considered acceptable. This will be secured as part of a condition to any forthcoming consent.

Extraction equipment/air conditioning etc

42. Ventilation for the A4/D1 use will be accommodated by ductwork within a ceiling void with discrete intake and extract grilles positioned at high level above the glazing. Any plant associated with this will be located within the basement plant room. Air conditioning units will be accommodated at ceiling level with water cooled condensing units located within the basement. This avoids the need for such equipment to be mounted externally which in turn has the potential for noise/vibration nuisance to neighbouring residential amenity and avoids unsightly equipment located on the external elevations of the building.

43. Ventilation/extract ducts for the main kitchen will be accommodated within the adjacent service riser. Officers in Environmental Health have advised that such arrangement is acceptable. The ancillary kitchen will have an internal wall mounted extractor fan, and given that it will only serve teas and coffees, this is not considered to adversely impact upon neighbouring residential amenity.

Location of refuse bins & Outdoor seating area/designated smoking areas

44. Following discussions with officers, the bin store for the A4 use has been relocated to the basement with access from a goods lift. This will avoid any associated noise with the residential flats above, especially with disposing of glass bottles which can potentially be very noisy. The A4 use will have an outdoor seating area located at the front of the building. This will include an open sided canopy area as a smoking area. The canopy will limit smoke directly rising up to the flats above. It is not considered appropriate to have more restrictive hours conditions for the outside smoking area as this area will be better managed being on site rather than people smoking needing to leave the premises.

Transportation considerations

45. The application site is located on the eastern side of Walm Lane, a London Distributor road. The site lies within a Controlled Parking Zone (CPZ) "MW" which operates 08:00 - 18:30 Monday to Saturday, and is subject to waiting and loading restrictions Monday to Friday 08:00-09:30 and 16:30-18:30.
46. Accessibility is very good with a PTAL rating of level 5. Willesden Green Station (Jubilee tube) is within 50m of the site, while five bus routes are locally available.

Impact on surrounding highways

47. A Transport Statement has been submitted which looks at potential trip generation. This states for 53 residential dwellings, a reasonable figure for people movements is 56 arriving or leaving in the AM peak and 38 arriving or leaving in the PM peak. These figures are based on TRAVL data for similar residential sites. Using the same data, modal split data showed that approximately 33% of these movements would involve a trip made by a car driver. This in turn gives figures of 18 vehicles arriving or leaving in the AM peak and 13 vehicles arriving or leaving in the PM peak, both of which are below the proposed provision of 23 car parking spaces. The Transport Statement goes on to advise that the commercial unit is ancillary and as such is not likely to result in any peak hour vehicle trips. Officers in Transportation have advised that neither the residential or A4 use will lead to significant additional impact on the local highway network.

Car parking

48. The application proposes 23 car parking spaces for the residential flats located within the basement. Access to the basement car park will be provided from Walm Lane from a new vehicular access point to the northern end of the site. The existing vehicular access to the southern end of the site will be redundant and brought back to kerb and channel. The works to the proposed and existing vehicular accesses is will be secured as part of a condition to any forthcoming planning consent.
49. Car parking standards for residential development are set out in PS14 of the UDP-2004. A stricter standard can be applied when sites lie within a CPZ and have good PTAL ratings, whereby 1-and-2-bed dwellings can be permitted up to 0.7 car spaces each, and 3-bed dwellings can be permitted up to 1.2 car spaces. The above standards give a combined maximum provision of up to 42.1 car spaces, so the proposed provision of 23 car spaces will be within standards.
50. However, the car parking provision falls some way below the maximum standard and in these circumstances Policy TRN23 requires consideration to be given to the impact of the development on-street parking. In this respect, Walm Lane is a distributor road and bus route, so is unable to safely accommodate parking along the frontage. To mitigate against the significant potential for overspill parking, a car-free (permit-free) agreement will be sought, removing the right of future residents to on-street parking permits. This will be secured within the Section 106 Agreement for the site.
51. Three spaces have been specifically designed for use by disabled drivers, which at more than 10% of the total provision complies with parking standard PS15 in numerical terms. The height of the ceiling within the basement has been increased to a clearance height of 2.6m which will allow access to all disabled drivers.

52. The A4 use attracts 1 car parking space per up to 400sqm. The proposed floor area of therefore attracts one car parking space for the A4 use. No car parking is proposed for the A4 use. No objections have been raised to the absence of on site car parking for the A4 use by your officers in Transportation. It should be noted that this facility will predominantly serve the local community and is located within an area of very good accessibility (PTAL 5).
53. Three of the car parking spaces will be provided with electric vehicle charging points (EVCP) and a further 3 spaces will be provided with passive provision. Whilst this is less than the recommended proportion as set out within the London Plan (20% of the car parking spaces to provide active provision and a further 20% of spaces to provide passive provision), the proposed amount is considered appropriate for this size of development.

Servicing

54. Officers in Transportation have advised that any servicing from Walm Lane could not be supported, for two reasons. Firstly due to the loading restrictions which have been put in place specifically to prevent vehicles stopping even for a short time on a busy Distributor road. Secondly, the presence of a pedestrian refuge adjacent to the site frontage means that any vehicles stopping on Walm Lane in this location risk significantly obstructing the highway, which is a London Distributor Road and part of the London Bus Priority Network.
55. To address these concerns amended plans have been received which have included a "Transit" sized servicing bay within the basement car park for use by the A4 use. A supporting statement on the servicing arrangements has also been submitted which states that all deliveries including kegs will be served by transit or smaller sized vehicles, and that this can be achieved by breweries who deliver to constrained sites within London using smaller vehicles. It is recommended that a delivery & servicing plan is conditioned to any forthcoming consent.

Refuse facilities

56. Refuse and recycling storage facilities for the residential units will be stored within two main locations, the first, main one on the front of the proposed building but also with a second facility serving the core at the rear of the building, significantly further from the Walm Lane frontage. The distance from the rear bin store to the site frontage is over 50m. A management company will be established for the development will bring the bins from the rear of the site to a collection point close to the front bin store. This will then mean that Waste Collection Staff only need to take the bins up to 10m onto the Walm Lane frontage. The management arrangements are recommended to be secured as part of a condition to any forthcoming planning consent. Both bin stores have sufficient capacity to accommodate refuse and recycling storage requirements as set out in Brent's Waste Collection Strategy.
57. Refuse and recycling facilities for the A4 use will be located within the basement with a goods lift allowing access to ground level. As per the existing situation, a private operator will collect the refuse on an appropriate basis to be agreed with the operator of the A4 use.
58. The refuse vehicles will stop on the public highway for short period to pick up refuse. A plan has been submitted which demonstrates that there is room between the parked refuse vehicles and the pedestrian refuge to allow for a bus to safely pass. Given that such vehicles will only park in this location briefly and on an infrequent basis, such arrangement is considered acceptable.

Cycle parking

59. Secure and covered cycle parking is provided at several points around the site, including 14 spaces at the rear core, and 42 spaces in the basement car park. This fulfils the PS16 requirement for at least 1 space per dwelling and is welcomed therefore. The four additional cycle spaces can be used by staff at the commercial premises.

Travel Plan

60. In line with the "TfL Travel Planning Guidance November 2013" it is recommended that a Travel Plan Framework is secured as part of the Section 106 Agreement for the residential development as it involves over 50 residential units. The Travel Plan Statement should identify the public transport links that are accessible from the site and should be assessed using the ATTrBuTE tool for guidance.

Sustainability

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

Compliance with Brent policies

62. In support of the objective of satisfying Core Strategy policy CP19 *Brent Strategic Climate Change Mitigation and Adaptation Measures*, a Code of Sustainable Homes Pre Assessment has been submitted predicting the development would achieve a score of 65.32 which exceeds the minimum requirement for Code Level 3, providing flexibility within the design should credits be lost through the detailed design and construction process. This is to be secured as part of the section 106 agreement.

63. Brent's UDP 2004 policy BE12 and SPG19 *Sustainable Design, Construction & Pollution Control 2003* require the submission of a Sustainable Development Checklist; the application is supported by a completed Brent Sustainable Development Checklist which demonstrates a score of 48.4% can be achieved. Whilst this score falls marginally short of 50%, it is considered that given that the scheme will achieve Code for Sustainable Homes Level 3 and 40% carbon reduction over Building Regulations 2010, that this shortfall is not sufficient to justify warranting a reason for refusal. The Sustainable Development Checklist is to be secured as part of the section 106 agreement.

64. In respect of Brent's sustainability policies, the proposal is considered acceptable.

Compliance with London Plan 2011

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

66. The application is supported by an Energy Strategy for the New Build Annex. In summary, the proposal meets the criteria of London Plan policy 5.2 for 40% improvement on 2010 Building Regulations. A total reduction of 41.9% is proposed.

- Lean measures

The development will be constructed to meet the Government's Part L 2013 proposal for the Interim Fabric Energy Efficiency Standards. This will be achieved by the arrangement of the building between four and ten storeys mitigating heat loss through its layout and density profile. Walls, floors and roofs will have U-values that exceed the minimum required under Building Regulations, together with improved performance to windows and external doors.

- Clean measures

The proposal will incorporate a building scale communal heating system. The CHP plant will be connected to a large thermal store and backed up by conventional gas boilers. Heat and hot water will be delivered to each unit via indirect Heat Interface Units. The system will also generate its own electricity, with any surplus being sold back to the grid.

- Green measures

The scheme proposes to install 20kWp of solar Photovoltaic Panels located on the unshaded areas of the roof.

67. It is recommended that the Energy Strategy and the requirement to achieve a minimum of 40% improvement on 2010 regulations is secured as part of the Section 106 Agreement.

Biodiversity and Trees

A Tree Survey and Arboricultural Implications Assessment has been submitted which identifies trees within the site to be retained and those to be removed, together with tree protection plans for existing trees both

within the site and outside of the site during the construction of the development.

68. The railway embankment adjoining the site is classified as Site of Borough (Grade 1) Nature Conservation Importance. An Ecological Assessment has been submitted with the application which concludes that the site is of little ecological value. It does however recommend a number of measures to protect the adjoining and improve the biodiversity of the site which are summarised below:

- Applicant to implement best practice measures for the construction industry and adherence to the Environment Agency's Pollution Prevention Guidance to reduce the risk of pollution events and contaminated run-off from the site onto the railway embankment during the construction – this requirement will be drawn to the applicant attention by an informative.
- Landscape Strategy to incorporate native species of local provenance, particular along southern boundary of site, together with appropriate method of removal of Snowberry and Butterfly Bush/Buddleia (catalogued in London as an invasive species) – this will be secured as part of a condition to any forthcoming planning consent.
- Removal of any trees on site to be carried out outside of bird nesting season. - this will be secured as part of a condition to any forthcoming planning consent.
- Provision of four bat boxes and four bird boxes on existing trees or a Schwegler 1SP Sparrow Terrace attached to the new building to enhance opportunities for bat and bird species - this will be secured as part of a condition to any forthcoming planning consent.

Environmental consideration

Air Quality

69. Air Quality Assessments have been submitted with the application. Your officers in Environmental Health have reviewed these documents and advise that subject to appropriate mitigation, the proposed CHP is not considered to adversely impact upon air quality in the locality. They have recommended that details are secured as part of planning conditions.

Contaminated land

70. A contaminated land investigation report has been submitted which has identified contamination within the site. The report goes onto propose remediation measures. Your officers in environmental health have reviewed the report and have advised that the mitigation measures are acceptable. They have advised that a condition should be secured to any planning condition requiring the remediation measures to be carried out in full and a verification report to subsequently be submitted to the local planning authority for approval.

Other matters

London Underground

71. London Underground have advised that they do not have objections in principle to the scheme but have requested that conditions are attached to any forthcoming planning consent, to ensure that the embankment along the railway line and railway infrastructure is not adversely affected during the build. The recommended condition will be included as part of any forthcoming planning consent.

Archaeological considerations

72. An archaeological desk based assessment has been submitted which concludes that the site has a low archaeological potential for all past period of hum activity, and that the development is unlikely to have an archaeological impact. The report recommends that no further mitigation measures are proposed. The assessment has been reviewed by the Greater London Archaeological Advisory Service (part of English Heritage) which agree with the recommendation that no further mitigation measures are required.

Basement construction

73. Details of the construction of the basement car park taking on board the guidance as set out in Brent's

Basement Practice Guide has been submitted. This includes a contamination strategy, construction strategy and drainage strategy. It is recommended that details of wheel wash facilities within the site are conditioned as part of any forthcoming planning consent. The applicant will be required to enter into the Considerate Contractors Scheme as part of the Section 106 Agreement and has confirmed that a Party Wall Agreement will be entered into with No. 112 Walm Lane. The applicant will be reminded of their requirements under the Party Wall Act as an informative to any forthcoming consent.

Sustainable Urban Drainage System (SUDs)

74. Thames Water has advised that the following initial investigation, there is an inability of the existing wastewater infrastructure to accommodate the needs of this application. Thames Water is concerned about the increase in combined flow from this site and in particular surface water flows and the affect further down the catchment in the Counters Creek area. Their preferred option would be for all surface water to be disposed of on site using SUDs as per policy 5.13 of the London plan. SUDs are designed to reduce the potential impact of new and existing developments with respect to surface water drainage discharge. They aim to replicate natural systems by draining away surface water run off through collection, storage and cleaning before allowing it to be released slowly back into the environment, thus reducing flooding from conventional drainage systems. SUDs can use techniques such as permeable paving and green roofs.
75. In response to the concerns raised by Thames Water officers can advise that the site currently contains hardstanding across the site and that a large proportion of the hardstanding will be replaced with soft landscaping. Infiltration is not possible due to London clay. The agent has therefore advised that they will be following the London Plan approach of attenuating rainwater by storing in tanks for gradual release to a watercourse. The scheme also proposing a green roof. Overall the scheme is aiming to reduce surface run-off by 50%. It is also recommended that permeable paving system is used for areas of hardstanding.

Statement of Community Involvement

76. It should be noted that as the scheme proposes under 200 residential units there is no statutory requirement for the applicant to engage in pre-application discussions with the public. Nevertheless, a Statement of Community Involvement has been submitted by the applicant that sets out the timeframes for pre-application consultation with councillors and members of the public for both 2012 application and the current application. Prior to the current application being submitted the applicant wrote to over 4000 local residents, elected members and community groups and also set up a public exhibition in July 2013. A consultation was also held via a website and responses were analysed between July to September 2013. In response to the consultation events, the scheme was amended to include an A4 use on the ground floor and opportunity for Busy Rascals to continue to use the new building.

Response to objections raised

Area of objection	Response
Loss of The Queensbury public house and Busy Rascals which are both important local community facilities	Please refer to paragraphs 10 to 14 above
Height of replacement building too tall with surrounding area and modern design out of keeping the character of the area	Please refer to paragraphs 15 and 16 above
Replacement building is inappropriate and detracts from the character of the Mapesbury Conservation Area and setting of nearby heritage assets including Willesden Green Underground Station	Please refer to paragraphs 15 and 16 above
Demolition of existing building	Please refer to paragraphs 5 to 9 above
Designation of pub as Asset of Community Value should requires its protection and should be a material planning consideration	Please refer to paragraph 12 above
Loss of existing pub will affect the wider regeneration of the area. Reference made to loss of the Deli on Walm Lane and loss of other community facilities including the Spotted Dog Pub and Willesden Library	Please refer to paragraphs 10 to 14 above. It is considered that the new development will bring about improvements including to the street frontage and may help promote wider regeneration.

Replacement community space within the new building does not adequately compensate for the loss of the Queensbury Pub and Busy Rascals	Please refer to paragraph 13 above
Lack of residential parking will lead to further congestion on surrounding roads	Please refer to paragraph 50 above
The site is large enough to be redeveloped whilst retaining the existing building for use by Queensbury Pub and Busy Rascals. Housing can be provided elsewhere within the site.	Officers are only able to consider the details submitted within the planning application. In the event that a planning application is submitted for an alternative proposal, it will be assessed on its individual merits having regard to national, regional and local plan policies and guidance.
Lack of affordable housing within the scheme	Please refer to Section 106 Heads of Terms and paragraphs 19 and 20 above
Lack of active frontage in replacement building	Please refer to paragraph 18 above
Inappropriate mix of residential units/lack of family sized units (three bedrooms or more)	Please refer to paragraphs 21 to 25 above
No mechanism to ensure that the replacement facility is occupied by the Queensbury Pub or Busy Rascals, or that provision is made to find replacement accommodation for Busy Rascals during the build period	Please refer to paragraph 13 above
Developer only interested in making a profit	This can not be considered as part of the assessment of this application though consideration is given to viability in terms of affordable housing provision.
New flats will be sold to overseas investors	The sale of market housing would be outside of the remit of planning control.
Proposal too dense/overdevelopment of the site	Please refer to paragraphs 32 to 34 above
Loss of privacy to neighbouring properties	Please refer to paragraphs 35 and 36 above
Loss of light to neighbouring properties	Please refer to paragraphs 37 to 39 above
Insufficient infrastructure such as schools and doctors to support increased housing in area	The scheme is liable to pay Brent CIL. This will fund local infrastructure.
Area does not need any more housing. Proposals should consider the reuse of vacant properties	Planning policies encourage the development of new housing in sustainable location. The site being located opposite the underground station and next to a town centre is considered to be a sustainable location that can accommodate new housing.
Proposal would set a precedent for similar developments in the future including the demolition of other buildings within the Conservation Area	This application does not set a precedent for similar developments within the conservation area. Each application is considered on its individual merits having regard to planning policies.
Public consultation by the Council and Fairview Homes inadequate	The Council carried out its consultation in accordance with statutory requirements and the guidance as set out in SPG2 "Commenting on a Planning Application". Please refer to paragraph 76 above in response to pre-application consultation carried out by the applicant
Ground floor space could remain vacant for a number of years	Please refer to paragraph 13 above.
Café/commercial unit will add further competition in the area that will adversely affect other cafes within the local area and the Willesden Green High Street	Competition is not a material planning consideration and therefore can not be considered as part of the assessment of this application. It should be noted that there is an existing A4 unit which the

	application proposes to replace.
If planning permission is granted for the development, a subsequent planning application could be submitted and approved for alternative uses on the ground floor, or an approved A3/A4 use could change to an A1/A2 without requiring planning permission	The use of the ground floor will be restricted to A4 use. Any alternative use will require the benefit of planning permission.
No dedicated service area for deliveries and refuse vehicles	Please refer to paragraphs 54 to 58 above.
Unviable to have a pub below residential units as there would be too many restricted conditions for the pub to operate within	Please refer to paragraphs 40 to 44 above.
Disruption from construction works and traffic	Appropriate mitigation measures such as wheel washing facilities will be conditioned. Hours of use and construction noise are covered by environmental health legislation. These will be drawn to the applicant's attention by an informative.
Inaccurate information submitted in planning submission such as reference to Willesden Library in "Audit of Local Facilities"	This is noted.
Residential accommodation within the proposal is of poor quality	Please refer to paragraphs 20 to 30 above.
The Council is only supporting this scheme for financial gain e.g. funding from New Homes Bonus	Officer justifications for supporting the scheme are set out in the remarks section above.
Underground car park contrary to Council's environmental policy	Basement car parking is common within the borough. No objections have been raised by officers in Environmental Health to the basement car park.
Rubbish bins facing onto street are unsightly	The bins will be contained inside the building and will only be left outside on collection day. This will be secured by a management plan. Further details of the design of the doors to the bin store will be conditioned.
Devaluation of property prices in the area	This is not a planning consideration and therefore can not be considered as part of the assessment of this application
Loss of external space and open aspect	It is considered that the scheme will provide improved public realm to the front of the site.
The application has not considered the impact of the tall building upon the microclimate outside Willesden Green Underground Station	Please refer to paragraph 37 to 39 above It is acknowledged that tall buildings can disturb air flows. Given the height and relationship of the building to surrounding development, it is not considered to result in unacceptable impacts such as funnelling between buildings.
Incorrect to state that Busy Rascals operating within the pub breaches its lawful planning use	There is an informal arrangement between Busy Rascals and the the Queensbury Pub to occupy parent and baby drop in sessions during the mornings on Mondays to Saturdays.
Underground car park could damage foundation of nearby buildings	Please refer to paragraph 73 above.

Conclusions

77. In conclusion, whilst the proposal will result in the demolition of a non listed building within the Mapesbury Conservation Area that does not positively detract from the area, it is considered that the wider benefits of the scheme can justify a departure from policy. These benefits have been discussed in detail above but are

summarised below:

- The proposal will re-provide an A4 use of comparable size with the Queensbury Pub. It should be noted that the owners of the Queensbury Pub have given their support to this new space and their intentions to occupy it once built;
- The proposal will formalise the community uses within the building, such as by Busy Rascals, which will be secured through a legal agreement. The agreement will require the ground floor space to be available for a minimum of 18 hours per week for use by community groups at rates comparable with Council facilities;
- Obligation as part of the section 106 agreement to find alternative accommodation for Busy Rascals during the construction period;
- Obligation as part of the section 106 agreement to required the continued use of the D1 space in the event that the A4 space is not occupied. This is possible as the D1 flexible space could be self contained and has it own entrance and toilet facilities;
- The scheme will provide 10 affordable housing units;
- The replacement building will be of a high quality design, is appropriate in this context and will maximise the development potential of the site;
- The proposal will remove unauthorised activities which currently take place within the car park (station car parking and car wash facility).

RECOMMENDATION: Grant Consent subject to Legal agreement

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

National Planning Policy Framework 2012
The London Plan 2011 and Revised Early Minor Alterations to the London Plan published on 11 October 2013
Brent's Core Strategy 2010
Brent's Unitary Development Plan 2004
Mayor's Housing SPG, November 2012
S106 Planning Obligations SPD, July 2013
Supplementary Planning Guidance 17 "Design Guide for New Development", October 2001
Mapesbury 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
Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

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

Drawing Numbers

FNH398_P_Existing Plans
FNH398_P_Existing Ground Floor Plan
1201-1000 Rev P1 - Location Plan
1201-1050 Rev P1 - Existing Building Information

1201-2000 Rev P2 - Basement
1201-2001 Rev P2 - Level 00
1201-2002 Rev P2 - Level 01
1201-2003 Rev P2 - Level 02
1201-2004 Rev P2 - Level 03
1201-2005 Rev P2 - Level 04
1201-2006 Rev P2 - Levels 05 and 06
1201-2007 Rev P2 - Levels 07, 08 and 09
1201-2008 Rev P1 - Roof Level
1201-2050 Rev P2 - Refuse Strategy
1201-2051 Rev P1 - Drainage Strategy

1201-3000 Rev P2 - Section AA and BB
1201-3001 Rev P1 - Section EE

1201-4000 Rev P2 - West and East Elevations
1201-4001 Rev P2 - South and North Elevations

1201-602 - Material schedule
1201-6000 Rev P1 - Details
1201-6001 Rev P1 - Details
1201-6002 Rev P2 - Stair Glazing Details

120428/AT/B01 - Swept Path Analysis,- Loading Bay Transit Van
120428/AT/C01 - Swept Path Analysis, Double Decking Bus Passing Refuse Vehicle

FNH398 LS/01 Tree constraints and protection plan
FNH398 LS/02H Landscape masterplan
FNH398 LS/03 Landscape details plan

Supporting Documents

Walm Lane LPA Accomodation Schedule - 11.02.2014
Air Quality Assessment prepared by MLM Consulting UK (dated 6 November 2013)
Air Quality Impact Assessment - Combined Heat and Power prepared by The Airshed (Version 4 dated 8 November 2013)
Arcaheologocial Desk Based Assessment prepared by CgMs Consulting (revised October 2013)
Audit of Local Services and Facilities (October 2013)
Audit of Local Services and Facilities Addendum Report (revised February 2014)
Computer Generated Images (CGI Views) dated November 2013
Construction Details as required within the Brent's Basement Best Practice Guidance DAT/9.0 - Site Survey
Daylight, Sunlight and Shadow Study prepared by Delva Patman Redler Chartered Surveyors (October 2013)
Design and Access Statement (November 2013)
Design Statement (November 2013)
Ecological Assessment prepared by Ecology Solutions (November 2013)
Energy Statement prepared by Think Three Ltd (11 November 2013)
Geotechnical and geoenvironmental investigation report and remediation strategy prepared by Card Geotechnics Limited (Revision 2 dated October 2013)
Ground Floor Use and Operation Statement
Heritage statement and townscape and visual impact assessment prepared by Montagu Evans (November 2013)
Impact of Road and Rail Traffic Noise on Proposed Residential Development prepared by Grant Acoustics (2 October 2013)
Landscape Design Strategy (revised 8 November 2013)
Planning Statement prepared by Nathaniel Lichfield and Partners (14 November 2013)
Statement of Community Engagement (dated November 2013)
Sustainable Design and Construction Statement prepared by Think Three Ltd (8 November 2013)
Transport Statement prepared by Vectos (dated November 2013)

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

- (3) The ground floor A4/D1 uses hereby approved shall only be open between the hours of 0900 and 2300 Sunday - Thursday and 0900 and Midnight Friday and Saturday and at no other time unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not adversely impact on residential amenity.

- (4) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) 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 ground floor use hereby permitted shall only be for the purpose of Use Class A4 and for no other use without the prior written approval of the Local Planning Authority through the submission of a planning application.

Reason: No separate use should commence without the prior approval of the Local Planning Authority so as to enable other uses to be considered on their merits.

- (5) In the event that the ancillary D1 space on the ground floor is occupied as an independent D1 unit, it shall be used only for purposes within Use Class D1 as defined in the Town and Country Planning (Use Classes) Order 1987 as amended with the exception of following uses: Places of Worship.

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 conforms with Council's policies.

- (6) (a) The external materials for the development shall be carried out in accordance with the details of materials as set out within Drawing Nos: 1201-4000 Rev P2, 1201-4001 Rev P2 1 and 1201-602 Material schedule.

A list of the approved materials include:

- Terracotta Cladding - Aliva BR208
- Facing Brick - Ibstock Bradgate Red
- Metal Cladding - Reynolux Quartz Zinc Finish
- Stone Entrance Wall - Portland Stone
- Sample of glass balustrade to Walm Lane tower

Or

(b) Prior to commencement of building work, details of alternative materials shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in full accordance with the approved details.

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

- (7) All parking spaces (including disabled bays), Electric Vehicle Charging Points (including passive provision), loading bay, cycle parking stands and refuse and recycling facilities shall be provided and permanently marked out prior to occupation of any part of the approved development in full accordance with approved plan references 1201-2000 Rev P2 and 1201-2001 Rev P2, and thereafter retained in accordance with the approved details throughout the lifetime of the development, 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 general safety within the site and along the neighbouring highway & amenity and to provide sufficient cycle parking facilities and refuse and recycling facilities.

- (8) (a) All vegetation clearance shall be undertaken outside of the nesting bird season (between March and September inclusive).

Or

(b) Prior to commencement of any vegetation clearance within the bird nesting season, arrangements shall be made for an experienced ecologist to be on site to check all vegetation removed. The ecologist shall be on site during the removal of all vegetation and recommendations of the ecologist fully complied with. If birds are found to be nesting any works which may affect them may be required to be delayed until the young have fledged and the nest has been abandoned naturally.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

- (9) The proposed tree protection details as detailed in Tree Survey & Arboricultural Implications Assessment prepared by MCA Landscape Architects Ltd and accompanying Tree Survey Plan MCA FNH198 LS01 shall be fully adhered to throughout all stages of the construction of the development hereby approved.

Reason: To ensure retention and protection of trees and other landscape features on the site in the interests of amenity.

- (10) No works involving demolition or site clearance shall commence until further details of the wheel wash facilities have been submitted to and approved in writing by the local planning authority and the facilities have been installed in accordance with the approved details. Thereafter the facilities shall remain in place and operational until construction works have concluded.

Reason: In the interests of highway and pedestrian safety.

- (11) No demolition works shall commence until two evening bat emergence surveys are carried out in Spring 2014 (or alternative schedule agreed in writing by the local planning authority) in accordance with the recommendations outlined within the Ecological Assessment prepared by Ecology Solutions and the results submitted to and approved in writing by the Local Planning Authority. All recommendations following the emergence surveys shall be followed unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology and species protection.

- (12) Within three months of the commencement of development, further details of the following shall be submitted to and approved in writing by the local planning authority. Such details shall include drawings, including sections where appropriate, at a suitably large scale (e.g. 1:5, 1:10, 1:20, 1:50) or manufacturer's literature which show:

- (a) details of the window and door reveals, headers and sills, including the depth of the reveals and the junction of materials around the returns;
- (b) details of the balconies to the main blocks of the residential units
- (c) details of screening to the balconies for units 47, 48, 50, 51 and 53 to prevent overlooking to the neighbouring properties on Dartmouth Road
- (d) details of the design and materials for the external doors to the bin store and entrances to the A4 use and residential elements
- (e) details of the design of the open sided canopy for the A4 use

The development shall be completed in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

- (13) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development including the public realm along the frontage, accessway along the southern boundary and communal garden shall be submitted to and approved in writing by the Local Planning Authority within 3 months of commencement of development. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-
- (a) all planting including location, species, size, density and number incorporating native species of local provenance along the southern boundary
 - (b) details of the removal and appropriate disposal of Snowberry and Butterfly Bush/Buddleia within the site
 - (c) details of 4 bat boxes (suitable for pipistrelle species) on existing trees and 4 bird boxes (suitable for house sparrow) on existing trees or a Schwegler 1SP Sparrow Terrace attached to the new building
 - (d) areas of hard landscape works including details of materials and finishes. These shall have a permeable construction and include features to ensure safe use by visually impaired and other users;
 - (e) the location of, details of materials and finishes of, all street furniture and external cycle stands;
 - (f) proposed boundary treatments including walls, fencing and retaining walls, indicating materials and height;
 - (g) details of the living roof;
 - (h) details of external lighting (including proposed sitting within the site and on buildings and light spillage plans showing details of lux levels across the surface of the site and at residential windows)
 - (i) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

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

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

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

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

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

Reason: To safeguard the amenities of the adjoining occupiers.

- (16) Prior to commencing any works on site, a scheme shall be submitted to and approved in

writing by the local highway authority to provide a new vehicular access along the northern end of the site to serve the basement car park and for the existing redundant crossover to be restored to kerb and channel.

The works shall be carried out at the applicants expense and the residential units hereby approved shall not be occupied until the above works have been completed in full accordance with the above points.

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

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

<u>Time</u>	<u>Area</u>	<u>Maximum noise level</u>
Daytime Noise 07:00 – 23:00	Living rooms	35dB LAeq (16hr)
Night time noise 23-00 – 07:00	Bedrooms	30 dB LAeq (8hr) 45 dB LAmax

Prior to first occupation of the residential units hereby approved a test shall be carried out to show that the required internal noise levels have been met and the results submitted to the Local Planning Authority for approval.

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

- (18) All soil contamination remediation measures specified in the "Geotechnical, geoenvironmental investigation report and remediation strategy" shall be carried out in full accordance with the approved details. A verification report shall be submitted to and approved in writing by the Local Planning Authority prior to occupation 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

- (19) No development shall commence on site until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:

- provide details on all structures
- accommodate the location of the existing London Underground structures
- demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering London Underground land
- demonstrate that there will at no time be any potential security risk to London Underground railway, property or structure
- accommodate ground movement arising from the construction thereof
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby approved which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby approved is occupied.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure.

- (20) Prior to first occupation of the A4 use hereby approved, a Service and Delivery Plan setting out servicing arrangements for the use which includes provision for servicing by transit sized and smaller vehicles only together with loading and unloading only within the designated loading bay within the basement car park shall be submitted to and approved in writing by the Local Planning Authority. The ground floor A4 space shall thereafter only be serviced in accordance with the approved Service and Delivery Plan throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safety of the adjoining highway.

- (21) Prior to first occupation of the ground floor A4 use and residential units within the development hereby approved, a management plan for the collection of refuse and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved management plan throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safety of the adjoining pavement and highway.

- (22) (a) Prior to the commencement of the development hereby approved, an Air Quality Impact Assessment shall be submitted to and approved in writing demonstrating that the proposed CHP and boiler units (or alternative heating system) shall have no more than a negligible impact on neighbouring residents. If this can not be achieved further mitigation measures shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details.

and

(b) The CHP and boiler units (or alternative heating system) installed shall meet or improve upon the emissions standards and technical details described in the approved Air Quality Impact Assessment (as set out above). Prior to first occupation of either the residential units and/or A4/D1 space, details of tests undertaken on the installed unit to demonstrate that the emissions standards have been met, shall be submitted to and approved in writing by the Local Planning Authority. The CHP and boiler units (or alternative heating system) shall thereafter be maintained so as to ensure that these standards continue to be met throughout the lifetime of the development.

Reason: To protect local air quality

INFORMATIVES:

- (1) During construction on site:-
- (i) The operation of site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1800 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;
 - (ii) The hours of demolition and construction limited to 0800 - 1830 Mondays - Fridays, 0800-1300 Saturdays and at no other times on Sundays or Bank Holidays.
- (2) During demolition and construction on site:

- (i) the best practical means available in accordance with British Standard Code of Practice BS5228: 1997 shall be employed at all times to minimise the emission of noise from the site;
 - (ii) vehicular accesses to adjoining and opposite premises shall not be impeded at any time;
 - (iii) no waste or other material shall be burnt on the application site;
 - (iv) a suitable and efficient means of suppressing dust must be provided and maintained, including the adequate containment of stored or accumulated material, so as to prevent it becoming airborne at any time and giving rise to nuisance.
- (3) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- (4) The applicant is advised to contact London Underground Infrastructure Protection (email address: locationenquiries@tube.tfl.gov.uk) in advance of preparation of final design and associated method statements., in particular with regard to: demolition; drainage; excavation; construction methods; security; boundary treatment; safety barriers landscaping and lighting.
- (5) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (6) The applicant should implement best practice measures for the construction industry and adhere to the Environment Agency's Pollution prevention advice and guidance through the construction phases.

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

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Planning Committee Map

Site address: Ex Willesden New Social Club, Rucklidge Avenue, London, NW10

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This map is indicative only.

RECEIVED: 18 November, 2013

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Ex Willesden New Social Club, Rucklidge Avenue, London, NW10

PROPOSAL: Erection of a part three, four and five storey building, with a set back fifth storey, accommodating 21 flats (100% affordable rent) and ground floor A1 retail use, together with associated cycle storage, landscaping and amenity space.

APPLICANT: Origin Housing Limited

CONTACT: Jones Lang LaSalle

PLAN NO'S:
See condition 2.

RECOMMENDATION

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

SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs on completion of the deed in
 - (i) preparing and completing the agreement and (ii) monitoring its performance.
- (b) Notification of material start 28 days prior to commencement
- (c) Provision of 21 affordable rent units secured at 80% of market value (inclusive of service charge) as determined by reference to the RICS red book.
- (d) A contribution of £13,400 for landscaping open space enhancements
- (e) Sustainability – Code for Sustainable Homes Level 4 and Breeams 'Excellent' rating Post Construction Assessment and Certificate shall be submitted prior to occupation; achieve 50% on the Brent Sustainable Development Checklist, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction; compliance with the ICE Demolition protocol, demonstrated by submission of an independent report detailing demolition and new build material use and recycling; and details of any renewable technologies required to supplement any passive measures in order to achieve a minimum 40% reduction above the CO2 target emission rate required by the Building Regulations Part L 2010, to be submitted, approved and maintained throughout the lifetime of the development.
- (f) Prior to Practical Completion enter into a s278/s35 for any required highways works.
- (g) Join and adhere to the Considerate Constructors scheme.
- (h) The development shall be entirely "car-free".

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

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£368,695.42** of which **£310,080.00** is Brent CIL and **£0.00** is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

This application relates to the Former Willesden New Social Club at the junction of Rucklidge Avenue and Park. The site is roughly rectangular in shape and has an area of just over 0.1 hectares. The former Club has now been demolished leaving the site vacant apart from a small functioning electricity sub station in the north east corner.

The south west and north west boundaries of the site front Rucklidge Avenue and Park Parade. The north east boundary abuts 1-12 St Josephs Court, a relatively modern three storey residential development fronting Park Parade and Leghorn Road. The south east boundary abuts Willows Terrace, a two storey terrace of Victorian properties fronting Rucklidge Avenue.

The site is within the Harlesden District Centre boundary and is therefore ideally located to take advantage of all the Centre's facilities. Park Parade is characterised by commercial development whereas Rucklidge Avenue is largely residential. Opposite the site on Park Parade are three storey properties with ground floor retail. At the junction of Park Parade and Rucklidge Avenue, opposite the site, is a three and four storey commercial building which fronts both Rucklidge Avenue and Park Parade.

The site has very good access to public transport (bus, rail and tube) with a PTAL of 5. The area is within the HW Controlled Parking Zone (CPZ) with restrictions in place between 8am and 6pm. The site is not located in a Conservation Area nor does it contain any listed features.

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
dwelling houses	0	0	0	1486	1486
financial and professional services	0	0	0	76	76
shops	0	0	0	76	76

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0	0	0	1638	1638

Monitoring Residential Breakdown

Existing

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

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

See above.

HISTORY

13/0507 Planning permission granted at the Council's Planning Committee of 17 April 2013 - *Erection of a four and five storey building accommodating 22 flats, ground floor A1 and/or D1 floorspace and retention of electricity sub station and subject to a Deed of Agreement dated 31st May 2013 under Section 106 of the Town and Country Planning Act 1990, as amended.*

12/0915 Permission granted at the Council's Planning Committee of 20 June 2012 - *Erection of a four and five storey building accommodating 22 flats, ground floor A1 and/or D1 floorspace and retention of electricity sub station and subject to a Deed of Agreement dated 24 July 2012 under Section 106 of the Town and Country Planning Act 1990, as amended.*

POLICY CONSIDERATIONS

National Planning Policy

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant. The NPPF states that good quality design and a good standard of amenity for existing and future occupants of land and buildings are required. Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

The London Plan 2011

The London Plan was adopted on 22nd July 2011.

The following policies within the London Plan are relevant to this decision:

3.5 Quality and design of housing developments - seeks to enhance the quality of local places, incorporate minimum space standards and promote exemplary design. The London Plan's minimum flat sizes are set out below:

Flat size	Floorspace (sqm)
1p	37
1b 2p	50
2b 3p	61
2b 4p	70
3b 4p	74
3b 5p	86
3b 6p	95
4b 5p	90
4b 6p	99

LDF Core Strategy 2010

CP1 - Spatial Development Strategy

CP2 - Population and Housing Growth

CP17 - Protecting and Enhancing the Suburban Character of Brent

CP18 - Protection and Enhancement of Open Space, Sports and Biodiversity

CP19 - Brent Strategic Climate Change Mitigation and Adaptation Measures

CP21 - A Balanced Housing Stock

Brent Saved policies Unitary Development Plan 2004

BE2 - Townscape: Local Context & Character

BE3 - Urban Structure: Space & Movement

BE4 - Access for disabled people

BE5 - Urban clarity and safety

BE6 - Public Realm: Landscape design

BE7 - Public Realm: Streetscene

BE9 - Architectural Quality

BE12 - Sustainable design principles

EP3 - Local Air Quality Management

EP6 - Contaminated land

EP10 - Protection of Surface Water

H4 - Off-Site Affordable Housing

H11 - Housing On Brownfield Sites

H12 - Residential Quality; Layout Considerations

H13 - Residential Density

TRN1 - Transport assessment

TRN3 - Environmental Impact of Traffic

TRN4 - Measures to make transport impact acceptable

TRN10 - Walkable environments

TRN11 - The London Cycle Network

TRN14 - Highway design

TRN23 - Parking Standards – residential developments

TRN24 - On-Street Parking

TRN34 - Serving for New Development

TRN35 - Transport access for disabled people & others with mobility difficulties

PS14 - Residential Parking Standards

PS15 - Parking for disabled people

PS16 - Cycle parking standards

Brent Council Supplementary Planning Guidance and Documents

SPG12 - Access for disabled people □

SPG17 - Design Guide for New Development □

SPG19 - Sustainable design, construction and pollution control

Mayor of London

The London Plan 2011 Mayor of London Supplementary Planning Guidance

(a) Sustainable Design and Construction (May 2006), (b) Planning for Equality and Diversity in London (October 2007), (c) Accessible London: Achieving an Inclusive Environment (April 2004), (d) Providing for Children and Young People's Play and Informal Recreation (March 2008)

SUSTAINABILITY ASSESSMENT

Policy CP19 of Brent's Core Strategy requires developments to contribute towards climate change mitigation and adaptation. The 2011 London Plan requires major schemes to achieve a 40% improvement in carbon reduction upon building regulations for both residential and domestic buildings. Additionally, London Plan policy 5.7 'Renewable Energy' requires a reduction in Carbon dioxide emissions of 20% from on site renewable's unless such a provision is demonstrated as not feasible.

The proposed development addresses local and regional planning policies on energy; in particular, mitigation of climate change and energy security through energy efficiency enhancements and use of renewable's. Following advice from Officers, a revised assessment following the energy hierarchy has been submitted and demonstrates that through a combination of efficiency measures and installation of appropriate renewable technologies, specifically 80m² photovoltaic panels on the flat roof, a 40.4% improvement above the requirements for the Building Regulations Part L 2010 will be achieved.

The photovoltaic system specified will provide a reduction in site wide carbon dioxide emissions of 17.7%. This is below the 20% target noted in the London Plan Policy 5.7, nonetheless, the building successfully achieves 40.4% improvement on Part L levels, as well as the mandatory energy requirements of the Code for Sustainable Homes Level 4 and BREEAM Excellent rating. It is recommended that a CSH Level 4 Post Construction Assessment and Certificate be submitted prior to occupation. This will be secured as part of the Section 106 agreement.

CONSULTATION

Letters sent to 186 neighbouring Owner/Occupiers, advert placed in local paper 23/01/2014 and site notices put up 13/01/2014. Letters resent to neighbours 11/02/2014 to inform neighbours of changes to the scheme during the application. These are explained in the remarks section of the report below. To date the Council have received 12 letters objecting to the development. Two of these 12 representations have been received after the re consultation date;

Main points are as follows;

- Building remains too high
- Balconies will result in infringement of privacy flats on Park Parade
- Concerns that scheme will put pressure on drains and sewerage system and increase dumping in locality
- Increased demand on parking in the area and cause traffic congestion in relation to residential and commercial element. Lack of parking spaces already and Park Parade is already very congested
- Lack of infrastructure to support development
- Traffic congestion associated with the ground floor use.
- Overly dense scheme, building line forward of properties on Willows Terrace is overbearing and over dominant

Statutory Consults

Internal

Environmental Health have no objection to proposals, subject to addition of conditions that address the following; contaminated land, Air Quality, Noise, Effects of Construction and Development.

Highways raise concerns similar to those raised previously. "car free", servicing for Commercial unit.

Landscape have no objection subject to a landscape contribution for open space improvements in the Harlesden or Kensal Green area to compensate for lack of provision within the site and further submission of full planting details of ground floor gardens, materials, planting and irrigation details of fourth floor roof terraces and details of green roof construction, supplier and plant species.

Design and Regeneration have no objection subject to revisions to make the upper storeys more lightweight in appearance.

External

Rucklidge Avenue Residents Association object to the development on the following grounds;

- The development would be forward of the building lines
- It is over intensive and would be visually overbearing
- The "set back" design to the ground floor is completely out of character with the area
- The size, bulk and mass is out of character with houses on Rucklidge Avenue
- It will not integrate with surrounding properties – it will completely overwhelm them
- The design creates a traffic hazard, as it obscures visibility for drivers
- The development will cause additional parking problems in Rucklidge Avenue
- There is not sufficient amenity space for 22 flats
- No parking on site – not even for disabled
- Conflicts with Brent Council's planning regulations and the Mayor's Plan for London

REMARKS

Background

1. Members may be familiar with this site as it has been the subject of two similar proposals in recent years. Both of these proposals were approved. The most recent of these was presented at Planning Committee held on 17th April 2013. The development description was, '*Erection of a four and five storey building accommodating 22 flats, ground floor A1 and/or D1 floor space and retention of electricity sub station and subject to a Deed of Agreement dated 31st May 2013 under Section 106 of the Town and Country Planning Act 1990, as amended.* Permission was granted 12/06/2013 following completion of the Section 106 agreement.
2. Origin Housing, a Registered Social Landlord, acquired the site with the above planning permission and have submitted this application, consisting of 21 affordable flats in a four and five storey building with a commercial ground floor corner premises fronting Park Parade, to enable some necessary changes to the layout and massing as a result of the proposal now being 100% affordable housing. The most recent approval proposed only 2 affordable units. The main changes to in relation to the approved scheme are as follows;
 - Scheme now proposes 100% affordable housing.
 - All units now London Housing Design Guide compliant pursuant to Affordable Housing tenure requirements
 - The number of storeys remains the same as approved however the height is increased by between 600mm- 1m at the corner of Rucklidge Avenue and Park Parade to enable sufficient floor to ceiling heights pursuant to affordable housing requirements.
 - Number of units reduced from 22 to 21.
 - Proportion of 3 bed units in mix is 14.2% compared to 13.6% in approved scheme.
 - Density reduced from 80 to 72 persons, 660hr/ha compared to 670hr/ha.
 - Scheme now achieves a 40% carbon reduction above 2011 Building regulations compared to 25% for previous scheme.
 - Previous site levels not plotted correctly. Current scheme now accurately reflects the true situation on site.

Pre Decision Amendments

3. Following discussion with Officers and consideration of objections received, the following changes have been made during the course of the application. A letter informing neighbours and Statutory consultees of these changes was sent 11/02/2014
 - The building mass has been reduced in the following locations; on the first floor above the service access on Park Parade to enable sufficient height for a service vehicle, on the third floor (fourth storey) adjacent to Willows Terrace, and on the set back top floor (fifth storey) at the rear of building to align with the massing of the previous approved scheme. These changes were sought in order to ensure that the development complies with adopted guidance.
 - Other external changes are as follows; removal of external amenity space on top floor adjacent to Willows Terrace and removal of associated parapet detail and balustrade/railings, aluminium cladding to reduced set back fifth storey at rear, balcony on third floor (fourth storey) moved 3.1m away from Willows Terrace.
 - The overall effect on the accommodation is as follows; total number of units reduced from 22 to 21 (loss of 1 x 1 bedroom flat on top floor), total number of bedrooms reduced from 42 to 40. Scheme remains 100% affordable housing, retains 3 x 3 bed flats, and 2 x 2 bed wheelchair accessible flats on ground floor.
 - As a result of the changes the revised description is as follows. *"Erection of a part three, four and five storey building, with a set back fifth storey, accommodating 21 flats (100% affordable rent) and ground floor A1 retail use, together with associated cycle storage, landscaping and amenity space."*

Principle

4. The site previously accommodated a social club (sui generis). This building has been demolished and the use long since ceased. The principle of a mixed use housing scheme was established in the previous decision. Previous applicants cited *Iddenden v Hampshire County Council (1972)* case law where it was concluded that where a building is demolished there is no obligation for it to be reinstated when a new application is submitted. In view of this, particularly in terms of the passage of time, the site is considered for the purpose of this application a vacant brown field site. In terms of national policy, The NPPF supports the redevelopment of vacant brown field sites particularly those in urban areas. In this case it has been vacant for a significant amount of time and has been subject to Environmental Health complaints relating to dumping and pests.
5. In terms of the proposed mixed residential commercial use, The London Plan (2008) housing capacity targets require Brent to provide 11,200 new home from 2007/08 to 2016/17, and the Boroughs Housing Register (as of 2008) lists 22,653 households in need of accommodation. Pursuant to this need, paragraph 1.18 of the Core Strategy confirms that the Council must facilitate the delivery of more homes.
6. The proposal envisages a mix of residential on the upper floors with a commercial use on the ground floor. The ground floor uses will be restricted to those that are orientated toward visiting members of the public to satisfy town centre policy requirements. The residential mix is considered to reflect the location and is sympathetic toward the residential area of Willows Terrace/Rucklidge Avenue, whilst the non residential ground floor use ties in with the Harlesden District Centre Location, specifically the town centre uses along its Park Parade boundary.
7. In more precise policy terms, the application is considered to utilise a brown field site with an appropriate Residential Density (660 habitable rooms per hectare) in accordance with the Council's strategic aims of increasing the supply of housing within the Borough. As such, there is no objection to a mixed use development on the site.

Density and Mix

8. The residential aspect of the scheme offers the following density and mix.
 - 5 x 1 bed flats
 - 13 x 2-bed flats (2 x wheelchair units)
 - 3 x 3-bed flats
9. This equates to a density of 660 habitable rooms per hectare (hr/ha). This density falls within the relevant

density range set out in the Mayors London Plan, which for urban areas with a good PTAL (4-6) is 200-700 hr/ha or 45-260 u/ha. This is a reduction in the density to the previously approved scheme which was 670hr/ha, another words a reduction of 8 persons.

10. In terms of the mix, London Plan policy 3.8 Housing Choice, sets out that new developments should offer a range of housing types across the private, social and intermediate sector. The tenure of the development is 100% affordable rent, secured at 80% of market value including service charge through the Section 106 agreement. Given the compact nature of the site resulting in a development that is served by a single core, a single tenure scheme such as this is more practical in terms of servicing, management and maintenance.
11. In addition, London Plan Policy 3.3 recognises the pressing need for more affordable homes in London in order to provide a real choice for all Londoner's at a price they can afford. The provision of 21 affordable flats fulfills a pressing need for more affordable housing in the Borough, particularly the provision of 3 x 3 bed units, for which there is the most acute need in the Borough pursuant to objective 7 of the Core Strategy 2010 which sets out that 25% of units in schemes capable of providing 10 or more units, should be family sized. 3 bed units account for 14.2% of the scheme . This is proportionally more than the previous approved scheme.
12. The mix in relation to the proportion of 1 beds and 2 beds ties in with the Paragraph 1.15 of the London Plan which states that there is likely to be a large increase in one person households and that these trends mean that London will have to plan for more homes, particularly meeting the accommodation needs of families and single person households, both of which are likely to increase in number. As such the mix is considered to be acceptable.

Design, Appearance and Character of the Area

13. The architectural approach is the same as the previously approved scheme, with some changes to the massing to facilitate the London Housing Design standards now required throughout to accommodate the 100% affordable tenure. The massing can be described as perimeter L shaped building, with principle elevations on Rucklidge Avenue and Park parade at a height of four storeys at either end, with an additional "penthouse" floor located at the corner junction. The submission documents include a red line which plots the building envelope of the previously approved scheme against the proposed development. The main changes in relation to the massing of the approved scheme can be summarised as follows;
 - Omission of the fourth floor massing adjacent to Willows Terrace.
 - The height on the corner section of the development is taller by between 600mm - 1m in order to accommodate the additional internal head height required and the gradient of the site.
 - In terms of the building line, notwithstanding cantilevered aspect on Park parade, the development is within the envelope of the previously approved scheme and in some places a greater set back from the street is achieved. On the Park Parade elevation, the proposal follows the recognised building line of the road thus providing a wide footpath (approximately 4 metres), which continues around the corner onto Rucklidge Avenue. For approximately half the buildings length on Rucklidge Avenue, the façade is set 4 metres back from the road. It is then set back a further 2 metres for a length of 13 metres and then set back an additional 2 metres for the final 7.5 metres of the building. At this point, the building follows the same line as the adjoining Willows Terrace. This represents a greater level of ground floor set back from the street compared to the consented scheme.
 - At the corner of Rucklidge Avenue and Park Parade, at 1st, 2nd and 3rd floor level, the buildings mass cantilevers over the commercial ground floor space as per the approved scheme. However in this case, the building over sails the pavement on Rucklidge Avenue 600mm less than the consented scheme and over sails an additional 300mm on Park Parade.
 - A cantilevered section has been introduced on the Park Parade Elevation to enable vehicular access to the service bay.
14. In terms of the buildings overall massing and form, the previously approved scheme was considered to achieve a reasonably comfortable transition between the residential buildings on Willows Terrace and the more built up Park Parade end. The omission of massing on the fourth floor adjacent to Willows Terrace improves the transition in scale further. In addition, at the rear of the building, Officers have negotiated some reductions to the massing on the third floor (fourth storey) adjacent to Willows Terrace, and on the set back top floor (fifth storey) at the rear of building to align with the massing of the previous approved

scheme.

15. With regard to height, it is acknowledged that is between 600mm - 1m higher than the previous approval, however the increase is marginal in relation to the overall height of the consented building and is not something that could reasonably support a recommendation for refusal. In addition, the increase is located at the Park Parade end of the scheme where there is a greater height precedent and is not proposed in order to facilitate more units but to adhere with internal head height standards for affordable housing. The building therefore maintains the balanced scale and mass which was evident in the approved scheme, with some significant aforementioned reductions which improve the transition in scale further.
16. In terms of elevation design treatment, on Willows Terrace, the building line is stepped which reduces the bulk and mass of the facade. The use of simple vertical detailing between the windows responds to the proportioning of the neighbouring Willows Terrace. The fenestration, comprising of aluminium frame windows and balcony doors, is well balanced and punctuated with aluminium panels to add variety. Mild steel balconies with toughened glass and mild steel balustrades have a lightweight presence on the facade. The use of London Stock brick, an aluminium clad set back fifth storey and a rendered ground floor commercial section creates a well balanced materials palette. The aluminium clad fifth floor works as means of breaking down overall scale adding to the visual interest of the building. The Park Parade elevation adopts a similar approach to that used on Willows Terrace which is appropriate. Due to the simplicity of the overall design, the scheme relies on high quality materials being used throughout. This will be secured through condition.

Electricity Sub Station

17. The proposed building does not occupy the air space above the electricity sub station on site. Neither did the most recent consented scheme, however the scheme prior to this, ref: 12/0915 did so. During that application ref:12/0915, The Electricity substation was considered in terms of Electro Magnetic Field exposure (EMF). Environmental Health Officers confirmed at the time that ICNIRP guidelines (adopted by both the UK and the EU) on exposure to non-ionising radiation had been correctly interpreted, confirming the substation would not expose adjoining residents to EMFs in excess of these guideline values. Since this application does not build over the substation and does not have any greater implications with regard to proximity, the conclusions that were reached previously satisfy Officers for this application. In addition the applicant has provided the Council with written confirmation from UK Power Networks which confirms that the readings are well within the guidelines.
18. In terms of the design implications, its operation will continue and the off street servicing parking space will be used for the ground floor use also (see servicing discussion below). It is not envisaged that the operational requirements of the substation will be hindered due to the infrequency of maintenance visits. Additionally, the applicant has consulted with UK Power Networks and confirmed that they do not object to the sharing of facilities.

Quality of accommodation

19. There have been significant changes to the internal layout in comparison to the most recently approved scheme ref:13/0507. The result is a more coherent layout in which units have a more practical perpendicular form. The communal hallways and entrances are more spacious which enable better internal accessibility. All units are designed to London Housing Design Guide standards and have appropriate internal floor area pursuant to the London Plan minimum sizes. A sufficient level of outlook is afforded to each unit, and daylight and sunlight considerations meet the appropriate BRE guidance. The London Plan requirement that 10% of new housing in schemes that provide 10 or more units be wheelchair accessible is fulfilled by the provision of two fully wheelchair accessible ground floor units. All of the units will be built to 'Lifetime Home' standards. Additionally the units have taken account of stacking considerations.

External amenity Space

20. SPG17 advises that amenity space should usually be provided at a rate of 50m² per family unit, and 20m² for others. Where there is a short fall, the guidance allows some flexibility providing the development is in town centre location and/or a contribution can be secured for additional landscaping in the locality. In this instance, every flat has access to its own private balcony, garden or terrace, the two three bed flats on the fourth floor each with a private garden in excess of 40m². In addition, most flats have generous internal floor areas. Given the District Centre location, balconies/terraces which may fall short of SPG17 expectations but satisfy adopted London Design Guide amenity space standards, are considered acceptable in this instance, subject to additional contribution to offset this shortfall toward landscape improvements in the area. The previously applied standard charge of £3000 per bedroom includes a

provision of £907 towards open space, based on this amount, the under provision of amenity space relative to SPG17 and the proportion of different unit sizes in the development, a contribution of £13,397.28 will be secured through the Section 106 Agreement to mitigate the impact of the development. For the information of Members, this was also the approach that was taken when application 13/0507 came before them in April 2013.

Impact upon neighbouring properties

21. The previously approved scheme satisfied the Councils standards in SPG17 with regard to safeguarding neighbouring amenity. The building height and mass maintained an appropriate height in relation to a 45 degree line of site taken from a height of 2m at adjoining residential gardens, with the height of the building measured in relation to no 1 Willows Terrace only marginally above the recommended height. The building mass in this application projects further backwards than the previous approved scheme, as indicated by the red line. However as a result of negotiated reductions to the massing on the fourth storey at the rear of the building adjacent to no 1 Willows Terrace, the massing continues to only marginally exceed this requirement as illustrated on plan WY/OP5/07 rev D, and on balance is considered to be acceptable.
22. In addition, the fifth storey at the rear of the development has been reduced significantly during the application, resulting in the omission of a single unit from the fifth floor. The result is that the massing resembles the approved scheme ref:13/0507. In conjunction with this amendment, the external amenity space on the fourth adjacent to Willows Terrace was removed, along with the parapet detail and balustrade. Following the relocation of the balcony on third floor (fourth storey) 3.1m away from Willows Terrace, it is considered that the balconies at the rear do not pose any greater scope for overlooking than those approved in the previous scheme.
23. Habitable room windows at the rear of the development remain a minimum of 20 metres to nearest habitable room window on adjoining buildings, and a minimum of 10 metres from the rear boundaries. At the front, the distance between the front elevation and properties on the other side of Park Parade is approximately 13.5m which is comparable to other points on the street. Daylight and sunlight has been assessed which confirm that the proposal will not have a detrimental impact on adjoining properties. In summary, it is considered that the amenities of adjoining residential properties will not be detrimentally impacted upon. Adequate levels of privacy will be maintained and the building will not appear overbearing when viewed from neighboring gardens. As such the proposal meets the requirements of policy BE9 of the UDP and SPG17.

Commercial Unit

24. The ground floor commercial measures 160m² approximately. In accordance with concerns expressed at the previous Committee; the use will be restricted to those that have an orientation toward visiting members of the public pursuant to the viability and vitality of the town centre location, and certain uses within use class A2, specifically bookmakers, due to their proliferation within Harlesden, would be restricted. The following condition will be placed on this permission to that effect;

"The proposed commercial unit will be restricted to uses under Classes A1 and A2 (with the exception of betting shops/bookmakers) of the Use Classes Order, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In order to ensure that the parking and servicing available at the site match the impact of the proposed development, in the interests of safeguarding highway and pedestrian safety, that the use does not result in an over-concentration of similar uses with the Centre and that these does not impact on residential amenity in compliance with Policies SH3, TRN22, TRN24 and TRN34 of the UDP-2004."

Highways

25. Rucklidge Avenue, is a local access road which is defined as being heavily parked, and Park Parade is classified as a local Distributor road. The site lies within CPZ "HW" which operates 08:00 – 18:30 Monday to Saturday, and has excellent accessibility with a PTAL rating of level 6. Willesden Junction Station (Bakerloo tube & 2 Overground rail routes) is within walking distance of the site, and ten bus routes are locally available.
26. The proposed dwellings are predominantly 1-and-2-bed flats which can be permitted a maximum of 0.7 car parking spaces each, while the 3-bed flats can be allowed a maximum of 1.2 car spaces each. These are the stricter standards set out in PS14 of the UDP-2004, which can be applied when a site lies within an area with good PTAL ratings and a CPZ.

27. As such, up to 16.2 car parking spaces can again be permitted for the development and with no off-street parking proposed, the scheme again complies with standards. Consideration again needs to be given to the impact of overspill parking from the site on traffic flow and roads safety though and in this respect, the designation of the flats for affordable housing triggers a potential 50% reduction in the parking standard to nine spaces. Nonetheless, this still represents a significant increase for the site from its previous use.
28. The site cannot provide off-street car parking for the proposed flats, and the street is already defined as being heavily parked and cannot therefore provide on-street parking in fulfilment of the maximum standard. Transportation will therefore require a “car-free” agreement for all of the proposed dwellings, secured via a S106 Agreement.
29. Furthermore there will be 155sqm of A1/A2 commercial floor area on the ground floor frontage. One car space can be permitted per up to 400sqm (PS7) and the proposed use also requires servicing by at the very least a “Transit” sized vehicle (PS17). The servicing need can be fulfilled by the retained 7.5m long bay adjacent to the sub-station, which is served by an existing 5m wide crossover. Pedestrian access to this bay from within the proposed retail unit is available, which is important.
30. The off-street servicing parking space will be used for the ground floor use as well as for the substation: It is not envisaged that the operational requirements of the substation will be hindered due to the infrequency of maintenance visits. Additionally, the applicant has consulted with UK Power Networks and confirmed that they do not object to the sharing of facilities.
31. The amount and location of cycle parking is acceptable for both the residential and commercial elements of the scheme – 25 no. residential cycle spaces exceeds 1 per dwelling, and these are all secure and covered, while 2 no. cycle spaces for the commercial premises exceeds the PS16 guidelines for A1 uses.
32. The refuse and recycling stores for both the commercial and residential elements of the development are well placed to ensure ease of waste collection, which is also acceptable.

Air Quality

33. The Air Quality Assessment identifies the area as exceeding the National Air Quality standards for Nitrogen Dioxide however the excess is small and likely to decrease over time due to general improvements in vehicle emissions. Environmental Health Officers therefore agree with the assessment that mitigation measures are not required. In terms of the effect of the development on the surrounding environment there would appear to be no effect from additional traffic as the development is proposed to be car free. However Environmental Health Officers are concerned by the effect of the additional domestic boilers on NO2. In order to ensure that the effect is minimised, a restrictive condition will be placed on this permission.

Developer Contributions

34. The following contributions will be secured through the Section 106 Legal Agreement. Provision of 100% affordable housing as affordable rent secured at 80% of market value. A Landscape contribution will be sought for works in the surrounding area. Given the scheme provides 100% affordable housing, it will be eligible for relief from CIL contributions.

Consideration of objections

35. Concerns of neighbouring residents have been acknowledged and taken into account when determining this application.

Objections

It is over intensive and would be visually overbearing

It will not integrate with surrounding properties – it will completely overwhelm them

The development would be forward of the building lines

Balconies will result in infringement of privacy flats on Park Parade

Response

The purpose of this application is to accommodate changes required in order for the scheme to be eligible for grant funding to deliver an affordable housing scheme on site.

The number of units compared to the existing permission is less, the overall density has been reduced and there have been some noticeable reductions to the massing on the ground, fourth and fifth floor adjacent to Willows Terrace.

The stepping back of the building, ensures the

additional scale is located further away from the more sensitive residential boundaries, maintaining the comfortable transition in scale and setting that was achieved in the previous applications. (See Para 12-14).

Where there have been increases to the height, it has been as a result of the need to provide additional internal head height and internal floor area height pursuant to Affordable Housing requirements. Para (20-22) demonstrates that scheme adheres with adopted guidance with regard to safeguarding neighbouring amenity.

The size, bulk and mass is out of character with houses on Rucklidge Avenue

The "set back" design to the ground floor is completely out of character with the area.

The Local Planning Authority do not object in principle to the adoption of a contemporary or modern design approach provided that it can be demonstrated that this would embody a creative and appropriate design solution for the site that would respect the local context and character of the area. The building is considered to provide an appropriate response to the site context and character, whilst displaying a clear application of a chosen style, resulting in a high quality building. Materials, detail and landscaping will be conditioned to ensure the scheme has a high quality appearance and setting. (See Para 15).

The development will cause additional parking problems in Rucklidge Avenue
No parking on site – not even for disabled

The parking requirements, in accordance with PS14 of the Unitary Development plan, is approximately half compared to the consented schemes as there is a assumed 50% reduction in demand for housing of affordable tenure. Furthermore, the site is very well served by public transport with a PTAL rating of 6. In addition, the entire scheme will be subject to a "car free" agreement which prevents residents from applying for parking permits whilst the existing parking controls will safeguard existing parking provision during peak hours. (See para 24-29).

The design creates a traffic hazard, as it obscures visibility for drivers.

The building has been considered in relation to traffic flow and safety does not obscure visibility to an extent that would constitute a traffic hazard.

There is not sufficient amenity space for 22 flat

Each unit has its own dedicated external amenity, plus access to a communal area, whilst a financial contribution is secured to offset any shortfall. (See para 18 -19).

Scheme will put pressure on drains and sewerage system and increase dumping in locality.
Lack of infrastructure to support development

(See Para 31).

The level of financial contribution toward infrastructure in the Borough under the new Community Infrastructure Levy (CIL) regulations is expected to be comparable if not in excess of superseded standard charge secured through a Section 106 Agreement. The Government recognises the importance of the provision of affordable housing, and therefore has granted eligibility for relief from CIL for this type of development.

Conclusion

36. This application has been submitted in the response to a change of circumstances, namely the site being

taken on by an Affordable Housing Provider as well as queries over the site levels. This report has demonstrated that changes are relatively minor in relation to what has already been granted, and importantly the revised proposal is acceptable in its own right. The aesthetic of the building remains of a high quality, whilst the alterations to the massing do not undermine the careful consideration through which an appropriate scale was reached previously. The result is a high quality mixed use scheme providing much needed affordable housing and the redevelopment of a site which has languished for a long time. As such, through consideration of all the relevant planning policies, it is considered the scheme is in general conformity with relevant chapters of the Councils 2004 Unitary Development Plan and supplementary Guidance, the Councils 2010 Adopted Core Strategy and in broader policy terms, the 2011 London Plan and the National Planning Policy Framework. The application is therefore recommended for approval subject to a Legal Agreement.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004

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

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

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

Environmental Protection: in terms of protecting specific features of the environment and protecting the public

Housing: in terms of protecting residential amenities and guiding new development

Employment: in terms of maintaining and sustaining a range of employment opportunities

Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

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

Transport: in terms of sustainability, safety and servicing needs

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

CONDITIONS/REASONS:

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

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

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

WY/OP5/01 Rev B

WY/OP5/02 Rev C

WY/OP5/03 Rev B

WY/OP5/04 Rev C

WY/OP5/05 Rev C

WY/OP5/06 Rev D

WY/OP5/07 Rev D

WY/OP5/08 Rev C

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

- (3) The servicing space proposed shall be constructed and permanently marked out prior to first occupation of the commercial unit approved. Such works shall be carried out in accordance

with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory development which contributes to the visual amenity of the locality and which allows the free and safe movement of traffic throughout the site and to provide and retain car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (4) No works shall commence on site before tree-protection details in accordance with BS5837:2005 have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include details on how these landscape features will be protected during the construction phase and details of root-protection zones provided. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure retention and protection of trees and other landscape features on the site in the interests of amenity.

- (5) Domestic boilers installed in the residential units shall be rated for NOx emissions not exceeding 40 mg/kWh (equivalent to 3 'Pol2 ' credits on the Code for Sustainable Homes assessment)

Reason: To protect local Air Quality in accordance with saved UDP policy EP3

- (6) The development falls within an Air Quality Management Area that has been declared due to levels of particulate matter. The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by demolition and construction operations. This must include as a minimum:

Damping down during demolition and construction, particularly in dry weather conditions.

- Minimising the drop height of materials by using chutes to discharge material damping down the skips/ spoil tips as material is discharged.
- Sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation.
- Utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area.
- The use of demolition equipment that minimises the creation of dust.
- A suitable and sufficient means of suppressing fugitive emissions of dust must be provided and maintained.

Reason: To minimise dust arising from the construction and demolition works

- (7) During demolition and construction works on site:

- The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site.
- The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 0800 – 1800 Mondays-Fridays, 0800 -1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- Vehicular access to adjoining and opposite premises shall not be impeded.
- All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only. A barrier shall be constructed around the site, to be erected prior to demolition.

Reason:

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of nuisance caused by construction and demolition works

- (8) The proposed commercial unit will be restricted to uses under Classes A1 and A2 (with the exception of betting shops/bookmakers) of the Use Classes Order, unless agreed otherwise in writing by the Local Planning Authority.

Reason:

In order to ensure that the parking and servicing available at the site match the impact of the proposed development, in the interests of safeguarding highway and pedestrian safety, that the use does not result in an over-concentration of similar uses with the Centre and that the use does not impact on residential amenity in compliance with Policies SH3, TRN22, TRN24 and TRN34 of the UDP-2004.

- (9) The Electricity Sub Station should be separated from the new Commercial and Residential development by a 2 hour fire resisting enclosure under The Building Regulations. The applicant should also consult when design stage drawings are being prepared with the Statutory Undertakers re their specific requirements.

Reason: To provide sufficient protection for residents and occupants of the building in the event of a fire

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

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

A test shall be carried out prior to the discharge of this condition to show the required internal noise levels have been met and the results submitted to the Local Planning Authority for approval.

Reason: To obtain required sound insulation and prevent noise nuisance

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

(a) materials (samples of which shall be submitted for approval by the Local Planning Authority) to be used on all external surfaces of the building(s) including; window details, alluminium panels, soffit and eaves detailing, railings on the top floor, brick work.

(b) the proposed boundary treatment including all fences, walls and gateways;

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

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

(a) during the first available planting season following completion of the development hereby approved.

Such scheme shall also indicate:-

(i) Walls and fences

Proposed walls and fencing, indicating materials and heights.

(ii) Screen planting on boundary

Screen planting along the Willows Terrace boundary.

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

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

- (13) Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority that includes the results of any research and analysis undertaken. A remediation strategy shall be submitted to the local planning authority for approval, which specifies measures to contain, treat or remove any contamination found (unless the Planning Authority has previously confirmed that no remediation measures are required). The report shall include measures for the removal of the underground fuel tanks and associated fuel infrastructure.

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

- (14) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority for approval, stating that remediation has been carried out in accordance with the approved remediation strategy and the site is permitted for end use, before any part of the development is occupied.

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

INFORMATIVES:

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

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

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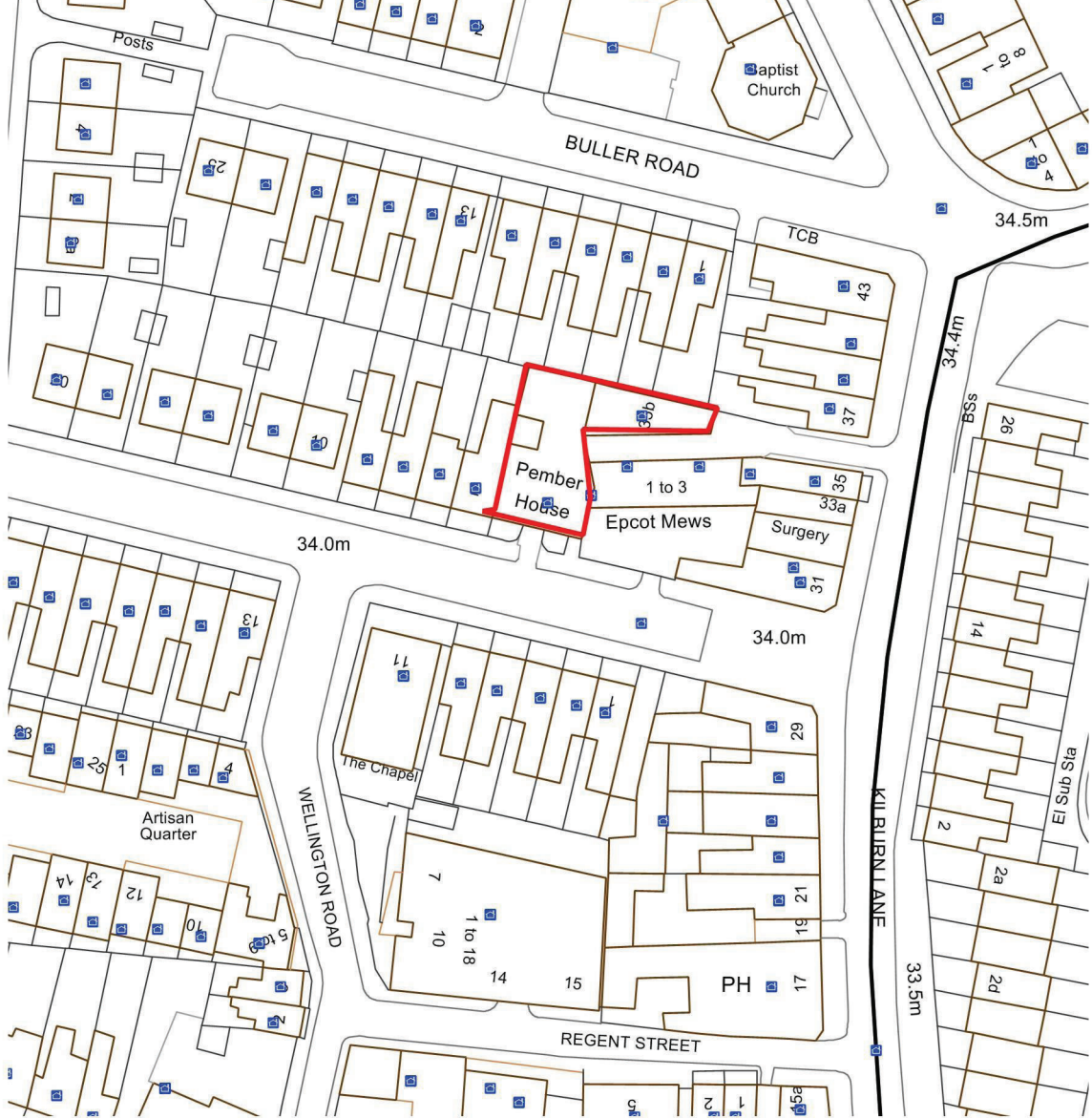


Planning Committee Map

Site address: Flats 1 & 2, Pember House, Pember Road, London, NW10 5LP & 35B
Kilburn Lane, North Kensington, London, W10 4AE

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This map is indicative only.

RECEIVED: 11 July, 2013

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Flats 1 & 2, Pember House, Pember Road, London, NW10 5LP & 35B Kilburn Lane, North Kensington, London, W10 4AE

PROPOSAL: Demolition of existing building and external staircase, retention of the facade and construction of 5 bed dwelling with basement and commercial office space on the ground floor

APPLICANT: Mr Anthony Macllwaine

CONTACT: Washbourne Field Planning Ltd

PLAN NO'S:
Please see condition 2

MEMBERS CALL-IN PROCEDURE

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

Name of Councillor
Cllr James Denselow

Date and Reason for Request
24 February 2014

Details of any representations received
Concern over impact on local residents

Name of Councillor
Cllr Mary Arnold

Date and Reason for Request
8 February 2014

Details of any representations received
Concern over impact on local residents

Name of Councillor
Cllr James Allie

Date and Reason for Request
8 February 2014

Details of any representations received
Not specified

Name of Councillor
Cllr Claudia Hector

Date and Reason for Request

7 February 2014

Details of any representations received

Not specified

RECOMMENDATION

Grant Consent

EXISTING

The site is currently occupied by a 2-storey industrial warehouse, which has been converted into two self-contained flats. The site also includes an office/workshop facility to the east of Pember House, known as 35b Kilburn Lane. The site has one vehicular access, which is located adjacent 35b Kilburn Lane. The site is not located within a conservation area, nor is any part of the property listed.

PROPOSAL

Please see above

HISTORY

The property has an extensive site history, however only the following 2012 application is considered to be relevant in the assessment of that proposal that is before the Local Authority.

Conversion of 1x 2 bed and 1 x3 bed to 1 x 5 bed, the creation of a basement, erection of single storey side/rear extension resulting in reduced commercial space, erection of a second floor extension and roof terrace with the installation of rooflights, solar panel, new windows and doors (Ref No: 12/0200) was refused permission on 13 February 2013 for the following reasons:

The proposed second floor extension, roof terraces, projecting PV panels, pool and associated plant equipment by reason of their design, excessive height, scale, siting, bulk, proximity to site boundaries and prominence results in an overly dominant and bulky addition, detracting from the character of the streetscene and relates poorly to the original property. As a result, the proposal would be contrary to policies BE2, BE9 and H18 of the adopted Brent Unitary Development Plan 2004

The proposed roof terrace with external cooking area, pool and associated plant equipment, by reason of its relationship to neighbouring properties and gardens, would be likely to result in potential noise, nuisance, overlooking and a loss of privacy to the detriment of neighbouring amenity contrary to policy BE2 and BE9 of the Brent UDP 2004 and guidance SPG17 "Design Guide for New Development

The proposal would result in excessive car parking and results in a reduction in the scope for landscaping, amenity and circulation space contrary to policies TRN23 and PS14 of the Brent UDP 2004

The proposed car lift by reason of its location would result in a lack of pedestrian and vehicle safety, provision of amenity space, a detrimental impact on servicing and access arrangements to adjoining properties contrary to policies TRN3 and TRN10 of the Brent UDP 2004

Following an assessment of the submission, including a site visit, it was found that the plans are inconsistent and it is not possible to fully assess the implication of the proposal in particular a proposed first floor extension, as such it is contrary to policy BE2, BE7 and BE9 of Brent's UDP 2004.

POLICY CONSIDERATIONS

The following planning policy documents and guidance are considered to be of particular relevance to the determination of the current application

The National Planning Policy Framework (NPPF)

National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. It seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It includes a presumption in favour of sustainable development in both plan making and decision making. The NPPF is intended to provide a framework within which local people and Councils can produce their own distinctive Local and Neighbourhood Plans. It aims to strengthen local decision making and reinforce the importance of keeping plans up to date.

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. The Core Strategy will also need to be in conformity with both the London Plan and the NPPF. In doing so it has significant weight attached to it.

Mayors London Plan 2011

The London Borough of Brent LDF Core Strategy 2010

CP2 Population and Housing Growth
CP21 A Balanced Housing Stock

The London Borough of Brent Unitary Development 2004 ('saved' policies)

BE2 Townscape: Local Context & Character
BE7 Public Realm: Streetscape
BE9 Architectural Quality
H12 Residential Quality – Layout Considerations
TRN23 Parking Standards – Residential Development
PS14 Parking Standards

Supplementary Planning Guidance Note 17: Design Guide for New Development

CONSULTATION

50 Neighbouring properties were consulted on 9 August 2013 and on 31 January 2014 as the Council received an amended submission. The Local Authority has received 9 objections, 1 support and 1 comment. These are outlined as:

- The development would create additional parking and traffic pressures
- The ambiguity raised by 'commercial use' is worrying to residents.
- The development will create an overbearing impact neighbouring gardens
- The development will reduce sunlight to neighbouring properties
- The architectural merit of the existing building should be retained as it fits in with the character of the street.
- Building works will endanger persons at neighbouring properties and negatively impact neighbouring commercial insurance
- The installation of a basement is likely to interrupt the structural stability of neighbouring properties which is likely to have a ripple effect on adjoining properties.
- Concerns over refuse and recycling facilities as the existing arrangements do not appear to be effective
- No details of parking have been provided

Comment

- Residents have not been consulted on the subject planning application - The Councils area of consultation is led by SPG2. The named properties fall out of the required consultation area.

Support:

- The proposal is likely to result in an improvement to Pember Road.

REMARKS

Introduction

As detailed in the 'History' Section of this report, a previous application (Ref No: 12/200) was refused permission. The main changes in the schemes are noted as:

- Reduced second floor extension
- Removal of second floor external cooking area and pool
- Removal of excessive park including car lift and basement parking

Principle of Conversion

1. The proposed development will result in the existing 2 flats (1 no. 2-bed, 1 no. 3-bed) being converted into a 1 x 5 bedroom unit and commercial office space at ground floor level. Policy CP21 of the Council's emerging Core Strategy seeks to redefine the UDP definition of family sized accommodation to units containing 3-bedrooms or more. The UDP definition considered units with two or more bedroom to be suitable for family occupation. This change in definition is intended to assist the Council in addressing the identified shortage of housing for the unusually high number of larger households within the Borough. The loss of a family unit of which there is an acute demand in general is considered to be adequately compensated for through the creation of a 5-bedroom unit. As such, the proposed development is considered to comply with the aspirations of policy CP21 which seeks to achieve a balanced housing stock for the Borough.

2. As detailed above part of the site is in use as offices. Policy EMP9 restricts the loss of employment sites, as such the proposal seeks to retain the office use thereby meeting aspirations of EMP9. As such the format of the development is accepted. The site benefits from a very good Public Transportation Accessibility Level (6) and as such is considered to be appropriately located in terms of access. Concern has been raised over the use of the B1 use as commercial. The proposal seeks to retain the existing use as B1. If Members are minded to approve the use of the development will be condition to B1 only.

Loss of the building and design and appearance of the development.

3. The building is not sited within one of the Council's designated Conservation Areas nor an ADRC (area of distinctive residential character). As a result, the area does not provide the same level of protection to existing buildings as would be the case if it was so designated or, even more sensitive, the building was statutorily listed.

4. This is not to say that the area does not have a character worthy of acknowledgement, but it does mean that it would be difficult for the Council to say that the demolition of buildings will never be allowed in this locality. Instead, the Council's approach should be that if building is to be removed, any replacement building should be of the necessary design quality, relating well to what is in the area.

5. Policies BE2, BE3, BE7, BE9 and H12 of the UDP seek to ensure that new development positively enhances the character and amenity of an area. The character here is mixed with Epcot Mews to the East, two storey houses to the North, South and West. Further East of the site a garage (Pember Road) and retail/commercial (Kilburn Lane) uses are operational. It is therefore considered that there is no objection to a mixed development, per se, in this location is raised. However, this would be on the basis that the resulting development would not detract from the character of the area, and would positively enhance the area thereby.

6. The design of the development is fairly traditional, which is not, in itself, something that the Council would object to in principle. For the avoidance of doubt, your Officers would not object to a contemporary architectural approach here, but whichever approach is adopted, it would be on the basis that the quality of the development is acceptable.

7. The footprint and façade of the building will be retained. The only external change to the building will be in the form of the second floor extension. The design of the proposed development is better than the original submissions in that the new second floor is now set away from the North, South and West elevations so to better articulate the upper floor development. The proposal envisages a simple roofscape with a light weight obscure glazed structure placed at second floor level. The elevational treatment of the building has been retained in an attempt to respect the established character of the street. The Design format is considered to be acceptable and no objection is raised.

Impact on Neighbouring Amenity

8. As the building foot print remains unchanged, any additional impact will arise from the additional floor, detailed above. The Council's SPG17 guidance, specifically the 30 and 45 degree guides new development. Policy BE2 requires new development to consider existing features, as such the existing building forms a material consideration in officers assessment. It is noted that the existing building breaches the Council's existing Guidance. Nevertheless it is still necessary to assess whether the proposal has any significant increased impact that would make the proposal unacceptable. An assessment of the second floor extension is therefore necessary. The proposed second floor extension can be seen in four elevations and these are addressed below:

9. The Southern façade (fronting Pember Road) will be retained. Viewing the development from this elevation, the proposed extension will be set away from the Western elevation and will not project any further

than the neighbouring dormer window or front rooflights at No 2 Pember Road. The existing front building line is located some 5m forward of properties at Epcot Mews. The proposed extension will project less than half of this depth at 2m. The South facing balcony will contain obscure glazing and be set away from the Eastern and Western Elevations so to protect neighbouring amenity at Epcot Mews and 2 Pember Road. High level glazed windows are proposed on the Eastern elevation, however these too will be obscure glazed. Owing to the building in situ, this element of the proposed extension is not considered to cause detrimental planning harm No. 2 Pember Road or Epcott Mews.

10. The Eastern and Western Elevations will contain a glazed structure. This structure will be located 0.5m away (Min 2m away from boundary) from the lightwell located on the Western Elevation. The glazing of which will be obscured so to prevent a loss of amenity. Owing to the positioning of the extension (Now with increased set off, than that of the previously refused scheme) and lightweight materials employed, your officers are not of the view that this element of the extension will result in a loss of neighbouring amenity. The Extension will not be set off the Eastern elevation.

11. The third element of the extension located to the North of the roof will be set off the Northern and Western boundaries. This is considered to be the most contentious of the relationships discussed, owing to the short Gardens at Buller Road (6.5m) and the rear garden at No 2 Pember Road. The applicant has responded to the tight relationships by constructing an extension that is lightweight by reason of its materials, sought to set the extension away from the boundaries (as detailed above) and has removed balconies for amenity. The outside areas of the roof are demarcated by railings and are for maintenance purposes only. They will be duly conditioned if Members are minded to grant permission for the development.

12. Particular concern has been raised to the loss of daylight/sunlight and an overbearing impact of the extension. As stated above the existing building must form a material consideration in your officers assessment. The existing building occupies the entire footprint of the site and this remains unchanged in the proposal.

13. The applicants Daylight, Sunlight and Overshadowing report describes relevant planning policies with respect to daylight, sunlight and overshadowing, the methods used to assess the impacts, the baseline conditions currently existing at the Site, the potential direct and indirect impacts of the Development and the residual impacts of the development. The calculations follow the guidance set out by the BRE Report "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" and the "Daylight, Sunlight. Adherence to these guidelines gives the potential to achieve good daylight and sunlight conditions in new buildings and also to retain acceptable conditions for existing buildings nearby.

14. The report concludes that the existing surrounding residential properties assessed will receive daylight and sunlight levels comparable to or any reduction will be within the relevant BRE guidance i.e. no loss of sunlight or daylight greater than 20% of the former condition. This largely due to the set back nature of the upper floor extension and its lightweight glazed appearance. It should be noted that if the existing building (which occupies the footprint of the building) had not been in situ, your officers would not find the proposal to be acceptable.

15. The proposal seeks permission for a new basement. The basement will accommodate storage area, media room, sauna, gym and changing rooms to the house. These will be serviced by a series of lightwells. As such no objection is raised to the quality of space proposed. In constructing the basement, some concern has been raised with the structural stability of such a development and its impact on neighbouring properties. Brents approach to basements recognises these concerns and seeks information from applicants to clarify implications of the basement construction. Further information around potential contradiction and methodology has been provided and as Members are aware the implications on stability are not direct planning considerations but are covered by the Building Regulations. The applicant will be reminded of their Party Wall Act responsibilities by way of an informative and will need to sign up to considerate contractors scheme.

Highways

16. The site is located on the northern side of Pember Road, a local access road which is defined as being heavily parked. However, vehicular access to the site is proposed via the existing passageway from Kilburn Lane. The site lies within Controlled Parking Zone which operates 08:30 – 18:30 Monday to Friday, and has excellent accessibility with a PTAL rating of level 6. Kensal Green and Kensal Rise Stations are both within walking distance of the site, while eleven bus routes are locally available.

17. Under parking standard PS14 of the Unitary Development 2004 (UDP-2004) a single 5-bedroomed

property can be permitted a maximum of 1.2 car parking spaces (which is a reduction from the existing attraction of 1.9 bays). This is the stricter standard which is applied when sites lie within a Controlled Parking Zone and have excellent PTAL ratings. As such, the proposed provision of one car space within the yard off Kilburn Lane is acceptable. The retained B1 unit adjacent to the proposed dwelling can also be permitted one car space plus one servicing bay (PS6 and PS19 of the UDP-2004), which is fulfilled by the provision of a second space within the same yard.

18. Whilst the provision of 2 car parking space as proposed can be accepted, it is noted that the property has the capacity to park 3 cars on site. Assessing the amount of space available your officers are of the view the spaces can be accessed independently. Details of the parking layout should therefore be secured by condition.

19. Given that Pember Road is heavily parked and Kilburn Lane is a local Distributor road, it is preferred that off-street parking is provided for this dwelling. The access route remains of an acceptable width, being 3m wide plus 0.9m footways each side.

20. Refuse and recycling storage is shown on the Pember Road frontage which is welcomed as this is the more suitable access point for waste collection.

21. Cycle parking is shown at ground floor level (4 spaces), which is acceptable and comfortably exceeds PS16 requirements. The storage appears to be enclosed and covered, which improves security and weather protection.

22. There is a redundant vehicular crossover on the Pember Road frontage which still needs to be restored to kerb-and-channel at the developer's expense prior to occupation of the new dwelling. Details of which shall be secured by condition

Summary

Objection	Response
The development would create additional parking and traffic pressures	The resulting development will attract less park existing development
The ambiguity raised by 'commercial use' is worrying to residents	Please see par 2
The development will create an overbearing impact neighbouring gardens	See paragraph 12
The development will reduce sunlight to neighbouring properties	See paragraph 12
The architectural merit of the existing building should be retained as it fits in with the character of the street.	Please see paragraph 3-7
Building works will endanger persons at neighbouring properties and negatively impact neighbouring commercial insurance	Building works do not form a material consideration for assessment of this a planning application as defined in the Town and Country Planning Act
The installation of a basement is likely to interrupt the structural stability of neighbouring properties which is likely to have a ripple effect on adjoining properties	Please see paragraph 13
Concerns over refuse and recycling facilities as the existing arrangements do not appear to be effective	Please see paragraph 18
No details of parking have been provided	Please see paragraph 14-16

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

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

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

CONDITIONS/REASONS:

- (1) 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 drawings:

Proposed North Elevation - 22 January 2014
Proposed West Elevation - 22 January 2014
Proposed South Elevation - 22 January 2014
Proposed East Elevation - 22 January 2014
Proposed Roof Plan - 22 January 2014
Proposed Second Floor Plan - 22 January 2014
Existing Site Plan
Existing ground floor plan
Existing Roof Plan
Existing North and South Elevation
Existing West Elevation

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

- (3) 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 use of the area denoted as B1 on the ground floor plan hereby approved shall only be for purposes within Use Classes B1, unless otherwise agreed in writing by the Local Planning Authority, providing that any extraction equipment required by the uses are approved by the Local Planning Authority in advance of the unit being served by the required extract equipment being occupied.

Reason: To allow an appropriate level of flexibility in the use of this floorspace and in the interests of amenity.

- (4) The redundant vehicular crossover on Pember Road adjacent to the property frontage shall be restored to kerb-and-channel at the developer's expense prior to occupation of the new dwelling

Reason: In the interests of highway and pedestrian safety.

- (5) The railings located to the North, West and East elevations will be used for maintenance purposes only.

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

- (6) Details demonstrating that the developer or constructor has joined the Considerate Constructors Scheme shall be submitted to the Local Planning Authority prior to commencement of works and the developer or constructor shall thereafter adhere to the requirements of the Scheme for the period of construction.

Reason: In the interest of the amenities of the adjoining and nearby owners and occupiers.

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

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

- (8) Details of car parking layout shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

INFORMATIVES:

- (1) The developer is advised to contact the Head of Transportation, in order to arrange for the necessary works to remove the redundant vehicular crossover and restore kerb-and-channel.
- (2) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

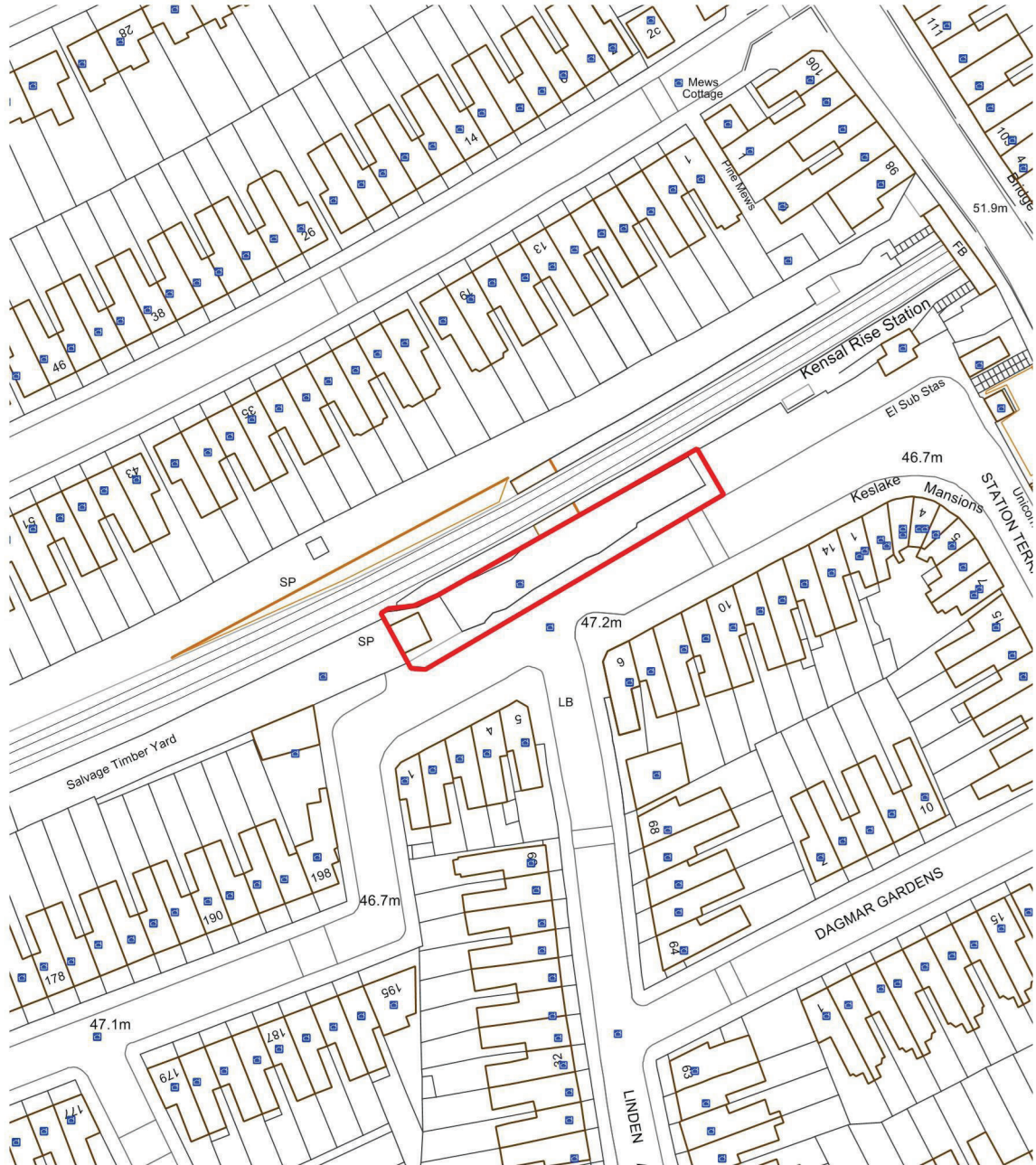
Any person wishing to inspect the above papers should contact Tanusha Naidoo, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5245



Planning Committee Map

Site address: STORAGE LAND OPPOSITE LINDEN AVENUE, Station Terrace, London

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This map is indicative only.

RECEIVED: 22 October, 2012

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: STORAGE LAND OPPOSITE LINDEN AVENUE, Station Terrace, London

PROPOSAL: Erection of 9 residential units with 5 (A1) retail units and 1 (B1) office.

APPLICANT: Mr Paul Evers

CONTACT: Architect DAS

PLAN NO'S:
Please see condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Servicing Management Plan
- Car Free Agreement (Residential and Business Users)
- Landscaping (£50000)

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

Based on the above floor areas the Brent CIL liability is estimated as **£167,595.34**.

In terms of Mayoral CIL this would be chargeable on the whole development. Based on the above floor the Mayoral CIL liability is estimated as **£20,289.95**

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

EXISTING

The site located on Station Terrace is bound by a Railway line to the North, a Skip Yard to the West and a parking lot to the East. The site is accessed via Station Terrace.

The Western end of the site itself is occupied by a two storey building, which is in use as an office to a roofing company. The remainder of the site is used for the storage of shipping containers. The site is not located within a Conservation Area, nor is any part of the site considered to be a listed feature. The property is located within a Local Centre.

PROPOSAL

Please see above

HISTORY

Planning permission (Ref No: 98/0219) for the redevelopment of site to provide two detached 2-storey Use

Class B1 (Business Class) buildings (as amended by plan received on 14/09/98) was granted on 2 December 2002.

Planning application (Ref No: C5648 1449) for the erection of a single storey office building extension was refused on 27 September 1971.

Planning application (Ref No: P1864C 3654) for the erection of an extension to provide a cloakroom and accommodation was granted permission on 13 June 1976.

Planning application (Ref No: P1864A 1554) for the erection of a new workshop and office block was refused permission on 6 September 1966

POLICY CONSIDERATIONS

The following planning policy documents and guidance are considered to be of particular relevance to the determination of the current application

The National Planning Policy Framework (NPPF)

National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. It seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It includes a presumption in favour of sustainable development in both plan making and decision making. The NPPF is intended to provide a framework within which local people and Councils can produce their own distinctive Local and Neighbourhood Plans. It aims to strengthen local decision making and reinforce the importance of keeping plans up to date.

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. The Core Strategy will also need to be in conformity with both the London Plan and the NPPF. In doing so it has significant weight attached to it.

The recommendation here is considered to comply with the Core Principles set down in the NPPF:

- Planning should be genuinely plan led empowering people to shape their surroundings. Plans should be kept up-to-date and provide a practical framework within which decisions on planning applications can be made.
- Creation of the opportunity to be creative in finding ways to enhance and improve places in which people live their lives.
- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, and thriving local places that the country needs. Plans should set out a clear strategy for allocating sufficient land which is suitable for development in their area taking account of the needs of the residential and business communities.
- Secure a high standard of design and levels of amenity.
- Promote the vitality of the main urban areas whilst protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside.
- Aim for a low carbon future in a changing climate and encourage the use of renewable resources.
- Conserve and enhance the natural environment and reduce pollution. Allocations of land for development should prefer land of lesser environmental value.
- Encourage the use of brownfield land provided it is not of high environmental value.
- Promote mixed use developments.
- Conserve heritage assets in a manner appropriate to their significance.
- Manage patterns of growth to make the fullest use of public transport, walking and cycling focussing significant development on locations which are or can be made sustainable.
- Support strategies which encourage health, social and cultural well being for all and deliver community and cultural facilities and services to meet local needs.

Mayors London Plan 2011

The London Borough of Brent LDF Core Strategy 2010

CP2 Population and Housing Growth
CP21 A Balanced Housing Stock

The London Borough of Brent Unitary Development 2004 ('saved' policies)

BE2	Townscape: Local Context & Character
BE7	Public Realm: Streetscape
BE9	Architectural Quality
H12	Residential Quality – Layout Considerations
TRN23	Parking Standards – Residential Development
PS14	Parking Standards
SH3	Major Town Centres and Districts Centres

Supplementary Planning Guidance Note 17: Design Guide for New Development

CONSULTATION

113 neighbouring properties were consulted on 31 October 2012 and 1 October 2013. The Council has received, 10 supporting and 9 objecting representations:

External

Objections:

- The proposed development is too high and is poorly designed
- The upper floors should not be used for residential purposes as residential units are of no benefit to the existing community
- Loss of neighbouring amenity (I.e. Privacy, light, sunlight, view, overlooking)
- The proposal is out of scale with the character of the area and will create an overbearing impact on neighbouring residents
- Noise pollution to residents on Clifford Gardens
- Parking congestion on Clifford Gardens
- No provision of off-street parking.
- The proposal should constitute a single storey building that accommodates retail uses. The roof of which should contain more greenery
- The proposal could also seek permission for the an upstairs cafe to educational space to be connected with the afore mentioned green roof.
- The proposal should better consider the community needs.

Support:

- The development will improve the otherwise vacant piece of land.

Internal

Highway Engineer: No objection, as expanded below

Environmental Health: No objection, subject to conditions to manage noise transmission and land contamination

Other

Network Rail are responsible for the operation of the adjacent railway, they are concerned to ensure that no development has a detrimental impact on the everyday functioning of the railway. They normally require any new development to be located 3m away from over-head power lines. The proposed development will be located 2.75m away from a over-headline line, on balance Network Rail have decided the shortfall is not sufficient to raise an objection. A condition requiring the development to be no closer than 2.7m from the closest overhead power line shall be attached to this permission if Members are minded to grant the application.

There has been some discussions over the location of the Northern Boundary Line. The matter has been raised with Network Rail, who have not raised concern/objection with the Northern Boundary as detailed on subject application

REMARKS

Principle of development

1. The site in use as storage and offices, has arguably been under-used in recent years. Policy EMP9 restricts the loss of employment sites but expands to state where a site is adjacent a town centre, and contributes to regeneration, then uses for which the sequential approach applies will be permitted. Policy SH3 requires new Major Development to be subject to the sequential approach (I.e. The first preference will be for development on sites within Wembley and Kilburn). However as the development is not considered to be a Major development, the sequential approach set out in Government Policy is not applicable here. Policy SH3

also requires new development to demonstrate a need for the development. Retail (A1) and Offices (B1) uses are considered to contribute to the vitality and viability of the Town Centre itself.

2. The site is located adjacent Kensal Rise town centre therefore a scheme comprising ground floor retail and office uses with residential above meets aspirations of EMP9. As such the format of the development is accepted. The site benefits from a very good Public Transportation Accessibility Level (5) and as such is considered to be appropriately located in terms of access

Urban design

3. The character here is generally mixed with the subject site sited between a Bus Depot to the South, a railway line to the North, skip goods yard to the West, a car park to the East and 3 storey terraced housing to further North and South. The proposal envisages a 4-storey block with A1 on the ground floor and residential on the upper three floors. The site is physically constrained so any development is likely to follow the form currently proposed.

4. The proposed development will help to strengthen the building line which the existing vacant site fails to do. It is noted that Chamberlayne Road and Clifford Gardens have higher groundlevels than that of Station Terrace, as such the 4 storey building is considered to be a balanced approach for a development in this location. The proposed scale of the development appears to sit comfortably within the streetscape. The height of the new building will be one recessed storey higher than properties on Station Terrace. Owing to its recessed nature and varying ground levels from the directly adjoining properties, your officers, on balance consider the development to be acceptable in street scene terms.

5. The recessed circulation cores split the development into 6 elements which effectively reduces the scale of the block. The front elevation is reasonably well proportioned with strong elements of both vertical and horizontal emphasis. The arrangement of material (which will need to be secured by condition for clarity) and fenestration creates a visually interesting and coherent building which is likely to present an improvement to the existing streetscene. The variety within the palette of materials creates an interesting architectural language and is generally supported.

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

7. The site occupies a fairly prominent location, with views of it from Station Terrace, Clifford Gardens and the railway to the rear. The applicant has proposed seamless, non opening windows between an aluminium cladding system. Details of the cladding system will be secured by condition so to ensure a good quality development is realised. Officers are of the view that it is essential that attention is paid to this rear elevation in addition to the front. The elevation that faces the railway line will be hugely visible both to passengers who use the station, but also those who travel along the railway line through the Borough, and failure to have regard to this issue can result in a significantly poor quality of development that would be unacceptable in visual terms. It is considered that sufficient attention has been paid to all elevations in order for the proposal to be supported.

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

Quality of Accommodation

8. The site is located on Station Terrace and backs onto a Railway Line. The potential for noise nuisance therefore exists and it is important that the residential units are built to a specification that will reduce the impact of noise. Details will be secured by condition. Noise transmission can be mitigated by correct insulation and in order to deal with the issue of street noise the applicant will be required to undertake a noise assessment to ascertain what level of mitigation is needed. This will ensure that suitable attenuation is achieved in the rooms facing the Railway Line

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

Flat No	No of Rooms	No of Occupants	Flat size
Flat 1	3 Bed	6 Person	131.6sqm
Flat 2	2 Bed	4 Person	90.1sqm
Flat 3	2 Bed	4 Person	78.6sqm
Flat 4	2 Bed	4 Person	76.2sqm
Flat 5	2 Bed	4 Person	70.9sqm
Flat 6	2 Bed	3 Person	69sqm
Flat 7	2 Bed	3 Person	67.9sqm
Flat 8	3 Bed	6 Person	98.3sqm
Flat 9	2 Bed	4 Person	88.8sqm

10. External amenity space is only provided in the form of balconies. The total quantity of external amenity space provided (210sqm). Whilst SPG17 requires 240sqm (7 x 20sqm + 2 x 50sqm) for a development of this quantum, the Guidance Note also makes an allowance for a more flexible approach to be employed, particularly in urban areas such as this where it is inevitably more difficult to meet the guidance requirements. The proposed balconies located to the front of the property are of a sufficient size (providing a minimum of 20sqm of external space per unit) to provide an element of useful external space, but the issue is a balanced one and Officers consider that the over-sized internal floor area in two thirds of the units and limited external amenity space on balance means the development provides a suitable standard of accommodation.

11. The issue of having residential units next to a railway line has been considered. Whilst the units are proposed to be dual aspect which will maximise the amount of light and outlook available to them, the windows fronting the railway line will be secondary windows only and will be fixed closed so to minimise noise transmission into the units. Post completion noise testing will ensure this is the case. On Balance, your officers are of the view the development is considered to propose an acceptable standard of accommodation for future occupiers.

Impact on Neighbouring amenity

12. SPG17 requires there to be a minimum separation of 20m between directly facing habitable room windows. Windows fronting the railway will be fixed closed and will be in excess of 20sqm from neighbouring properties on Clifford Gardens. Windows fronting Station Terrace will follow the traditional relationship of neighbouring properties across the street from one another (in excess of 10m).

13. SPG 17 normally requires a 5m separation between habitable room windows and boundaries. Notwithstanding this, Members will be aware that each application needs to be considered on its own merits and the particular circumstances of the case need to be considered in every instance. In this case, the neighbouring gardens of Clifford Gardens are located some 17m across the way from the railway line and, as such, it is considered that separation distances do not need to be fully complied with.

14. As explained above, the scale, mass and positioning of the building is on balance considered to be acceptable. As a result, whilst matters will inevitably change for those residents of Clifford Gardens and Station Terrace who look out towards the application site, the physical impact of the buildings will be within acceptable limits and the erection of the new block, presenting their flank walls and with a distance in excess of 20 metres between them, will not have such an unacceptable visual impact so as to justify refusing the scheme on this ground. As explained, due consideration has been given to these gardens, but the proposed development is considered to be of an appropriate scale.

15. Owing to the separation distances between the subject site and that of neighbouring properties any loss of amenity would be within acceptable limits.

Highways and Access

16. The site is located on a Local Access Road and lies within a CPZ. It has a very good accessibility with a PTAL rating of 5. The site occupied by a light industrial use comprising over 475sq of B8 floorspace. This attracts a maximum car parking standard of 1 cars, and required servicing provisions of at least a single full sized bay (for a 8m rigid vehicle).

Commercial

17. The proposed development will attract a maximum of 6 car spaces for the A1/B1 office development and will require 3 "Transit"-sized servicing bays to fully meet standards. One transit servicing bay has been provided on neighbouring land which is in the ownership of the applicant. Whilst the provision of 1 transit bay falls short of the stricter requirements quoted above, the Highway Engineer is of the view given the small

sizes of the commercial units, all units could be serviced adequately if details were secured via a management plan. As such details of servicing shall be secured via a condition and controlled through a legal agreement. Failure to control this would render the proposal unacceptable.

Residential

18. Above the proposed retail and office units will be nine residential properties, which will attract a further 8.3 car spaces. There is not room to provide car parking to the maximum standards, either off-street or on-street, but Transportation would accept a “car-free” agreement in this location, which would mean no provision of car parking, and would remove the rights of residents and business owners to apply for on-street parking permits. This would need to be secured via Section 106 Legal Agreement.

Other

Refuse and Recycling

19. The proposed refuse and recycling storage facilities for the commercial and residential properties are located in two storage areas, one at either end of the proposed property frontage. These stores mean that residents and business occupiers will need to carry waste a maximum of approximately 30m from their front doors, which complies with Safer Streets guidance on maximum carry-distances

Cycle Parking

20. Residential properties should each be provided with a secure and covered facility, while retail units require secure facilities too. The requirement for retail cycle parking may be waived as there is local on-street cycle parking within 40m of the site, however residential cycle parking should be provided at a rate of 1 space per dwelling, within secure lockers or similar arrangement. The amended submission shows the development to fall in line with these requirements.

Contamination

21. The proposed development is on a site that has been identified by Brent Council as being potentially contaminated as a result of previous uses that have taken place. So to ensure a safe development is achieved, if Members are minded to grant permission, details of ground testing and due remediation (if so required) should be secured by condition

Consultation Overview

Objection	Officer Comment
The proposed development will be out of scale and of poor design	The design of the proposed development is discussed a paras' 2 - 6
There is insufficient parking for the proposed flats which will result in unsafe and congested parking conditions within the locality of the site.	This issue is discussed in paras 15-17 of the above report
Loss of Neighbouring Amenity	This issue is discussed in para 11 of the above report
Noise Pollution to gardens at Clifford Gardens	The mixed use development across a railway line is unlikely to cause a detrimental impact on properties at Clifford Gardens
The proposal is of limited value to the community	Please see paragraph 1

22. Members should note that the proposal has also generated a number of supporting letters on the basis that the development will improve the appearance of the land. This is of course noted but this is not the only development that could involve an improvement of the land and needs to be taken into account in considering these supporting statements.

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-
Brent Unitary Development Plan 2004

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

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

Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

- (1) 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:

E'01-E'03
P'01-P'05

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

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

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

- (4) Details of materials for all external work, cladding system, including bricks, balconies, canopies, windows and render shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (5) Prior to occupation of the dwellings results of the post-completion testing undertaken to demonstrate that reasonable resting conditions (Living rooms) LAeq, T 30 dB (day: T =16 hours 07:00 –23:00), reasonable sleeping conditions (Bedrooms) LAeq, T 30dB (night: T = 8 hours= 23:00 – 07:00) LAmax 45 dB (night 23:00 – 07:00) have been met should be submitted and approved in writing by the Local Planning Authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented.

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

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

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

- (7) Further details of the shop and office frontages (Including signage zone) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (8) 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

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

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

- (10) The A1 units shall not be used except between the hours of:-

0800 hours and 1900 hours Mondays to Saturdays

0900 hours and 1700 hours Sundays and at no time on Bank Holidays without the written consent of the Local Planning Authority.

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

- (11) The redundant vehicular crossover shall be restored to kerb-and-channel, and any street markings altered at the developer's expense, before the development hereby permitted is occupied, in the interests of highway and pedestrian safety" is the condition we use.

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

- (12) No development shall be carried out until what time as the person carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

- (13) Prior to commencement of the development, further details of construction and maintenance shall be submitted to and approved in writing by the Local Planning Authority and Network Rail. The work shall be carried out in accordance with the approved details.

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

- (14)

Prior to commencement of the development, the applicant must submit details of the proposal for the approval of Network Rail and the Local Planning Authority in that the building must not be located within 2.75 of Network Rails boundary in order for any future maintenance of the development to commence in a place of safety due to the presence of electrified overhead line equipment (OHLE).

Reason: To ensure the safe operation of the railway and occupier during construction and completion of the development

- (15) 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 use of the area denoted as A1 and B1 on the ground floor plan hereby approved shall only be for purposes within Use Classes A1 and B1, unless otherwise agreed in writing by the Local Planning Authority, providing that any extraction equipment required by the uses are approved by the Local Planning Authority in advance of the unit being served by the required extract equipment being occupied.

Reason: To allow an appropriate level of flexibility in the use of this floorspace and in the interests of amenity.

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

Such scheme shall also indicate:-

(a) Walls and fences

Proposed walls and fencing, indicating materials and heights.

(b) Physical separation

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

(c) Signboards and seating

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

(d) Maintenance details

Details of the proposed arrangements for maintenance of the landscaping.

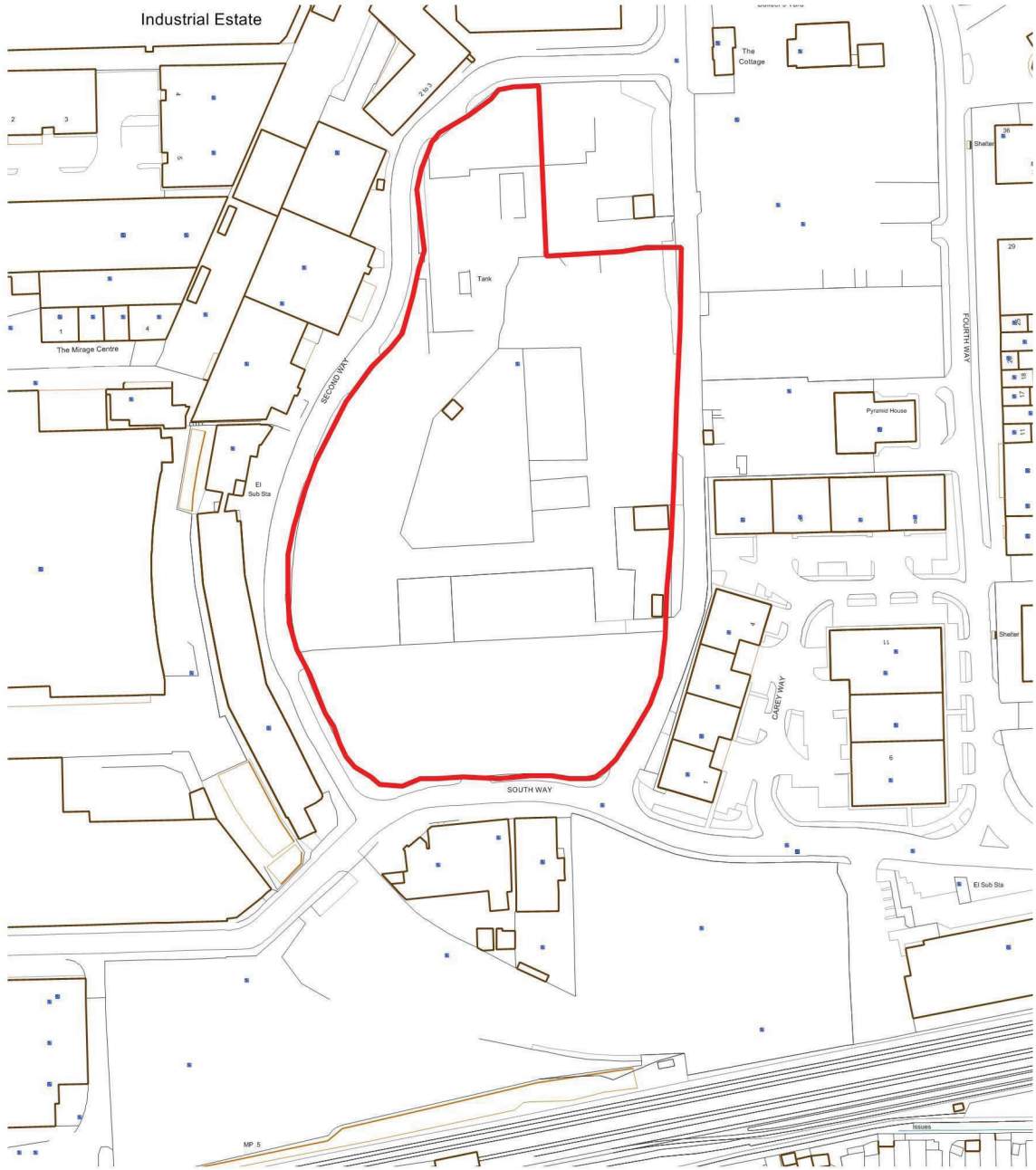
Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197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

INFORMATIVES:

- (1) The applicant is informed that, the quality of imported soil must be verified by means of in-situ soil sampling and analysis. The Council do not accept soil quality certificates from the soil supplier as proof of soil quality.
- (2) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (3) The applicant is advised to contact Network Rail prior to commencement of work.
- (4) Whoever carries out the works is reminded of their obligation to comply in full with s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4 which states that Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of: Monday to Friday 08:00 to 18:00, Saturday 08:00 to 13:00 and at no time on Sundays or Bank Holidays.

Any person wishing to inspect the above papers should contact Tanusha Naidoo, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5245

 **Planning Committee Map**
Site address: 30 Second Way, Wembley
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This map is indicative only.

RECEIVED: 26 September, 2013

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: 30 Second Way, Wembley

PROPOSAL: Erection of a Costco warehouse club (Sui Generis), including a tyre installation centre, sales and associated facilities including parking, landscaping, servicing arrangements and access to the highway.

APPLICANT: Costco Wholesale UK Ltd & Quintain Wembley Trading Estate Ltd

CONTACT: CgMs

PLAN NO'S:
See condition 2.

RECOMMENDATION

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

SECTION 106 DETAILS

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

1. Payment of the Council's legal and other professional costs in a) preparing and completing the agreement and b) monitoring and enforcing its performance
2. The developer shall give 28 days notice of the intention to commence development;
3. A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of the development hereby approved. This shall demonstrate how the development will achieve:
 - a. a minimum of BREEAM "Excellent" (submission of a design stage assessment by a BRE approved inspector) or other rating as is approved in writing by the Council and is the maximum feasible; or
 - b. How the indicated Brent Sustainability Checklist measures will be implemented within the scheme (or other such measures approved by the Council which meet a level of at least 45%).
 - c. How the scheme will achieve a minimum CO2 reduction of 25 % from 2010 TER (regulated) including a minimum of reduction of 5 % through on-site renewables (after "be lean" and "be clean" measures have been applied);
 - d. That the scheme can be connected to a district wide heat network, should one come forward in the future.
4. The developer shall adopt adequate procurement mechanisms to deliver the commitments set out in the strategy.
5. No more than three months after practical completion, independent evidence (through a BRE Post-Construction Review and completion certificates) shall be submitted on the scheme as built, to verify the achievement of at least BREEAM "Excellent" (or other level as has been agreed by the Council).
6. If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the following will accordingly be required:
 - e. the submission and approval in writing by the Local Planning Authority of measures to remedy the omission; or, if this is not feasible,
 - f. the submission and approval in writing by the Local Planning Authority of acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures to be agreed by the Local Planning Authority, to be used by the Council to secure sustainability measures on other sites in the Borough.

7. The implementation of the approved Travel Plan from first occupation of the building, the purpose of the plan being to manage the transport needs of the Development so as to minimise car usage and promote alternative modes of transport.
8. The developer shall:
 - g. Prepare and gain approval of a "Employment, Enterprise and Training Plan" covering both construction and ongoing opportunities in accordance with the Council's Guidance prior to commencement and to implement the Plan.
 - h. Use reasonable endeavours to ensure that, during construction, their contractors:
 - i. Offer an interview to any construction job applicant who is a resident in Brent and meets the minimum criteria for the job
 - ii. Use reasonable endeavours to: achieve 1 in 10 of the projected construction jobs to be held by Brent residents and for every 1 in 100 construction jobs to provide paid training for a previously unemployed Brent resident or Brent school leaver for at least 6 months
 - iii. From material start, to provide monthly verification of the number of Brent Residents employed or provided training during construction and if the above targets are not being met, to implement measures to achieve them
 - iv. Prior to occupation, verify to the Council the number of Brent Residents employed during construction and unemployed/school leavers who received training.
9. That the works to the public highway, namely the formation of new accesses to the highway, installation of suitable signage, reinstating existing redundant accesses and alterations to the junction of Third Way and South Way to reduce the kerb radii, shall be undertaken at the developer's expense pursuant to an agreement under Section 278 of the Highways Act 1980.
10. Costco commit to the following operational restrictions:
 - i. Both parties to the agreement acknowledge that the application is proposed on the basis that approximately 65% of annual turnover will be to trade members of the warehouse club.
 - j. The warehouse club will restrict itself to approximately 4,000 different stock items.
 - k. Those items will be aimed primarily at the trade member and will mainly consist of items packaged in institutional packs or multi-packs or be of an institutional quality.
 - l. The agreement acknowledges that the use of the warehouse club as a Class A1 shop would amount to development requiring planning permission.
 - m. The warehouse club is to be operated in the general manner described in the booklet accompanying the application entitled "Costco Membership Warehouse Club – Its Philosophy and Operation".
 - n. An annual membership system is to be operated, requiring the payment of a fee and goods can only be bought by members in possession of a membership card which includes a photograph of themselves and their signature.

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the London Plan 2011, Local Development Framework Core Strategy 2010, Unitary Development Plan 2004 and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). **£409,516.88** is Brent CIL and **£1,028,383.18** is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The subject site comprises 2.6 hectares of land situated to the north of South Way and the east of Second Way. The majority of the site was previously used as a bakery. However, the use ceased in around 2002 and the buildings were demolished to slab level in 2009. The buildings on the southern element on the site were demolished approximately 8-10 years ago.

The site is situated within a designated Strategic Industrial Location. It is not within a Conservation Area or within the curtilage of a listed building.

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
sui generis	0		0	27882	27882

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0		0	27882	27882

Monitoring Residential Breakdown

Existing

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

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

Permission is sought for the construction of a retail warehouse club with a floor area of approximately 13,000 square metres together with a 440 square metre tyre sales centre within a 14 m high building. Parking for 519 cars is proposed, including 16 disabled bays. Vehicular access is proposed from South Way and Second Way, with servicing access from Second Way. Cycle parking for 60 bicycles is proposed.

HISTORY

No relevant planning history.

POLICY CONSIDERATIONS

NATIONAL

National Planning Policy Framework

REGIONAL

The Mayor of London
The London Plan 2011

The revised London Plan was adopted in July 2011 and sets out an integrated social, economic and environmental framework for the future development of London. Relevant Policies include:

- 2.17 Strategic Industrial Locations
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 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

They Mayor's Transport Strategy

Supplementary Planning Guidance – Sustainable Design and Construction (May 2006)

Supplementary Planning Guidance – Accessible London: Achieving an Inclusive Environment (April 2004)

LOCAL

Brent Local Development Framework Core Strategy 2010

- CP 1 Spatial Development Strategy
- CP3 Commercial Regeneration
- CP5 Placemaking
- CP7 Wembley Growth Area
- CP15 Infrastructure to Support Development
- CP16 Town Centres and the Sequential Approach to Development
- CP19 Brent Strategic Climate Mitigation and Adaptation Measures
- CP20 Strategic Industrial Locations and Locally Significant Industrial Sites

Brent Unitary Development Plan 2004

Policies

- BE2 Local Context & Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for disabled people
- BE5 Urban clarity and safety
- BE6 Landscape design
- BE7 Streetscene
- BE8 Lighting and light pollution
- BE9 Architectural Quality
- BE12 Sustainable design principles
- EP2 Noise and Vibration
- EP3 Local air quality management
- EP5 Development affecting existing potentially polluting development
- EP6 Contaminated land
- EP15 Infrastructure
- TRN1 Transport Assessment
- TRN2 Public transport integration
- TRN3 Environmental Impact of Traffic
- TRN4 Measures to make transport impact acceptable
- TRN10 Walkable environments
- TRN11 The London Cycle Network
- TRN12 Road Safety and Traffic Management
- TRN15 Forming an access to a road
- TRN22 Parking Standards – Non-Residential Developments
- TRN31 Design and land take of car parks
- TRN34 Servicing in new developments
- TRN35 Transport access for disabled people & others with mobility difficulties
- Appendix TRN2 Parking and Servicing Standards
- WEM14 Stadium Access Corridor

Brent Council Supplementary Planning Guidance and Documents

- SPG12 Access for disabled people
- SPG17 Design Guide for New Development
- SPG19 Sustainable design, construction and pollution control
- SPD Section 106 Planning Obligations

SUSTAINABILITY ASSESSMENT

The application is accompanied by a Sustainability assessment and Energy statement which demonstrate how the proposal complies with the policies relating to sustainability within the London Plan, LDF Core

It demonstrates that the development can achieve a BREEAM rating of “Excellent” in accordance with Policy CP19 of the LDF Core Strategy. It includes an energy assessment which demonstrates that the proposal will achieve a 25.06 % reduction in CO2 over the 2010 Building Regulations Target Emissions Rate, including 5 % through onsite renewables (photovoltaic panels). As the application was submitted prior to 1 October 2013, the target CO2 reduction is 25 % rather than 40 %. The inclusion of Combined Heat and Power was considered. However, this was not considered feasible due to the small heat load associated with the building. The applicants have demonstrated that the building can be connected to a district-wide heat network should one come forward in the future by retrofitting heat coils to the high efficiency HVAC units which will heat the building prior to such installation. The proposal is considered to comply with the Mayor’s energy hierarchy and the targets for CO2 reduction set out within the London Plan. The application is also accompanied by a TP6 Sustainability Checklist which achieves a score of 47 %. The applicant suggests that a target score of 45 % is secured. Given that a number of categories are not applicable due to the nature of the proposal and location (sections 1.2, 3.1a, 3.1b-c, 4.7f, 6.4k), your officers agree that a target score of 45 % is appropriate.

The proposal is considered to comply with the policies regarding sustainability contained within the London Plan, Brent LDF Core Strategy 2010 and the Brent UDP 2004.

CONSULTATION

Letters sent: 2 October 2013
 Site Notices: 30 September 2013
 Press Notice: 3 October 2013

Letters were sent to 32 adjoining and nearby owners and occupiers.
 No letters were received from adjoining or nearby occupiers.

Internal consultees:

Safer Streets / Environmental Health:

No objection. Conditions are recommended relating to contamination.

Highways:

No objection subject to

- the safeguarding of land for highway widening;
- implementation of the interim Travel Plan, Framework Car Park Management Plan, Delivery and Servicing Management Plan and Construction Traffic Management plan
- Minor amendments to the site layout relating to the servicing yard access arrangements, the number of disabled parking spaces and the number of electric vehicle charging points;
- An informative regarding the need to enter into an agreement under S38/S278 of the Highways Act to undertake works within the public highway to form the new accesses and make good the existing redundant accesses;
- An informative regarding the need for the applicant to fund the Council’s costs for providing suitable traffic management measures if the applicant requires access to be retained to their site on Wembley Stadium event days when on occasions when certain traffic managements measures are implemented.

External consultees:

The Greater London Authority: Stage 1 response

Whilst the application is broadly acceptable in strategic planning terms, on balance it does not fully comply with the London Plan. Further information / changes are required regarding the following:

Comment	Response
Employment generation (secure firm commitment through condition towards recruitment, training and selection of local staff)	Employment, Enterprise and Training Plan to be secured through Section 106.
Inclusive access (details on how disabled visitors and staff would be evacuated in an emergency, and provisions for those with hearing and sight impairments)	Further details are to be provided and discussed in the supplementary report.
Transport (information/justification for the level of parking, trip rates, car park)	Further information has been provided. TfL have indicated that they are happy with the

management, blue badge parking and electric vehicle charging points, additional highway modelling, pedestrian audit and revisions to the travel plan)	additional and revised information subject to Brent Highway Service's views on stadium event day highway management.
Energy (demand for cooling, modelling sheets, how the building could be connected to a district wide heat network in the future)	Additional information provided.

Thames Water

TfL recommend that a Grampian condition is attached regarding the approval of a drainage strategy and informatives regarding surface water drainage, sewers crossing the site, the need for a trade effluent consent and the use of petrol / oil interceptors.

Environment Agency

The Environment Agency find the proposed development acceptable subject to conditions regarding the approval of a surface water drainage scheme based on the submitted Flood Risk Assessment.

Wembley National Stadium Limited

In principle, WNSL welcome the proposed development and the arrival of CostCo to the Wembley Area. However, WNSL would like to comment on Stadium event day arrangements.

Comment	Response
An analysis of traffic management control measures is required to ensure that CostCo traffic does not adversely affect stadium traffic on event days. It may be that the South Way entrance should be closed for specific periods, staff required to redirect or people and/or CSAS staff	See paragraph [X]
The Transport Assessment does not address the increased demand on the capacity of the roads servicing the development on stadium event days	Highways consider that the proposal will be acceptable on event days subject to the implementation of specific management arrangements which are recommended to be secured through condition.
If the Council is minded to grant planning permission, WNSL recommend that conditions are attached requiring a Stadium Event Day Traffic and Parking Management Strategy	Please see conditions [X]

REMARKS

Principle of the use and employment benefits

- (1) The proposal is within a designated Strategic Industrial Location (SIL) which are primarily protected for industrial and warehousing uses (Use Class B1c, B2, B8) and other related Sui Generis uses. This designation looks to ensure that the sufficient land remains available to meet the current and future requirements for such uses and to ensure that those uses take place in locations where they are less likely to affect sensitive uses (e.g. homes).
- (2) A full and detailed discussion of the proposed use was included within the Stage 1 Report prepared by the GLA officers for the Mayor of London and this has been appended to this report. Your officers concur with the Mayor of London's views on the appropriateness of the use.
- (3) The GLA comments are summarised as follows:
 - Principle of use
 - The proposal combines bulk storage and distribution (Use Class B8), which is appropriate to a SIL, with a substantial volume of direct sales on site.
 - The direct bulk sales distinguish the Costco operation from that of a conventional warehouse;
 - As the predominant activity would be the sale of good and services, the application should be considered against the advice provided in the NPPF, particularly in terms of the sequential location and the potential impact on the Wembley Town Centre

- The sequential test of location
- The application site is considered to be “out-of centre” and as such, considered to be a last resort for high trip generating retail uses
- Secretary of State decisions have upheld the principle that the retail elements cannot be disaggregated and given Costco’s normal trading format, the sequential test would normally be limited to sites of 4-5 hectares;
- This has been expanded to sites of 2-4 Hectares and 10 sites were considered.
- None of the sequentially preferable sites were found to be suitable, viable or available to accommodate the proposed Costco store.
- Impact on town centres
- The impact assessment primarily focused on the potential impact on Kilburn, Wembley, Cricklewood and Willesden Green with regard to comparison shopping and Queensbury (Morrisons), Colindale (Asda), Wembley (Asda), Brent Cross (Tesco), Brent Park (Tesco) Kilburn (Sainsburys) and Park Royal (Asda) for convenience shopping.
- A clear distinction is made between the retail shopping functions of town centres and the services offered by Costco which is restricted to trade and individual members.
- Planning case law has established a warehouse club offering members who pay an annual subscription, stocked a limited amount of products from a wide variety of categories, at low prices, but only in bulk quantities was not ‘a shop’ in the statutory definition ‘for the retail sale of goods’ to visiting members of the general public because it was not open to the public only to club members. It was considered appropriate to grant planning permission even though a retail use would not have been acceptable in that location.
- It has also been established through case law that the impact assessment should only apply to the element of trade associated with individual members (35 % of turnover), compared to 65 % for trade members).
- The broad range but limited depth of goods sold at Costco (3,500-4000 items compared with 30,000 to 40,000 sold at a typical supermarket) means that Costco stores are likely to draw a small amount of trade from a wide range of businesses and that they are more likely to compete with other cash-and-carry warehouses than retail shops in town centres.
- Previous decisions by the Planning Inspectorate and conclusions drawn by the Secretary of State have concluded that Costco Stores are unlikely to have any discernible impact on the vitality and viability of town centres in the relevant catchment areas.

(4) Employment

- The submitted reports specify that over 90 % of the jobs created by a new Costco warehouse are filled by locally recruited staff. In a survey of two stores, 70 % of the staff lived in the same or adjacent postcode districts to the buildings.
- Typically 53 % of Costco jobs are full time, and part-time workers are guaranteed a minimum of 25 hours per week (85 % FTE);
- 160 job are initially envisaged, rising to 250 within 3-5 years.
- Costco has indicated that it is willing to work with Brent Council to target the store’s recruitment to local areas.

With regard to Employment, it is proposed that the approval and implementation of an Employment, Enterprise and Training Plan is secured through the Section 106 agreement.

Design and landscaping

- (5) The site is situated within the Wembley Industrial Estate and as such, the surrounding buildings are of variable architectural quality. Nevertheless, the site adjoins the primary vehicular route to the Stadium and the Wembley Growth Area and as such, your officers expect proposals for new buildings to contribute positively to the streetscene.
- (6) Given the size of the building and the nature of the use, the format of the building reflects a large industrial shed. However, the glazed lobby and large canopy feature highlights the entrance to the store on the south-western corner of the building. The two primary street facing facades (southern and western) are broken down through the use of what the architects refer to as “picture frame borders” surrounding the cladding panels which create a grid pattern on these facades. The northern and eastern elevations are less detailed, with the appearance of a typical warehouse.
- (7) A significant amount of planting is proposed around the southern and western fringes of the site, along the boundary with South Way and Second Way. This will have a significant positive impact on the streetscene.
- (8) Whilst the building is sited within an industrial estate, your officers seek to ensure that it makes a positive

visual contribution to the route to the Stadium and Growth Area. The proposed building and associated landscaping is considered to be of sufficient quality to ensure that the scheme will make such an improvement.

- (9) Access from the car park to the store, situated on the first floor, is to be provided via stairs, ramps and two lifts, ensuring that any disabled staff or customers can access the store adequately. The design and access statement confirms that there will be flat or ramped access points to all areas of the warehouse, accessible car parking spaces, wide circulation aisles and till arrangements suitable for use by disabled staff. The GLA requested further information regarding emergency egress for disabled visitors and staff in the event of an emergency together with details of the provisions for those with hearing and sight impairments. Your officers are awaiting further information from the applicant and will provide further information on these points within the Supplementary Report.

Highways

(10) Parking and servicing

- (11) The Parking Standards allow up to a maximum of 520 spaces for a store of this size and the proposed provision of 503 standard sized spaces accords with the Council's standards. A total of 16 disabled parking bays have been detailed on the drawings. This falls below the Council's standards which require 5 % of the total (26 spaces). As such, a condition has been recommended to address this. Electric vehicle charging is required at a rate of 10 % with active and 10 % with passive charging points. The Car Park Management Plan confirms that these will be provided and your officers also recommend that they are secured by condition.

- (12) A total of 60 cycle parking spaces is proposed. This falls between the standards for food and non-food retail which would require 44 to 104 spaces. Given the nature of the use, the proposed provision is considered to be acceptable.

- (13) A Framework Car Parking Management Plan has been submitted which proposes measures for addressing parking on Stadium event days. This includes:

- Closure of the main South Way access into the site for a two hour period before the start of a Stadium event and to redirect traffic into the car park via Second Way, thus ensuring that queuing into the car park does not interfere with traffic flow along South Way;
- Manual checks of membership cards to be undertaken at the car park entrance by store staff;
- Parking within the car park will be limited to a maximum duration of 90 minutes, after which a penalty charge will apply.

- (14) The proposed measures are considered to be suitable as a means of ensuring the car park is kept clear of Wembley Stadium visitors.

- (15) Servicing is proposed on the northern side of the building, with four loading bays indicated on the drawings. However, the service yard is sufficiently sized to accommodate 7 vehicles without obstructing access and egress and as such, the proposal accords with the Council's servicing standards. The Transport Assessment and Delivery and Servicing Management Plan set out that the store will receive approximately 15 deliveries between 5 am and 10 am of which 10 would be by articulated lorry. Highways have recommended that the parapet height for the service bay ramp is limited to 1 m in height to ensure that safe access to the servicing bay.

(16) Access

- (17) Three vehicular access/egress points are proposed, two from Second Way and one from South Way. The South Way point provides both access and egress while separate access and egress points are provided from Second Way. Access and egress to the servicing yard is provided from Second Way. Revisions were made to the layout following comments from Highways to limit the potential for queue to form on South Way. The security gates that are proposed are set sufficiently into the site to allow a car to stand clear of the highway. It is also essential that these are open during opening hours. This can be controlled through the parking management plan.

- (18) Given the one-way nature of South Way and Second Way, the site must be accessed from the south involving a right turn from South Way. However, during some events, South Way is operated as a two-way street during stadium dispersal. Unless alterations are made to the traffic management arrangements for the surrounding streets, the store will be inaccessible during these times.

- (19) The Council has a long term aspiration to convert both South Way and Second Way to two-way streets as part of the Wembley Area Action Plan proposed. This will require land from the southern and western

sides of the site to be dedicated as public highway, which can be undertaken through Section 72 of the Highways Act. The applicant has amended the landscaping and parking/access arrangements within the site to accommodate the extent of land that Highways have specified is necessary. Your officers are in discussion with the applicant regarding the land required for future highways works and further information will be provided within the supplementary report.

(20) If Second Way is not converted to two-way flow in the short term, access to the store can only be guaranteed at all times if additional temporary traffic management arrangements are added to existing Wembley Stadium traffic management arrangements. This would entail coning a 'contraflow' southbound access lane for the use of traffic to the store along Second Way. The cost would need to be funded on an event-by-event basis by the applicant and is likely to cost approximately £500 per occasion.

(21)

(22) The developer will need to enter into a S38/S278 Agreement with Brent Council's Transportation Unit to form new accesses, close all existing redundant accesses and potentially dedicate land as public highway if they intend to carry out the works themselves. An informative is recommended to highlight this. New accesses to the site will require suitable raised entry treatments (for the car park) and tactile paving, together with suitable signage at all egresses for one-way traffic.

(23) Alterations to the junction of Third Way and South Way in the south-eastern corner of the site to reduce the kerb radii to make the crossing of the junction far more pedestrian friendly (given the increased footfall likely in the area arising from this store) should also be undertaken as part of the access works.

(24) Pedestrian access is proposed from South Way and Second Way, leading to the ramps and lifts to the first floor entrance.

(25) Traffic impact

(26) Modelling has been undertaken to assess the potential traffic impact of the proposal. It is predicted that the impact on weekday morning peak hour traffic is negligible due to the opening hours of the store. However, during the weekday evening peak 185 arrivals and 195 departures are predicted whilst on a Saturday afternoon peak 371 arrivals and 347 departures are predicted. The modelling also suggest that the development will increase flows by a significant degree (i.e. >5%) on road links as far a field as the Empire Way corridor to the west and North Circular Road to the east. Potentially severe capacity problems have been highlighted at the junctions of South Way/Wembley Hill Road and Fulton Road/Empire Way in their existing layouts, once traffic from this development is added to existing baseline and committed development traffic in the area.

(27) To address such issues, the Council's Wembley Masterplan and associated Transport Strategy Review for the area have identified the need for a range of improvements to the transport network across the whole redevelopment area. These include major schemes to reconnect North End Road to Bridge Road to provide an additional traffic route into the area from the west and major improvements at Wembley Hill Road/South Way/Harrow Road to relieve an existing bottleneck, as well as various other more localised junction improvement schemes and numerous other improvements to sustainable transport facilities. It should be noted that the Wembley Masterplan has been based on modelling that does not include the Costco store. Improvements to some of these junctions (e.g. South Way / Wembley Hill Road and Fulton Road / Empire Way) have been secured through other extant consents (the Quintain "North West Lands" consent ref 10/3032 for the land surrounding the Civic Centre and the consent for the land next to Wembley Stadium Station ref: 04/0379).

(28) Road Safety

(29) Highways have examined accident records in the vicinity of the site, with 14 personal injury accidents identified around the Wembley Industrial Estate one-way system in the three year period leading to October 2013. This includes two accidents involving pedestrians being hit by reversing cars along South Way (one at the junction with Second Way and one at the junction with Carey Way). As above, consideration needs to be given to ensuring that pedestrian safety improvements are made in the immediate vicinity of the site, given the likely increase in pedestrian movement by staff to and from the site.

(30) Travel Plan

(31) An interim Travel Plan has been submitted which focuses on dealing with staff transport to the site given the nature of the use where customers will need to travel by vehicle. This has been assessed and awarded a PASS rating. It is recommended that this is secured through Section 106.

(32) Construction

(33) A Construction Traffic Management Plan has been submitted which Highways consider is acceptable. A Construction Method Statement is also required and is recommended to be secured through condition. This will need to cover matters such as how and when traffic will be directed to the site, including event day arrangements, and environmental matters (such as the control of dust).

Summary

- (34) The proposed retail warehouse club is considered to be acceptable within this Strategic Industrial Location due to the nature of the use and restriction on the way that it operates. This has been established within decisions taken by the Planning Inspectorate and Secretary of State in relation to previous Costco applications elsewhere in the country. It will result in a significant number of additional jobs within Brent (approximately 150, rising to 260) and the applicant is willing to work with the Council to maximise the benefits of the store for local employment. The design of the building together with the extent of planting along the edge of the street frontages is considered to be appropriate given the location of the site on the main vehicular route to the Stadium and Wembley Growth Area.
- (35) The proposed access and egress arrangements, total number of parking spaces, and cycle storage facilities are considered to be acceptable. However, additional wheelchair accessible parking spaces are recommended to be secured through condition. The proposed warehouse club is likely to result in a significant increase in traffic flow at peak times and this may result in potentially severe capacity issues at the junctions of South Way / Wembley Hill Road and Fulton Road / Empire Way in their existing layouts. However, improvements have been identified to these and other junctions in the area through the Wembley Masterplan and some of the key improvements have been secured through other extant consents.
- (36) The proposal is considered to accord with the Council's planning policies, the London Plan and the National Planning Policy Framework and approval is recommended subject to a Section 106 legal agreement and the stage 2 referral to the Mayor of London.

Extract from the Greater London Authority Stage 1 report

(37) Land use policy, regeneration and the principle of use

- (38) *The application site and its immediate surrounding are identified in the London Plan as a Strategic Industrial Location (SIL) within the Wembley Opportunity Area. The former designation provides a means of ensuring that an adequate reservoir of land remains available to meet the future industrial requirements of London; the latter identifies brownfield areas with the potential to accommodate significant amounts of additional new housing and employment opportunities linked to existing or potential improvements in public transport accessibility.*
- (39) *Inherent in the proposal to change the designated use of land from traditional industrial/warehousing employment (classes B1 c, B2 and B8) to a warehouse club (sui generis) is a presumption against the redevelopment of SILs for uses that do not fall within the business class, unless it is part of a strategically coordinated process of mixed-use intensification. London Plan policy 2.17 (Strategic Industrial Locations) specifically states that development of non-business uses within SILs should be resisted, except where they provide local, small-scale 'walk to' services for industrial occupiers, e.g. workplace crèches or cafes.*
- (40) *23 At the local level, policy CP7 of the Brent Core Strategy affirms the status of Wembley as a 'Growth Area' to drive the economic regeneration of Brent by generating 10,000 new jobs across a range of sectors, including retail, offices, conference facilities, hotels, sports, leisure, tourism and other visitor attractions. Policy CP16 adds that the Council will promote Wembley as the preferred destination for major new retail, leisure and other town centre development.*
- (41) *With respect to SILs, policy CP20 affirms the Councils resolve to protect Strategic Industrial Locations designated for industrial employment uses, characterised by use classes B1, B2 and B8; or sui generis uses that are closely related, having regard for the provisions of Preferred Industrial Locations and Industrial Business Parks within the London Plan.*
- (42) *The application site is part of the 10.21 –hectare Wembley Industrial Estate identified in the Wembley Area Action Plan (WMP) as site W29 (Second Way), wherein the uses considered suitable (in line with policy CP 20 of the Core Strategy) include offices, light industrial and higher value general industrial; utility and transport functions; wholesale markets, small scale distribution and sui generis uses that are closely related. The WAAP describes the site as the 'Eastern Gateway' to the Stadium, stating that it*

should continue to provide jobs whilst capitalising on the development potential of industrial plots; however, it also proposes a change to the Proposals Map designation of this SIL from its Preferred Industrial Location category to an Industrial Business Park, in order to accommodate uses, such as research and development laboratories, that require a higher quality specification or environment.

(43) From a strategic perspective, the referred application raises the question of whether the proposed Costco store would match the employment potential of a 'traditional' industrial development in terms of the number, type, range and quality of new jobs likely to be generated. If it would not, then the proposal would contribute to the gradual erosion of London's strategic reservoir of industrial land and result in a permanent loss of opportunity to maximise the employment potential of a designated industrial site.

(44) In this instance, the proposal would combine bulk storage and distribution (class 88), which is appropriate to an SIL, with a substantial volume of direct sales on the site. It is these direct bulk sales which distinguish a Costco operation from that of a conventional warehouse, where distribution is generally carried out by the operator; however, as the predominant activity would be the sale of goods and services, the subject application should be considered against the advice provided in the NPPF, particularly in terms of the sequential location test and potential impact on Wembley town centre.

(45) The sequential test of location

(46) The application site falls outside the boundaries of Wembley's 'major' town centre, with its core on Wembley High Road; and its 'district' centre, situated to the west of Wembley Stadium; although proposals are underway to merge these two into a single centre linked by a new boulevard.

(47) For high trip-generating developments involving direct sales, the NPPF and London Plan accord first preference to town centre locations; followed by edge-of-centre sites with good links to the centre. Out-of-centre locations are considered as a last resort, with preference given to sites that are accessible or likely to be accessible by a choice of means of transport. It is implicit in this that developers are expected to be flexible about the format of their businesses and to disaggregate its one or more components wherever it practical to do so.

(48) In the case of Costco proposals, however, the Secretary of State's decisions relating to sites at Chingford, Oldham, Reading and Chester, have upheld the principle that 'warehouse clubs' comprise warehousing as well as retail elements that cannot be disaggregated. It follows from this that Costco's normal trading format is generally accepted and that sequential tests for new developments would normally be limited to sites of 4-5 hectares, capable of accommodating their typical 13,500 sq.m. stores and a commensurate amount of parking space required to transport bulk goods for its majority of trade members. Inevitably, this restricts the choice of potential locations.

(49) A specialist retail report submitted in support of the application indicates that in view of the proposal to accommodate parking beneath the store, the sequential test could be expanded to include sites of 2 hectares rather than 4 hectares, with a store catchment area of 20 to 30 minutes drive. A total of 10 sites were subsequently considered on the basis of their suitability, economic viability and availability for development within a reasonable timescale. The sites ranged from 1.9 to 5 hectares in size and included a 2.1 hectare edge-of-centre site at Hindes Road / Station Road in Harrow; and two edge-of-centre sites on the Colindale Retail Park and at the Capitol Way/Edgware Road junction in the Colindale/Burnt Oak Growth Area of Brent. All three were in active use, with planning permission for new development and Council policy aspirations for regenerative uses that did not include a warehouse club restricted to members rather than the general public.

(50) The remaining seven sites were all in the Wembley Growth Area. Most of them were in edge-of-centre locations and had policy designations for specified uses associated with the comprehensive master planning of an integrated town centre; or were in multi-ownership, with active uses or restrictions (such as nature conservation interests or listed buildings) that significantly reduced their net developable area. In essence, none of sequentially preferable the sites considered were found to be suitable, viable or available to accommodate the proposed Costco store; hence the applicant's subsequent decision to choose an out-of-centre location.

(51) It is evident from the preceding paragraphs that the format of Costco stores requires relatively large sites, of which there are not many within or on the edge of local town centres. Impact on town centres

(52) The NPPF requires an assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability including local consumer choice and trade in the town

centre and wider area up to five years from the time the application is made.

- (53) *Within the catchment area subject to the retail study, the centres found to enjoy the largest comparison goods market share were Kilburn, Wembley, Cricklewood and Willesden Green; whilst outside the study area considerable expenditure was found to leak into Harrow, Watford (which has the nearest Costco store) and the West End. For convenience goods, the most significant centres/outlets include Morrison's at Queensbury, Asda Colindale, Asda Wembley, Tesco Brent Cross, Tesco Brent Park in Neasden, Sainsbury's Kilburn and Asda Park Royal.*
- (54) *In terms of potential impact on those centres, a clear distinction is made between the retail shopping functions of town centres and the services offered by Costco outlets. Membership of the latter is restricted to businesses (trade members) and to individuals (individual members) who fall within specified groups. It has subsequently been established in planning case law (Thurrock Borough Council and another ex parte Tesco Stores Ltd et al) that a warehouse club offering members who pay an annual subscription, stocked a limited amount of products from a wide variety of categories, at low prices, but only in bulk quantities was not 'a shop' in the statutory definition 'for the retail sale of goods' to visiting members of the general public because it was not open to the public only to club members. Consequently, it was held that it was entirely appropriate for the Borough Council to grant planning permission in circumstances where consent for a retail use would not have been forthcoming.*
- (55) *On trade draw, it is clear that the trade patterns of Costco differs from that expected of a retail store in that it does not attract passing trade; individual members are unlikely to use it for their weekly or top-up shopping, due to the shallow range of products on offer; and its price saving on bulk purchases, rather than locality, is a more determining factor for trade draw.*
- (56) *In a call-in inquiry for a Costco store in Chester in 2004, the Secretary of State affirmed that Costco is both a wholesale (Use Class B8) function and a retail outlet (Class A1). Trade members are the most important membership category for Costco Wholesale, accounting for approximately 65% of the turnover of a typical UK warehouse. As such it is also established in case law that only the individual member spend, which accounts for the remaining 35% of turnover, is required to be tested against retail planning policy tests.*
- (57) *The base year for the impact assessment of Wembley Costco is 2013. Whilst the store is not expected to open for business until 2015 and should take 3-5 years to mature; 2016 has been adopted as the design year in the interests of a more robust assessment. With a calculated turnover for the proposed store of £16.96 million, based on the company's accounts and the average turnover of a Costco warehouse in the UK, some £26.94 million is accounted for by individual members (with 80% drawn from the adopted catchment area). To place this in context, the individual member turnover can be compared to a growth in available expenditure of £259.36 million over the period 2013 to 2016. Thus, at worst, Costco will account for 8% of the growth in available expenditure or just 0.71% of the total available expenditure in 2016 (£3,033.35 million). In these respects, it is evident that the proposed warehouse is unlikely to have an adverse impact on the turnover of existing shopping centres within the catchment area.*
- (58) *Although there is some overlap with local shopping centres in the type of goods and services available to Costco members on a retail basis, empirical evidence indicated that they formed a relatively small proportion of the club's overall turnover. In a 1993 study of warehouse clubs, Verdict observed that the broad range (3,500-4,000 items compared to the 30,000 to 40,000 items stocked by a typical supermarket) but limited depth of goods they offered meant that they were likely to draw a small amount of trade from a wide range of businesses, than to make a massive dent in the trade of any particular outlet. It was estimated that the turnover from fifty warehouse clubs represented only 1.7% of national retail sales. Thus, Goldman Sachs (1993) and Healy & Baker (1994) have both endorsed the conclusion that Costco outlets are more likely to compete with other cash-and-carry warehouses than with retail shops in town centres.*
- (59) *The Inspector into the Gateshead UDP Inquiry which preceded the Costco appeal of 1997, concluded from the evidence of seven existing Costco outlets in the U.K. that the market share for individual members of the club was only 1% of national retail sales and was therefore, unlikely to have any discernible impact on the vitality and viability of town centres within the relevant catchment area. Similar conclusions were drawn by the Secretary of State in relation to all four called-in Costco applications at Chingford, Oldham, Chester and Coventry, to which reference has been made in a preceding paragraph of this report.*

(60) Employment generation

(61) The applicant's planning statement indicates that at 10.6%, the London Borough of Brent has an unemployment rate that is higher than the London (8.9%) and national (7.8%) averages. It also suggests that in the UK overall, over 90% of the jobs created by a new Costco warehouse are filled by locally recruited staff. Thus in a survey of Costco staff, it emerged that in two existing London warehouses analysed, approximately 70% of the staff lived in the same or adjacent post code districts to the building in which they worked.

(62) Typically, 53% of Costco jobs are full-time and part-time workers are guaranteed a minimum of 25 hours per week; which equates to an 85% full time equivalent.

(63) It is envisaged that initial employment at the warehouse would be at least 160 jobs, rising to 250 jobs within 3-5 years as the business matures. The opportunities available would include unskilled/manual, clerical/secretarial, craft and related positions; security, plant and machine operators and others such as opticians, tyre fitters and photographic processors. It is also suggested that 85% of Costco's current managers are staff who have worked their way up from an hourly paid position into management roles, including general managers, heads of departments and supervisors.

(64) Costco has indicated its willingness to work with Brent Council to target the store's recruitment to local areas, in order to ensure that jobs are directed to those in most need and where employment could make the greatest impact on economic regeneration to support the community's needs. This commitment should be secured by an appropriately worded planning condition or legal agreement associated with the proposed development.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

National Planning Policy Framework
London Plan 2011
Brent LDF Core Strategy 2010
Brent Unitary Development Plan 2004

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):

(02)01 Rev A
(02)02 Rev B
(02)03 Rev A
(02)04 Rev A
(02)05 Rev A
(02)06 Rev A
(02)08 Rev B
(02)20 Rev B
(03)01 Rev A
(03)02 Rev A
(03)03 Rev A
(04)01 Rev A
(04)02 Rev A
(05)01 Rev A
(05)02 Rev A
(05)03 Rev A

(90)01 Rev A
 (90)02 Rev A
 (90)03 Rev A
 1002 Rev A
 2703/EX2 Rev A
 2703/EX4
 "Landscape Management Plan" dated September 2013
 "Landscape Works Specification" dated September 2013
 "Costco Wembley Design & Access Statement" dated September 2013
 "Costco, Wembley Flood Risk Assessment Report and SUDS (Sustainable Urban Drainage) Strategy" Issue No 2 dated 13 September 2013
 Energy statement titled "Second Way, Wembley Proposed Costco Warehouse Club" Reference P13018.4.1.001 Revision A dated 20 September 2013
 Sustainability statement titled "Second Way, Wembley Proposed Costco Warehouse Club" dated 20 September 2013
 "Planning Statement" Reference AW/SM/14958 dated 23 September 2013
 "Costco Wembley Lighting Scheme Proposal" dated September 2013
 "Costco Membership Warehouse, Wembley Transport Assessment" dated September 2013
 "Note on car parking provision" dated 22 November 2013
 "Interim Travel Plan" dated November 2013
 "Framework Car Park Management Plan" dated November 2013
 "Delivery and Servicing Plan" dated November 2013
 "Technical Note – Highway Impact" dated November 2013
 "Framework Construction Traffic Management Plan" dated November 2013
 "Noise Assessment for a new Costco Warehouse Club, Wembley" dated 20 September 2013
 "Air quality assessment Costco wholesale warehouse, Wembley" reference UK18-19254 dated September 2013
 "Phase I & Phase II Environmental Assessment Second Way, Wembley" Reference UK20-18389 dated February 2013

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

- (3) The construction of the development hereby approved shall be carried out in accordance with the Framework Construction Traffic Management Plan dated November 2013 hereby approved unless a revised plan, setting out how deliveries to the land during the construction of the development will be managed so as to optimise traffic operations and minimise disruption as also minimise the environmental impact of freight activity, has been submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

Reason: In the interest of highway flow and safety.

- (4) The Delivery and Servicing Plan dated November 2013 hereby approved shall be implemented in full from the commencement of the use hereby approved unless a revised Delivery and Servicing Plan has been submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full.

Reason: To ensure that the development is sustainable and in the interest of highway flow and safety.

- (5) All existing crossovers rendered redundant by this proposal shall be reinstated to footway at the applicant's own expense and to the satisfaction of the Council's Director of Transportation prior to first occupation of the development hereby approved.

Reason: In the interests of traffic and pedestrian safety.

- (6) Unless otherwise agreed in writing by the Local Planning Authority, the height of the parapets adjoining the ramp to the servicing area shall not exceed 1 m above the height of the relevant part of the servicing ramp.

Reason: In the interest of the safety of servicing vehicles.

- (7) Details of materials for all external surfaces of the building and all other external works (including samples where necessary) and the detailing of the key fixings and junctions

between different materials shall be submitted to and approved by the Local Planning Authority prior to the commencement of works and the works shall be carried out in full accordance with the approved details.

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

- (8) All areas shown on the approved plans shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority in prior to the commencement of works on that part of the development and the approved details shall be implemented in full. Such landscaping work shall be completed prior to first occupation of the development hereby approved or in accordance with a scheme of works that has been approved in writing by the Local Planning Authority. The works shall thereafter be maintained.

The submitted scheme shall include details of:

- a) the planting scheme for the site, which shall include species, size and density of plants and sub-surface treatments (or planters / green roof substrate profiles where applicable);
- b) walls, fencing and any other means of enclosure, including materials, designs and heights;
- c) treatment of areas of hardstanding and other areas of hard landscaping or furniture, including materials;
- d) details of levels and contours within and adjoining the site;
- e) details of any Sustainable Urban Drainage Measures that are to be incorporated into the landscaping;

The landscaping shall be maintained in accordance with the Landscaping Management Plan hereby approved. Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the relevant part of the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

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

- (9) Detailed drawings which show the layout of cycle parking areas and details of the cycle stands within the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and the development shall be carried out in full accordance with the approved details and thereafter permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a sustainable development and in the interest of highway flow and safety.

- (10) The development hereby permitted shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) produced by Quattro Consult ref 4201 Rev 2 dated 19th September 2013 has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

- (11) Unless otherwise agreed in writing by the Local Planning Authority, the this development shall not commence unless a drainage strategy detailing any on and/or off site drainage works for that part of the development has been submitted to and approved by, the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed unless otherwise agreed in writing by the Local Planning Authority.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

- (12) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior the commencement of works on the relevant part of the development unless otherwise agreed in writing with the Local Planning Authority. This shall include details of the lighting fixtures and luminance levels. The approved details shall be implemented in full prior to first occupation of the relevant part of the development.

Reason: In the interests of safety and amenity in the area.

- (13) A remediation strategy to mitigate any unacceptable risks posed by identified soil and groundwater contamination on identified receptors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and thereafter implemented in full. The strategy shall take into account the findings of any additional investigation and modelling works that are required to delineate the identified contamination.

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

- (14) A verification report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use, demonstrating that remediation has been carried out in accordance with the remediation scheme approved pursuant to condition 14 and the site is permitted for end use.

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

- (15) Prior to the commencement of works, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority detailing measures that will be taken to control dust, noise and other environmental impacts of the development and the routing and timing of construction vehicles and the approved details shall thereafter be implemented.

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

- (16) Details of any air-conditioning, ventilation and flue extraction systems including particulars of noise levels and any associated noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any such systems. The approved details shall thereafter be fully implemented.

Reason: To safeguard the amenities of the existing or future occupiers.

- (17) Details demonstrating that the developer or constructor has joined the Considerate Constructors Scheme shall be submitted to the Local Planning Authority prior to commencement of works and the developer or constructor shall thereafter adhere to the requirements of the Scheme for the period of construction.

Reason: In the interest of the amenities of the adjoining and nearby owners and occupiers.

- (18) Details of the provision of electric car charging points for a minimum of 20 % of car parking spaces (comprising 10 % equipped with active electric vehicle points and 10 % with passive) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and the approved details shall be implemented in full.

Reason: To ensure that the development is sustainable and in the interest of highway flow and safety.

- (19) Details demonstrating that a minimum of 26 disabled parking spaces will be provided within the development be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and the approved details shall be implemented in full.

Reason: To ensure that the development is sufficiently accessible.

- (20) A detailed car park management plan which shall be in material accordance with the Framework Car Park Management Plan dated November 2013 hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development and thereafter implemented in full. The car park shall be used only for the purposes ancillary to the use hereby approved and shall not be used for any other purposes, such as for Wembley Stadium event parking or any other parking for those who do not occupy or patronise the development.

Reason: To ensure a satisfactory development that does not result in conditions prejudicial to the free and safe flow of traffic on the local highway network.

INFORMATIVES:

- (1) Asbestos has been identified on site. The applicant should be reminded of their duties under the Control of Asbestos Regulations 2012 in relation to the requirement for assessments, plans, control measures and notifications. They have a duty of care to their staff and future site users.
- (2) Thames Water advise that: With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- (3) Thames Water advise that: There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.
- (4) Thames Water advise that: A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <http://www.thameswater.co.uk/business/9993.htm> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.
- (5) Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- (6) The Environment Agency advise that: In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy:
- a) A clearly labelled drainage layout plan showing pipe networks and any attenuation areas or storage locations. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
 - b) Confirmation of the critical storm duration.

- c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- d) Where on site attenuation is achieved through ponds, swales, geocellular storage or other similar methods, calculations showing the volume of these are also required.
- e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
- f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the National Planning Policy Framework Technical Guidance. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

Any person wishing to inspect the above papers should contact David Glover, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5344

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Planning Committee
12 March 2014

**Report from the Strategic Director
of Regeneration & Growth**

For Information

Wards affected: Northwick Park

Updated Sudbury Court Estate Conservation Area Design Guide

1.0 Summary

- 1.1 A review of Brent's Conservation Area Design Guides is being undertaken with the overall aim of producing up to date documents to give clear guidance primarily to residents on acceptable types of development. These documents have an important role in ensuring the special character of our conservation areas is preserved and where possible enhanced. New versions of Design Guides for Barn Hill Conservation Area and Queens Park Conservation Area have already been adopted. Now a draft replacement Sudbury Court Estate Conservation Area Design Guide has been produced.

2.0 Recommendations

- 2.1 The Planning Committee are invited to make comment on the draft Sudbury Court Estate Conservation Area Design Guide and give their endorsement prior to public consultation scheduled to commence in April 2014.
- 2.2 Following public consultation, consideration will be given to comments received with the final documents presented to the Executive Committee for formal adoption.

3.0 Discussion

Sudbury Court Estate Conservation Area Design Guide

- 3.1 The current Sudbury Court Estate Conservation Area Design Guide is now over ten years old. Whilst the general approach to development remains unchanged, the updated document is intended to be more 'user friendly' and provide clearer advice on interpretation of the guidance.

- 3.2 A copy of the draft Design Guide has been sent to the Sudbury Court Residents Association, ward councillors and the Lead Member for Regeneration & Major Projects.
- 3.3 The following are the key changes to the Design Guide:
- While the general approach towards extensions and alterations of properties within the Conservation Area remains unchanged the draft replacement design includes detailed illustrations, diagrams and examples. It should therefore be a far more useful guide than the existing design guide which has very little of this.
 - Further detail regarding replacement windows including examples of the plans and level of detail required as part of a planning application to assist applicants and ensure acceptable replacement windows are provided.
- 3.4 As well as providing more clarity for residents, it will assist the Council in defending a decision where an appeal has been lodged.
- 3.5 Officers are aware of the desire of some residents for the Council to take a more permissive stance on new porches within the Sudbury Court Estate Conservation Area and to a lesser degree on new extensions to roofs. It was not felt at this stage that it was appropriate to consider such fundamental changes to the design guide, but rather to gauge the feelings of residents through the estate wide consultation for which we are seeking members' endorsement. So far only a small number of residents have had sight of the draft design guide and it would be premature to suggest fundamental changes to the general approach to managing change in the conservation area until all residents have had the opportunity to comment.
- 3.6 Whatever the feelings of local residents, the Council has a statutory duty through its policies and decision making to preserve or enhance the character and appearance of its conservation areas and any change in approach would have to satisfy this principle. If the consultation does reveal sufficient support for a more permissive approach to development then it may prompt a review of the Sudbury Court Estates status as a conservation area.

4.0 Financial Implications

- 4.1 The guides are intended to provide more detailed guidance for residents, giving a greater level of certainty as to whether works are likely to be acceptable. This may help reduce the expense for residents of submitting multiple applications in order to gain an approval.

5.0 Legal Implications

5.1 If formally adopted by the Executive Committee, the documents will replace the existing Design Guides and carry significant weight when determining planning applications.

6.0 Diversity Implications

6.1 It is not the intention to prevent people carrying out improvement works to their homes but to ensure that the works are appropriate in the context of the conservation area designation.

7.0 Staffing/Accommodation Implications

7.1 The updated documents are intended to be more 'user friendly' and may reduce the level of input required from officers both at pre-application stage and during the course of the application though seeking revisions.

8.0 Environmental Implications

8.1 The aim of these documents is to ensure development preserves and where possible enhances the character of the area.

9.0 Draft Design Guides

Appendix 1:

Sudbury Court Estate Conservation Area Design Guide (Draft)

Contact Officers

Neil McClellan, West Team Area Manager, Planning & Development 020 8937 5243
Stephen Weeks, Head of Area Planning

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SUDBURY COURT

CONSERVATION AREA

DESIGN GUIDE

» DRAFT



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1.0

Introduction

1.0 Introduction

Conservation Areas are places of special architectural and historic character with a collective quality worth preserving and enhancing. The strength of their character is dependent on the way the individual buildings and gardens complement each other. The Local Planning Authority is responsible for designating Conservation Areas with the law set down in the Planning (Listed Buildings and Conservation Areas) Act 1990.



This enables the Council, with the aid of localised design criteria and additional controls over Permitted Development, to influence the type of physical changes that would otherwise be harmful to the area.

The Sudbury Court Conservation Area was initially designated in January 1990 and was subsequently extended in March 1990 and January 1993.

In November 1993 the Council, with the support of residents, applied additional planning controls, known as an Article 4(1) Direction, to Sudbury Court in order to provide extra protection from development that may damage the character of the area.

This guide provides information on Sudbury Court's specific planning controls, as well as advice on ways to repair and improve your home so that it helps preserve and enhance the character and appearance of the area.

You may also require Building Regulations approval for alterations to your property, further guidance is set out in Section 6.4 of this Design Guide.

1.1 What makes Sudbury Court special?

The Sudbury Court estate was largely built in the late 1920's by the designers Comben and Wakeling. The area is exceptional in that although the builders of the estate used standard design packages the character of the area appears to be one of individually designed and constructed houses. All the houses follow the same basic principle of an L or E shaped plan form with projecting circular or 45 degree bays which add to their attractiveness.

One of the key design features of the estate is the spacious positioning of the houses, set back from gently curved tree-lined roads. The properties are generally semi-detached with generous rear gardens. Special consideration was given to the design of the individual houses, paying particular attention to architectural details such as windows, doors and porches. Many properties have brick plinths with applied "black and white" timber to the first floor and bay gables. This mock-Tudor approach to suburban housing design was prominent from about 1924-1934 and arose out of the Garden Suburb Movement.

1.2 Who is this guide for?

This guide is for residents, consultants and builders working in the Sudbury Court Conservation Area. It contains practical advice and information to help you make repairs and improvements to your home that will maintain the character of the area.

Alterations that are out of keeping with the original appearance of the houses and streets can spoil the quality of the environment and reduce the desirability of the area. The Council can do much to lead in the protection of the Conservation Area, but residents need to care for their own home with the attention to detail shown by the original designers. We share a duty to protect the special character of the area, not only for today's residents and visitors, but also for those of tomorrow.

As a resident, it is in your interest to keep the special character of your home and area. Usually, houses

in well-maintained Conservation Areas have a greater value than those outside. There are many Conservation Areas throughout the country all with different characters and building types, but it is only those areas in which the residents are actively involved in conservation that successfully retain their character.

Some of the technical terms you will come across are marked with an *. These are explained in section 7.





1.3 What is an Article 4 Direction?

An Article 4 Direction is a special control which gives extra protection to a Conservation Area by removing some of the owner's Permitted Development rights. This enables the Council to prevent insensitive development. This does not mean that an owner cannot make any alterations to their home, but it does give the Council more control over the design and specification of proposed alterations to houses and gardens. This helps ensure the character of the area is preserved or enhanced and that the quality of the environment is sustained.

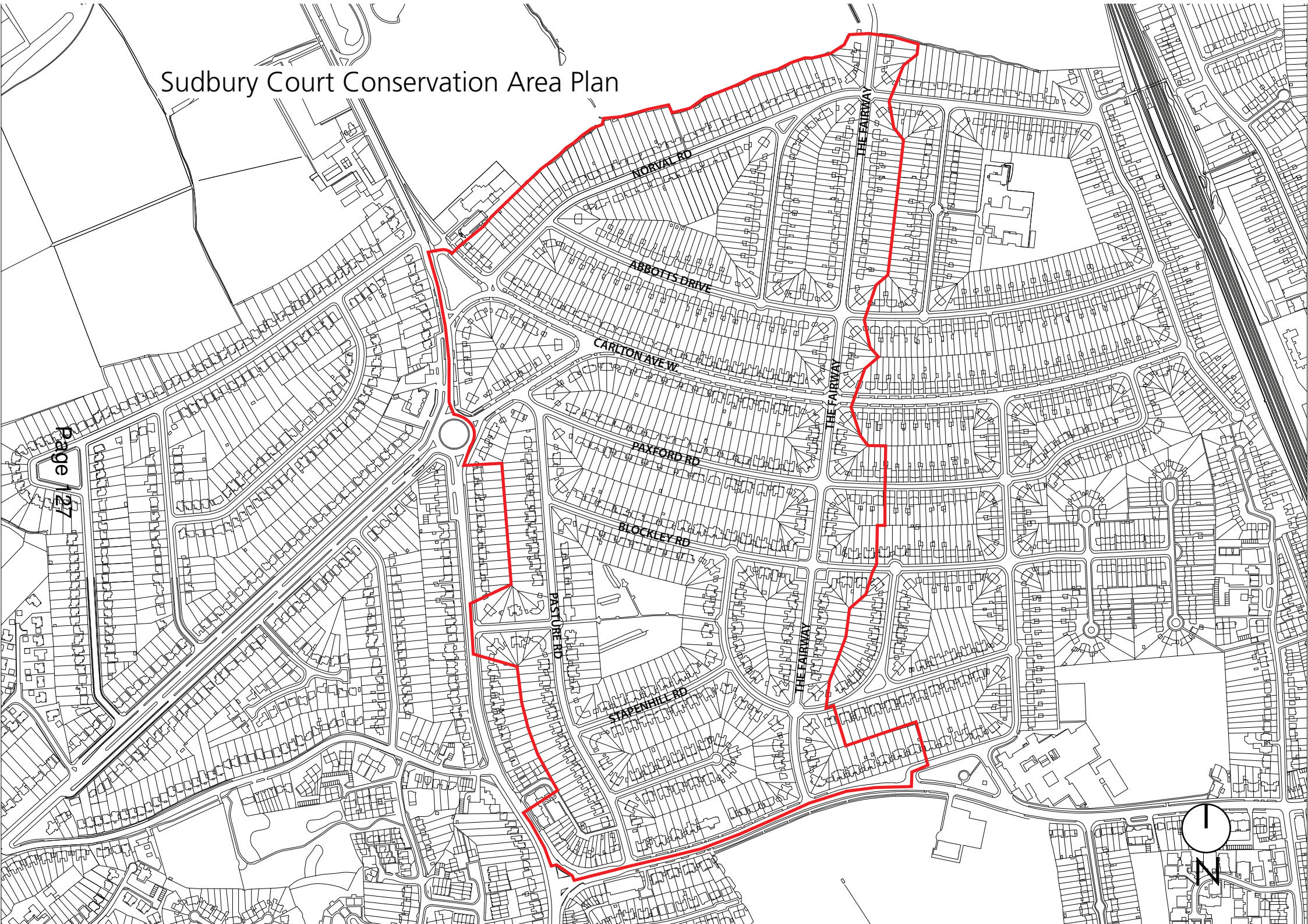
In areas with an Article 4 Direction, owners may have to apply for planning permission for proposed building work that would not normally require planning permission. The extra effort that owners have to make to obtain the appropriate planning permissions is recognised by the Council, so within an Article 4 Direction area the Council does not charge a fee for deciding Planning or Conservation Area Consent applications for work that would otherwise have been Permitted Development.

1.4 Is my property in the Conservation Area?

Properties in the Conservation Area with an Article 4 Direction

Street	House number
Abbotts Drive	91, 111-197, 76-158
Audrey Gardens	1-39, 2A, 2-46
Blockley Road	33 - 83, 93, 42-108
Campden Crescent	1-27, 2-28
Carlton Ave West	83-145, 100-188, 204-212
East Lane	198-264, 1-18 Court Parade
Hill Road	1-7, 2-8
Holt Road	1, 2-6
Norval Road	1-107, 131, 12-74, 96
Pasture Close	1-30 Consec
Pasture Road	1-91, 2-60
Paxford Road	41-119, 42-118
Stapenhill Road	1-31, 2-32
The Crescent	1-19, 2-24
The Fairway	1-137, 2-138
The Green	1-3, and adj. open space
Watford Road	232-234, 268-278

Sudbury Court Conservation Area Plan





2.0

When do I need to apply for planning permission?





PAXFORD ROAD

2.0 When do I need to apply for Planning Permission?

2.1 General controls within the Conservation Area

The Town & Country Planning (General Permitted Development) Order 1995 (as amended) allows owners of houses to carry out certain types of alterations and modest building work to their homes without the need to apply to the Council for planning permission. Permitted Development rights only apply to houses that have not been subdivided. **They do not apply to flats, maisonettes or multiple-occupancy properties where planning permission is required for all external alterations and additions.**

Within a Conservation Area, the type of work allowed under Permitted Development is more limited, and there are greater restrictions over the amount a house can be extended or how much demolition can be carried out without planning permission. All properties located within the Sudbury Court Conservation Area require planning permission for the following works:

- » To build any extension to the side of your house.
- » Applying stone, artificial stone, pebble dash, render, timber, plastic or tiles to any part of the exterior of your house.
- » Build any first floor extension.
- » Extending the roof of your house.

Fitting, altering or replacing external flue, chimney, or soil and vent pipe onto a principle or side elevation that fronts a highway. In other locations, it should not exceed the highest part of the roof by one metre.

Fixing a satellite dish or aerial on a chimney, wall or roof slope which faces onto and is visible from a road.



Please refer to the councils website for guidance on current Permitted Development allowances.

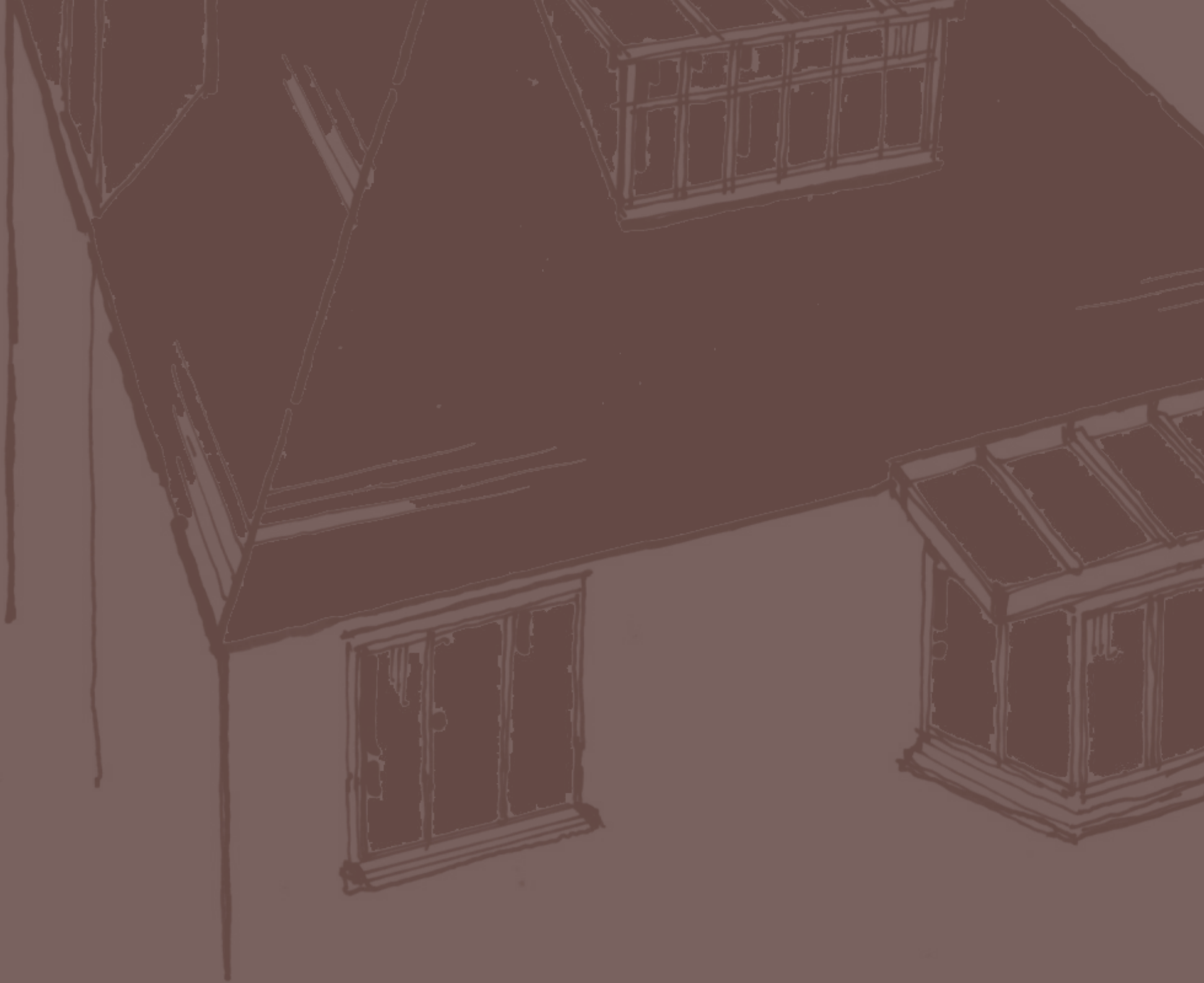
2.2 Additional controls for properties covered by the Article 4 Direction

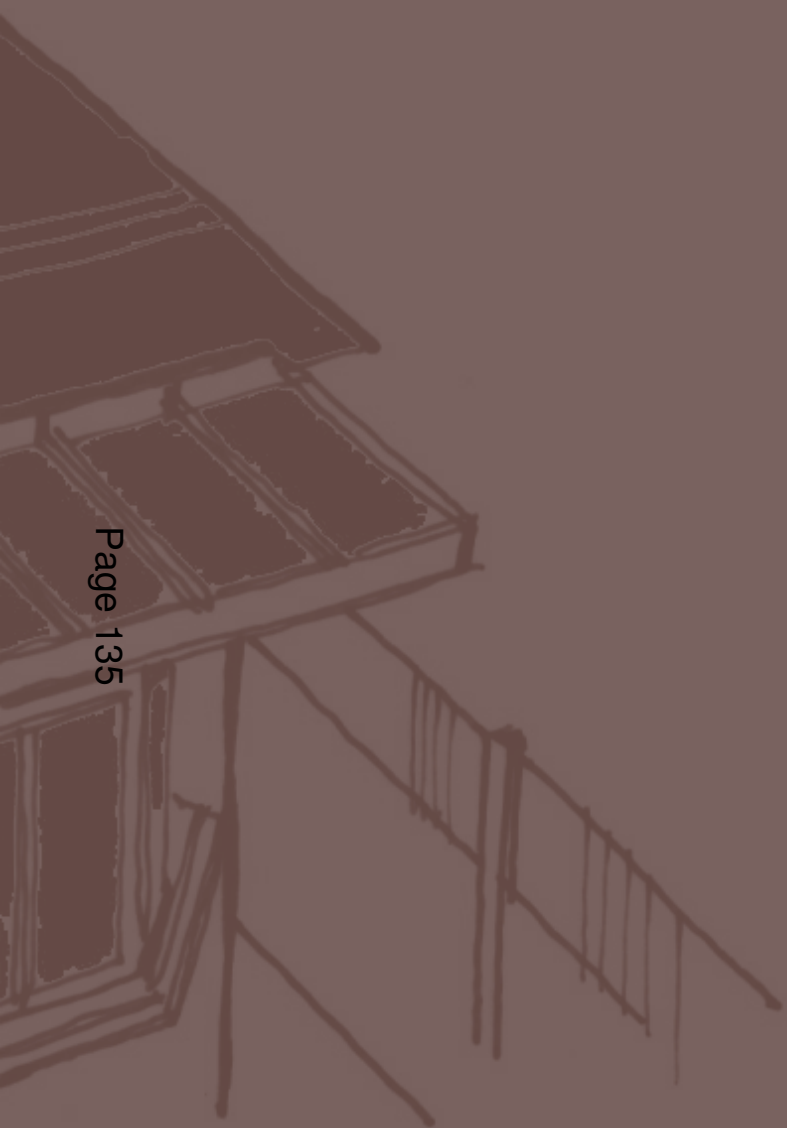
In consultation with local residents, the Council applied an Article 4 Direction on the Sudbury Court Conservation Area to further ensure its special character is preserved and enhanced. The additional controls assist in protecting the Sudbury Court Conservation Area from insensitive and unsympathetic development by allowing the Council to guide the way in which repairs and improvements are carried out. Properties covered by the Article 4 Direction also require planning permission for the following works:

- » Extensions, alterations or improvements to the front or side of your house.
- » Erect, demolish or make alteration to any chimney.
- » Alter, enlarge or replace any window or door openings that face the street. Be aware that corner plot properties this may affect the side, or rear, of your property.
- » Change roof tiles or install rooflights to any roof slope.
- » Build, alter or remove gates, fences, walls or other types of boundary to front gardens or any other boundary with the street.
- » Painting any part of your house, or any other outbuilding. You may however paint entrance doors and window frames and sills without planning permission. You may also paint existing rendered surfaces with British Standard white or off-white without planning permission.
- » Formation, laying out and construction of a means of access to a highway.
- » The construction within the curtilage of a dwellinghouse of a hardstanding for vehicles.









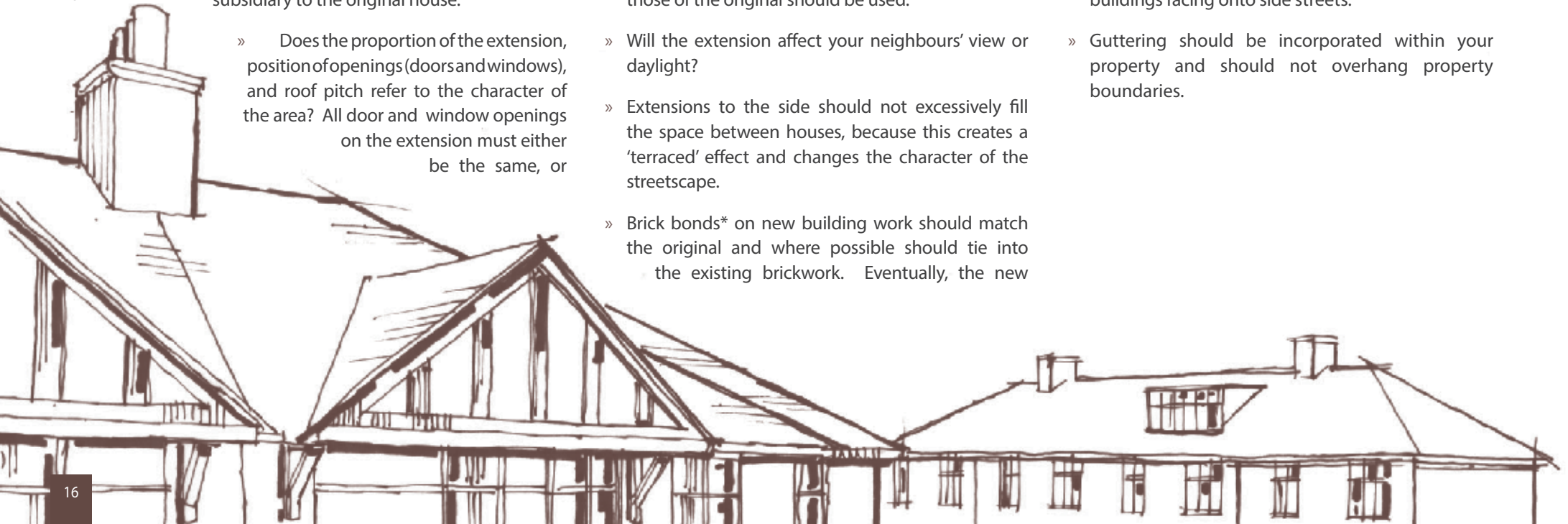
3.0

Extending and altering your home

3.0 Extending and altering your home

Most of the original houses in Sudbury Court are relatively large, being situated in generous plots. This means that often they may be suitable for some form of modest extension. The Sudbury Court Conservation Area benefits from a consistent character and all alterations to homes within the area must maintain that consistent quality. Above all, for a proposal to be acceptable, it must either preserve or preferably enhance the character of the area. You will need Planning Permission for many types of extension or alteration in Sudbury Court Conservation Area. You should consider the following points before submitting your application.

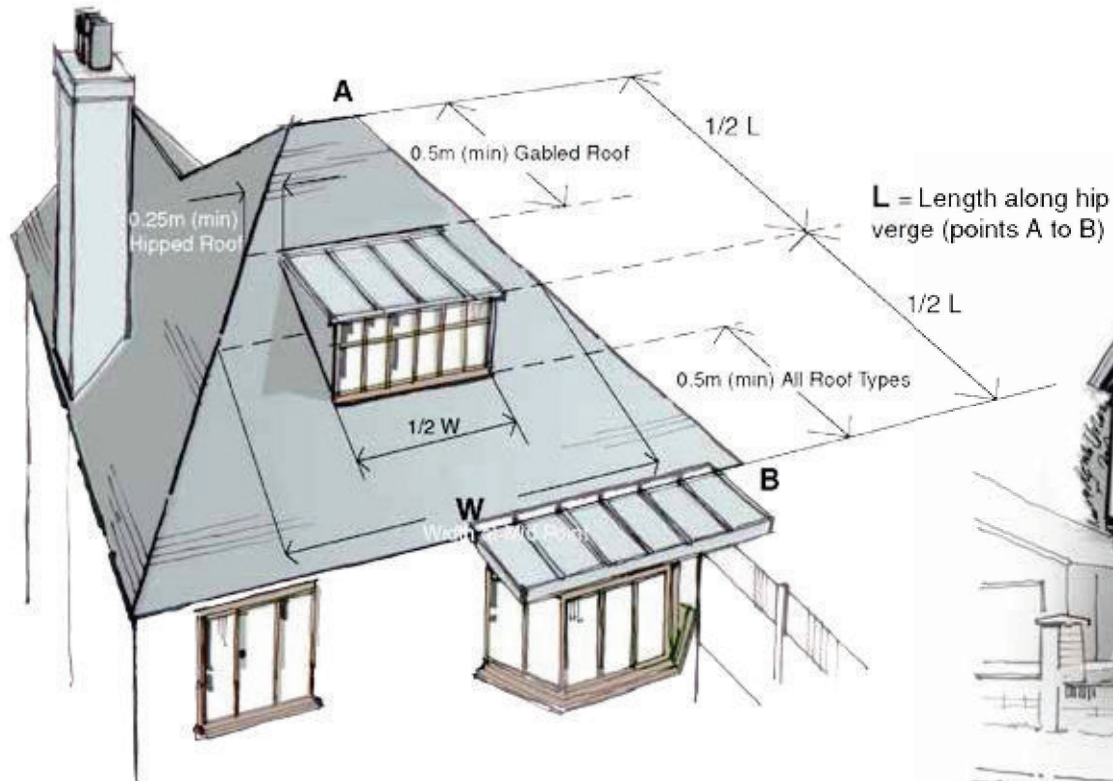
- » Will your proposed changes add to or detract from the enjoyment of the whole area by you, your neighbours and visitors?
- » How will the extension affect the overall shape of the house? The extension should not dominate the existing building or street scene.
- » Will the extension make the building too big in relation to the plot size? The extension should not spoil the original garden setting and should be subsidiary to the original house.
 - » Does the proportion of the extension, position of openings (doors and windows), and roof pitch refer to the character of the area? All door and window openings on the extension must either be the same, or otherwise complementary to the proportions of those on the original house.
- » Originally, windows and doors of the houses in Sudbury Court were manufactured using timber. Therefore, the best way to preserve the character of your home is to use timber windows and doors in your new extension.
- » Pitched roofs on extensions should complement the roof on the original house and materials that match those of the original should be used.
- » Will the extension affect your neighbours' view or daylight?
- » Extensions to the side should not excessively fill the space between houses, because this creates a 'terraced' effect and changes the character of the streetscape.
- » Brick bonds* on new building work should match the original and where possible should tie into the existing brickwork. Eventually, the new brickwork will weather down to blend in with the original.
- » You are encouraged to use materials that are environmentally sustainable to construct your extension. In particular, recycled bricks and roofing materials can be cheaper and may match your original materials more easily.
- » For properties on corner plots, the Council discourages the infilling of rear gardens with new buildings facing onto side streets.
- » Guttering should be incorporated within your property and should not overhang property boundaries.



3.1 Dormers, roof-lights and alterations to the roof

Poorly designed alterations to the roof slope will damage the character of Sudbury Court. If you do want a dormer window, it should be in keeping with the style and proportions of the existing house and windows and you should use the same construction materials as the original house. The following guidance should be adhered to:

- » Under no circumstances will front dormers be permitted in the Conservation Area.
- » Side dormers are not usually permitted as it is very difficult to detail this type of dormer window without compromising the character and appearance of the house or wider Conservation Area.
- » Windows in rear dormers should be of the same proportions and style as the original windows below. Rear dormers should be no wider than half the width of the original roof plane. They should be set down at least 0.3metres from the ridge of the house and set up at least 0.5 metres from the eaves lines of the house. The front face should be predominantly glazed.
- » The conversion of a hipped roof into a gable will not be permitted as this results in significant change to the character and appearance of the house and street scene.
- » **Roof-lights are not permitted on roof-slopes facing a road.** On the side roof-slope one roof-light may be acceptable unless the property is located on a corner and fronts the street. At the rear of the property no more than one roof-light will normally be permitted and this should be kept as small as possible. Roof-lights must be set flush within the roof plane.



3.2 Rear extensions (including conservatories)

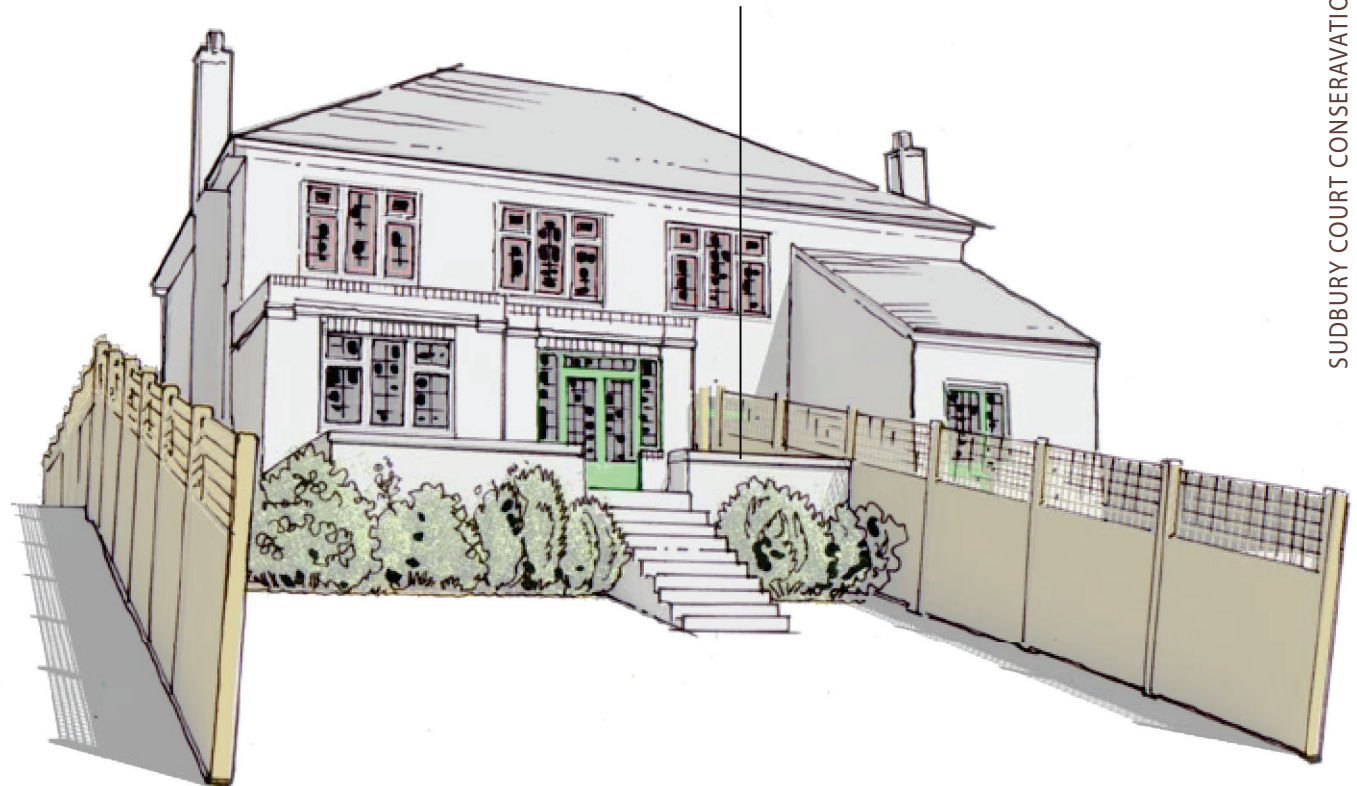
Development in rear gardens can have a serious impact on the character of the Conservation Area and the amenity of your neighbours. Therefore, you should comply with the following standards:

The height of your extension should be kept to the lowest practical level whilst still complementing the character of the original house. The maximum height normally permitted for a flat roof extension is 3 metres. If a pitched roof is proposed, the maximum average height normally permitted is 3 metres.

The maximum depth permitted is 3 metres from the original rear elevation of a semi-detached house or 4 metres from the original rear elevation of a detached house (Note: The depth of the extension may need to be reduced if you are also proposing a basement extension– See 3.4 Basement Extensions).



Raised Patio & Planting to Screen from a Lower Level



In some cases there may be differences in the levels of gardens. Where your neighbours garden is at a lower level, it is likely that your extension will be required to be of more modest proportions to reduce its impact. This may be achieved by:

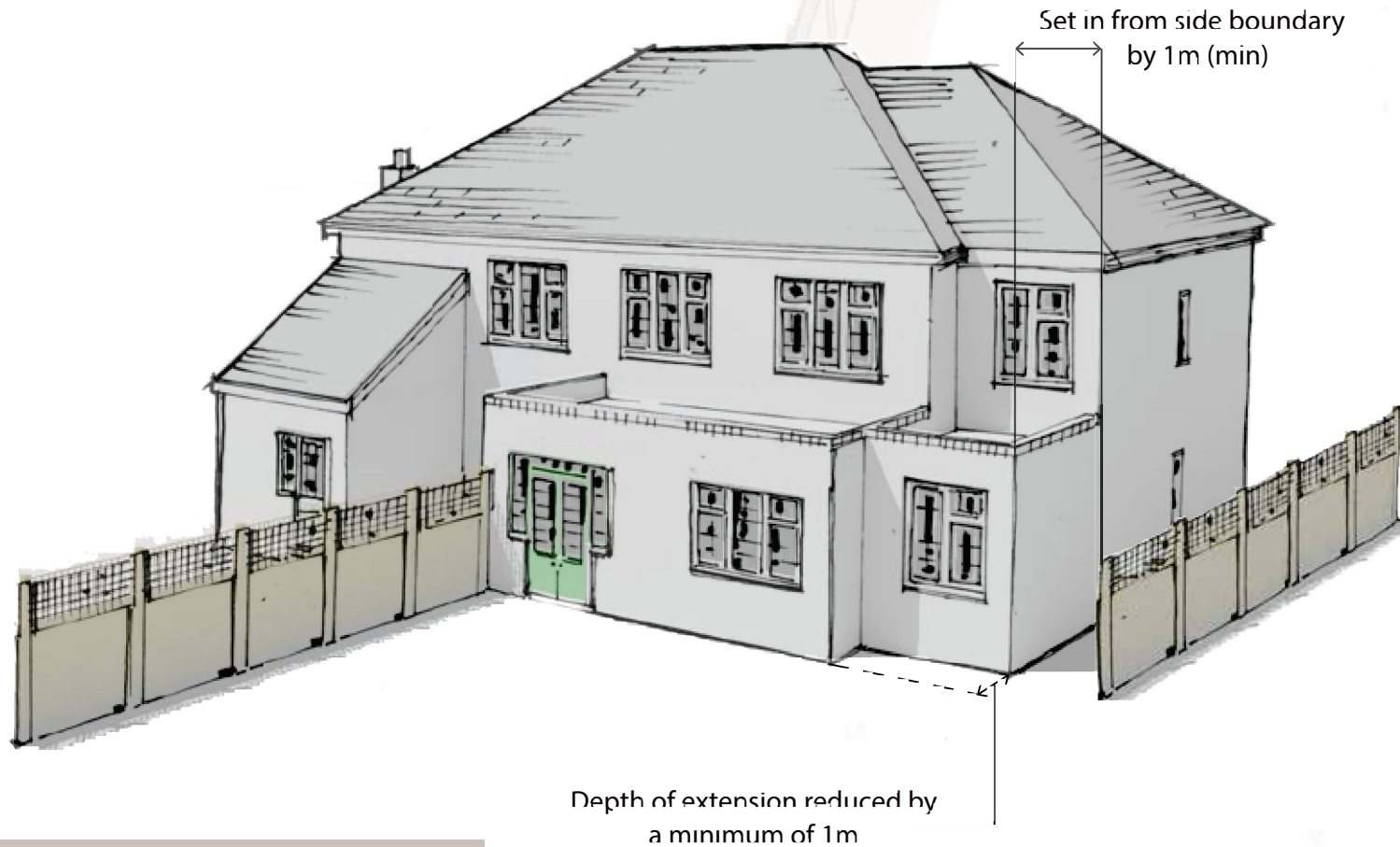
- » reducing the height of your extension;
- » reducing the depth of your extension; and/or
- » increasing the set-in from the shared boundary.

Depth of extension restricted to a point at which the front wall intersects with a line projecting from angled face of neighbours bay

Centreline from mid point of angled face of neighbours bay

90°

Where your extension is situated immediately adjacent to a neighbours rear bay window, the depth of your extension is restricted by a line drawn at 90o from the mid point of the angled face of the bay.



Rear extensions should be no wider than the original house and will not normally be permitted where they are behind a side extension. This will only be permitted where the depth of this part of the rear extension is reduced by a minimum of 1 metre and set in from the side boundary by a minimum of 1 metre.

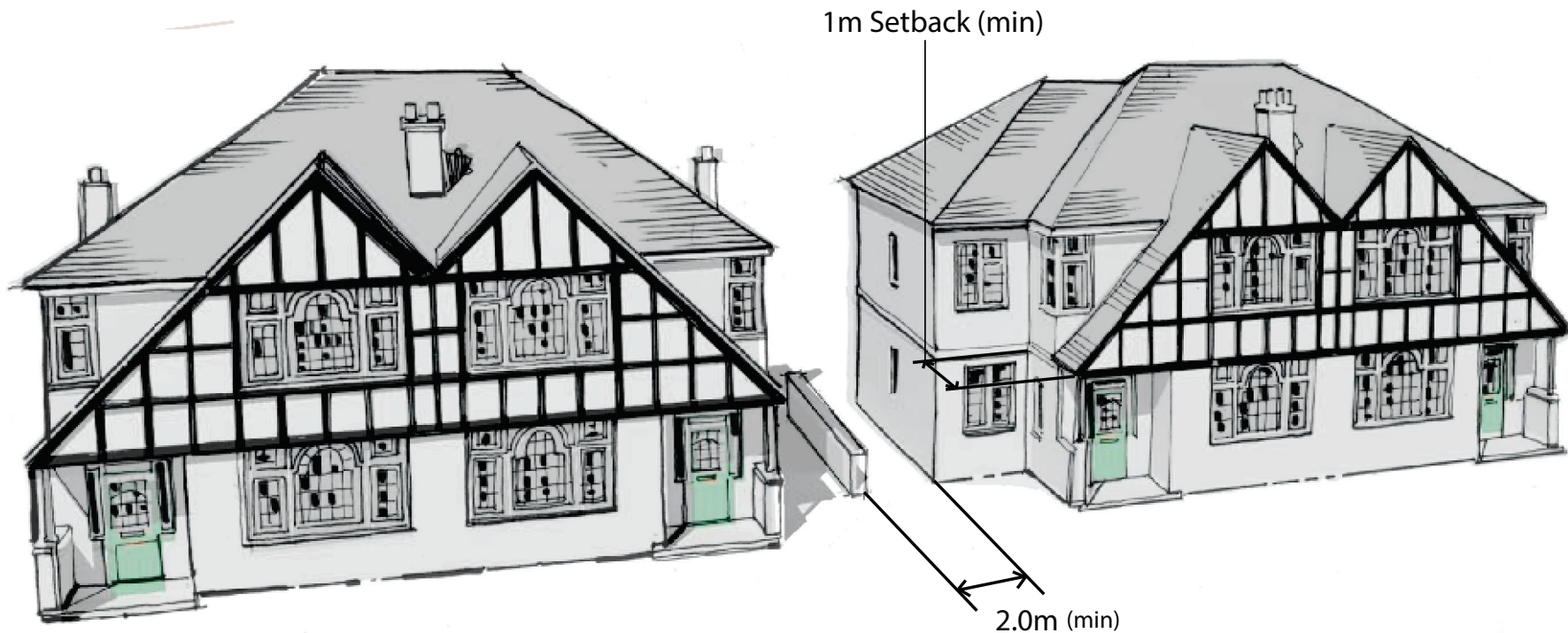
Well designed conservatories constructed using traditional materials, such as timber, will be considered on their individual merits. They should accord with the size criteria set out above.

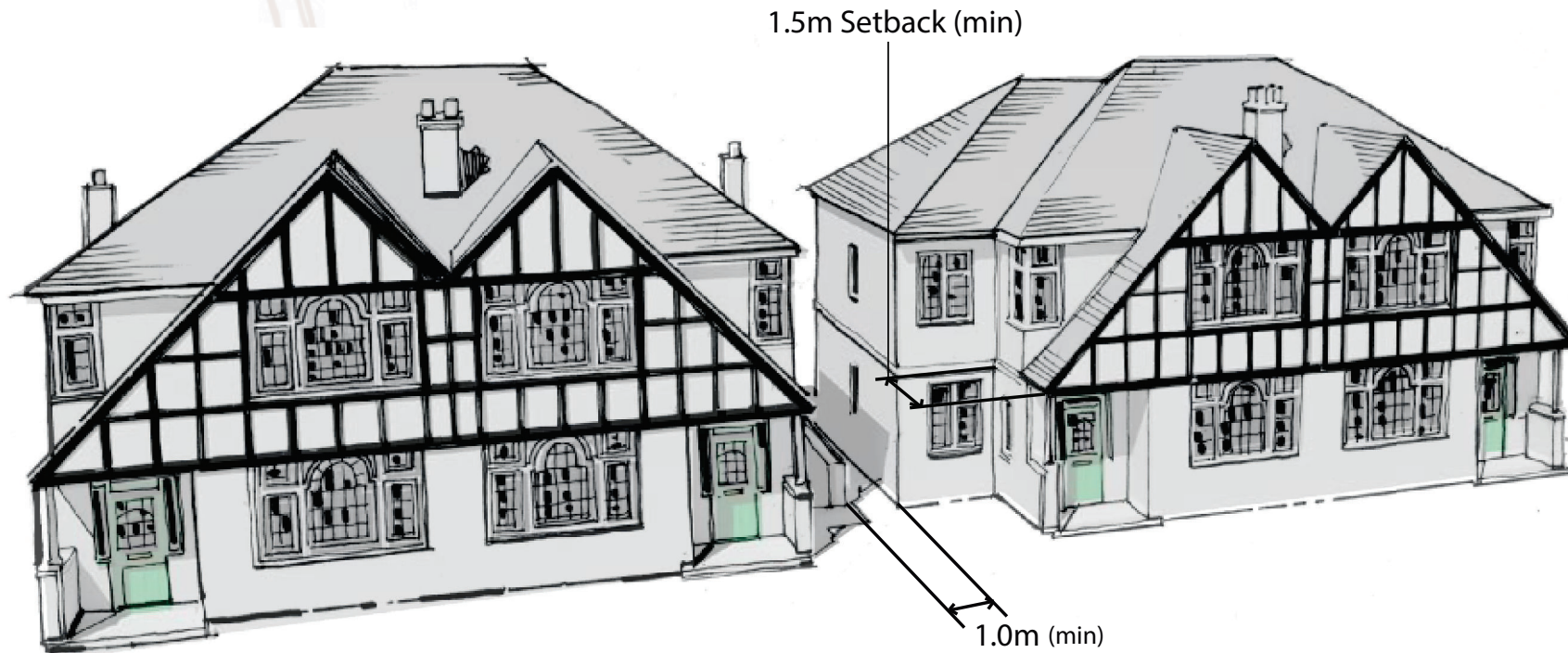
3.3 Side extensions

Side extensions have a direct impact on the character of the original house, the street and the wider Conservation Area. Poorly designed extensions can change the character of the Sudbury Court Conservation Area from that of individual houses in separate garden plots to one of almost terraced town houses; this is not acceptable.

Extensions should be designed to complement the original house and not impact on the amenity of your immediate neighbours. Proposal should comply with the following standards.

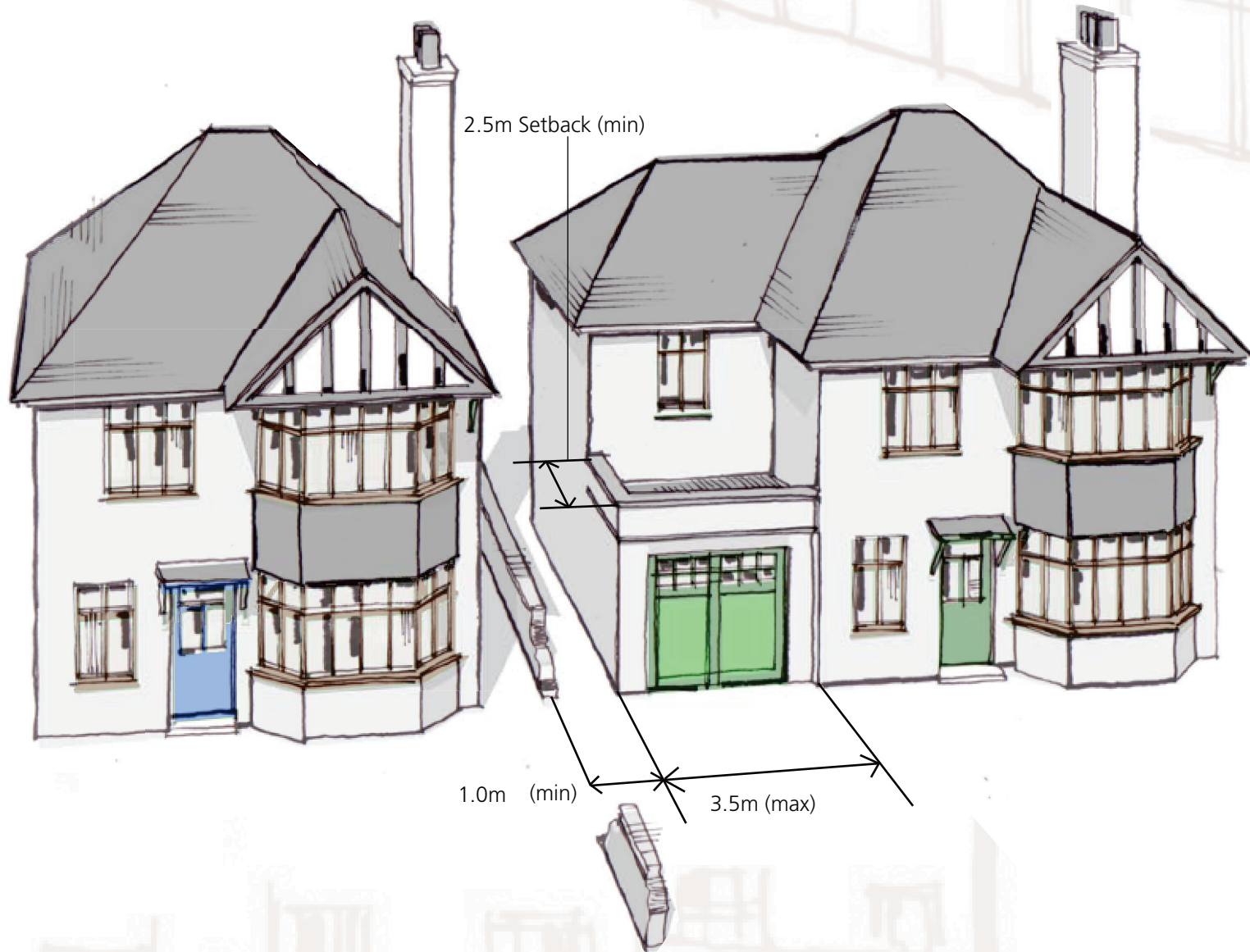
To preserve the important separation and views between houses you should maintain a minimum gap of 2 metres to the side boundary (including side garages) at all levels. The front elevation of the new side extension should be set back from the front elevation of the original house by at least 1m.





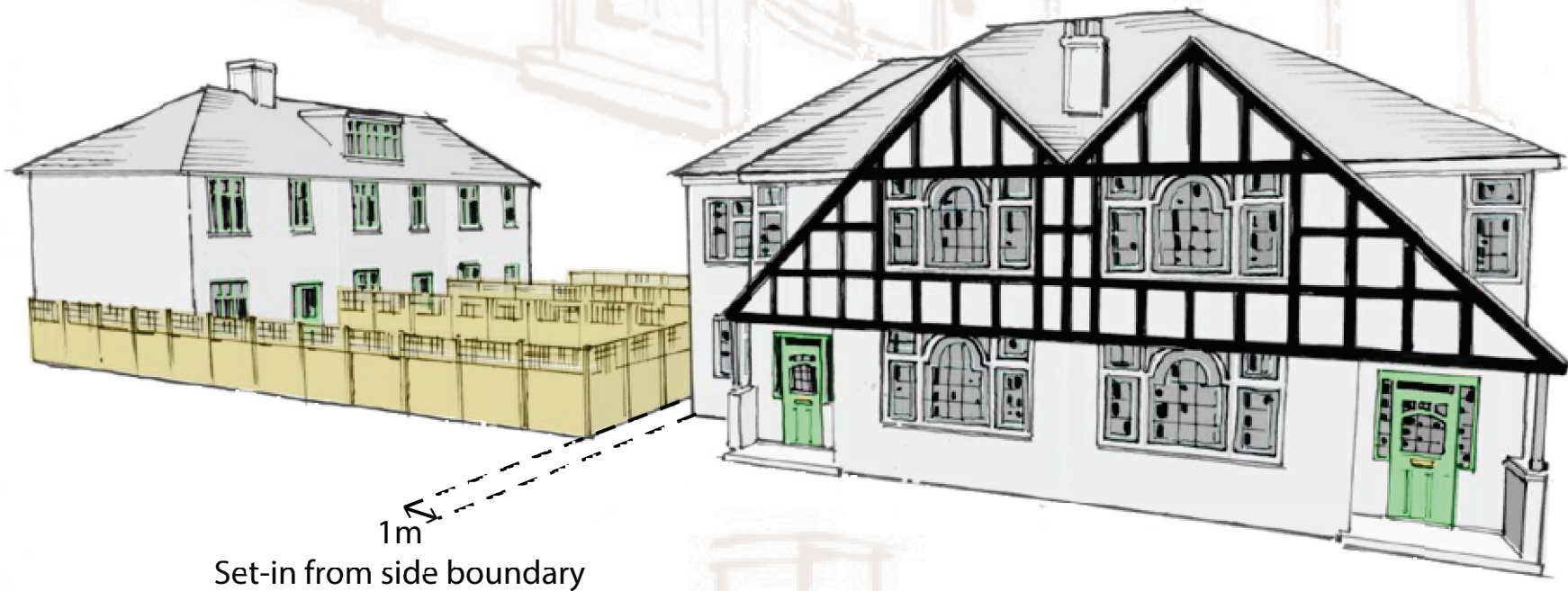
Where the side boundary of your property adjoins the rear boundary of the neighbouring site, the set in from the side boundary is still required to ensure a development does not appear cramped in the plot.

If it can be clearly demonstrated that maintaining a 2m gap to the boundary would prevent the construction of an extension with practical internal room sizes, then a reduced set in from the side boundary of 1m will be considered. However you will be required to increase the set back of your extension at all levels to at least 1.5m from the front of the original house.



In addition to the above requirements, the width of the side extension is restricted to a maximum of 3.5m wide (measured externally). This is to ensure that it is of a size and scale that is subservient to the original house.

Where your side extension will infringe on the site of an original detached garage (see section 3.7) you should either incorporate the original garage into the design of your extension or incorporate a suitable replacement that replicates the features of an original garage.

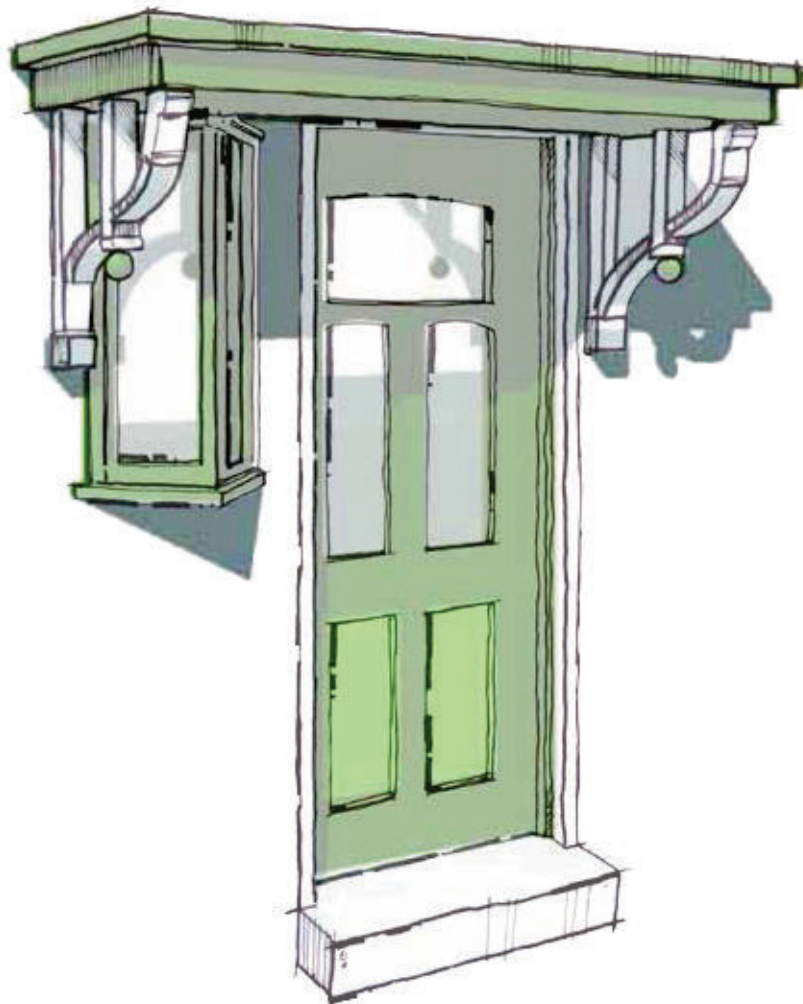


Where the side boundary of your property adjoins the rear boundary of the neighbouring site, the set in from the side boundary is still required to ensure a development does not appear cramped in the plot.

3.4 Front doors, porches and canopies

Recessed porches are an important part of the character of the Sudbury Court Conservation Area. Unfortunately, in a number of cases these porches have been in-filled in an unsympathetic manner. It is always best to retain your original front door, porch or canopy in their original form.

The replacement of canopies and infilling of porches with extra door sets will not be allowed. However, if you wish to change any of these original items, you should ensure that the replacements are detailed to match or complement the originals.



3.5 Garages

Original garages make an important contribution to the character of the Sudbury Court Conservation Area and their retention will be encouraged. However, where it can be demonstrated that an original garage is too small to accommodate a modern car then the Council may consider proposals for a replacement. If you want to build a new garage or replace an existing one, the design must be in keeping with the house. It should have a steep pitched roof with wooden swing doors that incorporate top hung windows. A decorative gable-end with half timbering will ensure that your garage will preserve the character of the Conservation Area. It should be set well back from the front wall of the house.



3.6 Window repair and replacement

The original style of windows within Sudbury Court are casement windows. Please repair original windows and doors wherever possible. This will be cheaper than replacing them and will make sure you keep the character of your house. If leaded lights have been damaged, it is surprisingly inexpensive to have them restored to their original condition. Rotten areas of sills* and jambs* can be cut out and replaced with new timber cut to the same size and shape. This is a fairly quick and inexpensive way to repair your windows and doors. Please note, replacement windows and doors to elevations fronting the highway will require planning permission for houses covered by the Article 4 Direction.

If you do need to replace doors or windows then, ideally, you should copy the original exactly as it is unlikely that you will find standard off the shelf replacement frames that will give a close enough match to your original windows. A good carpenter will be able to make a replacement using the original window or door as a pattern so that no detailing

is lost. Poor window replacement can have the single most negative impact on the character of the Conservation Area.

If you want the replacements to be double-glazed, you need to take extra care to ensure they still look like the originals. New double glazed timber windows can usually be made to match. However, where original windows have decorative glazing bars* or leaded lights* it may not be possible to replicate the details faithfully. As an alternative, carefully fitted secondary glazing will not spoil the appearance of your home and will allow you to retain your original windows.

Most of the original windows in the area have casement* opening lights. Please do not substitute this style for another. Refit windows in their original

position. Windows should be set back into their original position within the depth of the reveal*. Please do not change the original size of the window opening.

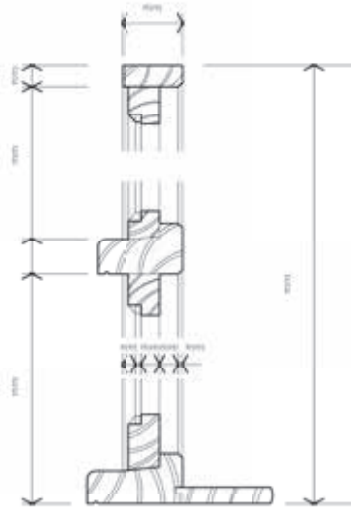
Replacement of timber windows with PVCu* is generally unacceptable. It has been found that PVCu is unable to replicate the intricate detail and character of original timber windows. The Council also discourages PVCu as its manufacturing process is highly polluting and it is difficult to dispose of.



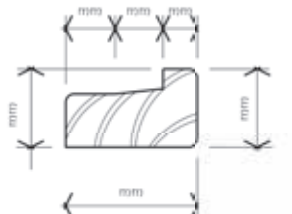
New images to be photographed

When submitting a planning application for replacement window, the following information will be required:

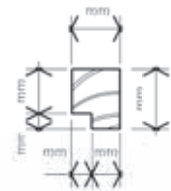
- » All window elevations to be replaced at a scale of 1:10 or with all dimensions clearly annotated
- » Property elevations or photographs of the whole of the property, with the windows to be replaced numbered to correspond with window elevations
- » A cross-section at a scale of 1:5 or preferably full size through the transom* showing the relationship of fixed and opening lights and drip rails*, with full size details of any glazing bars* or leaded lights* which must be mounted externally



Casement: Vertical Section

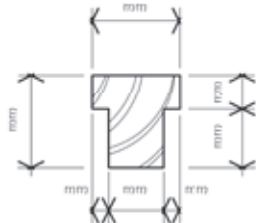


Principal Transom and Hood Moulding

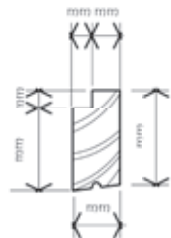


Casement Head rail

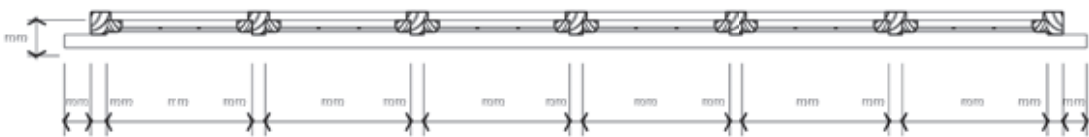
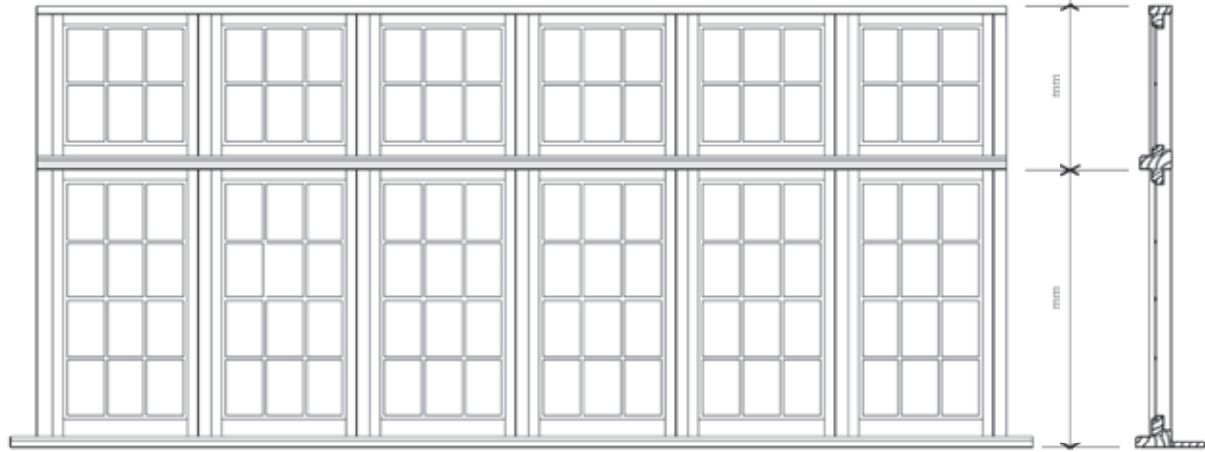
Casement Section Details



Principal Mullion



Casement Bottom rail





4.0

General repairs & other modifications to your home



4.0 General repairs & other modifications to your home

There are many reasons why people want to make changes to their home. Repairs and alterations may be necessary due to weathering, families may need more space and new owners may wish to personalise their home.

Living in a Conservation Area does not mean that you cannot make alterations to your home but it does mean that the changes that you may wish to make must preserve or enhance the character and appearance of your home and the area.

The houses in Sudbury Court Conservation Area were built to a variety of designs. However, they all blend together because similar building materials, similar overall sizes and architectural details were used. Also, many streets and short runs of houses

were built to consistent designs. This unity of design gives the area its unique character. Alterations to an individual building may affect the whole street scene if they are not in keeping. The more inconsistent the alterations, the more negatively the area may be affected.

Some properties were altered before the strict controls of the Article 4 Directions were put in place. Where this has happened, we encourage residents to restore the original appearance of their property.

In time, the character of the area will be enhanced and the desirability and value of individual homes is likely to increase.

You can avoid costly repairs by regular maintenance. For example, you should clear blocked gutters, repaint woodwork regularly and refit roof tiles or slates when they come loose. It will be much more expensive to carry out repairs if you leave problems to get worse. However, where repairs are needed, it is important to use the right materials and methods. You may need planning permission to carry out some types of repairs, such as replacement windows and roof tiles for properties covered by the Article 4 Direction (see section 2.2). It is always recommended that you contact the Planning Service prior to commencing any work on your property for advice on whether planning permission is required. In the following section you will find some advice to help you carry out repairs to your home.



4.1 Decorative features and details

The original designers and builders working in Sudbury Court paid great attention to the architectural details and decorations of the houses. There is quite a variety of embellishment to be seen. These include: console brackets*, string courses*, decorative mouldings, terracotta details*, stained and leaded glass, carved timber work, roof tiles, ridge tiles and chimney pots, bricks, tile window sills and projecting eaves.

It is essential to retain all original decorative features if you want to preserve the character of your house. Once lost original details are rarely replaced. Removal of building detail can spoil the appearance of individual buildings as it is often the quality of the decorative features of the individual houses that add to their value. Removal of these individual features will eventually damage the whole street scene. If decorative features on your house are beyond repair, specialists will be able to make an exact replica or a building materials salvage supplier may be able to trace an original replacement. Houses with original architectural detailing will usually have a better resale potential.



4.2 Repairing and re-pointing brickwork

Where bricks have spalled*, chipped or decayed, they should be cut out and replaced with bricks of the same size, texture and colour. The brick bond* should also be matched exactly. You can either use second hand bricks from building salvage suppliers or try a specialist brick manufacturer or supplier. It is in your interest to carry out re-pointing to the highest standards. Poor re-pointing work can make the brickwork decay more quickly.

Generally loose and decayed mortar should be raked out by hand using a hammer and chisel. Do not use grinders! Apply new mortar to the open brick joints with a suitable pointing trowel. The mortar

should match the colour and texture of the original. Generally, we recommend that you use a Lime based mortar. Take care not to let mortar spread over the faces of the bricks.



4.3 Roughcast and render

Do not remove roughcast* or render from walls unless you have to do so for repair, in which case you should replace it. Take care to match the existing colours and texture. You will need to find out the composition of the roughcast or render before you can choose the right material for repair. Where possible rendered surfaces should be left natural and not painted.



4.4 Repainting and other wall coverings

Do not paint original brickwork or cover it with artificial finishes such as stone cladding. In the past the original brickwork on some buildings has been covered over with paint and other coverings.

If architectural details are covered over, this can spoil the appearance of your property and may trap moisture and cause serious damage to walls. It is usually possible to remove paint. Painting windows, doors and other woodwork can help preserve these

original features. Colours should be traditional and in keeping with the suburban character. There are a number of colours that will preserve the character of the area. Normally it is darker, sober colours that are acceptable for doors whilst window frames are normally white. The Council will not give Planning Permission for garish or bold colours that stand out and break the uniformity of the street scene.

4.5 Half timbering

Half timbering* is an important part of the character of some houses. This should always be retained and repaired where possible. Replacement timbers should look exactly like the originals and be painted and stained to match.

4.6 Tile hanging

Some houses have areas of tile hanging, which are standard plain clay roof tiles applied to the walls on timber battens. Sometimes, bands of specially shaped tiles are added. Tile hanging can easily be repaired or replaced if necessary. Make sure that new tiles match the plain clay originals.

4.7 Roofs

Most roofs in the area are covered in clay tiles. Problems that arise are usually due to rotten fixing nails or wooden battens. If you need to carry

out repairs, it is usually possible to re-use up to fifty percent of the original tiles. However, if replacement is necessary, care must be taken to match the colour, texture, size and materials of the originals as tiles come in many shapes and sizes. Where Building Regulations require that the roof space should be ventilated the traditional method is to ventilate from under the eaves* and at the ridge, do not use off-the-shelf plastic ventilator tiles.

Some properties in the Sudbury Court Conservation Area have roofs constructed from green tiles. These roofs add to the unique character of Sudbury



Court and should be preserved. Where repairs are necessary you should take extra care to ensure that any replacement tiles match the colour and finish of the existing roof.

4.8 Chimneys

There are many different styles of chimney in the Sudbury Court Conservation Area. In some cases they were built using decorative bricks and they are an important part of the character of the area and must not be taken down or altered. Please keep your chimney in good repair.

A chimney helps ventilate your house and if you need a new flue for a new central heating system it can be run inside the existing chimney.

Planning permission is required to demolish or make alterations to a chimney for houses covered by the Article 4 Direction.

4.9 Gutters and drainpipes

It is essential to keep your gutters and drainpipes in good repair because leaks can cause damp problems in walls, which may cause expensive problems inside your home. The original gutters and drainpipes in the Conservation Area were cast iron.

If you need to replace your gutters and drainpipes you may be able to use painted cast aluminium, which can look similar to Cast iron. Check it matches the original and paint it either black or another dark colour to match your paintwork. If you have to install new rainwater goods, please retain decorative cast iron hopper heads.

4.10 Satellite dishes and aerials

Satellite dishes and aerials must be fixed to the back of houses. Do not place them where they can be seen from the street, on the chimney, or on your roof.

You will not normally get permission to fix dishes in these locations. Please contact the Planning Service for advice on

more appropriate options. Cable television should be considered as an alternative which does not require the installation of a dish.

4.11 Gas, electricity and water services boxes and burglar alarms

Please keep existing traditional boxes if you can. Position modern gas, electricity and water meter boxes so they are not too noticeable and please paint them a dark colour.

Try to make them blend in with the background. Burglar alarms should also be painted a dark colour and located in a position that enables them to be a deterrent, but does not dominate the front elevation of your home.

4.12 Solar panels and environmental installations

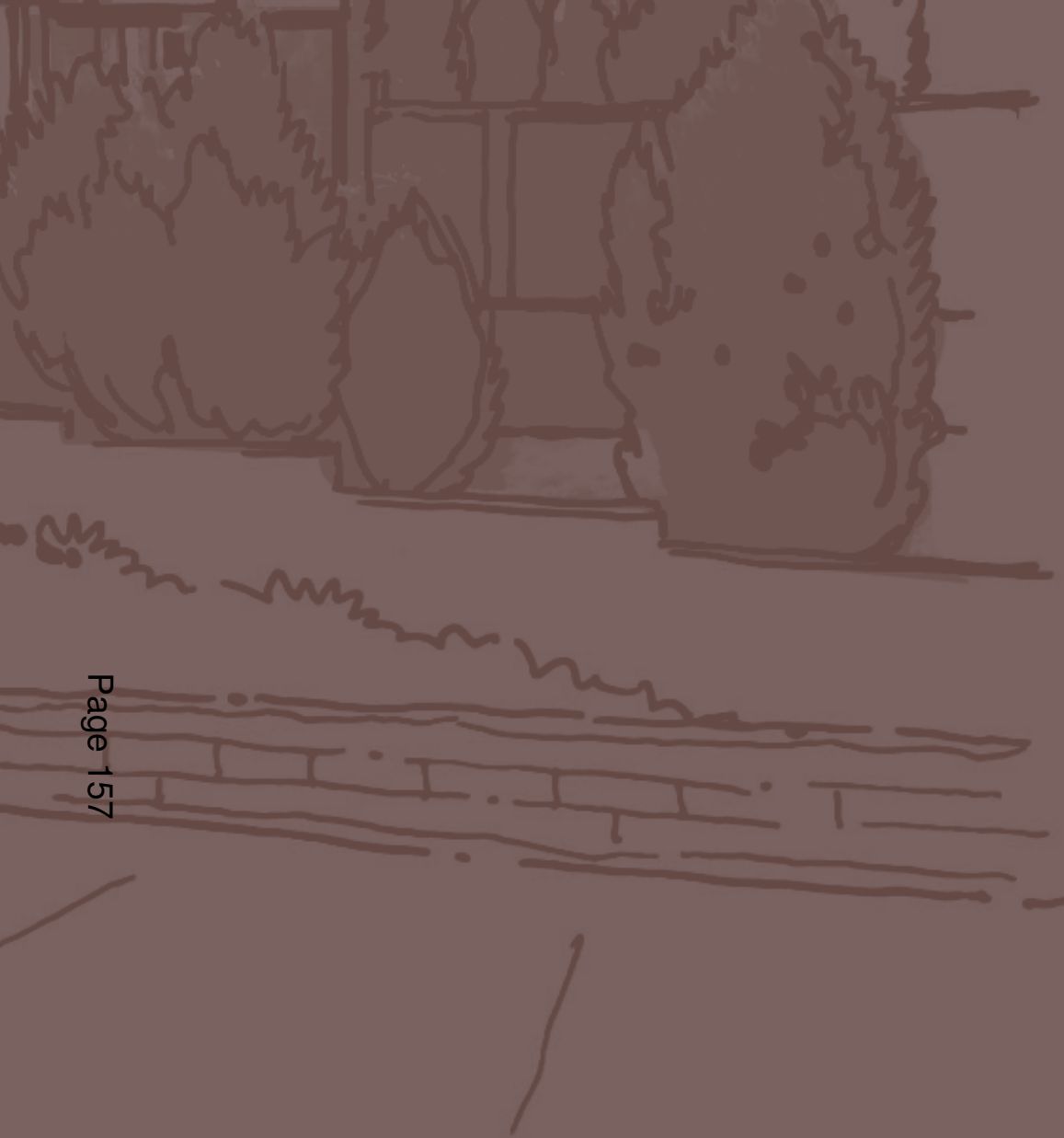
The Council encourages environmental improvements, but also recognises that many installations are not appropriate for conservation.

It is always best to install environmental technology that does not impact on the character of the Conservation Area such as additional thermal insulation, secondary glazing and ground source heat pumps. Solar panels should not protrude more than 200mm beyond the plane of the roof.

To achieve this, many manufactures provide an in-roof system where the panels are recessed flush with the roof tiles. Furthermore, panels should not be sited on any roof slope that faces the highway.







5.0

Gardens

5.0 Gardens

Gardens are as important to the character of Sudbury Court as the houses. In addition to their aesthetic and environmental value, plants can provide privacy and security. The Council will always recommend the planting of hedges in place of tall walls.

5.1 Front gardens, walls and boundaries

The original front gardens are a distinctive feature of Barn Hill Conservation Area. Sadly, many of them have been paved over in recent years and boundary walls, hedges and fences removed. Front gardens that have been planted with soft landscaping features enhance the appearance of your property and the Conservation Area. This can include hedges, plants, grassed areas and trees.



The original front gardens are a distinctive feature of Sudbury Court Conservation Area. Sadly, many of them have been paved over in recent years and boundary walls, hedges and fences removed. Front gardens that have been planted with soft landscaping features enhance the appearance of your property and the Conservation Area. The removal of garden walls and hedges and the formation of hard surfaces will only be permitted where they form part of an acceptable off-street parking scheme (see section 5.2).

Where they have been lost, the Council will encourage traditional front boundary walls to be replaced. The front boundary walls in Sudbury Court originally consisted of low castellated dwarf brick walls with link chain fences and replacements should match this original style.

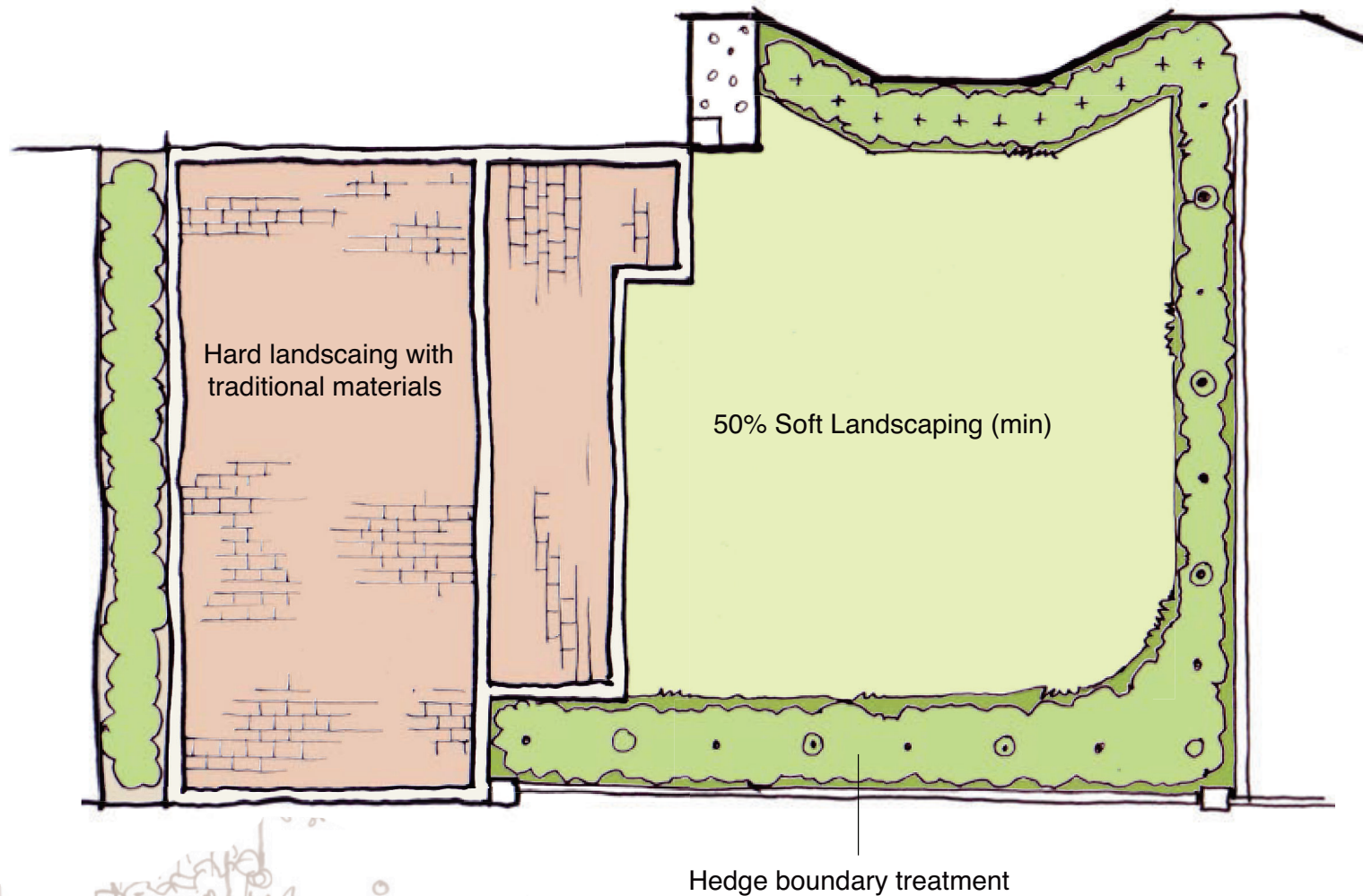
Hedges play an important role by adding to the character and setting of the dwellings. These privet hedgerows typically trimmed to a height of 1.2-1.5 metres serve to define boundaries and identify access points. The removal of hedges would drastically alter the natural/urban balance within Sudbury Court. Where possible you should retain your hedges (if you have them) as this is the best way to preserve the character of Sudbury Court.

5.2 Driveways and off-street parking

In exceptional circumstances the Council may grant permission for a standard off-street parking space where at least 50% of the total front garden area will be retained and suitably landscaped with soft planting features. Any new hard surfaces should be formed using traditional materials such as cast concrete, pavers or loose gravel and be of permeable construction.

If a new access point is permitted as part of the proposal the remaining walls should always be properly finished. The removal of garden walls and hedges across the whole width of the front plot is not acceptable.

Planning Permission for off-street parking spaces will also be subject to assessment by the Council's Transportation Unit.





5.3 Trees

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All trees in the Sudbury Court Conservation Area that have a diameter greater than 75mm, measured at a height of 1.5m, are protected.

You will need permission to carry out even the most minor of work to a tree. It is always best to contact Planning & Development for advice on the best way to protect the trees in your garden. Contact details can be found on the councils website.

5.4 Ramps for people with disabilities

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Access ramps may be very necessary for some residents. However, please choose a design and use materials that are in keeping with the area.

You can soften the outline of a ramp with planting. Any brickwork should match the bricks used for the house and handrails are best painted a dark colour.



5.5 Garden buildings

If your property is a house you can build some types of garden building in your rear garden without Planning Permission, using Permitted Development rights. However, permitted development rights do have limitations and you may need planning permission if the garden building is situated on land between a wall forming the side elevation of the house and the property boundary. Furthermore, a garden building is limited in height depending on the distance of the building to the site boundary and it is required to be used for purposes incidental to the enjoyment of the house. These rights are not enjoyed by flats, subdivided houses and multiple-occupancy properties. It is recommended that you check with the Planning Service whether planning permission is required prior to constructing any building.

If you want to erect or construct a building larger than that described above or live in a property that does not enjoy Permitted Development rights you will have to apply for Planning Permission. As with extensions and alterations to the main house, new buildings or structures within rear gardens of Conservation Areas must preserve or enhance the character or appearance of the area.

Please refer to the design advice set out in section 4.0.

Subject to this, the following will be used by the Planning Service to guide its assessment of the acceptability of such proposals:

- » In gardens of between 10 and 25 metres in length, the general maximum size of individual buildings should be no greater in plan (footprint) than 1/5 (20%) of the overall length and 1/2 (50%) of the width of the garden. The buildings should be located in the rear 1/4 (25%) of the garden and should have a maximum footprint of 15m². Buildings of this size will normally be required to be set away from joint boundaries by at least 1m to reduce their impact, promote further landscape development and allow future maintenance without having to enter your neighbour's garden.
- » New buildings within gardens of longer than 25m will

be assessed on their individual merits. However, it is likely that they will have to comply with the building proportions described above.

- » New buildings in gardens of less than 10 metres in length will be judged on their individual circumstances. However, if acceptable, they will normally need to be much smaller than the maximum guidance above. New buildings in smaller gardens of less than 10m may also unacceptably reduce the size of your garden or prevent the future extension of your house. You should also check that you comply with the Council's planning guidance.
- » If you wish to position your building within the first 3/4 (75%) of your garden the Council will assess your application on its individual merits. However, it is likely that a building in this location will have to be significantly smaller than the proportions of buildings described above. Where your garden abuts a neighbour's garden you may have to reduce the size and scale of your proposed building to reduce the impact on the neighbouring garden and views out of your neighbour's house.

- » Existing trees and significant soft landscape features should not be removed or damaged to allow new buildings. However, if the condition of a tree suggests its removal or pruning, you are required to give six weeks notice to the Council. You can get specialist advice from the Planning Service's Landscape Design Team.





6.0

Getting permission



6.0 Getting permission

Whether you need permission depends on what you want to do. However, in many cases you will need the permission of the Council before you make any changes to the outside appearance of your house. You may be liable to enforcement action if you carry out work without permission.

Living in a Conservation Area does not mean that you cannot make alterations to your home but it does mean that the changes that you may wish to make must preserve or enhance the character or appearance of your home and the area.

It is very important to remember that the Article 4 Direction planning controls placed on the Conservation Area by the Council are legally

binding. In addition to standard planning controls, you must apply for Planning Permission for any of the work listed in Section 2.4. It is always best to call the Planning Service to find out whether you need to make an application. The Council can take enforcement action against you if you carry out work without permission. You may be required to undo the work and reinstate original details at your own expense.



6.1 Planning Permission

You should check with the Planning Service to find out if you need Planning Permission.

In many cases you will need Planning Permission to do work which outside the Conservation Area would not need permission. This is because the area is covered by an Article 4 Direction.

6.2 Conservation Area Consent

Conservation Area Consent is designed to prevent the demolition of any structure over 115 cubic metres that contributes to the character of the area.

You may need Conservation Area Consent if you want to demolish a building. Please check beforehand with the Planning Service.

6.3 Tree Preservation Orders

In Conservation Areas it is necessary to give 6 weeks written notice to the Planning Service before removing or lopping a tree that has a trunk diameter exceeding 75mm at a height of 1.5 metres.

In the written notice you should include a description of the tree, its location, what work you intend to do and why. Some trees may also have Tree Preservation Order.

6.4 Building Regulations Approval

You will need Building Regulations Approval for most alterations and extensions. You will need to check with the Council's Building Control department before you start the work.

Please remember that you may need Planning Permission even if you do not require Building Regulations Approval and you may require Building Regulation Approval even if you do not require Planning Permission.

6.5 How to apply

You will need to fill in an application form for the relevant permission and provide drawings of your house as it exists and how it will look when work is completed. The clearer your drawings the quicker your application can be processed.

We recommend that a qualified Architect or similarly skilled professional do the drawings for you. All planning applications within a Conservation Area are required to be accompanied by a Design and Access Statement.

Please refer to the councils website for further guidance on submitting a planning application.

The Planning & Development department aims to determine minor planning applications within 8 weeks. It is likely that permission will be subject to providing additional information, such as material samples, before you are allowed to start construction work. If you are proposing a contemporary building or alteration that is not traditionally detailed, you will

need to submit additional information at the same time as your application. These may include material samples, large scale details, computer models, perspectives and photo montages. Please ask the Planning Service which information they require.

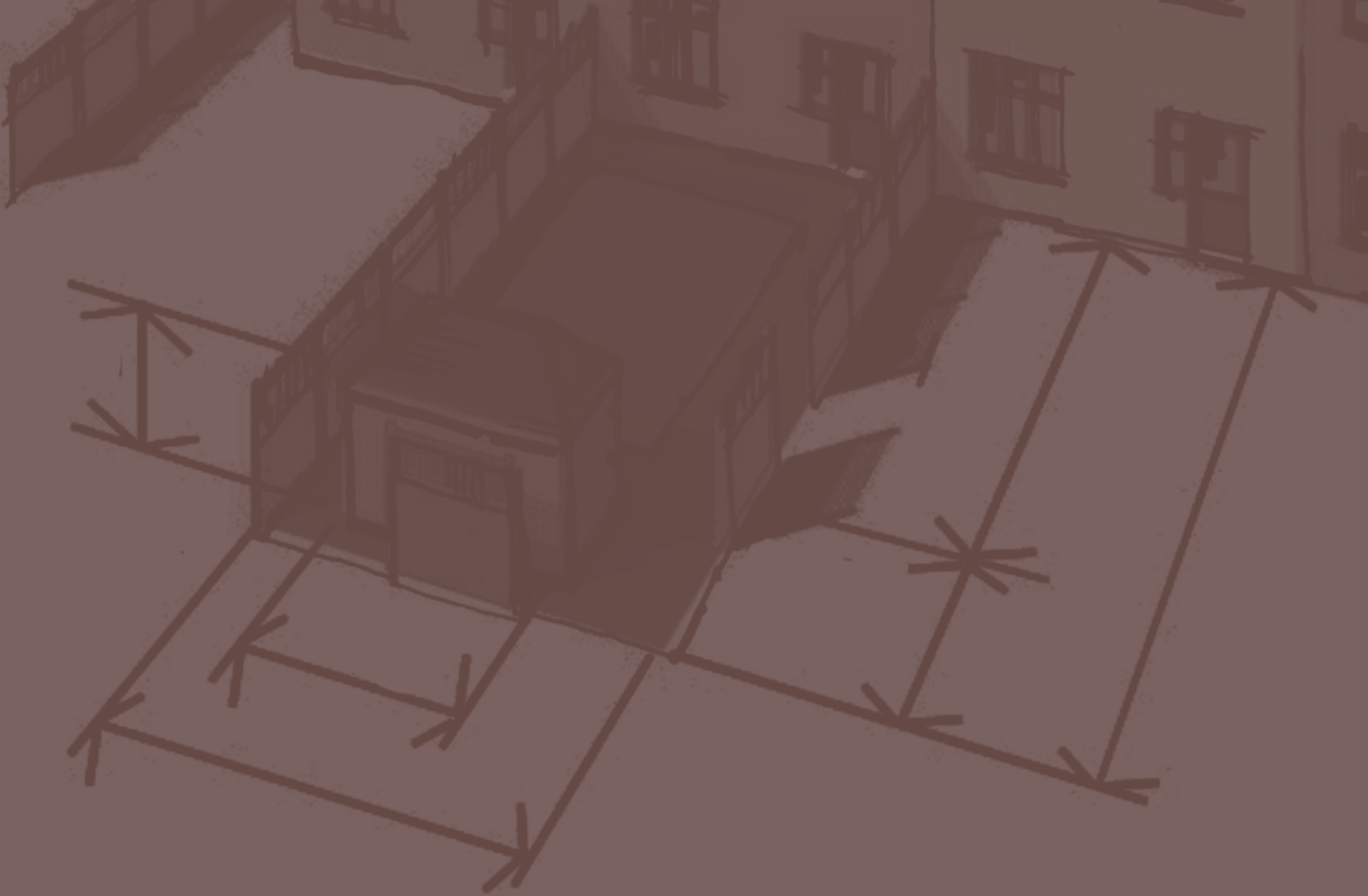
6.6 Specialist help

To make repairs and alterations that preserve or restore the character of your property, you may need to ask specialist suppliers and craftsmen for help. Some of the materials and skills you will need may no longer be in common use and may take time to find. Please check with the Council's Planning

Service if you are in any doubt. They will be pleased to give you advice on where to look for specialist help. They can make sure that the work you or your builder proposes to do is the best way to retain the character of your home.

Specialist services and supplies are sometimes more costly than the mass-market, ready-made alternatives, but not always. In most circumstances specialist help need not cost more. However, when it does, many residents view the extra expense as an investment. If you preserve or restore the original appearance of your house, this can help to maintain or even increase its value.







7.0

Explanation of technical terms

7.0 Explanation of technical terms

BRICK BOND

Arrangement of bricks in a wall, combining bricks laid lengthways (stretchers) and bricks laid widthways (headers).

CASEMENT WINDOW

Made up of a frame with a smaller sub frame, called a casement, set within which is fixed with hinges at the top or sides to allow it to swing open.

CONSOLE BRACKET

A decorative wall bracket which supports a bay window, part of a roof or other feature that projects out from the house.

DRIP RAILS

A sill like section mounted above the opening casements of windows to shed water away from the opening when it is opened.

DENTILS

Bricks set at interval to produce a decorative band.

EAVES

The junction of the wall and the lower edge of the roof.

GLAZING BARS

The bars of wood or metal which separate individual glass panes in a window.

HALF-TIMBERING

Often called 'timber framing', this means timbers applied vertically or horizontally to the walls of houses as a decorative feature.

JAMBS

The side sections of a door or window frame.

LEADED LIGHT

A window made of small pieces of glass joined by strips of lead.

PARAPET

A section of a wall that projects above the eaves of a flat roof.

PVCU

Unplasticised Poly Vinyl Chloride.

ROUGH CAST

Rendered wall finish with small stones added to the mixture.

REVEAL

The part of a wall that turns back towards the window frame in its opening.

SILL

The bottom section of a window frame that projects out from the wall to allow rain to run away.

SPALLED BRICKS

Bricks that have lost their front faces through frost damage.

STRING COURSE

A projecting band of brickwork.

TERRACOTTA DETAILS

Specially shaped and moulded bricks used as decorative features.



