



Planning Committee

Wednesday 16 July 2014 at 7.00 pm

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

Membership:

Members

Councillors:

Marquis (Chair)
Colacicco (Vice-Chair)
Agha
S Choudhary
Filson
Hylton
Kansagra
Mahmood

Substitute Members

Councillors:

Chohan, Choudhry, Colwill, Conneely, Duffy,
Daly, Ezeajubdi, Willhelmina Mitchell-Murray and
BM Patel

For further information contact: Joe Kwateng, Democratic Services Officer
020 8937 1354, joe.kwateng@brent.gov.uk

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

democracy.brent.gov.uk

The press and public are welcome to attend this meeting

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

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting held on 17 June 2014 The minutes are attached.		1 - 6
Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
3. Former Kensal Rise Branch Library, Bathurst Gardens, London, NW10 5JA (Ref. 14/0846)	Kensal Green	11 - 30
SOUTHERN AREA		
4. 37 Lydford Road, London, NW2 5QN (Ref. 14/1201)	Mapesbury	31 - 42
5. 205-211 ODDS Inc, 235 and Land in Church Road Car Park rear of 205-235 Church Road, London, NW10 (Ref. 13/2213)	Dudden Hill	43 - 70
PLANNING APPEALS		
6. Planning and enforcement appeals 1 - 30 June 2014		71 - 104
7. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.		

Site Visits - 12 July 2014

SITE VISITS – SATURDAY 12 JULY 2014

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
14/1201	37 Lydford Road, London, NW2 5QN	4	Mapesbury	9:50	41 – 46
13/2213	205-211 ODDS Inc, 235 and Land in Church Road Car Park rear of 205-235 Church Road, London, NW10	5	Dudden Hill	10.15	9 - 18

Date of the next meeting: Wednesday 20 August 2014

The site visits for that meeting will take place the preceding Saturday, 16 August 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 Tuesday 17 June 2014 at 7.00 pm

PRESENT: Councillors Marquis (Chair), Colacicco (Vice-Chair), Agha, S Choudhary, Filson, Hylton and Kansagra

ALSO PRESENT: Councillor Muhammed Butt, Councillor Jean Hossain, Councillor Roxanne Mashari and Councillor Neil Nerva

Apologies for absence were received from Mahmood.

1. **Election of Vice-Chair**

RESOLVED:

that Councillor Colacicco be elected as the Vice-Chair of the Committee for the municipal year 2014-15.

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

Former Kensal Rise Branch Library, Bathurst Gardens NW10 5JA

Councillor Filson declared that as he had previously expressed a view that prejudged the application he would withdraw from the meeting room during consideration of the application.

Councillor Shafique Choudhary declared that as he had expressed a view that prejudged the application he would withdraw from the meeting room during consideration of the application.

3. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 17 May 2014 be approved as an accurate record of the meeting.

4. **Land next to Harrod Court, Stag Lane, London, NW9 (Ref. 14/1108)**

PROPOSAL:

Details pursuant of condition 4 (Reserved Matters in relation to appearance, scale, landscaping and layout design of the Medical Centre including pharmacy) of hybrid planning application ref 13/2103 for full planning permission for the erection of a three storey building with a pitched roof to accommodate 11 affordable residential units for shared ownership (5 x 1-bed, 5 x 2-bed and 1 x 3-bed) with associated car parking, cycle storage, landscaping and amenity space; and outline planning

permission for the erection of a medical centre of approximately 1,256sqm, including a pharmacy of approximately 90sqm, together with associated car parking, subject to a Deed of Agreement dated 10 February 2014 under Section 106 of the Town and Country Planning Act 1990, as amended.

RECOMMENDATION: Grant planning permission subject to conditions.

Rachel McConnell, Area Planning Manager, in responding to the issues raised at the site visit clarified that the external materials for the medical centre would take account of the residential scheme and be guided by the Design Code which was approved as part of the hybrid application. She added that full details of external materials including samples for the medical centre were secured as part of condition 17(ii) of the hybrid application. She continued that details of materials for the car parking spaces were secured under condition 18 and that a sign was proposed for each residential car parking spaces showing which flat it was allocated to aid the management.

The applicant's architect explained that two tones of bricks would be used to achieve the shades of colours in compliance with the approved condition on external appearance.

In response to members' questions, the Area Planning Manager stated that although a TPO would not be considered as part of this planning application, a condition has been secured for the protection of the two frontage trees. She added that the agreed car parking provision accorded with maximum standards and although there was no parking control (CPZ) in the area, the Travel Plan proposed would help mitigate travel impact of the development.

DECISION: Planning permission granted subject to conditions and an additional condition on two trees on the site.

5. Land next to Harrod Court, Stag Lane, London, NW9 (Ref. 14/1327)

PROPOSAL:

Variation of condition 22 (change opening hours from 8:00 - 20:00 Mon-Sat to 7:00 - 22:00 Mon-Sun), of application ref: 13/2103 dated 11/02/2014 for a hybrid planning application for full planning permission for the erection of a three storey building with a pitched roof to accommodate 11 affordable residential units for shared ownership (5 x 1-bed, 5 x 2-bed and 1 x 3-bed) with associated car parking, cycle storage, landscaping and amenity space; and outline planning permission for the erection of a medical centre of approximately 1,256sqm, including a pharmacy of approximately 90sqm, together with associated car parking, subject to a Deed of Agreement dated 10 February 2014 under Section 106 of the Town and Country Planning Act 1990, as amended.

RECOMMENDATION: Grant planning permission subject to conditions.

Rachel McConnell, Area Planning Manager explained that the variation of the opening hours was to enable the National Health Service (NHS) to offer patients increased accessibility to clinical services in a primary care setting and to improve availability of appointments, to meet the needs of patients and changing demands with the general increase in population. In respect of concerns raised about on site parking facilities, Rachel McConnell advised the Committee that the highway considerations of the medical centre which formed part of the hybrid application (and had not changed since), were considered as part of the outline consent.

DECISION: Planning permission granted subject to conditions.

6. 254 & 256 Woodcock Hill, Harrow, HA3 0PH (Ref. 14/0701)

PROPOSAL:

Single storey detached gymnasium to the rear of a residential block of 14 flats approved under outline planning permission reference 06/3267

RECOMMENDATION: Grant planning permission subject to conditions.

In response to a member's question about loss of light, Rachel McConnell, Area Planning Manager explained that the proposed single storey detached gymnasium would be 12 metres away from residential properties and would therefore not give rise to residential amenity issues.

DECISION: Planning permission granted subject to conditions.

7. 87 & 89 Wembley Park Drive, Wembley, HA9 8HF (Ref. 14/1335)

PROPOSAL:

Change of use of No 87 from an estate agent (Use class A2) into a restaurant (Use class A3) to run in conjunction with the existing A3 use at No 89 Wembley Park Drive

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

With reference to the tabled supplementary report, Rachel McConnell, Area Planning Manager confirmed that the use of the outside area to the rear of the premises was restricted by a condition and that any variation would require planning permission. She explained that the refuse storage area would be used in the same way as no 89 where the refuse bags were taken through the unit to the frontage on collection day. Members heard that the residents above no. 87 did not have access to the outside area to the rear. The Area Planning Manager recommended an amendment to condition 6 as set out in the tabled supplementary and an additional condition restricting amplified music. She also drew members' attention to a further letter of support for the application.

Mr Peter Batkin speaking in support of the application stated that as No. 87 had remained empty for over 5 years the grant of planning permission for the application would be a welcome addition to the regeneration of the local community without generating noise nuisance.

DECISION:

Granted planning consent subject to conditions with additional condition restricting amplified music being audible in unit above premises.

8. Former Kensal Rise Branch Library, Bathurst Gardens, London, NW10 5JA (Ref. 14/0846)

PROPOSAL:

Conversion of the existing vacant building to provide 5 residential units (2 x studios, 1 x 1 bed duplex flat and 2 x 2 bed duplex flats) on part ground and upper floors and 186m² community space (Use Class D1) on the ground floor, single storey ground floor extension to west elevation, provision of roof extension and communal residential roof terrace fronting onto Bathurst Gardens and creation of basement for bin/cycle store, provision of new entrance door on Bathurst Gardens serving D1 space, with associated cycle parking and landscaping to Bathurst Gardens and College Road and erection of temporary site hoarding to protect site for period of vacancy.

RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the tabled supplementary report, Andy Bates, Area Planning Manager outlined the differences between the application and the previous application that was refused by the Committee in October 2013 (reference 13/2058). Members heard that although the 5.5sqm proposed storage area for the site was potentially in excess of what was required for a community use of this size the Area Planning Manager drew members' attention to a proposed condition as set out in the supplementary report requiring the submission and approval of revised waste storage for community use. He continued that the layout submitted by the applicant would also need to be amended to accommodate the refuse and recycling area.

He continued that the proposed entrance had a sufficient width as set out in the main report which complied with Disability Discrimination Act (DDA) legislation. Although there was scope for a wider door and one with automatic opening, it was not required in this instance as that could result in an additional unnecessary service charge for its maintenance. He explained that although the proposed development could accommodate an internal lobby for the community space, that would result in a loss of community floor space. The Area Planning Manager then referred to the responses to issues raised at the site visit and by Councillor Filson, as set out in the reports.

In accordance with the Planning Code of Practice, Councillor Filson declared prejudicial interest in that he had previously expressed views which prejudged the application. Councillor Filson stated that he wished to remain in the meeting room

after addressing the Committee. The legal representative advised Councillor Filson against his intention not to vacate the meeting room after addressing the Committee as his presence could affect the voting and outcome of the application. In his address, Councillor Filson stated that the current application had addressed the concerns he had previously raised in respect of waste and refuse storage, interior detailing, bicycle storage, planning gain and community use. He withdrew from the meeting room after addressing the Committee.

Mr Karl Abeyasekera an objector stated that there was an on-going investigation about falsification and disclosure of personal information relating to the previous application (13/2058) and urged members to defer consideration of this application until after the conclusion of the investigations.

Mr David Butcher representing Friends of Kensal Rise Library (FKRL) speaking in support of the application stated that on balance the provision of D1 rent free space for use as a library was the best outcome in the circumstances. Members heard that a letter of intent had been signed by all parties that FKRL would be the preferred group for the D1 library use which would be a thriving community asset, accessible to all residents. In response to Members' questions he confirmed that, at this stage, the FKRL would prefer to maintain the refuse storage in the basement rather than reduce internal floorspace. Ms Stephanie Schonfield also spoke in similar terms in support of the application.

In accordance with the provisions of the Planning Code of Practice Councillor Nerva declared that he had been approached by FKRL in connection with the application. Councillor Nerva paid tribute to the tenacity of FKRL in their efforts to secure a library which would offer opening hours considerably in excess of the previous library. He however highlighted the lack of affordable housing and bicycle storage.

Mandip Sahota, the applicant's agent stated that the current scheme which incorporated views expressed by residents including FKRL had overcome previous concerns in design terms and offered a larger facility with significant improvement for a variety of community uses. Mr Sahota continued that he was not aware of falsified letters of support in connection with the current application which had the support of FKRL, local residents and councillors.

In response to members' questions about security concerns, the community entrance door and bids from any other community groups, Mr Sahota stated that the 1m wide entrance door complied with the Disability Discrimination Act (DDA) 2010 and would not raise security concerns; he was not aware of any other community group that had submitted a bid for the D1 community use of the scheme.

Members then sought legal advice as to whether the investigations referred to by the objector had any bearing on the current application. Horatio Chance, legal representative informed members that the Council's Audit and Investigation unit had concluded its investigation into the allegations and had passed the matter to the Metropolitan Police. He advised that the investigations were not material in

the determination of the current application and added that under Section 270 of the Town and Country Planning Act, the Committee had a statutory duty to determine the application, failing which the applicant could appeal to the Secretary of State with implications for cost award against the council. Stephen Weeks, Head of Planning spoke in similar terms. He also summarised the following options to members:

- To decide the application;
- To defer the application to the next Committee cycle;
- To approve the application and delegate subject to counsel's opinion on the application.

Members voted by a majority to defer for further legal advice on whether the alleged falsification of consultation responses on a previous application relating to the site (ref. 13/2058) would be a material planning consideration in the assessment of this case.

DECISION:

Deferred the application for further legal advice on whether the alleged falsification of consultation responses on a previous application relating to the site (ref. 13/2058) would be a material planning consideration in the assessment of the current planning application.

9. Planning Appeals 1 May to 31 May 2014

RESOLVED:

that the planning appeals for the period 1 May to 31 May 2014 be noted.

10. Any Other Urgent Business

None.

The meeting closed at 9.25 pm

S MARQUIS
Chair

EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

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

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

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


STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

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

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

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

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 **Planning Committee Map**
Site address: Former Kensal Rise Branch Library, Bathurst Gardens, London, NW10 5JA
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This map is indicative only.

RECEIVED: 7 March, 2014

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Former Kensal Rise Branch Library, Bathurst Gardens, London, NW10 5JA

PROPOSAL: Conversion of the existing vacant building to provide 5 residential units (2 x studios, 1 x 1 bed duplex flat and 2 x 2 bed duplex flats) on part ground and upper floors and 186m² community space (Use Class D1) on the ground floor. Single storey ground floor extension to west elevation, provision of roof extension and communal residential roof terrace fronting onto Bathurst Gardens and creation of basement for bin/cycle store. Provision of new entrance door on Bathurst Gardens serving D1 space, with associated cycle parking and landscaping to Bathurst Gardens and College Road. Erection of temporary site hoarding to protect site for period of vacancy.

APPLICANT: Kensal Properties Limited

CONTACT: Nicholas Taylor & Associates

PLAN NO'S:
See condition 2

This application was deferred at the Planning Committee meeting on 17 June 2014 to allow for the Committee Members to receive advice on how to proceed in light of the police investigation into suspected fraudulent representations submitted in relation to the original planning application. This report is largely the same as that which was reported to the last Planning Committee although the supplementary report has been added into the text of the main report.

Following the deferral Counsel advice was sought in relation to establishing whether the Planning Committee could lawfully determine the current application having regard to the fraudulent emails, in support of the application, received during the consultation process in respect of planning application reference 13/2058.

The Council's Legal Officer has provided the following comments summarising this:

1. The Council in its capacity as Local Planning Authority must determine the application in accordance with section 70 of the Town and Country Planning Act 1990 (as amended) ("The Act"). Section 70 provides:-

70 – (1) Where an application is made to a local planning authority for planning permission-
(a) Subject to sections 91 and 92, they may grant planning permission, either unconditionally or subject to such conditions as they think fit; or
(b) they may refuse planning permission

(2) In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. to-
(a) the provisions of the development plan, so far as material to the application
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations
2. *Section 38 (6) of the Planning and Compulsory Purchase Act 2004 provides:- that - if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.* The development plan comprises policies which deal with the protection and mitigation of the loss, of community facilities as well as a range of policy and guidance in relation to residential accommodation.
3. The Council has obtained advice from leading Counsel, Richard Drabble QC, since deferral of the

decision by Members on the 17 June. The advice was required to establish whether the Committee could lawfully determine the current application having regard to the fraudulent emails, in support of the application, received during the consultation process in respect of planning application reference 13/2058. Counsel has endorsed the views given by officers, by correctly identifying that such claims of fraudulent activity, are not a material consideration for the purposes of assessing the current application.

Counsel contends that he can see no reason why the grant of planning permission on the current application should prejudice the police investigation into whether earlier representations were bogus or fraudulent. In these circumstances Members are obliged to determine the application on an objective assessment of material planning considerations alone.

4. The Council's statutory duty also extends to determine planning applications within a reasonable period of time. Accordingly, any unreasonable delay by Members in deciding the current application second time around could result in the developer lodging an appeal to the Secretary of State (Planning Inspectorate) under section 78 (2) of the Act on the grounds of non-determination. Effectively, the Secretary of State would step into the shoes of the Council as Local Planning Authority and determine the application. If the matter were deferred again without proper justification for doing so, the Council will inevitably incur legal costs in dealing with and defending the appeal. The Council may well have to pay the developers professional costs as part of this process, if an order for costs was made on that basis. However, it is very difficult to predict what the overall costs are likely to be, but an estimated guess could run into thousands of pounds. In this respect Members should be mindful of the Councils fiduciary duty towards the local tax payer when balancing the degree of risk.
5. In relation to the building being listed as an Asset of Community Value under the provisions of the Localism Act 2011 and the relevance of the listing status vis a vie the decision to be taken on the planning application the comments contained within the body of the report are duly noted by officers. Members should however, be reminded that inso far as FOKR being named as "preferred tenant" of the D1 community space, this is not an issue the committee should purport to determine as part of the planning process.
6. In summary, and for the avoidance of doubt, Members are under a statutory duty to determine the planning application within a reasonable period of time; and that neither the requirements of coming to a proper planning decision or any need to avoid prejudice to the police investigation require any further delay.

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of 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.
- The provision of the D1 space for uses that fall within public hall/community type activities.
- Details of the disposal of the community space to include (but not exclusively):
 - Marketing of the community space within 6 months of construction commencing
 - The space being let to an organisation to run and maintain the D1 space
 - Provision of community space at peppercorn rent
 - Condition of the structure at disposal to include shell, core, fixtures such as toilets/sinks/storage space.
 - If, within 8 months or such other period agreed with the Local Planning Authority of the start date of the marketing campaign, Kensal Properties receive no offer that is acceptable to them, (acting reasonably in the circumstances and such acceptance shall not be unreasonably withheld or delayed) Kensal Properties shall be under no restriction by virtue of this Agreement in relation to the disposal of the residential units.
- If following the marketing campaign an occupier for the community space is not found the Council will be

offered first refusal on the community space.

- Prior to the marketing of the community space community access agreement will be submitted to an approved in writing by the LPA detailing, but shall not be limited to the following:
 - Access arrangements for the local community
 - Reasonable hours of use so as to not disturb neighbouring residential
 - Service/management charge
 -
- The proposed residential use will be "car free" with residents restricted from applying for car parking permits.
- Considerate Constructors Scheme-join and remain a member of the CCS.

And, to authorise the Head of 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.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£127,198.99** of which **£102,523.99** is Brent CIL and **£24,675.00** is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The subject site, located on the north-western corner of the junction between College Road and Bathurst Gardens, is occupied by a part single, two and three storey detached building. The building has been vacant since 2011 before which time it was most recently used as a public library. The building is not Statutorily Listed nor does it appear on the list of locally listed buildings published within Brent's Unitary Development Plan 2004. However, in December 2012 the building was listed, under the provisions of the Localism Bill 2011, as an Asset of Community Value.

DEVELOPMENT SCHEDULE

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

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain
assembly and leisure	0		0	0	
businesses / research and development	0		0	0	
businesses and light industry	0		0	0	
businesses and offices	0		0	0	
drinking establishments (2004)	0		0	0	
financial and professional services	0		0	0	
general industrial	0		0	0	
hot food take away (2004)	0		0	0	
hotels	0		0	0	
non-residential institutions	612		426	-426	
residential institutions	0		0	0	
restaurants and cafes	0		0	0	
shops	0		0	0	
storage and distribution	0		0	0	

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	612		426	-426	

Monitoring Residential Breakdown

Existing

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Flats û Market										
Bedsits/Studios & Market										

Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Flats û Market		1	2							3
Bedsits/Studios & Market		2								2

PROPOSAL

See description above.

HISTORY

13/2058. Conversion of the existing vacant building to provide 7 residential units (3 x one-bed flats, 3 x two-bed flat & one x two-bed house) on the ground and upper floors and 175m2 multi-functional community space (Use Class D1) on ground floor and basement. Alteration to roof pitch over and increase in height of rear wall of central section of main building, proposed new roof with flank wall windows to existing west wing. Provision of new entrance doors on College Road and replacement rear and flank wall windows with associated waste storage, cycle parking and solar panels.

Refused for the following reasons:

- 1. The applicant has failed to demonstrate that the proposed community hub would be of a size, layout and quality that sufficiently and suitably meets the local need for community facilities, to a degree that it would adequately compensate for the loss of the existing community facility on site, which has been listed as an Asset of Community Value. As such, the proposal would be harmful to the future provision of community and cultural facilities for local residents contrary to policy CP23 of the London Borough of Brent LDF Core Strategy 2010.*
- 2. The proposed development would fail to provide sufficient amenity space, or compensate for this deficiency through the provision of larger internal space standards, and would include habitable rooms on the ground floor that would suffer from substandard levels of outlook. As such the development would provide a substandard quality of accommodation and amenity for future occupiers contrary to policy BE9 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17:- Design Guidance for New Development."*
- 3. The proposed extension of the building at first floor and roof level would have an overbearing impact on the adjacent residential property at 87 College Road harming the outlook from habitable room windows for neighbouring occupiers contrary to policy BE9 of the London Borough of Brent Unitary Development Plan 2004 and advice contained in Supplementary Planning Guidance 17:- Design Guide For New Development.*
- 4. The proposed mansard roof extension, by reason of its bulk and prominent siting in relation to existing gable end features, would harm the character and appearance of the building, in particular, and the locality, in general, contrary to policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan 2004.*
- 5. In the absence of the legal agreement to control the matter, the proposed development would result in an increased demand for car-parking that cannot be accommodated on site or within the surrounding streets, which have been identified as being heavily parked, giving rise to conditions that would be prejudicial to highway and pedestrian safety contrary to policies TRN3 and TRN24 of the London Borough of Brent Unitary Development Plan 2004*

POLICY CONSIDERATIONS

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

National Planning Policy Framework 2012

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant. The NPPF states that good quality design and a good standard of amenity for existing and future occupants of land and buildings are required.

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

London Plan 2011

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

Core Strategy 2010

- CP2 Housing Growth
- CP14 Public Transport Improvements
- CP15 Infrastructure to Support Development
- CP17 Protecting and Enhancing the Suburban Character of Brent
- CP18 Protection and Enhancement of Open Space, Sports and Biodiversity
- CP21 A Balanced Housing Stock
- CP23 Protection of existing and provision of new Community and Cultural Facilities

UDP 2004

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

SPG17: 'Design Guide for New Development'

CONSULTATION

Public Consultation

The application has been subject to widespread public consultation. Consultation letters were sent out to 1336 addresses in the local area on 21 March 2014, 8 site notices were installed on the streets neighbouring

the subject property on the 7 April 2014 and the application was advertised in the local press on 17 April 2014. Local politicians and local community groups were also consulted on the planning application.

There has been a significant response to the consultation. So far, in total, 483 representation in support of the proposal have been received, 14 objections and one petition with 1 general comment have been received from members of the public in relation to the proposed development.

Representations have also been received from a number of local Councillors as follows:-

- Cllr Shaw (Brondesbury Park) - Support
 - community space being used as a library
 - Friends of Kensal Library are tenants of the community space
- Cllr Hector (Kensal Green) - Support subject to:
 - increase in D1 space and reduction in the number of flats
 - Friends of Kensal Library are tenants of the community space
 - The D1 space having an entrance through the main entrance.
- Cllr Denselow (Queen's Park) - Support subject to:
 - community space being used as a library
 - Friends of Kensal Library are tenants of the community space
- Cllr Jones (Willesden Green) - Support
 - community space being used as a library
 - Friends of Kensal Library are tenants of the community space
- Former Cllr Cheese (Brondesbury Park) - Support
 - community space being used as a library
 - Friends of Kensal Library are tenants of the community space
 - The D1 space having an entrance through the main entrance.

Friends of Kensal Rise Library (FKRL) consider that a community use of the proposed space of 186sqm, while restrictive, is viable. They state that they have a Business Plan and the necessary skills and experience - from within the Trustees and the wider community - for the operation of the space as a community space and library. It would be the objective of FKRL to use the space allocated for a community library, as per its charitable objectives:

"To advance public education by running and/or assisting in the running of a library at Bathurst Gardens, Kensal Rise, London, NW10 5JA, for the benefit of the residents of the London Borough of Brent.

They also believe that there is widespread support within the community for local provision of library and community space. They have been involved in negotiations with the applicant and All Souls College and are supporting the proposal after being guaranteed that the Friends are the preferred putative tenants of the College and the developer of the dedicated space. The agreement between FKRL, All Souls College and the development, and the planning application contain a significantly increase amount, and improved quality, of space for community use than that which was designated in the unsuccessful planning application of last year.

They have further emphasised their concern that FKRL should be the tenants of the community space and that the Asset of Community Value legislation and regulations would allow for them to be named as the actual tenant rather than the preferred.

All Souls College have provided comments confirming that the College's intention has always been to see library services continue to be provided from the site. They have confirmed that the College will be allocated the community space, and although a sub-lease has yet to be negotiated, it is the College's intention to let the space to FKRL. They also confirm that they do not see a problems with the principles by which the space shall be let as set out in the applicants planning documents.

Kensal Rise Residents Association have provided the following comments:

- 1). We support the position of FKRL in their support of the current application
- 2). We support the current planning application on the proviso that it provides the best achievable outcome whereby FKRL will be the tenants of the proposed D1 ground floor space for the long term (Inasmuch as Brent Council Planning team are able to achieve this within their own powers).
- 3). We support the application providing the building remains accessible to the community for the lifetime of the proposed 999 year lease

We request that the section 106 agreement will ensure (as far as is achievable) that the building remains in

community use, as a library and run by FKRL.

Public Letters of Support

Those in support of the application have written on the basis that:

- The D1 community library and space is provided
- Friends of Kensal Library are the tenants of the space
- The entrance to the D1 space is revised so that those using the facility can access it through the main entrance.

Representations in objection

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

Community Use:

1. The proposed use of the building would harm the status of the building as an Asset of Community Value.
2. There will be a loss of community space and civic amenity in an area where these facilities are already lacking.
3. The loss of community facility is not offset by the provision of new homes
4. The proposed community hub is insufficient, unsuitable and impractical for meeting community needs.
5. The development would harm local employment as a facility which could be used for social enterprise or to develop skills would be lost.
6. Arrangements for the future ownership of the community space are unclear.
7. The applicant has failed to consult the local community in developing the proposals for the community hub
8. The entrance to the community space is too small and should be through the main residential entrance.
9. The application should be referred to the secretary of state for clarification on changes to planning legislation in relation to community use

Residential Accommodation

10. The quantum of residential development with no outside space is an overdevelopment of the site
11. The development will increase parking and traffic problems within the locality of the site.
12. The development does not provide adequate facilities for the storage of refuse/recycling and bicycles.

Building Alterations

13. The development would harm the character and appearance of the building
14. The development will harm both the external and internal character of a locally listed building

Other

15. There has been inadequate consultation on the planning application.

Petition

A petition with 288 signatories has been received. This is addressed to Brent Council and requests that Brent

"Prohibit Change of USE for Asset of Community Value (ACV) so they are able to be actively used and enjoyed by Brent locals rather than threatened with closure, or left by private developers.

Brent Council must urgently create guidelines to protect ACV and mandate community access so that current listed assets are not at risk."

Internal Consultation

Transportation Unit - No objections subject to a Section 106 Legal Agreement confirming that the residential dwellings shall all be entirely car-free, removing the rights of future occupiers to obtain residents parking permits, in order to comply with Policy TRN23 of the UDP-2004. A condition requiring the provision of secure, covered cycle parking spaces at ground floor level is also requested, to comply with PS16 standards.

Urban Design - No objections to the principle of development. Further details of community entrance and front balcony details will be required.

Committee Site Visit on Saturday 14th June 2014- Members Concerns

As explained above, this application was deferred from the June 2014 Planning Committee, but this deferral occurred at the meeting itself meaning that Members still had the opportunity to visit the application site on

the preceding Saturday. The points raised at the visit were covered in a Supplementary report to Councillors and, for the avoidance of doubt, this report is set out in full below.

"At the site visit Committee Members raised issues in relation to the following matters:

- *The location of the refuse and recycling store for community use in the basement*
- *The layout and provision of fittings for proposed community use*
- *The scope for providing a wider, automatic entrance to the community space with internal lobby.*
- *Hours of use and protection of amenity of prospective and neighbouring residents.*
- *The design and appearance of entrance and signage.*

The location of the refuse and recycling store is discussed in paragraph 30.

The applicants have submitted an indicative layout for the proposed fit out of the community space and have confirmed that they will work with the lessee to provide the shell, core and fixtures (toilet/sink) and internal structures as shown on the layout through the section 106 agreement.

The proposed entrance has a sufficient width to comply with DDA legislation as set out in the main report. There is scope for a wider door and one with automatic opening, but it is considered that this is not required in this instance and could result in an additional unnecessary service charge for its maintenance. The proposed development could accommodate an internal lobby for the community space, however, this is not a planning requirement and would result in a loss of community floor space. As a result, it has not been sought as an amendment here.

Condition 3 relates to the hours of use for the community space and these have been agreed with the applicant. Condition 10 requires the submission and approval of details of insulation for the flats and Condition 12 has been included to prevent use of amplified sound systems. These conditions are considered to provide protection for amenity of prospective residents and existing neighbours while not being unduly restrictive on the proposed community use.

The applicants have submitted indicative details of the proposed entrance door, design detailing and signage. However, at this stage these have not been agreed and condition 11 has requested revised details of the entrance and signage prior to works commencement of use.

Committee Site Visit - Residents Concerns

At the site visit local residents raised issues in relation to the following:

- *Increased parking demand*
- *Increase in population density*
- *Unauthorised hoarding*
- *why rep from FKRL not invited inside*
- *lack of local community uses and space*
- *why aren't entrances shared*
- *will flats be rented or F/H*
- *Is cycle parking sufficient*

Dealing with these points:

- *Parking provision is addressed in paragraphs 27 and 28 of the "Remarks" section of the main report.*
- *The proposed development will result in the provision of 5 additional units providing 7 additional bedrooms. This will not have a significant impact on local population density.*
- *The Hoarding is addressed in paragraph 42 of the main remarks section.*
- *Access to the site is controlled by the applicant. They made the decisions relating to the visit at the weekend.*
- *This is addressed in paragraphs 10 and 11 of the main remarks section.*
- *The applicants have proposed two separate entrances. There is no requirement for them to be shared.*
- *The tenure for the flats is not a consideration for this application.*
- *Highways Officers have confirmed that cycle parking is sufficient.*

Comments from Newly Elected Councillor (submitted prior to election).

Councillor Filson provided written comments on the proposed development prior to his election as a local councillor. These comments related to the following matters:

- *Bin Storage Arrangements*
- *Communal Roof Terrace*
- *Emergency Exits*
- *Lift*
- *Bicycle Storage*
- *Sound Insulation*
- *Internal Design Features*
- *Mark Twain plaque.*

Dealing with the points raised:

- *The bin store provision for the residential accommodation is in line with current standards. A condition has been attached requiring details of management arrangement to move bins to and from store on collection day. Matters such as ventilation and fire safety will be addressed by building regulations.*
- *The communal roof terrace will be accessible to all proposed residents as communal amenity space. It would not be reasonable, or necessary, to control its use or hours of use.*
- *Officers have reviewed the proposals with Council Building Control Officers who have confirmed that the emergency exits are sufficient for a community use of this size. They will be formally considered at the building regulations stage.*
- *The lift size and doors are sufficient to allow access for bins or a bicycle.*
- *The proposed bike storage both internal and external is in accordance with Highways standards.*
- *A condition has been attached requiring detail of the proposed sound insulation to ensure that there is not detrimental impact on the amenity of prospective residents.*
- *The applicants have confirmed in their Design and Access Statement that they have sought to preserve the existing layouts, structural walls and design features where possible. It should also be noted that a request to list the structure was turned down by English Heritage due to the loss of many of the original internal features.*
- *The Council's Operational Director Property & Projects has indicated that the plaque was moved to archive when it was removed from the building.*

REMARKS

Main Considerations

1. This planning application was deferred from the Planning Committee meeting on 17 June 2014 to allow for Members to seek advice in relation to the investigation into alleged fraudulent representations submitted at the time of the first planning application on the site that was previously refused at the Council's Planning Committee on 18 September 2014. The current proposal is a revised application from that which was refused in 2013. The revisions that have been made are set out in paragraph 4 below.
2. The proposed development would involve the conversion of the vacant building, most recently used as a library (Use Class D1), into 186sqm of community space (Use Class D1) and five self-contained flats. It also seeks consent for the existing hoardings which currently surround the site. It is considered that the main planning consideration in relation to the determination of the application are:-
 - Whether sufficient mitigation is provided for any loss of community or cultural facilities
 - Whether the proposed residential units provide an acceptable quality of residential accommodation and amenity for future occupiers.
 - Whether any proposed alterations to the existing building and its surroundings are in keeping with the character and appearance of the existing building and surrounding streetscene and whether they 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 conditions
 - Whether the existing temporary hoardings are acceptable
3. The above is a summary of the main planning considerations affecting the current proposal. The application should be determined in accordance with the development plan and any other material planning considerations as set out in this report.

Amendments Since Previous Refusal

4. The main alterations to the proposed development since the previous refusal are as follows:

Community Space

- The total floor space has been increased from 176sqm to 186sqm.
- The community floor space is situated solely on the ground floor (except for waste storage which is in the basement).
- The entrance to the community floor space is through a proposed entrance in the chimney breast onto Bathurst Gardens and not from College Road as previously proposed.
- Further details of community consultation, existing community space availability in the local area and the management of the community space have been provided.
- Indicative examples of the proposed layout and a matrix of uses drawn up in conjunction with the FKRL group have been provided

Residential

- The number of residential units proposed has decreased from 7 units to 5.
- The size and layout of the proposed units have been all +10% above the minimum floor space standards for their respective unit sizes.
- A roof terrace is proposed at the second floor level fronting onto Bathurst Gardens.
- Alterations to roof on Bathurst Gardens front but not to rear.
- The height of the west wing is retained as existing.

Replacement of Community Facilities

5. The existing building has been vacant since the former use of the building as a public library ceased in 2011. The cessation of the former use was as a result of the Council's Library Transformation Project. The applicant states in their submission that through this process, adequate mitigation has already been provided, in the form of new and improved library facilities, to justify the loss of the existing building. The Library Transformation Project does provide a comprehensive and efficient library service in the borough. Whilst the Council's library use has ceased, the building remains capable of being used to meet other wider community needs and therefore sufficient mitigation would need to be provided if the loss of the community use is to be supported.
6. In terms of local demand for community facilities it is important to note that in December 2012 the building was listed, at the request of the Friends of Kensal Rise Library, as an Asset of Community Value under provisions contained in the Localism Act 2011 ("The Act"). This listing is designed to support the community right to bid by requiring the owner of the asset to provide sufficient time to community groups to prepare and submit a bid, if they wish, should the owner of the asset decide to dispose of the asset. Whilst ultimately this listing cannot prevent the owner selling the asset to whom ever they want, at whatever price they want, it does offer an opportunity for community groups to make a bid for the asset in advance of any agreement to sell to a third party. This process also applies for all non-residential parts of a proposed development which will be sold or leased as the ACV listing remains for all areas of non-residential floor space. Residential uses cannot be subject of an ACV listing.
7. 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 community facilities within the locality and in particular a demand that those facilities should be provided on the subject site.
8. The listing as an Asset of Community Value is also relevant in this particular case as a partial change of use to residential is proposed. Residential uses are normally exempt from being listed as Assets of Community Value and therefore, if permission were to be granted, this would have an impact on the extent of the current listing.
9. The existing building has a gross internal floor area (GIA) of 612m² (543sqm NIA) arranged over 3 floors. Under its previous use the ground floor acted as the main reading room and reception area, with ancillary staff areas and storage space on the first floor and storage on the second floor. The ground floor of the property has a floor area of approximately 276sqm (GIA).

10. The revised proposal would involve the formation of a D1 use of 186sqm (GIA) which would occupy most of the ground floor of the building. In terms of the proposed area this is 10sqm more than the previous proposal and while such an increase would not appear to be significant in terms of area the quality and useability of the space is a significant improvement on the previous proposal as it is all provided on the groundfloor level and is arranged in a manner which supports the flexible use of this space for a variety of different users.
11. The applicants have prepared a statement of community involvement which sets out the level of consultation they have undertaken with the local community since the previous refusal. This has included an initial consultation with FoKRL in October 2013, open public consultation in November 2013, a follow up workshop with FKRL in December 2013. They have also highlighted the alterations that have been made to address the concerns raised.
12. The applicants have provided plans showing how the groundfloor could be laid out. The space is accessed from a new entrance which is to be provided from Bathurst Gardens through the existing chimney breast. This will be provided with a ramped access from the corner of Bathurst Gardens and College Road. This space will be Disability Discrimination Act (DDA) compliant. The indicative floor layouts show a main open plan space, which could be used as a traditional library space with book shelves, desks, seating area and main front desk in the east wing of the groundfloor. The west wing of the groundfloor, which is access via a corridor at the rear, could then be laid out with two meeting rooms, toilets and storage area. These plans have been developed in conjunction with FKRL following consultation events.
13. The applicants in consultation with FKRL have also provided a use matrix and indicative layouts showing how a range of community uses could be accommodated at different times during the course of a normal week. The layout including the provision of desks, bookshelves, meeting rooms and storage would allow for uses such as book lending, IT services, studying, language classes, childrens/toddler story time and other community uses throughout the week.
14. To ensure that the community space is accessible to the local community the applicants have provided information as to how the space will be managed and how the end user will be determined. The applicants have confirmed that the community space will be provided in shell and core including toilets, sinks and storage space with the responsibility of fitting out the accommodation falling to the future occupants. The future occupants will also be obliged to meet a reasonable service charge for use and maintenance of storage space and lift which will be in the form of an annual charge. The applicants have suggested that this is likely to be in the region of £2500.
15. The space is accessed from a new entrance which is to be provided from Bathurst Gardens through the existing chimney. This will be provided with a ramped access from the corner of Bathurst Gardens and College Road. This space will be DDA compliant.
16. The applicant has advised the Council that it has entered into contractual obligations to lease the space back to All Souls College while the freehold for the building will be retained by the applicant. The applicant in conjunction with All Souls College will determine who the future occupants following a bidding process in which all interested parties can bid to occupy the space. The space will then be let in accordance with the following terms and conditions:
 - The space will be offered to a single lessee on a peppercorn rent in perpetuity
 - A reasonable service charge will be applied to maintain the communal/entrance area including repairs to building.
 - Minimum hours of operation will be required to ensure that the maximum range of uses, as identified in the use matrix, are provided throughout the week.
 - The lessee must be responsible for and operate the D1 space in the interest of the local community and not limited to any specific interest group (e.g. not exclusive religious and/or other groups).
 - Use of the facility will be limited to D1 uses only, as defined by the T&CP Use Classes Order.
 - No operation should be for profit generation or related to business use/business; all funds generated by the operator will remain within the organisation to enhance its services and allow the provision of additional community services.
 - The proposed uses should not cause nuisance to the flats above, or other adjoining neighbours (no excessive noise, traffic generation, late night/early morning activity etc).

17. All Souls College have confirmed that it is their intention to see library services continue to be provided from the site. A sub-lease has yet to be negotiated and agreed but it is the intention of the College to let the space to Friends of Kensal Library at a peppercorn rate for a very long period.
18. The proposed alterations and additional information provided have shown that the proposed community floor space is of a size and layout which could sufficiently and suitably meet the needs of local community to compensate for the loss of the existing facility. The most recent use of the Groundfloor as a library use ceased almost two years ago. However this facility was open to all members of the local community. The applicants have proposed use of a management agreement through section 106 to establish the principles of how the D1 community space will be provided tfor the benefit of the loca community.
19. The majority of letters of support have been submitted on the basis that the community use is let to the Friends of Kensal Rise Library. It is not within the powers of planning to specify an end user of the proposed facility and therefore this cannot be secured through the current planning. However the applicants have specified in the planning submission documents and All Souls College have confirmed that FKRL are the intended tenant of the community space.
20. The Council have proposed appropriately worded conditions and section 106 Heads of Terms in order to secure the provision of the community space for use by the local community.

Quality of Residential Accommodation

21. The proposed residential accommodation will be provided in the form of five self-contained flats 3 x 1-bedroom and 2 x 2-bedroom. The flats would be arranged over the three floors. On the ground floor one one-bedroom flat/duplex is proposed in the space that forms part of the annexe extension to the original building. The remaining four flats are proposed on the upper floors of the main building. The main access to the flats will be from the existing main entrance Bathurst Gardens.
22. On the first floor level there are three self-contained flats (2 x studio and 1 x 2-bed) accessed from a central core. The further 2-bed flat is situated on the second floor.
23. In terms of the internal space standards set out in the Mayor's Housing SPD, the minimum standards are generally met as set out in the table below.

Flat No.	Unit Type	Unit Size (Sqm)	London Plan Minimum Standard	Amenity Space (sqm)
2.03	1bed 2person	75.7	50	20
2.02	Studio	50.3	38	0
1.01	Studio	60.69	38	0
2.01	2bed 4person	99.35	71	0
5	2bed 4person	92	71	0

24. In terms of external amenity space there is a small space at the ground floor level which has been allocated to the groundfloor residential unit. This unit would meet the 20sqm required by SPG 17. The residential units within the main building would have access to a communal roof terrace at the second floor level fronting onto Bathurst Gardens. This space would have an area of 14sqm. Therefore the proposed units would fall short of the 20sqm normally required. However as the proposed residential flats are all above and in most cases significantly above minimum floor space standards this can be considered as suitable mitigation on a site where external space is limited.
25. The layouts of the proposed flats have been altered so as to ensure that all habitable rooms have suitable levels of daylight, sunlight, outlook and privacy. Most of the habitable room windows are on the east and south elevations fronting onto College Road and Bathurst Gardens. As such these units will have suitable levels of daylight, sunlight, outlook and privacy. There are two facing bedroom windows between unit 2.01 and 2.03 which would not comply with the 20m separation distance proposed in SPG17. To ensure that these rooms have sufficient privacy levels the applicants proposed to install partially frosted glazing. This is considered to be acceptable in this instance.
26. Overall, it is considered that the proposed development provides an acceptable quality of residential accommodation for prospective residents.

Transport, Parking and Servicing

27. The subject site is located in an area where the surrounding streets have been identified as being heavily parked and, as such, no further demand for on-street parking can be accommodated without giving rise

to conditions that could prejudice highway and pedestrian safety. No on site parking is proposed and it does not appear that it would be practical to do so. The proposed development would significantly increase the parking standard for the site, by 4.5 spaces, and therefore, without mitigation, this would be unacceptable in this location. However, the site does benefit from very good access to public transport facilities (PTAL4) and the site is located within a controlled parking zone and therefore a 'permit-free' agreement would be appropriate in this case. This would prevent future occupiers of the development from obtaining residents parking permits thus negating any impact on parking congestion within the locality of the site. The applicants have agreed to this in principle.

28. The proposed community space would have similar parking and servicing standards to the former use of the building and therefore the transport impact of this facility would be likely to be comparable to the previous use when it was in operation.
29. Cycle storage for the residential units is proposed within a basement store. This is not considered to be particularly convenient as residents would be required to carry their cycles to and from the basement level. The applicants have confirmed that they will have access to the lift which would allow them to do this without having to use the stairs. The community use will also have access to the lift and the groundfloor storage and waste storage space.
30. Refuse storage areas have been indicated inside of the building at the newly created basement level. The refuse bins will have to be moved to the street on collection day and returned on the same day following collection to ensure that they do not create additional clutter within the street scene. There has been some discussion, including at the June Planning Committee, about the fact that situating the refuse storage within the basement would add a significant service charge for the prospective tenants of the community space and that in these circumstances the idea of considering locating the waste storage at groundfloor level should be explored. Officers considered that it should be possible to accommodate such provision within the ground floor space. However, representatives of FKRL have expressed a view that storage within the basement is preferable to losing space allocated to the community use at the groundfloor level. As a result, this application is to be considered here on the basis that the originally proposed arrangements, utilising the basement space, are taken forward. Should a future occupant of the space wish to change this arrangement they would have to negotiate a separate arrangement with the freeholder. Whilst the locations of the stores are acceptable from a collection perspective, further details of the management of this space will be required to ensure that refuse is collected and bins do not create additional clutter within the streetscene. Full details of the storage spaces and the waste management strategy will be sought by condition.

Character and Appearance

31. The existing building was built in 1900 in a late Victorian Elizabethan Revival Style. The frontage on Bathurst Gardens has three front gables constructed in red brick. The main entrance is situated on the Bathurst Garden frontage and is defined by a pediment supported by a pair of Ionic columns. There are also prominent timber framed leaded glass casement windows on both the Bathurst Gardens and College Road elevations. The roof is hipped with strong gable features on Bathurst Garden. The roof is constructed of slate. The building is a distinctive building within the local streetscene given its size and location on the corner of a prominent junction, adjacent to the smaller two-storey terraced properties on Bathurst Gardens and College Road. Whilst the building is clearly of architectural merit, there is no record of the building being Listed, either statutorily or locally.
32. In terms of proposed external alterations, the most significant alterations include the provision of a roof terrace at the second floor level fronting onto Bathurst Gardens and the installation of an entrance to the community space at the groundfloor level. The installation of the proposed roof terrace on Bathurst Gardens will involve removing the existing front roof plane between the two front gables and replacing it with full height glazed doors which will be flush with the ridgeline of the building. The proposed terrace will have an area of approximately 14sqm and will have a glazed balustrade to the front. The proposed alterations will have a limited visual impact from the main streetscene and will be subservient to the prominent front gables within the streetscene.
33. The proposed front entrance for the community use is through the redundant chimney breast on Bathurst Gardens. The main entrance on this elevation will be retained for the proposed residential uses on the upper floor. The applicants have provided some images and plans of the proposed entrance to show that it will be an elegant and visually unobtrusive intervention in the street frontage. The proposed entrance will be defined by a projecting metal canopy attached to the chimney breast and this could be supplemented by a slender sign to the side highlighting the entrance point. The access from the main street is from a ramp on the corner of College Road and Bathurst Gardens sloping up to the community

entrance and the main entrance to the residential.

34. The proposed entrance is situated close to the existing pay telephone box on Bathurst Gardens. This is situated directly in front of the entrance on the other side of the existing boundary wall. The applicants propose to remove this but it will be subject to this being agreed with British Telecom. However if this cannot be agreed the applicants believe that the entrance will work even with the presence of the telephone box. While some views of the entrance would be limited if the telephone box was not resited the revised entrance from the corner would ensure that it was legible and visible from the main pedestrian routes.
35. Other alterations would include the installation of rooflights on the roofplanes of the main building. 11 rooflights are proposed in all and these will be of a variety of sizes based on the rooms which they serve (the larger rooflights for bedrooms and the smaller rooflights for bathrooms and other non-habitable rooms. These rooflights will not be prominent in the roofplan and will have an acceptable impact on the character of the building.
36. The development would rely on the formation of a new basement level. No light-well to this basement is proposed and therefore, on completion, this alteration would not be visible externally.
37. The proposed alterations to the building are of a size, scale and design that will preserve the character and appearance of the building and the surrounding streetscene in accordance with the relevant planning policies and guidance. Conditions will be attached requiring the submission and approval of all external materials and the detailed design of the proposed community entrance.

Impact on Adjoining Occupiers

38. The subject site adjoins the residential properties at 2 Bathurst Gardens, a dwellinghouse, and 87 College Road, a dwellinghouse converted to flats.
39. The amendments from the refused scheme do not result in any significant alterations to the existing building and as such there will be no detrimental impact on the daylight and sunlight to neighbouring residences. The applicants daylight report concludes that in terms of daylighting, given the current arrangement, the proposed alterations to the roof of the building would not have a noticeable effect on the daylight to neighbouring windows.
40. The flank wall of 2 Bathurst Gardens would face the subject site but this elevation does not appear to contain any habitable room windows that would directly face the site. As such, it is not considered that there would be any unreasonably adverse impact on the amenity of occupiers of 2 Bathurst Gardens as a result of the development.
41. In terms of 87 College Road, it appears that there would be sole habitable room windows facing the subject site at ground and first floor levels at a distance of 1.5m to the joint boundary. At present the first floor of the subject building is set back from the joint boundary at first floor level by approximately 3m, 4.5m from the neighbouring windows . However, officers considered that the further enclosure of this already constrained relationship would intensify the sense of overbearing in terms of views from these habitable room windows, particularly on the ground floor, and that the outlook of neighbouring occupiers would be adversely affected.

Hoarding

42. This application seeks approval for the temporary hoardings which have been installed around the site. The hoardings were installed to secure the vacant site and are approximately 2m high painted black. The hoardings will be removed once any development works hereby approved are completed. A condition will be attached requiring their removal following construction.

Consultation Responses

CONSULTATION ISSUE	OFFICERS RESPONSE
Community Use	
The proposed use of the building would harm the status of the building as an Asset of Community Value.	The most recent use of the building for community use ceased over two years ago. The proposed replacement facility would provide space which could meet the needs of the local community. The size and layout of the community space, and proposed opening hours would allow for flexibility in terms of

	the groups who could use the space and how it is used.
There will be a loss of community space and civic amenity in an area where these facilities are already lacking.	The proposal will involve the conversion of D1 space into residential. The applicants have provided information of other D1 spaces within the local area which are not fully occupied at present while the proposed use will allow for a more intensive use of the facilities than existed with the previous library use.
The loss of community facility is not offset by the provision of new homes	Officers recognise that there is a demand for new homes within the borough, as set out in the Core Strategy. However, the need for new homes needs to be balanced against the need to protect and provide community facilities that meet a local demand.
The proposed community hub is insufficient, unsuitable and impractical for meeting community needs.	Please see paragraph 13
Arrangements for the future ownership of the community hub is unclear.	Paragraphs 16-18
The applicant has failed to consult the local community in developing the proposals for the community hub	Paragraph 11
The loss of the community facility will have a detrimental impact on local employment and skills.	No business or employment use is proposed with the application. There is no requirement that this space be provided and the financial sustainability of the preferred tenant is not a consideration of this application.
The proposed D1 space is not much bigger than that which was previously proposed.	The proposed community space is marginally larger than that which was previously proposed. This space is however more usable than previous proposal and is shown could be laid out in a manner which meets the needs of the local community.
The entrance to the community space is too small and should instead be through the residential entrance.	The architectural merits of the entrance are considered to be acceptable and separate entrance for the residential will minimise conflict between the different end users.
The application should be referred to the Secretary of State for clarification on changes to the planning legislation relating to community use	There is no requirement for the application to be referred to the Secretary of State.
The entire building should be retained for community use and does not need to be used as a library.	The proposed use is as community space and is not restricted solely to a library use. The conversion of the annexe and upper floors into residential is considered to be acceptable for the reasons set out above.
Residential Accommodation	
There is no affordable housing proposed	Relevant planning policy normally only required contributions towards affordable housing in developments proposing 10 or more units
There is no parking provision and as such the proposal will result in significant increase in on-street parking.	The prospective residents will have their rights for parking permits removed through the section 106 agreement. As the proposed community use is for the local community in an area of good public transport accessibility it is anticipated that most visitors will travel by non-car modes of transport.
The proposed development will increase population in an already densely populated part of London.	The proposed development will provide 5 new residential units with a total of 7 new bedrooms. This will not result in a significant increase as to have a detrimental impact on quality of life for neighbouring residents.

Building Alterations	
The proposed alterations will result in overlooking of No. 4 Bathurst Gardens.	There will be no direct overlooking of neighbouring properties.
The proposed alterations are not in keeping with the character of the property.	The applicants have sought to minimise external alterations. The Council's Urban Designer has been consulted and has no objection to the alterations.
The existing hoarding is unauthorised and unsightly	Paragraph 42
Other	
There is an existing fraud investigation which is currently ongoing.	A significant number of bogus comments were submitted in support of the original application from false addresses and from addresses which did not exist. There is a current police investigation into this matter however the Council have decided that it cannot refuse to determine the application on the basis of there being an ongoing investigation.

CIL

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

Use	Existing Floorspace (sqm GIA)	Proposed Floor Space (sqm GIA)	Net Difference (sqm GIA)
Community (D1) Use	612	186	-426
Residential (C3) Use	0	484	+484
TOTAL	612	670	+58

44. If approved, the application would attract a liability for both Brent and Mayoral CIL as the building has not been in use for 6 months of the previous 12.

45. In terms of Brent CIL this would only be applicable on the residential element of the scheme as community uses are charged at a zero rate. Based on the above floor areas the Brent CIL liability is estimated as £101,500.

46

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 £24,675.

Summary

47. Overall, for the reasons set out above it is considered that the proposal provides sufficient mitigation for the loss of the existing Asset of Community Value, would provide an acceptable quality of residential accommodation and amenity for future and neighbouring occupiers and the alterations would be in keeping with the character and appearance of the existing building. As such, officers recommend that the application be approved subject to the signing of a section 106 agreement to secure the benefits set out above and subject to the conditions set out below.

48 In connection with the specific ground for deferral raised by Members at the June Planning Committee, the Council has now obtained advice from leading Counsel since deferral in order to establish whether the Committee could lawfully determine the current application having regard to the alleged fraudulent emails, in support of the application, received during the consultation process in respect of original planning application reference 13/2058. As explained above, Counsel has endorsed the views given by Officers that claims of fraudulent activity, as are alleged to have happened here, are not a material consideration for the purposes of assessing the current application. Counsel contends that he can see no reason why the grant of planning permission on the current application should prejudice the police investigation into whether earlier representations were bogus or fraudulent and on this basis the application is reported back to the Committee for Members consideration.

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
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

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):

B1_EXT_02_001
B1_EXT_02_002
B1_EXT_02_003
B1_EXT_02_004
B1_EXT_02_005
B1_EXT_04_001
B1_EXT_04_002
B1_EXT_05_001

B1_00_001
B1_02_000
B1_02_001
B1_02_002
B1_02_003
B1_02_004
B1_02_005
B1_04_001
B1_04_002
B1_05_001
B1_10_001
B1_10_002

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

- (3) The use of the D1 space hereby approved shall only be permitted between:

Mon-Fri: 0800 - 2200 hours
Saturday: 09:00-2100 hours
Sundays and bank holidays: 1000-1800

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring

occupiers of their properties.

- (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 use hereby permitted shall only be for the purpose of public hall/community type activities (excluding places of worship and such other religious activities) within Use Class D1.

Reason: No separate use should commence without the prior approval of the Local Planning Authority in order to ensure that the use does not prejudice the amenity of the area and complies with the Council's adopted policies.

- (5) The cycle parking spaces and refuse recycling storage facilities shall be fully installed in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of the proposed community space or the first occupation of a residential flat. Thereafter the cycle parking spaces and refuse recycling storage facilities shall be retained and used solely for the specified purposes in connection with the development hereby approved and shall not be obstructed or used for any other purpose/s.

Reason: To ensure safe, efficient and adequate servicing of the site and to ensure satisfactory facilities for cyclists in accordance with the Council's policy TRN11 of the adopted Unitary Development Plan 200

- (6) The last remaining residential unit shall not be occupied until the D1 space has been completed in accordance with the planning application and the search for a suitable D1 occupier has commenced.

Reason: To ensure that all reasonable action is undertaken to secure a community use within the site.

- (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 existing security hoarding around the site shall be removed prior to the occupation of the first residential unit hereby approved.

Reason

To ensure that the proposed development has a satisfactory impact on the character and appearance of the building within the streetscene.

- (9) 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 buildings 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);

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

(c) proposed planting including (plant species, sizes and number)

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

- (10) No development shall take place before a scheme for adequate sound insulation to walls and/or floors between units in separate occupation hereby approved has been submitted in addition to BRGs and approved in writing by the Local Planning Authority. Thereafter none of the flats shall be occupied until the approved scheme has been fully implemented.

Reason: To safeguard the amenities of the occupiers.

- (11) Notwithstanding the plans hereby approved revised details of proposed entrance and signage for the proposed community use identified on the Bathurst Road elevation, shall be submitted to and approved in writing by the LPA prior to commencement of use.

Reason: To ensure that the proposed details preserve the character and appearance of the building

- (12) No amplified sound systems shall be used unless details of the proposed system and associated insulation measures are submitted to and agreed in writing by the Local Planning Authority prior to the installation, and thereafter such a system shall be installed and maintained in accordance with the approved details

Reason: To prevent noise nuisance to adjacent occupiers.

- (13) Development shall not take place until a refuse management strategy for the moving of bins to and from a collection point, to be agreed in writing with Highways, no further than 9m from , is submitted to and approved in writing by the local planning authority. Once the strategy has been approved it must be fully implemented.

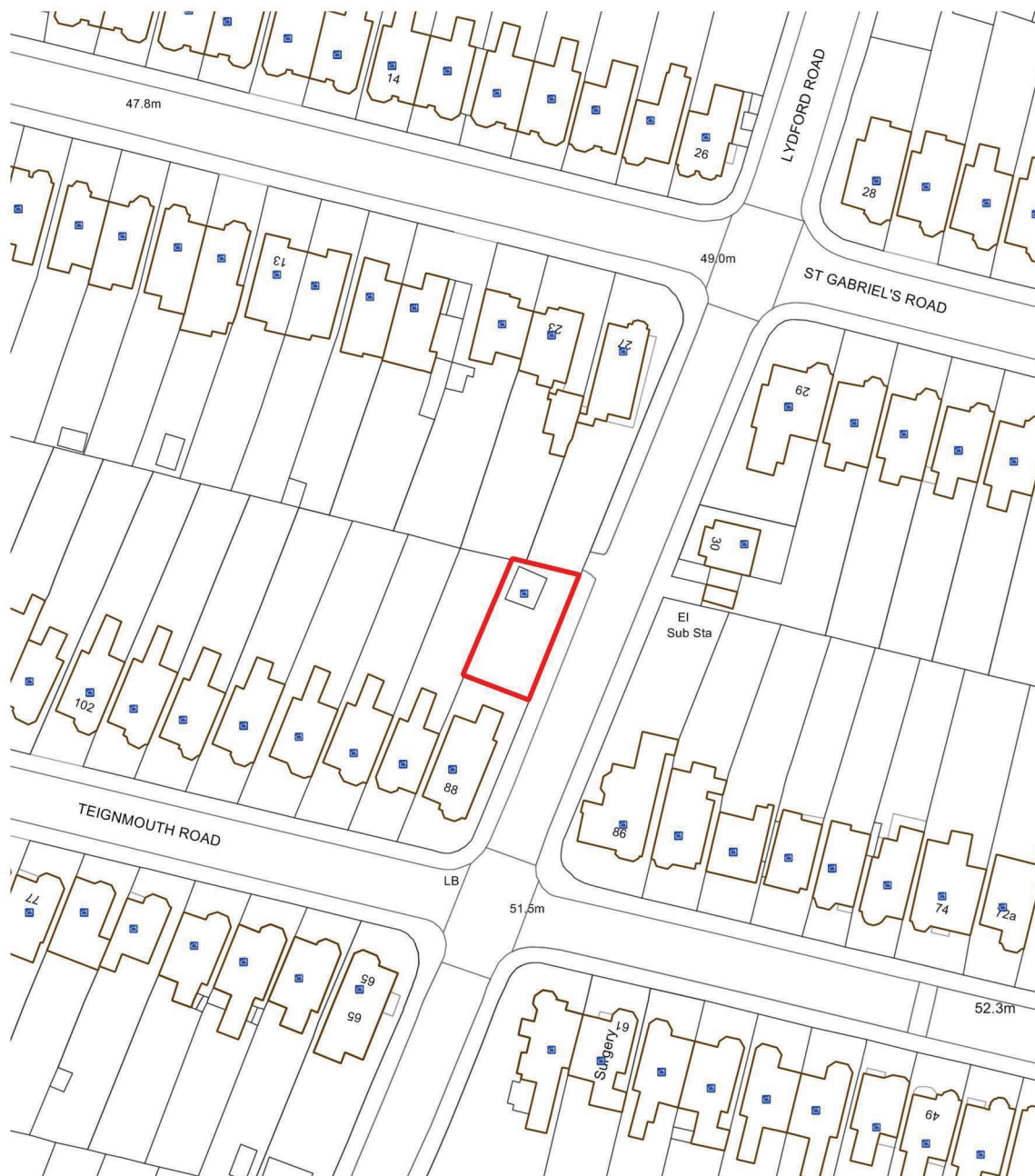
Reason: To ensure that the proposed development has adequate standards of hygiene and refuse collection are provided.

INFORMATIVES:

None Specified

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

	Planning Committee Map
	Site address: 37 Lydford Road, London, NW2 5QN
	© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

RECEIVED: 1 April, 2014

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 37 Lydford Road, London, NW2 5QN

PROPOSAL: Demolition of existing office to builders' yard and erection of a 3 bedroom, three storey (including basement) dwellinghouse, re-location and reduction in width of existing crossover, one off-street parking space, and associated hard and soft landscaping

APPLICANT: Campbell Architects

CONTACT: Campbell Architects

PLAN NO'S:

Existing Drawings:

E000; E100; E101; E200; E201; E202; E300

Proposed Drawings:

D100 Rev A; D101 Rev A; D102 Rev A; D103 Rev A; D200 Rev A; D201 Rev A; D202 Rev A; D300 Rev A; D301 Rev A; D302 Rev A; D303 Rev A.

Supporting Documents:

Tree Survey, Arboricultural Impact Assessment , Preliminary Arboricultural Method Statement & Tree Protection Plan Dated 16/09/2013;

Tree Survey, Arboricultural Impact Assessment , Preliminary Arboricultural Method Statement & Tree Protection Plan Executive Summary Dated 16/09/2013;

3745-D;'

SAP Report – Target Emissions;

SAP Report – Dwelling Emissions;

Sustainability Checklist.

RECOMMENDATION

Refuse Permission.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is £83,750 of which £75,000 is Brent CIL and £8,750 is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The 305sqm site is located on Lydford Road, within the Mapesbury Conservation Area. The application site would have originally formed part of the curtilage of No. 88 Teignmouth Road. The site currently contains an outbuilding and concrete yard which benefits from a Lawful Development Certificate for its use as a Builder's Yard (B8) and ancillary office (B1) (see History section below for further information).

Lydford Road is a north-south spine road juxtaposed between the east-west oriented roads of the Mapesbury Estate. It is predominantly green in character with vistas across the rear gardens of the properties (from north to south) of Walm Lane; St. Gabriel's Road; Teignmouth Road and Dartmouth Road. This green and open character is largely intact with close boarded fences and brick walls of varying heights and a large amount of mature soft landscaping.

The site does not contain any features that are of considerable attractive character that should be retained. There is no soft landscaping on the site, and the existing boundary treatment to Lydford Road contains a 2m high, white rendered wall which is not typical of the features of Lydford Road (i.e. which is typically close

boarded timber fences, walled gardens with hedges behind). The existing "office" building, a dual pitched, white rendered addition which does not form part of the original attractive Victorian/ Edwardian properties.

PROPOSAL

See above.

HISTORY

13/2367: Demolition of existing single storey office to builders' yard/store and erection of a three bedroom, three storey (including basement) dwellinghouse, re-location and reduction in width of existing crossover, one off-street parking space and associated hard and soft landscaping (description revised 02/09/2013). Refused 20.11.13

- *The proposed dwellinghouse, by virtue of its excessive scale and design, fails to represent a development that sits comfortably within its plot, wider context and appearing excessively large and obtrusive from the highway. As such the proposal neither preserves or enhances the Mapesbury Conservation Area, contrary to policy CP17 of Brent's Core Strategy, policies H12, H13, H15, BE2, BE3, BE7, BE9, BE25 ad BE26 of Brent's Unitary Development Plan, 2004, and Brent's Supplementary Planning Guidance Note 17, "Design Guide for New Development" and the Mapesbury Conservation Area Design Guide.*
- *The proposed dwellinghouse, by virtue of its proximity to the western (rear) and northern (flank) boundary of the site and excessive footprint, results in loss of light and will appear overbearing when viewed from the neighbouring gardens of No. 90 Teignmouth Road and 27 St. Gabriel's Road, thus failing to comply with policy CP17 of Brent's Core Strategy, 2010, policies H12, H13, H15, BE2, BE7, BE9, BE25 ad BE26 of Brent's Unitary Development Plan, 2004 and Supplementary Planning Guidance Note 17 "Design Guide for New Development".*
- *The proposed dwellinghouse, by virtue of the orientation of the proposed western facing bedrooms, fails to provide appropriate outlook to these habitable rooms thus providing a sub-standard form of accommodation contrary to policies BE2, BE7, BE9 and Supplementary Planning Guidance Note 17, "Design Guide for New Development".*

13/2368: Conservation Area Consent for demolition of existing single storey office to builders' yard/store and erection of a three bedroom, three storey (including basement) dwellinghouse, re-location and reduction in width of existing crossover, one off-street parking space and associated hard and soft landscaping (description revised 02/09/2013) – Refused 18.11.13

- *The Local Planning Authority considers it inappropriate to grant consent for the demolition of the existing outbuilding without the formal approval of a replacement structure which addresses the altered appearance of the outbuilding in the street scene. As a result, the proposal fails to preserve and enhance the character of the Mapesbury Conservation Area. This is contrary to policy BE27 of Brent's adopted Unitary Development Plan 2004.*

13/0464: Certificate of lawfulness for existing operational use of site as self contained B8 use (Builders Yard and Storage) and ancillary B1 use within existing single storey building and as per submitted evidence: "Utility Bills; Accountant and Insurance Documents; HMRC/ Corporation Tax/ Business Rates/ Company Registration Number; Statutory Declaration/ Witness Statements; Invoices/ Security Notes; Title Plan; Site Photographs" – *Certificate Granted, 15/04/2013*

99/1702: Retention of portakabin for office ancillary to builder's yard – Enforcement Notice Served 04/10/1999, *Dismissed on Appeal and Enforcement Notice upheld, 20/06/2000*

POLICY CONSIDERATIONS

National policy considerations

The NPPF, published in March 2012, sets out a "presumption in favour of sustainable development" including the economic, social and environmental impacts of new development. The relevant objectives within the NPPF are to:

- Promote high quality design
- Deliver a wide choice of quality homes

London Plan

Policy 3.5, in particular Table 3.3 - 'Minimum residential floorspace standards'

Local Plan

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

Brent Unitary Development Plan 2004

BE2 Townscape: Local Context & Character
BE3 Urban Structure: Space & Movement
BE4 Access for Disabled People
BE5 Urban Clarity & Safety
BE6 Public Realm: Landscape Design
BE7 Public Realm: Streetscape
BE9 Architectural Quality
BE12 Sustainable Design Principles
BE19 Telecommunications
BE25 Development in Conservation Areas
BE27 Demolition and Gaps in Conservation Areas
BE33 Tree Preservation Orders

Transport

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

TRN23 Parking Standards - Residential Developments

PS14 Residential Development (Use Class C3)

PS16 Cycle parking standards

Brent Core Strategy 2010

CP17 - Protecting and Enhancing the Suburban Character of Brent

Brent Supplementary Planning Guidance

SPG 17 "Design Guide for New Development" Adopted October 2001

Provides comprehensive and detailed design guidance for new development within the borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

SPG19 "Sustainable Design, Construction & Pollution Control" Adopted April 2003

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

Mapesbury Conservation Area Design Guide.

CONSULTATION

Statutory Public Consultation

The council placed a press notice in the local paper on 01.05.14, a site notice was placed in the vicinity of the area on 25.04.14 and 58 neighbours and the Mapesbury Residents Association were consulted by letter on 25.04.14.

The proposal has generated significant public attention with a total of 89 representations received by the council (107 were received for the previous planning application). 67 of these representations were objections to the proposal and 22 were in support. Former Councillor Chris Leaman also objected to the proposal, although it is noted that he no longer represents the Mapesbury ward. A number of the issues raised by the consultation were similar to the issues raised by the previous application, which is summarised as follows:

Mapesbury Resident's Association: The Mapesbury Residents Association have objected to the proposal and a petition in objection to the proposal has been submitted by them with 49 signatories. A summary of the objection received is as follows:

- To build a house on this particular plot runs contrary to the Article 4(1) (an outbuilding of a similar proposed size would not be acceptable) protection in place to prevent development upon what is,

- essentially, a back garden space;
- The conservation status in Mapesbury, as propounded by Brent itself, seeks to conserve the original estate design;
- Certificate of lawful development does not automatically mean a house is acceptable in principle;
- Proposed contemporary design inappropriate and stands too near the road and its impact cannot be addressed by proposed landscaping which should be much smaller in scale.
- Other uses such as an artist's studio; home office; garden design studio etc. would be more appropriate
- Lydford Road forms a "spine" road within the grid layout of the Mapesbury Roads characterised by long gardens with fences or walls and the occasional ancillary garage. This is part of the original estate plan. The proposed building interferes aggressively with the intended vistas and layout and the openness of the estate;
- Contrary to conservation area appraisal and application fails to preserve or enhance Mapesbury.

Representations in support:

The proposal would preserve and enhance the character of the Conservation Area and would improve the visual appearance of Lydford Road which has long been out of character with the rest of the Conservation Area, specifically through the creation of an attractive planted boundary treatment.	The creation of an enhanced boundary treatment would not be outweighed by the harm caused to the openness of the back garden setting and vistas across.
Proposed use is more consistent with surrounding area than current use as a builder's yard.	The proposed use more consistent with prevailing uses, however, the bulk, scale and massing of the proposal is not acceptable.
The development promotes sustainable design.	The creation of a sustainable dwelling is welcome, but not outweighed by the harm identified to the conservation area.
Self-build is currently being promoted by the Mayor.	Self-build is encouraged where proposals would preserve the character and appearance of the conservation area.
The current layout/use of the site detracts from the character and appearance of the area.	It is not considered that the current use of the site positively detracts from the character and appearance of the area, however, a sensitive redevelopment could enhance the street frontage.
The design is sensitive to the area, would improve its attractiveness from Lydford Road and would allow for a proposal that is more soft landscaped than the existing.	Use of soft landscaping welcome, but not outweighed by identified harm.
The contemporary design also shows an empathy for the feeling of Mapesbury Conservation Area and preserves/enhances it whilst proposing a modern building, with many references made to the sensitive use of brick.	The site has the capacity to accommodate a well detailed contemporary dwelling, but the bulk and massing needs to pay greater regard to its setting.
The proposal improves an uninteresting, commercial-looking site that is totally out of character with the residential area surrounding it.	Principle of residential development agreed, but the bulk and massing needs to be sensitive to its context.

Representations in objection:

Proposal would fail to preserve character and appearance of the Mapesbury conservation area.	Agreed (see section 2a in 'remarks' section below)
Loss of visual amenity (from nearby rear facing windows).	It is not considered that the proposal would result in material harm to the visual amenities of neighbouring properties (see Paras 20-22)

Contrary to London Plan policies to limit development in back gardens.	Proposal is not considered to form part of a residential garden given certificate of lawful development
New development needs to be balanced against harm to conservation area	Agreed (see section 2a in 'remarks' section below)
Infilling of spaces between gardens would erode the open and spacious character of the conservation area	Agreed (see section 2a in 'remarks' section below)
Aggressive, modern design is incongruous and out of keeping with surrounding buildings.	Government policy does not preclude modern design in conservation areas (see Section 2b below)
Harmful to amenities of neighbouring properties.	It is not considered that the proposal would result in material harm to the visual amenities of neighbouring properties (see Paras 20-22)
Despite lawful use as a builders yard, the site has never been used as such.	The evidence submitted in support of the Certificate application would have demonstrated that at the time of the application this site had been in continuous use for a period of 10 or more years.
Lydford Road forms a "spine" road within the grid layout of the Mapesbury Roads characterised by long gardens with fences or walls and the occasional ancillary garage. This is part of the original estate plan	This is noted (see section 2a in 'remarks' section below)
Lydford Road forma spine road within the grid layout of Mapesbury, characterised by long gardens with fences or walls, which is part of the original layout. Proposed building would interfere with this layout obstructing views and vistas.	This is noted (see section 2a in 'remarks' section below)
Alternative uses could be proposed which would better preserve the character of the Conservation Area	The council has to consider the acceptability of the current use proposed, which is more consistent with the surrounding area than the current lawful use.
To build a house on this particular plot runs contrary to the very principle of not developing what is back garden space.	The site does not form part of a residential curtilage as its lawful use is as a builders depot. The principle of residential development is considered acceptable (see Para 3-8)
The plan form of the proposal is contrary to the general layout of properties in the conservation area.	Acknowledged, but consideration also needs to be given to how the development would be perceived from the street scape.
Loss of spaciousness and proposal would appear 'cramped' within its plot.	Agreed (see section 2a in 'remarks' section below)

Internal Consultation

Transportation: No objection (subject to minor alterations).

REMARKS

Summary of proposals and context

1. This application proposes a new dwelling within a piece of land located to the rear of No. 88 Teignmouth Road, on the corner of Teignmouth Road and the western side of Lydford Road. The site is 305sqm in area and benefits from a Lawful Development Certificate for the use land as a self contained B8 use (Builders Yard and Storage) and ancillary office use.

2. Following the refusal of the previous application a number of pre-application enquires were submitted to the planning department and officers engaged with the applicant to make changes to the design of the proposal in an attempt to address the previous reasons for refusal. Whilst the proposal is considered to be an enhancement over the previously refused proposal, for the reasons set out below, it is not considered that the new dwelling would preserve the character and appearance of the Mapesbury conservation area and

accordingly it is recommended that planning permission be refused.

Key considerations

The main issues in relation to this development are considered to be:

1. Principle of residential development
2. Whether the proposal preserves or enhances the Mapesbury Conservation Area
3. Whether the proposal has an acceptable impact on amenity and privacy
4. Quality of proposed residential accommodation
5. Highways, parking and traffic safety
6. Trees and landscaping
7. Sustainability and renewable energy
8. Other considerations
9. Conclusion

Principle of residential development

3. The principle of developing this site for a new dwelling was previously considered acceptable on the basis that the lawful use of the site is as a builders yard with ancillary office, falling within use class B8 (see History). There are a number of policies contained within the development plan which are salient to these proposals with respect to development in suburban areas.

4. Policy CP17 of the Core Strategy states that: "*the distinctive suburban character of Brent will be protected from inappropriate development. The council will bring forward design guidance that limits development, outside of the main town centres and away from corner plots on main road frontages, which would erode the character of suburban housing. Development of garden space and infilling of plots with out-of-scale buildings that do not respect the settings of the existing dwellings will not be acceptable*".

5. More generally, policy BE2 of Brent's Unitary Development Plan (2004) seeks to ensure that proposals are designed with regard to their local context and to respect or improve the existing townscape and do not harm Conservation Areas. Policy BE2 states that proposals should have regard to the existing urban grain, development patterns and density and that development is designed to respect the form of street of which it is a part particularly prominent corner locations. Policy BE7 resists the excessive infilling of space between buildings and buildings and the road. Policy BE9 states that new buildings should embody a creative and appropriate design solution, specific to their site's shape, size location and development opportunities and should be designed to be of a scale, massing and height that is appropriate to their setting and respect and be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other. Policy BE25 requires that development either preserves or enhances the Conservation Area and Policy BE27 states that consent will not be given for the demolition of a building which does not positively detract from the Conservation Area, with replacement buildings required to be of an imaginative, high quality design and an opportunity to enhance the area.

6. A number of representations have been received which have made reference to the Article 4 Direction which exists which restricts permitted development rights for the construction of outbuildings within the Mapesbury conservation area and the development of 'garden land'. However, it is noted that the lawful use of the site is as a builders yard which does not form part of a residential garden and therefore the existence of the Article 4 is not of direct relevance in land use planning terms. The Article 4 Direction does serve to highlight the importance and sensitivity of these back gardens to inappropriate development on account of their mature nature and generous scale which is discussed in detail below.

7. Whilst the principle of residential development is thus accepted within this site, this would be subject to specific considerations including whether the proposal preserves or enhances the Mapesbury Conservation Area; whether the proposal has an acceptable impact on amenity; quality of proposed residential accommodation and highways, parking and traffic safety; impact on trees and landscaping and sustainability implications covered in sections 2 to 8 of this report. In this case, the view is taken that on balance, the proposal is unacceptable, for the reasons discussed below.

Whether the proposal preserves or enhances the Mapesbury Conservation Area

(a) Bulk, scale, siting and massing

8. As noted earlier, new development is required to be appropriate to the size and scale of its context and

should preserve or enhance the open and green character of the Conservation Area. In this particular context, it is important to preserve the existing gaps between buildings and views across gardens, alongside ensuring any backland development is subservient to the existing dwellings. Whilst it is noted that the existing site contains an outbuilding, this is sited to the north-westernmost part of the plot and is 56.5sqm in size, has a dual pitched roof with a maximum height of 4.8m sloping to 2.8m. Although the existing boundary wall as existing restricts views into the site, it does provide for vistas over the wider rear gardens and greenery of the Conservation Area which should be maintained by ensuring any building is of an acceptable width, height and depth to ensure this remains the case.

9. The footprint of the proposed development would be 109sqm (reduced from 144sqm) which represents 35% of the total site area (previously this was 44%). The overall massing of the building has been broken up since the previous proposal, this has the effect of producing a visually more interesting building and the siting of the ground floor of the building further towards the rear of the site (towards the boundary with No. 90) reduces its visual prominence to a certain extent. The applicant has reduced the width of the first floor from 14m to 9.5m, this assists in terms of the setting of the building within the context of the back gardens and the provision of vistas across which are characteristic of the Mapesbury CA as described above.

10. In terms of scale and massing, Supplementary Planning Guidance 17 "Design Guide for New Development" states that in general, building envelopes should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from height of 2m above floor level. Where proposed development adjoins private amenity/garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. It is noted that the proposal complies with this guidance. SPG17 also states that existing property lines should be respected. It is noted that, as Lydford Road is a spine road, the flanks of properties generally adjoin it and although some properties have extended up to their boundaries, this does not define the character of the street.

11. The Mapesbury Conservation Area Character Appraisal states:

"The large rear gardens of the dwellings within the Conservation Area, visible from most roads and streets, play a vital role in supporting the soft natural context of the street scene. The generous plot sizes have allowed the proliferation of mature vegetation within these rear gardens, establishing an almost park-like character which has become an integral part of the areas setting." (Page 6).

12. The appraisal also states:

"Most importantly in Mapesbury are the views between the houses the open nature of each plot means that unlike most other residential areas within the borough the rear gardens of the houses are relatively exposed to public view. These views are mainly unobstructed by buildings or later intervention which has helped to preserve character" (Page 9).

13. Para 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Within this context the overall bulk, scale and massing of the first floor of the proposal is considered to be excessive in respect of the setting of the site of residential back gardens. Notwithstanding the reductions made to this part of the proposal, with a width of 9.5m and a depth of 6.5m, it would result in significant harm to the views across these rear gardens. This adds considerable bulk to the depth and width of the site resulting in a development that would provide little relief to the wider open and green character of the Mapesbury Conservation Area.

14. It is noted that the proposed development would enhance its boundary by introducing an attractive brick wall with a hedge. However, in consideration of the excessive width of the proposed dwelling, the boundary improvements do not outweigh the detrimental impact that the excessive expanse of single and two storey development will have on the Conservation Area.

15. The development is thus considered to appear excessive in width and depth, failing to respect its plot, restricting vistas from Lydford Road across the mature landscaped character of the Mapesbury Conservation area and thus in terms of scale, bulk and siting, fails to either preserve or enhance the Mapesbury Conservation Area, nor with the principles of the Mapesbury Conservation Area Design Guide and in accordance with Para 133 of the NPPF where a proposal results in significant harm to a heritage asset permission should be refused.

(b) Design, materials and impact on character

16. The design of the building is clearly a modern one which does not seek to replicate the traditional style of building within the Conservation Area. Nevertheless the principle of a contemporary building with the Mapesbury CA where of a suitable design and of sufficient quality could be considered acceptable. This reflects the approach of Para 60 of the NPPF which states

“planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”.

17. It is clear that a great deal of consideration has been paid to the design of the building and the Design and Access Statement provides clarification on the rationale behind the proposed design which the applicant claims has been influenced by the ‘Arts and Crafts’ style through the use of matching and perforated brickwork. The design also uses punctured windows which are set back within their reveals in order to create interest and depth to elevations. The use of a cantilever also breaks up the massing of the building to produce a more varied and interesting composition than the proposal previously considered and refused by the council. The design of the proposed building has generated both support and opposition from local residents, however, it is considered that the general approach to the design of the building has been informed by its context. However, the prominent forward position of the first floor within the street scene, in relation to neighbouring building lines, would result in a development which would fail to preserve the character and appearance of the Mapesbury CA. This in conjunction with the harm identified above as a result of the bulk and massing of the building would result in substantial harm to this heritage asset and as such fails to comply with Policies BE25 and BE26 of the UDP.

18. The proposal would offer a number of enhancements to the character and appearance of the Mapesbury CA in terms of the removal of a commercial activity from a residential area as well as the enhancement of the boundary treatment with Lydford Road and many of the representations in support of the proposal have made reference to these points. However, these benefits are not outweighed by the harm of the proposal on the openness of the rear gardens of the conservation area which has also been frequently raised in objections to the proposal.

(c) Demolition of existing building

19. Policy BE27 of Brent's UDP 2004 states that consent will not be given for the demolition of a building in a conservation area unless the building positively detracts from the character or appearance of the Conservation Area. Any replacement buildings should be seen as a stimulus to imaginative, high quality design and an opportunity to enhance the area. Until such a time that a suitable replacement building can be provided the demolition of the existing garage is considered premature which does not positively detract from the character and appearance of the conservation area.

Whether the proposal has an acceptable impact on amenity and privacy

20. SPG17 states that the minimum distance between habitable room windows on the flank wall and a site boundary is 5.0m. Where windows on a flank wall are the sole habitable room windows of the residence then a minimum distance of 10m to the side boundary is required. The minimum direct distance between habitable rooms on the main rear elevation (not extensions) and the rear boundary, or flank wall of adjoining development, should normally be 10m or more, and the minimum distance between habitable room windows on the flank wall and a site boundary is 5.0m. Where windows on a flank wall are the sole habitable room windows of the residence then a minimum distance of 10m to the side boundary is required. The minimum distance between non-habitable room (and/or obscure glazed) windows and a site boundary is 1.0m. Windows of any kind will not be permitted in a wall directly or approximately located on a site boundary except where, the flank windows face onto public spaces, streets, or footpaths. The proposal complies with this guidance.

21. In respect of privacy, the window of ‘bedroom 1’ would partially face the rear garden of No. 88, but given its forward position towards the street with oblique views into this rear garden would be provided and as such this would not be materially harmful. A window is proposed along the rear elevation (fronting No. 90), however, this would serve a landing as given that this is not a habitable room it is not considered that there would be a material loss of privacy.

22. With regard to impact on amenity, in consideration that the outbuilding will adjoin residential garden spaces within the Conservation Area the proposals should not worsen the situation in terms of overbearing impact and should comply with SPG17. The ground floor part of the proposal would project 0.5m above the

boundary treatment, but would be positioned 1m away from the boundary with No. 90. The first floor part of the proposal would also be set away 5m from this boundary and on this basis it is not considered that the proposal would have a harmful impact on neighbouring properties. The proposal complies with SPG17 in this respect.

Quality of proposed residential accommodation

23. The proposal meets the minimum floor space requirements as set out within the London Plan (i.e. 107sqm) and provides adequate outlook to the ground floor rooms. The proposed amenity space, at 75sqm (approx.), meets the requirements of SPG17. All of the habitable rooms would benefit from a good outlook. Whilst the proposed master bedroom (within the basement) would be served by a light well it is noted that this would be served by a relatively generous courtyard and is considered acceptable on the basis of the reasonably generous size of the proposed garden which would form the basis of the outlook for the remainder of the rooms (in addition to views onto Lydford Road). In other similar cases where the new dwelling relies on sunken external spaces there is concern about the quality of these spaces, in terms of the amount of light and restricted views likely to be enjoyed. However, for the avoidance of doubt that is not the situation here.

Highways, parking and traffic safety

24. One car parking space is provided and would be located slightly to the north of the existing crossover, which is considered acceptable. In the event that parking demand is higher, an additional space could be accommodated on street which is acceptable as the street is not defined as being heavily parked. Adequate bin storage, cycle parking and servicing arrangements have been provided. The Transportation department have requested details in relation to (i) pedestrian visibility splays of 2m by 2m in each direction over a height of 0.85m, in the interests of highway and pedestrian safety and (ii) Minimum 30% soft landscaping provided in the front garden to provide natural sustainable drainage. This information could be sought by condition and therefore does not form part of the basis for the recommendation for refusal of this proposal.

Trees and landscaping

25. It is noted that there are four trees within the proximity of the site that may be affected by the proposal. A Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan has been submitted with the application and it is noted that the council's Tree Officer finds the proposed works to the trees acceptable, and welcomes the introduction of two new trees. The council's Landscape Design Team have also previously commented on the proposal, and are generally supportive of the landscaping scheme which would enhance a site currently bereft of any soft landscaping.

Sustainability and renewable energy

26. The proposal lies within an Air Quality Management Area (AQMA) therefore a Sustainability Checklist is required to be submitted with this planning application. It is recognised that the proposal clearly demonstrates a commitment to sustainability measures including a green/ living roof, grey water recycling, permeable paving, low energy lighting, a commitment to adhere to the Considerate Constructors scheme, part use of some FSC materials and water butts amongst others, and is considered to have a very positive contribution to achieving a genuinely sustainable development. Referring specifically to renewable energy, it is noted that a CHP system is proposed alongside PV panels, and thus the scheme achieves over 25% improvement on Target Emission Rate. The proposal thus fully complies with the council's sustainability and renewable energy requirements.

Other considerations

27. It is noted that, as the site has been used as a builder's yard for some time, there may be some potential contamination on the site. Environmental Health have previously been consulted on the proposal who have no objection to the scheme subject to contamination investigation works prior to commencement of development. As such, this has not been included as a reason for refusal.

Conclusions

28. The development of a well detailed, contextual contemporary dwelling within Mapesbury CA (a designated heritage asset) is supported in principle by the NPPF. It is considered that the design of the current proposal is an enhancement over the previously refused proposal. However, the scale of the reduction to the bulk, scale and massing of the proposed dwelling is not sufficient to overcome the harm

identified above, in particular by reason of its excessive depth and width which would restricts views across the Conservation Area and fails to preserve its open character.

29. A previous Planning Committee (May 2014) granted planning permission for a house on a former domestic garage site within the North Kilburn Conservation Area. Consideration has been given to this recent approval, however, the two schemes are considered to be materially different. This proposal is more prominent (by reason of its proximity to the street frontage) and the scale of the first floor element is much larger than the approval referred to above. As a result, it is considered that the recommendation to refuse this application is the correct one.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed dwelling, by virtue of its siting, excessive scale and design, fails to represent a development that sits comfortably within its plot, wider context and appearing excessively large and visually obtrusive. As such the proposal neither preserves or enhances the Mapesbury Conservation Area, contrary to policy CP17 of the Core Strategy (2011), policies BE2, BE3, BE7, BE9, BE25 and BE26 of Brent's Unitary Development Plan (2004), and Supplementary Planning Guidance 17 - 'Design Guide for New Development'.
- (2) The Local Planning Authority considers it inappropriate to grant consent for the demolition of the existing outbuilding without the formal approval of a replacement structure which addresses the altered appearance of the outbuilding in the street scene. As a result, the proposal fails to preserve and enhance the character of the Mapesbury Conservation Area. This is contrary to policy BE27 of Brent's adopted Unitary Development Plan 2004.

INFORMATIVES:

None Specified

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

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Committee Report
Planning Committee on 16 July, 2014

Item No. 05
Case No. 13/2213



Planning Committee Map

Site address: 205-211 ODDS Inc, 235 & Land in Church Road Car Park rear of
205-235 Church Road, London, NW10

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This map is indicative only.

RECEIVED: 29 August, 2013

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: 205-211 ODDS Inc, 235 & Land in Church Road Car Park rear of 205-235 Church Road, London, NW10

PROPOSAL: Full planning permission sought for demolition of buildings within 205 and 235 Church Road, and redevelopment of section of Church End car park site to the rear of 207-233(odds inc.) Church Road to erect a part 2,3,4,5 and 6-storey building containing 65 residential units, 298m2 (GEA) retail floorspace, together with 7 car parking spaces and associated works as revised by plans and details. ("CAR FREE" DEVELOPMENT).

APPLICANT: Catalyst Housing Ltd

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 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 on completion of the deed in (i) preparing and completing the agreement and (ii) monitoring its performance
2. Notification of material start 28 days prior to commencement
3. 37% affordable housing on a unit basis, consisting of 24 units (17 affordable rented and 7 shared ownership).
4. A contribution of £15,000 (£3,000 per tree) to be submitted to the Council to fund works to be carried out by the council for the planting of street trees on the High Road adjacent to the development.
5. A 'car-free' agreement, withdrawing the right of future occupants to on-street parking permits;
6. A Travel Plan of sufficient quality to score a PASS rating using TfL's ATTrBuTE programme;
7. A Delivery & Servicing Management Plan for the site to be approved prior to occupation of the site, linked with the plan required for the development of the southern end of the car park given resolution to grant under local authority planning reference 13/1098 and including details of managed access to the market square area for deliveries
8. A Car Park Management Plan, setting out how parking spaces will be allocated and enforced and showing provision for electric vehicle charging points
9. Marketing and promotion for a Car Club within the locality of the site, including the provision of subsidised membership;
10. A joint agreement under S38/S278 of the Highways Act 1980 to undertake the construction and adoption of a new widened pedestrianised market square along the route of Eric Road between Church Road and High Road, including the provision of parking spaces at its eastern end, signing of suitable access, waiting and loading restrictions with associated Traffic Regulation Orders, lighting and drainage and all other associated accommodation works, in general accordance with the layout shown on drawing no. 417.012C; and
11. Sustainability submission and compliance with the Sustainability checklist ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 4
12. CO2 reduction representing a 40% improvement on 2010 Building Regulations, pursuant to the London Plan (2011).

13. Achieve a BREEAM rating of 'Excellent' for the commercial element of the development
14. Join and adhere to the Considerate Contractors scheme

And, to authorise the Head of 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.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£1,398,643.75** of which **£1,183,134** is Brent CIL and **£215,509.75** is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The subject site occupies approximately half of the Church End car park site located on the southern side of Willesden High Road, north of Church Road, adjacent to the Neasden Lane/Willesden High Road roundabout, covering an area of approximately 0.28 hectares. Nos.205-211 Church Road occupies the south-west corner of the site and form part of the Church Road Local Centre. It contains the Catalyst Housing Group (CHG) car park, west of Eric Road and the landscaped embankment adjacent to High Road. The site does not contain a listed building and is not located within a conservation area but is a designated Site of Archaeological Interest.

The northern boundary of the site adjacent to Willesden High Road is lined with mature trees, the south of the site is adjacent to the rear of 2-3 storey buildings on Church Road which are mainly commercial/retail at ground floor with residential above. South-west of Eric Road is the other section of the car park which is owned by the Council and nos.179-203 Church Road within the 2-storey buildings that form part of the Church Road Shopping Parade.

This section of the car park is outside the site boundaries and has been subject to a recent planning application to redevelop the site as 34 residential units with a ground floor non-residential space and a new market square under planning application reference 13/1098. This application received a resolution to grant planning permission at Planning Committee on 17/07/2013 subject to completion of a section 106 agreement which is yet to be completed. The proposed market square would occupy land partly within the site subject to this planning application, currently occupied by no. 205 Church Road.

Members will be aware that the whole car park site is currently used as an open-air market on Wednesdays and Saturdays for which there have been a number of temporary planning consents, the last of which was recently granted under application 11/1458 to renew temporary consent to continue the use until 22/05/2014.

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	5736	5736
shops	283	0	283	390	107

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	283	0	283	6126	5843

Monitoring Residential Breakdown

Existing

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Affordable Rent Flat	3	12	1							
Flats û Intermediate	2	5								
Flats û Market	8	34								

Proposed

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

PROPOSAL

See above.

HISTORY

Address: Church Road Car Park rear of 189-203, Church Road, London

11/1458: Renewal of temporary planning permission 05/3523 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays – Granted 24/05/2013

09/1095: Renewal of temporary planning permission 05/3523 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays – Granted 29/07/2009

08/2590: Details pursuant to condition 7 (market management plan) of full planning permission reference 08/0792, dated 26 June 2008, for renewal of temporary planning permission reference 07/0014 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays – Granted 03/12/2008

08/0792: Renewal of temporary planning permission 07/0014 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays – Granted 26/06/2008

07/0014: Renewal of temporary planning permission 05/3523 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays – Granted 25/04/2007

05/3523: Change of use of car park to open-air market on Wednesdays and Saturdays – Granted 02/03/2006

Address: 205 Church Road, London, NW10 9EP

13/1098: Demolition of 205 Church Road and proposal of new market square to replace Eric Road. Demolition of 3 storey building to the rear of 203 Church Road and proposal of 34 residential dwellings and ground floor non-residential space (class A1/A3/B1/D1). Stopping up of Eric Road as revised by plans - Resolved to grant planning permission at Planning Committee on 17 July 2013. Pending decision, awaiting completion of legal agreement

07/3808: Change of use from launderette (Use Class Sui Generis) to restaurant (Use Class A3) – Granted 27/02/2008

07/3809: Change of use from launderette (Use Class Sui Generis) to take-away (Use Class A5) - Granted 27/02/2008

POLICY CONSIDERATIONS

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 12 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 relevant issues set down in the London Plan, and identified by the GLA, are as follows:

- Social Infrastructure
- Mix of Uses
- Housing
- Affordable Housing
- Density
- Historic Environment
- Urban Design
- Inclusive Access
- Sustainable Development
- Transport
- Crossrail.

Emphasis in the NPPF is for local planning authorities to identify and update annually a supply of deliverable housing sites (paragraph 47). The publication of figures from the Census 2011 have emphasised the need to identify additional land for housing, particularly in London and in Brent where the actual population increase has significantly exceeded all projections. Brent has a significant problem with people living in unsuitable accommodation therefore there is an imperative to maximise the supply of new homes. This need is recognised in London Plan policy 3.3, Increasing Housing Supply, which highlights the pressing need for more homes in London. The provision of 65 new homes will be a welcome addition to the housing supply in Brent. In terms of the density of housing, it is necessary to consider policy 3.4 of the London Plan, which states that development should optimise housing output for different types of location within the relevant density range shown in table 3.2.

Adopted in July 2010, the Core Strategy has 12 strategic objectives:

- Objective 1: to promote economic performance & regeneration
Objective 2: to meet employment needs and aid the regeneration of industry and business

- Objective 3: to enhance the vitality and viability of town centres
- Objective 4: to promote the arts and creative industries
- Objective 5: to meet social infrastructure needs
- Objective 6: to promote sports and other recreational activities
- Objective 7: to achieve housing growth and meet housing needs
- Objective 8: to reduce the need to travel and improve transport choices
- Objective 9: to protect and enhance Brent's environment
- Objective 10: to achieve sustainable development, mitigate & adapt to climate change
- Objective 11: to treat waste as a resource
- Objective 12: to promote healthy living and create a safe and secure environment

The following spatial policies are considered relevant to this application:

- CP 5 Place making. Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping. Sets out the requirements for appropriate design and density levels for development
- CP 19 Brent strategic climate mitigation and adaptation measures. Highlights the need for new development to embody, or contribute to, climate mitigation objectives, especially in growth areas
- CP 23 Protection of existing and provision of new community and cultural facilities. Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

Unitary Development Plan 2004

Strategic

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 A pattern of development that reduces the need to travel, especially by car, will be achieved.
- STR11 Seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.
- STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
- STR13 Environmentally sensitive forms of development will be sought.
- STR14 New development to make a positive contribution to improving the quality of the urban environment in Brent
- STR15 Major development should enhance the public realm.
- STR19 New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

Built Form

- BE2 On townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE3 Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE4 States that developments shall include suitable access for people with disabilities.
- BE5 On urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 Landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings.
- BE7 Public Realm: Streetscene
- BE8 Lighting and Pollution
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.

Environmental Protection

- EP3 Noise and vibration

- EP3 Requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.
- EP6 Contaminated land

Housing

- H11 Housing on brownfield sites
- H12 States that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.
- H13 Notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 The appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN4 Measures to make transport impact acceptable
- TRN10 Walkable environments
- TRN11 The London cycle network, schemes should comply with PS16
- TRN12 Road safety and traffic management
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
- TRN23 Parking standards for residential developments
- TRN27 Loss of existing off-street parking
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS6 Car parking standards – Class B1
- PS7 Car parking standards – Class A1
- PS9 Car parking standards – Class A3
- PS12 Car parking standards – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards
- PS19 Servicing standards

Community Facilities

- CF2 Location of small scale community facilities

Town Centres & Shopping

- SH27 New Retail Markets

Brent Council Supplementary Planning Guidance and Documents

SPG 17 "Design Guide for New Development"

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

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

SPG19 "Sustainable Design, Construction & Pollution Control"

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

Brent Site Specific Allocations Adopted 2011 (SSAD)

CE1 Church End Local Centre

The car park is part of site **CE1** Church End Local Centre in the SSAD which contains the whole of the car park site and buildings to the south. It includes Fortunegate Offices. The policy outlines that a new market square is proposed in the subject site alongside a new health centre. The site is outlined to have capacity for 120 units.

SUSTAINABILITY ASSESSMENT

Policy CP19 of the Council's Core Strategy sets out that where proposals are located in Growth Areas, such as Church End, they should achieve Level 4 of the Code for Sustainable Homes in terms of new residential accommodation and achieve a BREEAM rating of 'Excellent' in terms of new commercial floorspace.

A sustainability checklist has been submitted by the applicant which sets out that the scheme proposed scores over 50%. Officers have highlighted some areas in which further clarification and minor amendments may be required in order to ensure that this target is reached in practice, but are confident that amendments can be made to ensure that a 50% score is attained, and the applicant is aware that measures shall have to be taken to ensure that a 50% score is achieved in order to comply with the terms that shall be set out in the legal agreement attached to any planning permission for the proposal.

CONSULTATION

Public consultation was undertaken on 17/09/2013. 490 neighbouring properties were consulted.

1 letter of objection has been received. The issues raised concerning the development can be seen in the table below:

Issue raised by consultee	Response to objectors comments
The application will affect an existing right of access between Eric Road and the rear of my property no. 213 Church Road, and the correct notice has not been served by the applicant.	The site subject to this planning application does not contain land belonging to the belonging to the owner of no. 213 Church Road and therefore the applicant is not required to notify them under Certificate B as outlined within the Town & Country (Development Management Procedure) Order 2010. The owner of this property claims to have an existing right of access over the land owner by CHG onto Eric Road and it is yet to be determined legally whether this is the case. The proposed plans include retention of an access from Eric across part of CHG land to the rear of no. 213 Church Road so the owner would retain a right of access. In any case, the planning system allows a planning application to be submitted by an applicant whether or not they own all the land within the site, so this is not considered to be an issue that can prejudice the determination of the application.
Unacceptable sense of enclosure resulting in excessive bulk and scale of the development which would appear excessively large and out of scale with the local townscape.	Since the submission of the objectors comments, the proposal has been subject to a number of amendments relating to the bulk, scale and massing of the development which your officers consider address previously held concerns with

	regards to the impact upon amenities of neighbouring occupants. The issues of design and impact upon neighbouring amenity shall be addressed within the remarks section of this report.
Overdevelopment of the site will result in unacceptable level of disturbance to existing neighbouring businesses and residents.	Subject to compliance with conditions and the requirements of the legal agreement to be signed by the applicant and the Council with regards to means of construction and ongoing servicing and deliveries to and from the site, is not considered that the proposal would result in an unacceptable impact upon the function of neighbouring businesses or the amenities of neighbouring occupants.
Inadequate off-street parking provision will result in intensify local residential parking stress.	Matters in relation to parking are discussed in detail within the transportation section of the remarks section. However, following on from the submission of the objectors comments, the applicant has indicated their willingness to enter into a 'permit free' agreement which would remove the rights of residential occupants of the development to obtain permits to parking within surrounding controlled parking zones. Officers are therefore confident that the proposal will not result in an unacceptable impact upon on-street parking capacity in the locality.

Statutory consultees

Transportation: No objection to the proposal, subject to a number of conditions as set down in the “remarks” section and the applicant entering into a legal agreement for the highway/streetscape works, controls on means of construction, management of the parking space and a travel plan.

Landscaping: No objection to the proposal, subject to a number of conditions as set down in the “remarks” section and the applicant entering into a legal agreement for the highway/streetscape works

Environmental Health: The proposal can be supported subject to compliance with a number of conditions in relation to details of energy/air quality and noise impact mitigation.

Ward Councillors: No comments were received.

REMARKS

Introduction

This site is the subject of a Site Specific Proposal, as explained above, indicating that it is appropriate for development. In addition, Church End is defined as a Growth Area in the Core Strategy where the Council will focus its regeneration work. In this particular case, the car park is partly owned by Brent whilst the other section (the subject of this application) is owned by Catalyst Housing Group. A previous Planning Committee have resolved to grant consent for a residential scheme on the Council land and this application now envisages development the other part of the site. Obviously, it would have been better had one submission covering the whole site been submitted, but unfortunately this has not been possible. As a result, part of the exercise here has been to try to ensure that as well as being acceptable in its own right as a freestanding application it would also be capable of implementation along with the Council approval if and when that development is implemented. Officers have spent a good deal of time on this particular issue.

Amendments

1. The proposal has changed over time in an effort to get to a situation whereby the Council could recommend the scheme for approval. A large number of amendments have been requested for the development, with regards to its design, vehicular access, courtyard and parking layout, and to address concerns relating to the impact of the development upon neighbouring amenity. The originally submitted scheme was considered to have a poor street presence and an excessive proportion of the development was

at 6-storey level, particularly along the High Road elevation, which resulted in a bulky, visually over-dominant appearance. There were concerns with regards to the layout and standard of accommodation that would be provided for future occupants of the scheme, concerning standard of outlook, the proportion of sole-aspect units, the close-proximity of some habitable windows/balconies within separate units to each other and the standard of amenity space provision. It was requested that the scale of the development addressing Eric Road was reduced in order to ensure that it did not result in an unacceptable sense of enclosure and visual overbearing impact upon existing residential occupiers, when viewed from habitable rear windows of units in the upper floors of Church Road.

2. A further change related to the on-site arrangements which originally resulted in the land being dominated by hardsurfacing with little greenery. It was considered that all non-disabled parking spaces could be removed from the courtyard, to allow an improved environment for occupiers of the scheme to be provided. Alterations to increase the width and height of the vehicular entrance to the site off Church Road were also requested, in addition to details of bike storage for the commercial units. It was requested that a Car Club was established in the area to complement the development, which would be secured by way of a Section 106 agreement. Relocation of bin stores to improve access for refuse collection off the High Road instead of Church Road were also requested as was an improved landscaping scheme.

3. Therefore, the scheme has been amended as follows:

- Increased active frontage provided for the development through the inclusion of ground floor entrances of units facing the High Road and reductions in the height of the boundary front walls to the ground floor units to improve outlook and street presence. The proportion of 6-storey element was reduced within the High Road frontage. Roof gardens/terraces were introduced in their place.
- A large central portion of the section of the development fronting Eric Road was reduced from 4-storeys to 2-storeys and a reduction in depth of the first floor terrace adjacent to no. 213 Church Road was made to remove the scope for overlooking.
- The ground floor units were reconfigured to ensure that there were no single aspect units at this level
- Non-disabled parking bays were removed from the proposal which allowed an improved landscaped courtyard to be provided alongside alterations to the vehicular access to the development.
- The number of units within the development were reduced from 70 to 65

As is set out within the following sections, your officers consider that the alterations to the development address the concerns raised above and ensure an acceptable standard of development is achieved.

Principle of development

4. The site is part of the wider Church End Growth Area which is based on mixed use regeneration including a new market square, up to 800 new homes by 2026 and at least 200 new trees. Policy CP10 of the Site Specific Allocations Document (SSAD) also sets out a vision for the growth area in which affordable premises for local businesses and an educational outreach centre will be provided to support business start-ups and skills development. The site is part of site CE1 Church End Local Centre in the SSAD, which contains the whole of the car park site and buildings to the south. The policy outlines that a new market square should be provided within the subject site alongside a new health centre. The site as a whole is outlined to have an indicative capacity for 120 units.

5. The principle of the proposed development is considered to be broadly in accordance with the NPPF, regional and local policy and with the criteria of policy CE1 of the SSAD. The wider SSAD area is 1.4 hectares in size but this encompasses the whole of the car park, including the Council site to the south, boundary embankment and existing shopping parade.

6. Originally, it had been envisaged that a comprehensive redevelopment of the site would be brought forward by Catalyst Housing Group in accordance with the SSAD, with the assistance of the Council using its Compulsory Purchase Order (CPO) powers where required to acquire the land necessary to assemble the site. However, the economic downturn severely impacted upon the viability of the proposals to develop the entire site. In order to kick start the regeneration of Church End local centre, the Council therefore decided to make a more rationalised development proposal covering only part of the comprehensive development encompassing the southern section of the car park, which gained resolution to planning approval for 34 residential units, a new market square and a ground floor element of non-residential floor space, subject to the completion of a Section 106 agreement, under planning reference 13/1098. At 65 units within the 0.3125 hectare site, the number of units is broadly in line with the 120 unit capacity identified as appropriate for the whole of the car park site, taking into account the 34 unit scheme within a 0.31 hectare site given resolution to approval under 13/1098. There are no concerns in policy terms with regards to the inclusion of the small

Use Class A1 (retail) element at ground floor level. The proposal would deliver a key component of the wider Church End Growth Area aspiration to regenerate the area. The scale and principle of development is therefore considered to be acceptable.

Housing mix and tenure

7. The housing mix of the scheme is set out in the table below:

Unit type	No. units	No. hab. Rooms	Total no. hab. rooms	% of unit type
1b/2p	12	3	36	18.5
2b/3p	5	4	20	7.7
2b/4p	42	4	168	64.6
3b/5p	1	5	5	1.5
1/2p w.chair mobility	1	3	3	1.5
2b/3b w.chair mobility	1	4	4	1.5
2b/3p w. chair	1	4	4	1.5
2b/4p w.chair	2	4	4	3
Total	65		244	100

As can be seen in the table above, there is only 1 family sized unit (3 or more bedrooms) proposed. Core Strategy policy CP2 states at least 25% of all new homes should be family sized accommodation of three bedrooms or more. Whilst there is a particular need for larger family homes of three bedrooms or greater in the borough, the constrained nature of the site in terms of its size and close proximity to the busy main road makes it less suited to family housing provision. A mix of 1-bedroom (13 units) and 2-bedroom (51 units) flats have been proposed, alongside a single 3-bedroom family dwellinghouse.

8. The application contains 24 affordable units. London Plan policy 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes requires "the maximum reasonable amount of affordable housing should be sought when negotiating" on relevant schemes. The policy provides further detail on the factors Local Planning Authorities should consider when assessing applications, including the need to encourage rather than restrain residential development (LP policy 3.3) and the specific circumstances of individual sites. It goes on to say that negotiations on sites should consider, amongst other things, the development viability.

9. In accordance with adopted policy, an Affordable Housing Viability Assessment has been submitted to support the application and this seeks to demonstrate that the scheme financial viability is such that no more affordable housing than the 24 units proposed can reasonably be delivered as part of the residential element of the scheme. Your officers have assessed this document, which sets out the anticipated development costs and scheme revenue. Taking into consideration the stated policy to promote mixed use, mixed tenure development in the borough, given the low values in the area, the high concentration of social rented housing in the Church End area, and the stated policy to promoted mixed use, mixed tenure development in the borough, it is considered that the scheme is providing a reasonable level of affordable housing whilst also introducing a proportion of private housing into the area. which works towards the policy aim of mixed tenure development within the Borough.

Standard of accommodation

10. All of the ground floor units within the development aside from one unit within Block A would be accessed from personal entrances off the High Road whilst the upper floor units would be accessed from 4 stair cores, 2 of which would be accessed off the High Road and the other 2 located on the Eric Road frontage. Lift access would be provided for the upper floor units within Blocks A and C and all units within the development located at fourth floor or above would be served by a wheelchair accessible lift in accordance with London Plan Standards. There are 14 upper floor units within the development which are sole-aspect which is contrary to recommended guidelines set out within the GLHG. However, all units meet or exceed the minimum standards for internal floor areas as outlined in SPG 17 and the GLHG, and benefit from personal amenity space, by way of garden terraces at ground floor level and balconies at upper floor levels. There are also 3 separate sky gardens which serve all 4 of the blocks and the revised courtyard layout provides approximately 250m² of useable amenity space.

11. The total private and communal amenity space would provide approximately 21m² amenity space per unit which is in general compliance with SPG 17 guidelines of 20m² per flat for amenity space provision for 1 or 2 bedroom units. There are some upper floor habitable windows/balconies facing the courtyard that would be closer than 20 metres to habitable windows of other units of the development within close proximity of each other. However, these windows/balconies are set at oblique angles and not directly facing each other, and therefore would not be considered to result in an unacceptable degree of overlooking between units. The revised submission includes lowered front boundary walls of 1 metre height and 3.4 metre set-back frontages for the ground floor units facing the High Road, which allows for an improved residential environment with satisfactory access to outlook and natural light. The 3 ground corner units however would still face 1.5 metre height boundary walls. This is not ideal, but considering the scheme as a whole and the relatively small number of units effected in this way, it is considered that on balance, the reduced set-back of the building allows for sufficient outlook and access to light whilst providing a secure environment for future occupants of the development.

12. The London Plan requires 10% of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair adaptable. It also requires all new homes to be built to 'Lifetime Home' standards. Policy H26 of Brent's Unitary Development Plan advocates a similar approach. 6 of the 65 units are wheelchair adaptable and are positioned on the ground floor which is in general compliance with the London Plan requirement.

Design

13. The design follows a perimeter block approach which sees the building envelope the Eric Road and High Road frontages of the site with the northern corner wrapping around onto Church Road. The revised plans have seen the bulk and massing of the development reduced and a greater articulation and detailing applied to the elevations.

14. The High Road elevation is mainly 6-stories in height, measuring 19.7 metres at its highest point which is higher than the adjacent element of Council car park scheme which was approved at 5-stories and 16.8 metres height. Whilst this is noticeably greater in scale, the central element of the elevation following revisions has seen the two corner book-ends cut back and changed. The removal of units at this level was required to increase the slenderness of the top storeys. The design now focuses on two interlocking forms mirrored on both ends of the High Road. This helps to breakdown the elevation into smaller component parts with dwellings accommodating recessed balconies or terraces. The inclusion of individual residential entrances to the ground floor units on the High Road provides an improved relationship between the development and street level.

15. On Eric Road, mainly in order to address concerns in relation to impact on neighbouring amenity, amended plans have seen a 24 metre section of the 4-storey element reduced to 2-storeys, meaning there is a 4-storey element closest to Church Road, stepping down to 2-storeys for the central element and then up 6-storeys adjacent to the High Road. In design terms, whilst this results in a slightly awkward junction between the different storey heights within this elevation, it is necessary in order to address concerns that were raised in relation to the bulk of this section of the development on neighbouring amenity levels, which are discussed within the impact on neighbouring amenity section of the report.

16. 2 shades of brick will be used for the majority of the development which alongside the recessed elements will help to break up the mass and articulate the elevations. Further details of materials shall be required by condition, to ensure that the development would be of a satisfactory standard of design. The general layout following revisions is a significant improvement on the original submission of the development. Your officers consider the proposed scale, bulk and massing of the development as revised, on balance, to be sympathetic to its surrounding urban landscape.

Impact on neighbouring amenity

17. Officers were concerned about the original submission in relation to the likely detrimental impact upon access to natural daylight, outlook and sense of enclosure on the rear facing windows of adjacent residential properties Nos. 213-217 Church Road, resulting from the bulk, scale and massing of the original submission. This stemmed mainly from the siting and close proximity of the splayed inward angle of the 4-storey Eric Road block, coming within the field of vision of the rear habitable windows.

18. The submitted daylight and sunlight report reinforced these concerns in outlining that the development would result in 6 windows within 4 properties (nos. 213, 215, 217 and 219 Church Road) losing access to natural daylight in excess of BRE guidelines. Following discussions with the applicant, it was

requested that a large section of the frontage of the development facing Eric Road was reduced from 4-storeys to 2-storeys in height.

19. The plans were amended to make this revision and it is considered that the reduced height and bulk of this section of the development shall ensure that the outlook and access to natural light of neighbouring occupants within the upper floor flats of nos. 213 - 219 Church Road would not be unduly harmed by the development, and the reduced scale shall ensure that the development does not result in an unacceptable visual overbearing impact when viewed from neighbouring properties. Supplementary Planning Guidance 17 - "Design Guide for New Development" (SPG 17) requires the envelope of the building to be set below a line drawn at 30 degrees from the nearest rear habitable room window at 2 metres height and below a line drawn at 45 degrees from a height of 2 metres at the rear boundary of the nearest habitable unit. The development complies with the 30 degree rule and 45 degree rule when applied to the first floor rear window and rear boundary of no. 213 Church Road and the adjacent 6-storey element of the development addressing the High Road frontage.

20. The balcony serving flat D14 would be within 12 metres of the rear upper floor habitable windows of no. 213 Church Road, but in order to ensure there would not be an unacceptable loss of privacy between the 2 flats, a screen panel is to be inserted into the eastern section of the balcony. Further details of this screen balcony shall be required by condition. There are some upper floor rear facing windows and balconies within the development that would be within 20 metres of rear habitable windows within existing adjacent upper floor residential properties on Church Road. However, as these windows are set at oblique angles to each other, it is considered that a satisfactory level of privacy would be provided for both existing and proposed units. It is inevitable that the development would impact on the locality, given its scale, but the application needs to be considered in the context of the policy position set out above which has contemplated a comprehensive redevelopment of the site for some time.

Transport

21. This site largely comprises the northeastern half of the car park to the rear of 189-223 Church Road, which lies within the ownership of Catalyst Housing Association (the southwestern half being within the ownership of Brent Council). The car park is accessed from the western ends of Preston Gardens and Eric Road (two short cul-de-sacs) beneath 1.9m height restriction barriers. The car park also abuts High Road (a dual-carriageway local distributor road), although there is no vehicular access from this road. The affected part of the car park currently comprises about 30 car parking spaces, reserved for private office use through the issuing of permits, with the unaffected southern half of the car park free for public use. The entire car park is used as a market on Wednesdays and Saturdays. The southern part of the car park under the ownership of Brent Council has received a resolution to grant from Brent's Planning Committee (ref: 13/1098) for its redevelopment to provide 34 flats, two commercial units and a new market square on Eric Road, subject to the completion of a Section 106 Agreement.

Servicing and access

22. Vehicular entrance is proposed via a 4.4 metre wide, 2.6 metre high archway from Church Road adjacent to the northern junction of Ilex Road. As revised, the whole width of the access is now shown as a single block paved surface, with the entrance gates widened to 4m following the removal of the unnecessary pedestrian footway. This serves a reduced total of seven car parking spaces (including six disabled) within a smaller rear courtyard area surfaced in tarmac. Access is also retained via this courtyard to the existing rear service yard of 225 Church Road.

23. Given the reduction in the number of parking spaces within the site, cars are less likely to need to pass each other along the site access, so the slight squeezing in the access width can now be accepted. However, whilst the entrance gates are now set 3m behind the highway boundary, this is still not sufficient to allow cars to stand clear of Church Road whilst waiting for them to open and close though and the gates should be set a further 2m into the archway. Revised details of this shall be required by condition. Refuse storage locations have been amended, with the main residential store relocated from a point alongside the vehicular access to a point fronting High Road. This is welcomed, as refuse vehicles will be able to stand in greater safety on High Road to collect refuse, potentially using the adjacent parking bay when free.

24. The servicing arrangements are also dependent upon access to the market square area being made available on non-market days (with collapsible bollards having been agreed in the Council application). Deliveries to the commercial units by transit sized vehicles would also be expected to take place from the market square area on non-market days, along with occasional deliveries of furniture and white goods to the proposed flats. Access is also required to the garage at the rear of No. 213, via a 3.5m wide gated access

retained from the market square area to the rear of the new retail units. It is acknowledged that without effective management of the deliveries and servicing of - the market square, the independent units within Church Road still retaining access from the car park (nos. 213 & 233) and the proposed development - that parking, traffic and highway safety problems could arise on the adjacent roads.

25. To try and ensure all of these requirements are adequately catered for, a Delivery & Servicing Management Plan shall be secured through the S106 Agreement for the site, confirming delivery access arrangements and timings for the market square area and requiring a regular review of arrangements. This will need to be prepared in conjunction with the Delivery & Servicing Management Plan required for the development on the southern half of the car park site to ensure arrangements complement one another and ideally one document should cover both sites. It is now proposed for the market square to be adopted as a public highway, which means that the current arrangement that sees some of the refuse and bicycle stores opening outwards onto the square must be amended. This will be required as a revised detail by planning condition.

26. A joint agreement under S38/S278 of the Highways Act 1980 will be required for the undertaking of these works (to be secured within a S106 Agreement), with the area of the existing car park that is already in Brent's ownership needing to be transferred across as future highway responsibility. If adopted, there would no longer be any need to stop-up the existing length of Eric Road as highway, as previously proposed for the market square in the Council scheme reference 13/1098.

Parking provision and travel plan

27. Public transport access to the site is moderate-good (PTAL 3-4), with Neasden Underground station (Jubilee line) within 960 metres (12 minutes' walk) and eight bus services within 640 metres (8 minutes' walk) of the northern end of the site. A bus stand and bus drivers' toilet have also been provided on High Road to facilitate future extension of bus services into this area as it is redeveloped. Given that public transportation access within the area is likely to improve as regeneration of the wider area progresses, a reduced residential allowance of 0.7 spaces per 1-2 bed flat applies as per UDP parking standards. The development as revised has seen all on-site parking provision for future occupants of the development removed aside from 7 spaces, including 6 disabled parking spaces which complies with parking standards.

28. In order to ensure the development does not result in excessive overspill parking which cannot be accommodated on adjacent streets, a 'permit-free' agreement will be required, removing the right of future residents to on-street parking permits to ensure that the development does not create parking problems in the surrounding area. Financial support for local Car Clubs in the area will also be required through the Travel Plan to support the low parking provision.

29. To assist with this, any consent on this site should include through a Section 106 Agreement a commitment to future marketing of a Car Club for the area, including the provision of free or subsidised membership for residents for two years from first occupation. With regard to the siting of the Car Club vehicles, on-street bays on Preston Gardens have previously been suggested, which is considered acceptable in principle. The applicant has outlined their willingness to agree to the development being car-free and to provide support to create a Car Club in the area, which shall be secured as part of the Section 106 Agreement for the development. The remaining standard width space within the site should be provided with an electric vehicle charging point, which can be required by condition.

30. The reduction in parking has allowed the amount of soft landscaping at the rear of the site to be increased, thus improving amenity and natural drainage within the site, which is welcomed. The use of tarmac for the car park surface and block paving through the entrance arch is considered acceptable. The car park currently located within the site serves the Fortunegate Housing Group Offices and are therefore privately managed for local office staff use only.

31. A sufficient level of secured cycle parking storage in suitable locations is provided for the residential units to comply with UDP standards. No provision has been shown for the commercial units so revised details of cycle spaces for the commercial unit can be required by condition. To further promote non-car use to and from the site, a Residential Travel Plan has been submitted. This proposes a number of measures to be implemented and monitored by a Travel Plan Co-ordinator over a period of five years, with the aim of reducing the modal share of journeys by car/van drivers to and from the site. The submitted travel plan narrowly failed to achieve a pass when assessed against Transport for London's ATTrBuTE programme, but your officers are confident that a revised travel plan can be submitted that achieves a pass mark which shall be secured by a Section 106 agreement.

Construction management

32. An outline Construction Management Plan (CMP) has been provided, setting out some parameters under which construction of the site will proceed. This will be developed into a detailed document by the site contractor, alongside a Construction Traffic Management Plan which will be required to be submitted to and approved by the Local Planning Authority prior to the commencement of all works on site. The Traffic Management Plan will focus on access arrangements, parking provision, unloading and storage arrangements for materials, scheduling/pre-booking of deliveries, temporary traffic management arrangements and procedures for consultation with local residents. Details of all of these issues must be included in a final Construction Logistics Plan, to be submitted and approved prior to a material start being made of the development.

33. The outline CMP also states that the most appropriate and economical means of access to the construction site is via Eric Road, with site offices and welfare facilities to be located along this road. It would be preferable to keep as much construction traffic on the main High Road as possible though, to minimise disruption along Church Road. In addition, siting of offices and welfare facilities in Eric Road would necessitate the temporary closure of the road, which could be problematic in terms of retaining rights of access to adjoining properties. The Council will therefore seek to ensure that any subsequently approved CMP sets out that site offices instead be positioned on the area of the car park beyond the end of Eric Road and that every effort is made to retain access along Eric Road for as long as possible.

34. The road will ultimately need to be closed for a period of time though, even if just during the construction of the market square, so a temporary road closure will be required at some point and this will need to be approved by the Transportation Unit. Temporary suspension of parking bays to accommodate loading areas will also require approval from parking services, whilst any encroachment of hoardings or oversailing of cranes over the highway will require a licence from Safer Streets. It is noted that the existing market is proposed to remain operational during the construction period on the southern half of the car park and it is essential that the site contractor liaises closely with the market operator to ensure the two operations can operate alongside one another in safety.

Density

35. The site lies on the boundary between an area with average to good levels of Public Transport Accessibility (PTAL levels 3/4) with a density of level of 780 habitable rooms per hectare (HRH). Therefore the density level of this proposal is relatively high and marginally exceeds the 200-700 hrh range set out as appropriate for sites within urban locations with a PTAL level ranging between 4 (good) and 6 (excellent). However, as is set out within this report, following amendments, it is considered that the applicant has demonstrated that the development would provide a satisfactory level of accommodation with sufficient amenity space provision, whilst ensuring there would not be an unacceptable impact upon the amenities of neighbouring residential occupants. The alterations to the design have resulted in a development which on balance would respect the scale and character of the surrounding townscape. As such, the density of the development, whilst high, is on balance considered to be acceptable.

Delivery of the Market Square

36. As discussed elsewhere within this report, a new market square was given resolution to be approved under planning application 13/1098. The proposed new market square will provide a pedestrianised link between the High Road and Church Road. This will be a permanent home for the existing Church End market which currently runs on Wednesdays and Saturdays, but also gives the scope for the market to grow and function on other days. Unfortunately, unforeseen delays have been encountered by the Council concerning land acquisitions required to implement the market square scheme which has resulted in it being more likely that construction on the scheme subject to this application could commence first, were Members to grant resolution for its approval.

37. The Council owns land within the site boundaries of this subject application required to facilitate its development and likewise, Catalyst own land within the boundaries of the site required to implement the Council market square scheme. It has always been a council priority to ensure the new market square is delivered as promptly as possible. Therefore, in order to expedite the delivery of the market square, it has been agreed during the assessment of this application that in addition to a land exchange, a developer agreement shall be secured between the 2 parties within which Catalyst will agree to undertake the physical works to build the market square, at the expense of the Council.

38. Catalyst consider that due to the constraints on the construction of the development, resultant health

and safety concerns and the damage that would be incurred on the market square surface itself during construction, it would not be feasible to build out the new market square in advance of the substantial completion of the development subject to this application. Therefore, they have proposed an interim phasing of works which would see the market temporarily relocated onto a North-western segment of the car park (within the demise of the Council end of the car park), to allow construction on the Catalyst development to commence. The area earmarked for the market relocation is approximately 1,200m² in size which is close to the size of the existing 1,400m² market, and should therefore allow the market to continue to operate at the same capacity as existing. However, no formal proposal for such a re-location has so far been submitted for consideration. It is important to note that all parties are aware of the need to maintain a market presence on the site in one form or another.

39. Facilitating the temporary relocation of the market will be co-ordinated by the Council Estates Team and may require a full planning application for the temporary relocation of the market. Catalyst confirm that the market square would be constructed prior to practical completion and occupation of the development. The detailing of the market square, including layout and materials were approved as part of the Council planning application and it is envisaged that the works will be undertaken in accordance with those details, which were deemed to introduce a step change in build quality for the Church End area. Any material alterations that are proposed to those details would require an amendment to the application given resolution for approval. Specific details will need to be acceptable to the Transportation Unit if the square is to be adopted and these will need to be agreed through the detailed S38/S278 technical approval process.

40. It is considered that given the unforeseen delays in commencing works on the Council application, that the above approach represents the best way of expediting delivery of the new market square whilst maintaining its continuing function in the temporary location whilst construction is being undertaken.

Landscaping

41. As with the Council market square scheme, The frontage of the site addressing High Road currently has a number of mature trees running along the embankment of the site that would have to be removed as part of the development. In this case, there are 18 trees, of which 17 would have to be removed as part of the development. Whilst it is obviously regrettable that the boundary trees would be lost, given the contribution the trees make to the visual amenities of the street scene, retention of them would hinder the development of the site, as doing so would require the building to be set-back much further from the boundary of the site bringing it into closer proximity to the existing buildings on Church Road which would create issues with regards to its relationship with these adjacent properties. It would also reduce the size of the courtyard that could be provided as amenity space for occupants of the proposal and to provide disabled access parking spaces.

42. Indicative plans for approximately 5 replacement street trees of an appropriate species to be planted at the centre point of the public footway between the cycle and pedestrian footway have been provided. The proposed trees could act as an attractive landscape treatment which would not impede pedestrian/cycling movement whilst ensuring the outlook of windows within the frontage of the development is not unduly impacted upon. A financial contribution of £3,000 per tree will be required to be secured as part of the S.106 agreement for the planting of the street trees by the Council, as it is deemed essential to the visual amenities of the street scene given the loss of the mature trees on site, that replacement street landscaping is provided.

43. As part of the Council scheme to redevelop the southern half of the car park and introduce a new market square, a mature London Plan tree - listed as T1 on the tree survey submitted with this application - would be retained to act as a focal point of the new square. The proposed development would be located within 9 metres of the trunk of this tree and therefore measures must be taken to ensure the health of the tree is not unduly harmed during the development. Your officers have reviewed the submitted information with regards to means of construction and are broadly in agreement with the proposed approach taken to ensure the health of the tree is maintained during the works. Conditions requiring specific details of how the tree would be protected during the works shall be attached to any consent.

44. The proposed landscaping scheme as revised would see a landscaped courtyard area provided for future occupants of the development. Indicative plans show that seated areas will be provided adjacent to landscaped boundaries. The courtyard of the development would provide a satisfactory scheme of boundary landscaping and hard landscaping materials.

45. The courtyard would act as a secure amenity space for occupants of the proposal providing lawned areas with seating and bike storage. Given the constrained nature of the site and the standard of proposed landscaping that would act as replacement, on balance the loss of the existing trees is considered to be

acceptable. Details of landscaping shall be conditioned to be carried out in accordance with the details subsequently approved.

Archaeology

46. The site lies within a site of Archaeological Importance as designated within the UDP. The policy requires that applicants have the archaeological implications of their proposals assessed by means of a recognised archaeological group (if necessary by a preliminary site investigation), provision is made so that sites are properly investigated and excavated before development begins; and that landowners and developers work in accordance with the British archaeologists and developers' code of practice. This is in line with The National Planning Policy Framework and the Greater London Plan 2011 which requires Local Planning Authorities to require a desk-based assessment where a proposal may affect a designated heritage asset and where necessary a field evaluation report.

47. An Archaeological desk-based assessment has been submitted which has been carried out by 'CgMs Consulting'. This sets out the archaeological and historical background of the site, the likely significance of any buried heritage assets on site, the potential impact of the proposal on these assets and suggestions for further investigations that are likely to be required.

48. The report outlines that there is a good potential for post-medieval remains associated with the former Medieval and post Medieval Willesden Rectory Manor. Development and redevelopment across the site since the 19th century will have had a cumulative impact upon underlying deposits. Any archaeological evidence on the site is therefore likely to have been severely truncated by later development.

49. Given the above, the report advised that further site-specific investigation in the form of a programme of archaeological work should be required to ensure that the impacts on the potential archaeological assets within the site resulting from the proposal are thoroughly investigated prior to the commencement of any excavation or construction works on site, but this work could follow planning permission secured by condition.

Ecological interests

50. In support of the application, a phase 1 Habitat Survey has been submitted by Middlemarch Environmental Ltd. The report sets out that the phase 1 habitat survey found that a number of habitats present within the survey area have the potential to support protected and notable species including nesting birds. As a result, to ensure compliance with wildlife legislation and relevant planning policy, it was recommended a bat survey should be undertaken, as it would be considered to be suitable for use by bats. This will be required by condition.

51. A method statement would be required to control the spread and suitable removal of invasive plant species Japanese knotweed. Any trees that are to be retained within the proposal should be protected in accordance with the correct legislation, British Standard 5837: 2012 (condition). The report also recommended that vegetation clearance/removal of trees should be undertaken outside the nesting bird season and that any excavations that need to be left overnight should be covered or fitted with mammal ramps.

Secured by Design

52. The backs of gardens for the ground floor units will benefit from boundary fencing and screen planting to provide security and legible separation from the landscaped courtyard. 1 metre height brick boundary walls will also be provided along the frontage and entrances of ground floor units alongside planting which shall create active frontages where habitable rooms look out onto streets and allow for on-street surveillance around the block. Corner units adjacent to Eric Road where the new market square shall be located, and the north-eastern boundary of the site will have 1.5 metre height boundary walls.

53. As is discussed elsewhere in the report, the construction of the market square subject to the Council application 13/1098 is to be carried out by the developer of this application as part of the developer agreement, which will be secured between the Council and the applicant as part of the exchange of land owned by the other party required to facilitate their respective developments. The developer agreement will require the developer (Catalyst) to undertake the market square works in accordance with the details as subsequently approved within the Council scheme or as subsequently varied if any changes are proposed. The scheme given resolution to approval at planning Committee in July 2013 included new lighting for the market place and which will improve security for the development addressing the Eric Road frontage. Access to the upper floor units and to the rear courtyard would via the 4 stair cores serving each block, which will

presumably be secured via key/fob key access.

Conclusion

54. Subject to compliance with conditions, the proposed development would offer the following strategic benefits:

- 65 new homes including 1 family-sized unit,
- 37% of the residential units would be affordable
- An environmentally sustainable development, reaching Code For Sustainable Homes Level 4 and BREEAM 'Excellent'
- A good quality level of architecture that would improve the local built environment.

The delivery of a quality first phase of regeneration of the Church Road Local Centre is therefore considered to be in general accordance with national, regional and local policy which seeks to promote sustainable development. It is therefore recommended for approval.

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
- NPPF
- Council's Supplementary Planning Guidance
- Mayors London Plan

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

- Built Environment: in terms of the protection and enhancement of the environment
 - Environmental Protection: in terms of protecting specific features of the environment and protecting the public
 - Housing: in terms of protecting residential amenities and guiding new development
 - Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
 - Transport: in terms of sustainability, safety and servicing needs
 - Community Facilities: in terms of meeting the demand for community services
 - Design and Regeneration: in terms of guiding new development
- Site-Specific Policies

CONDITIONS/REASONS:

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

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

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

Plans numbers

1244 PL203 Existing Elevations 1
1244 PL204 Existing Elevations 2
1244 PL001 Location and Topographic Survey
3520-D Tree survey plan
11348 C100 D2 Indicate Surface Water Management

Un-numbered site location plan
 PL001 A1 Site Location Plan & Site Topographic Survey 1:200 & 1:1250 /
 PL002 A1 Proposed Ground Floor Plan Rev. D
 PL003 A1 Proposed First Floor Plan Rev. A
 PL004 A1 Proposed Second Floor Plan Rev. C
 PL005 A1 Proposed Third Floor Plan Rev. B
 PL006 A1 Proposed Fourth Floor Plan Rev. A
 PL007 A1 Proposed Fifth Floor Plan Rev. A
 PL008 A1 Proposed Roof Plan Rev. A
 PL009 A3 Section through 213 Church Road Rev. C
 PL200 A1 Proposed North & West Elevations Rev. D
 PL201 A1 Proposed Internal Courtyard Elevations - East & West Rev. C
 PL202 A1 Proposed South & East Elevations Rev. C
 PL400 A3 Privacy Screen Detail
 2441-GMP-01 Rev. B Landscape Masterplan

Supporting documents

JMP Construction Management Plan report dated 20 May 2014
 JMP Church End Air Quality Assessment dated 31 July 2013
 Hayden's Aboricultural Consultants Tree survey, aboricultural impact assessment, Church End car park, dated 01/08/2013
 'CgMS' Archaeological desk-based assessment, Land at Church End car park, dated July 2013.
 Middlemark Environmental Ltd Code for Sustainable Homes Ecological Assessment, Church Road, dated August 2013
 Calford Seaden Energy Strategy for the Church End Development dated August 2013
 Middlemarch Environmental Ltd Extended Phase 1 Habitat Survey, Church Road, Church End dated August 2013
 Campbell Reith Flood Risk Assessment
 Campbell Reith Geoenvironmental and Geotechnical Desktop Study July 2013
 JMP Noise Assessment report, Church End dated 01 August 2013
 Jones Long LaSalle Planning Statement – Church End Car Park, dated August 2013
 JMP Church Road Transport Statement dated August 2013
 1244 Church End II – Schedule of Accommodation REV C
 Allen Pyke Associates Landscape Strategy, Church End, Rev. B dated December 2013
 1244 Church End II Material Schedule (indicative)

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

- (3) The dwellings shall achieve a Code Level 4 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide. No dwelling shall be occupied until a Certified Assessor has confirmed that the dwelling has achieved Code Level 4 and a final application has been made to obtain a Final Code Certificate.

Reason: In order to allow the Local Planning Authority to exercise proper control over the development in the interests of ensuring a sustainable form of development.

- (4) No goods, equipment, waste products, pallets or materials shall be stored or deposited in any open area within the site unless prior written approval has been obtained from the Local Planning Authority. All loading and unloading of goods and materials shall, where practicable, be carried out entirely within the curtilage of the site.

Reason: To ensure that materials or vehicles awaiting or being loaded or unloaded are parked in designated areas and do not interfere with the free passage of vehicles or pedestrians within the site and along the public highway and in the interests of the visual amenities of the area

- (5) All residential units within the development hereby approved shall be built out in compliance with Lifetime Homes Standards.

Reason: In order to ensure an adequate quality of residential environment

- (6) 10% of all residential units within the development, hereby approved, shall be easily adaptable for wheelchair users, as defined by the Mayor's SPG (November 2012) ie: do not require structural alterations (such as removing walls to enlarge rooms) to make it suitable for wheelchair users.

Reason: To ensure a development that would meet the needs of all potential users and in order to comply with the provisions of the London Plan.

- (7) The ground floor retail premises (A1) shall not be used except between the hours of:
- 0700 hours and 0000 hours Mondays to Saturdays
 - 0900 hours and 2300 hours Sundays and Bank Holidays

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

- (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. It shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors. The written report is subject to the approval in writing of the Local Planning Authority.

The investigation and report shall include measures for the removal and eradication of Japanese Knotweed within the site.

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

- (9) Any soil contamination 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) No excavation and/or construction works relating to the development hereby approved may be undertaken on the site until a programme of archaeological work, in accordance with a written scheme of investigation has been submitted to, and agreed in writing by, the Local Planning Authority, and implemented to the satisfaction of the Local Planning Authority".

Reason: To ensure that this site, in an Archaeological Priority Area, is properly investigated and if necessary excavated before development begins, in accordance with policy BE31 of the adopted London Borough of Brent Unitary Development Plan 2004.

- (11) The development hereby approved shall not commence (save for demolition) unless a drainage strategy, detailing on and/or off site drainage works has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved details have been implemented in full.

Reason: To ensure a satisfactory form of development.

- (12) In order to mitigate 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.

- (13) A landscaping management plan which sets out the proposed arrangements for the ongoing maintenance of the landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the buildings within the development. The landscaping shall be maintained in accordance with the approved details thereafter for the lifespan of the development.

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

- (14) 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 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) Hardstanding materials

(iii) Screen planting on boundary

Any screen planting that is proposed along the boundaries of the site.

(iv) Physical separation

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

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

(vi) Screening of:

Provisions for the satisfactory screening of views looking eastwards from the balcony serving unit D14

(vii) 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.

(viii) Play equipment

Plans and details showing definite locations and specifications for all play features within the development.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by

trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

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

- (15) The development hereby approved shall not be occupied unless details of external CCTV cameras to be used on site are submitted to and approved in writing by the Local Planning

Authority. Once approved the approved details shall be implemented in full and permanently maintained.

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

- (16) The area denoted for retail use on the ground floor plan hereby approved shall achieve a BREEAM Excellent Rating. Prior to occupation, a BREEAM post-construction review shall be submitted to the Local Planning Authority to verify delivery of this specification.

Reason: In order to allow the Local Planning Authority to exercise proper control over the development in the interests of ensuring a sustainable form of development.

- (17) Any plant shall be installed, together with any associated ancillary equipment, so as to prevent the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be at least 10 dB below the measured background noise level when measured at the nearest noise sensitive premises. The method of assessment should be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. It should be assumed that each item of plant incurs a +5dB(A) penalty to account for tonal qualities. An assessment of the expected noise levels and any mitigation measures necessary to achieve the required noise levels shall be submitted to The Local Planning Authority, in writing, for approval. The plant shall thereafter be installed and maintained in accordance with the approved details

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

- (18) Notwithstanding the plans otherwise hereby approved, revised details which show provision of a layout and details of the cycle storage fixtures for the retail unit on the ground floor plan hereby approved shall be submitted to and approved in writing prior to the commencement of above ground development (save for demolition) works on site. Thereafter, the works shall be carried out in accordance with the approved details prior to occupation of the development and maintained as such for the lifespan of the development.

Reason: To ensure satisfactory facilities for cyclists.

- (19) Notwithstanding the plans and details otherwise hereby approved, no development shall take place, including any works of demolition, until a detailed Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include details of:

- i. Specification of construction works at each phase of the development
- ii. Construction Logistics Management
- iii. Consideration of environmental impacts and required remedial measures
- iv. Erection and maintenance of security hoarding including decorative displays, where appropriate
- v. Wheel-washing facilities
- vi. Parking of vehicles of site operatives and visitors
- vii. Arrangements for the loading and unloading of plant and materials
- viii. Storage of plant and materials used in constructing the development
- ix. Scheme for recycling/disposing of waste resulting from demolition and construction works

- x. Commitment to adopt and implement the Considerate Contractor Scheme
- xi. measures that will be taken to control dust, noise and other environmental impacts of the development

Reason: To allow the Local Planning Authority to exercise proper control over the development in the interests of amenity.

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:

Time	Area
Daytime noise 07:00-23:00	Living rooms
Night time noise 23:00 - 07:00	Bedrooms

A test shall be carried out prior to the discharge of this condition 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.
(20)

(21) No works shall commence on the development before an Arboricultural Method Statement for the development has been submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (i) A schedule of all works to trees on-site and those adjacent to the site affected by the development to facilitate the development or ensure the health of the tree(s)
- (ii) For those areas to be treated by means of any hard landscape works including access Roads and pathways, provide:
 - " detailed drawing(s) of those areas to be so treated including identification of root-protection zones;
 - " details of a no-dig solution for areas within root-protection zones using a cellular confinement system to include a method statement for such works;
 - " attendance of a qualified and experienced arboricultural consultant during sensitive operations;
 - " works to trees should be carried out by an Arboricultural Association Approved Contractor in accordance with the latest industry guidance (British Standard 3998:2010);

The works shall be completed in accordance with the approved details. The applicant shall give written notice to the local planning authority of seven days prior to carrying out the approved tree works and any operations that present a particular risk to trees

Reason: In order to allow the Local Planning Authority to exercise proper control over the development in the interests of amenity.

(22) No works shall commence for each phase of the development before a Tree Protection Plan for the development has been submitted to and approved in writing by the local planning authority. Such details shall include method statements and plans which:

- (i) adhere to the principles embodied in BS5837:2012
- (ii) indicate exactly how and when the retained trees on-site or off-site near the site boundaries will be protected during the construction; and

(iii) show root-protection zones

Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

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

- (23) No above ground development (save for demolition) shall commence until details of any external lighting shall, including the external lighting fixtures and a light contour plan for the land surrounding the building shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any works on site and the approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of safety and the amenities of the area

- (24) 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.

- (25) Notwithstanding the plans otherwise hereby approved, a revised ground floor plan shall be submitted to and approved in writing by the local planning authority prior to the commencement of all works on site. The works shall be carried out in accordance with the approved details. The revised plan shall include the following minor amendments to the site layout to:

set the proposed vehicular gates on the access at least 5m away from the highway boundary;
amend all doors to the building to open into the site;
provide a publicly accessible bicycle stand for the proposed retail units;
Indicate the provision of an electrical charging point for one of the parking spaces

Reason: To ensure a satisfactory standard of development that is acceptable in highway safety and transportation terms.

- (26) Prior to any works commencing on site, a bat survey and report shall be submitted to and approved in writing by the Local Planning Authority. All recommendations within the approved report shall be followed unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology and species protection.

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.

- (3) The applicant is informed that, for the avoidance of doubt, this permission does not give consent for any shopfront or advertisements on the building which would require formal approval in their own right.

- (4) The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.

REFERENCE DOCUMENTS:

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

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Received PLANNING Appeals between 1-Jun-2014 and 30-Jun-2014

Planning Committee: 16 July, 2014

Application Number: 13/1773 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 10/06/2014 **Appeal Against:** Refusal of planning permission
Location: Land next to Waverley Court, Brondesbury Park, Kilburn, London
Proposal:
Erection of a 6 storey building comprising 5 flats (1 x 3 bedroom and 4 x 2 bedroom) with associated landscaping and car-parking

Application Number: 13/2450 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 09/06/2014 **Appeal Against:** Refusal of planning permission
Location: 137A Harrowdene Road, Wembley, HA0 2JH
Proposal:
Retrospective application for conversion of the upper floors into 2 x 2 bedroom flats on the first floor and 1 x 1 bedroom flat on the second floor and for the erection of one front and one side dormer window and insertion of a rear roof light.

Application Number: 13/2548 **Team:** Northern Team **Application Type** Other ADV
Appeal Received: 04/06/2014 **Appeal Against:** Refusal of planning permission
Location: 709 North Circular Road, Neasden, London, NW2 7AX
Proposal:
Advertisement Signage illuminated for incoming & opposing traffic (overall height 8.2m)

Application Number: 13/2669 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 06/06/2014 **Appeal Against:** Refusal of planning permission
Location: Coach House rear of 223, Harlesden Road, London, NW10 3SB
Proposal:
Demolition of existing builders store and yard, erection two storey one bedroom dwelling with one parking space and external first floor terrace

Application Number: 13/2950 **Team:** Northern Team **Application Type** S78 REM
Appeal Received: 30/06/2014 **Appeal Against:** Refusal of planning permission
Location: 49 Valley Drive, London, NW9 9NJ
Proposal:
Removal of condition 3 (replacement of existing secondary front door with casements window) & 4 (front garden layout) of planning application reference 13/0908 granted 10/07/2013 for 'Removal of condition 7 (restricting the use of the garage for the parking of private motor vehicles only) of full planning permission reference 05/0412 dated 12/04/2005 for erection of two-storey side and rear extension to dwellinghouse'.

Application Number: 13/3034 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 10/06/2014 **Appeal Against:** Refusal of planning permission
Location: 66 Chatsworth Road, London, NW2 4DD
Proposal:
Single storey extension to existing garage located in the rear garden of No 66 Chatsworth Road and conversion of the garage into a 1x1bed dwellinghouse, with associated external alterations.

Application Number: 13/3071 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 09/06/2014 **Appeal Against:** Refusal of planning permission
Location: 12 Norval Road, Wembley, HA0 3TE
Proposal:
Retrospective application for conversion of the existing side extension to the dwellinghouse into a separate 1-bedroom semi-detached dwellinghouse

Received PLANNING Appeals between 1-Jun-2014 and 30-Jun-2014

Planning Committee: 16 July, 2014

Application Number: 13/3472 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 09/06/2014 **Appeal Against:** Refusal of planning permission
Location: 147B Harvist Road, London, NW6 6HB
Proposal:
Erection of first floor side infill extension above existing single storey rear extension to first floor flat.

Application Number: 13/3503 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 20/06/2014 **Appeal Against:** Refusal of planning permission
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).

Application Number: 13/3629 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 05/06/2014 **Appeal Against:** Refusal of planning permission
Location: 63,65 & 67 Craven Park, London, NW10
Proposal:
Demolition of four outbuildings and erection of three storey building containing 7 self-contained flats (2x1bed, 2x2bed and 3x3bed) with associated landscaping, cycle parking and bin stores.

Application Number: 14/0483 **Team:** Northern Team **Application Type** S78 HSE
Appeal Received: 13/06/2014 **Appeal Against:** Refusal of planning permission
Location: 199 Woodcock Hill, Harrow, HA3 0PD
Proposal:
First floor side to rear extension to dwellinghouse

Application Number: 14/0544 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 11/06/2014 **Appeal Against:** Refusal of planning permission
Location: 66 Llanover Road, Wembley, HA9 7LT
Proposal:
Erection of a two storey building providing 2 x 2 studio flats on land to the rear of 66 Llanover Road, fronting Pembroke Road

Application Number: 14/0802 **Team:** Southern Team **Application Type** S78 HSE
Appeal Received: 23/06/2014 **Appeal Against:** Refusal of planning permission
Location: 28 Manor House Drive, London, NW6 7DF
Proposal:
Erection of front dormer window, two side dormer windows, one rear dormer window with juliet balcony, installation of rooflights, installation of pv panels and raising the roof height above the first floor side extension to dwellinghouse

Application Number: 14/0898 **Team:** Northern Team **Application Type** S78 HSE
Appeal Received: 04/06/2014 **Appeal Against:** Refusal of planning permission
Location: 49 Springfield Gardens, London, NW9 0RY
Proposal:
Demolition of existing detached outbuilding and erection of a new single storey outbuilding in the rear garden of dwellinghouse

Received PLANNING Appeals between 1-Jun-2014 and 30-Jun-2014

Planning Committee: 16 July, 2014

Application Number: 14/0946 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 05/06/2014 **Appeal Against:** Refusal of planning permission
Location: Garages rear of 21 Ivy Road, Cedar Road, London
Proposal:

Demolition of existing double garages and erection of replacement double garages with a pitched roof

Application Number: 14/1031 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 10/06/2014 **Appeal Against:** Refusal of planning permission
Location: 7 Willesden Lane, Kilburn, London, NW6 7RB
Proposal:

Demolition of existing building fronting Willesden Lane (adjacent to Sussex House) and construction of a two storey 3 bedroom dwellinghouse with a lower ground floor, provision for cycle parking, bin stores, fencing and associated hard and soft landscaping

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Received ENFORCEMENT Appeals between 1-Jun-2014 and 30-Jun-2014

Planning Committee: 16 July, 2014

Application Number: E/13/0851 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 06/06/2014

Location: 44 High Road, London, NW10 2QA

Description:

The breach of Condition 5 of planning permission ref. 87/1195 (restricting opening hours to 0800 to 2300 Sunday to Thursday, and 0800 to midnight Friday to Saturday)

("the unauthorised breach of condition")

Application Number: E/13/1166 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 16/06/2014

Location: 18 Tanfield Avenue, London, NW2 7RX

Description:

The change of use of the building in the rear garden from a use incidental to the enjoyment of the dwellinghouse to residential accommodation.

("the unauthorised change of use")

The erection of an extension to the building in the rear garden of the premises.

("the unauthorised development")

Application Number: E/13/1203 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 24/06/2014

Location: 177-179 Kenton Road, Harrow, HA3 0EY

Description:

The breach of Condition 3 of Planning permission 09/2307 dated 14/10/2010

Condition 3 states: "The permitted opening hours of the ground-floor restaurant premises shall be between 0800 hours and 0000 hours, Sunday to Thursday, 0800 hours and 2400 hours Friday and Saturday, and 0900 hours to 2200 hours on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority".

("the unauthorised breach of condition")

Application Number: E/14/0005 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 09/06/2014

Location: 29 Sudbury Court Road, Harrow, HA1 3SD

Description:

The erection of an unauthorised side and rear dormer roof extension to the premises.

("the unauthorised development")

Received ENFORCEMENT Appeals between 1-Jun-2014 and 30-Jun-2014

Planning Committee: 16 July, 2014

Application Number: E/14/0176 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 09/06/2014

Location: Ex Unisys, Brentfield, London, NW10 0RH

Description:

The change of use of the premises from an office to a market and the widening of the access way to the premises and the erection of "Harris" fencing.

("the unauthorised change of use and development")

Decisions on PLANNING Appeals between 1-Jun-2014 and 30-Jun-2014

Planning Committee: 16-Jul-2014

Application Number: 13/1280 **PINSRefNo** APP/T5150/A/14/2212777 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 25/06/2014

Location: 41 Gresham Road, London, NW10 9DA

Proposal:

Demolition of existing attached garage and utility room and erection of a 2 storey one bedroom dwellinghouse

Application Number: 13/1919 **PINSRefNo** APP/T5150/A/14/2215074 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 30/06/2014

Location: 147 Uxendon Hill, Wembley, HA9 9SH

Proposal:

Conversion of existing single dwellinghouse into 1 x 3 bed and 1 x 2 bed flats with associated external alterations to the front and rear

Application Number: 13/2259 **PINSRefNo** APP/T5150/A/14/2212061 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 30/06/2014

Location: 31B Gladstone Park Gardens, London, NW2 6LA

Proposal:

Extension to existing side and rear dormer windows to first floor flat

Application Number: 13/2803 **PINSRefNo** APP/T5150/A/14/2214606 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 17/06/2014

Location: 391 Kilburn High Road, London, NW6 7QE

Proposal:

Full planning permission sought for retention of existing decking and enclosure around decking in front of pizza shop

Application Number: 13/2842 **PINSRefNo** A/14/2215092 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 24/06/2014

Location: Workshop rear of 18, Craven Park, London, NW10 8TD

Proposal:

Details pursuant to condition 3 (materials) of Full Planning Permission reference 09/3055 dated 10 January, 2011, for Erection of 3 storey building comprising of 3 self contained flats (2 x two bedroom and 1 x one bedroom), provision of 2 off-street car parking spaces, cycle store and associated landscaping and subject to a Deed of Agreement dated 22nd July 2010 under Section 106 of the Town and Country Planning Act 1990, as amended

Application Number: 13/2917 **PINSRefNo** APP/T5150/A/14/2214390 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 10/06/2014

Location: Offices 1st 2nd 3rd Floors, 101A Kilburn High Road, London, NW6 6JE

Proposal:

Conversion of first, second and third floors into 3 self contained flats (2 x 1-bed and 1x2-bed), with rear extension and terrace at first floor, replacement of first floor rear window with glazed doors and provision of bin store within entrance

Decisions on PLANNING Appeals between 1-Jun-2014 and 30-Jun-2014

Planning Committee: 16-Jul-2014

Application Number: 13/3400 **PINSRefNo** 2214405 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 03/06/2014

Location: 152-158 INC, Roundwood Road, London, NW10 3UG

Proposal:

Erection of two rear dormer windows, 3 front rooflights and conversion of the loft space to create a self-contained studio flat

Application Number: 13/3562 **PINSRefNo** APP/T5150/D/14/2217373 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 24/06/2014

Location: Brooklyn, 1A Brook Road, London, NW2 7BB

Proposal:

Construction of second floor extension to dwellinghouse

Application Number: 13/3626 **PINSRefNo** A/14/2215858 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 17/06/2014

Location: 954 & 954A Harrow Road, Wembley, HA0

Proposal:

Demolition of existing single storey side garage and erection of a single and two storey side and rear extension and conversion of building into 4 self contained flats, erection of a single storey dwelling unit in rear garden, sub-division of garden, formation of 2 off street car parking spaces and associated landscaping

Application Number: 13/3708 **PINSRefNo** APP/T5150/D/14/2217294 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 09/06/2014

Location: 19 Charteris Road, London, NW6 7EY

Proposal:

Demolition of existing rear extension and erection of a two storey rear extension to dwellinghouse

Application Number: 13/3880 **PINSRefNo** APP/T5150/A/14/2214841 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 10/06/2014

Location: Flats A-F Inc, and 70-72 Walm Lane, London, NW2 4RA

Proposal:

Erection of mansard roof extension to create a 1 bedroom self-contained flat

Application Number: 14/0087 **PINSRefNo** A/14/2215959 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 30/06/2014

Location: 40 Byron Avenue, London, NW9 0EP

Proposal:

Demolition of existing garage and erection of two storey end of terraced dwellinghouse attached to No. 40 Byron Avenue

Application Number: 14/0365 **PINSRefNo** APP/T5150/D/14/2215867 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 12/06/2014

Location: 19 Woodcock Dell Avenue, Harrow, HA3 0PW

Proposal:

Prior approval for a single storey rear extension to dwellinghouse, in metres:
 Extending beyond the rear wall of the original house - 7 Metres
 Maximum height - 3 Metres
 Eaves height - 3 Metres

Decisions on PLANNING Appeals between 1-Jun-2014 and 30-Jun-2014

Planning Committee: 16-Jul-2014

Application Number: 14/0896 **PINSRefNo** APP/T5150/D/14/2218794 **Team:** Southern Team

Appeal Decision: Appeal Allowed

Appeal Decision Date: 27/06/2014

Location: 103 Rucklidge Avenue, London, NW10 4QB

Proposal:

Demolition of existing single storey rear extension and erection of a first floor rear extension to dwellinghouse

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Decisions on ENFORCEMENT Appeals between 1-Jun-2014 and 30-Jun-2014

Planning Committee: 16 July, 2014

Application Number: E/13/0511 **PINSRefNo** C/13/2203155**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 04/06/2014**Location:** 67 Church Lane, London, NW9 8ED**Proposal:**

The change of use of domestic outbuilding to a self-contained unit of residential accommodation.

Application Number: E/13/0831 **PINSRefNo** C/14/2216251**Team:** Southern Team**Appeal Decision:** Appeal withdrawn**Appeal Decision Date:** 25/06/2014**Location:** 758 Harrow Road, London, NW10 5LE**Proposal:**

Without planning permission, the installation of a large metal extraction pipe to the outside of the building, in connection with the ground floor premises.

("the unauthorised development")

Application Number: E/13/1148 **PINSRefNo** C/14/2212489**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 10/06/2014**Location:** 75A Dartmouth Road, London, NW2 4EP**Proposal:**

Without planning permission, the installation of uPVC windows to the ground floor of the premises within a conservation area.

("the unauthorised development")

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**PLANNING SELECTED appeal DECISIONS between
1-Jun-2014 and 30-Jun-2014
Planning Committee: 16 July, 2014**

Introduction

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those applications that have been allowed or partly allowed on appeal, are attached to the agenda. These include the following:

Our reference: 13/1919	Appeal Decision: Appeal Allowed	Appeal Decision Date: 30/06/201
Team:	Northern Team	
Location:	147 Uxendon Hill, Wembley, HA9 9SH	
Proposal:	Conversion of existing single dwellinghouse into 1 x 3 bed and 1 x 2 bed flats with associated external alterations to the front and rear	
Our reference: 13/2803	Appeal Decision: Appeal Allowed	Appeal Decision Date: 17/06/201
Team:	Southern Team	
Location:	391 Kilburn High Road, London, NW6 7QE	
Proposal:	Full planning permission sought for retention of existing decking and enclosure around decking in front of pizza shop	
Our reference: 13/2842	Appeal Decision: Appeal Allowed	Appeal Decision Date: 24/06/201
Team:	Southern Team	
Location:	Workshop rear of 18, Craven Park, London, NW10 8TD	
Proposal:	Details pursuant to condition 3 (materials) of Full Planning Permission reference 09/3055 dated 10 January, 2011, for Erection of 3 storey building comprising of 3 self contained flats (2 x two bedroom and 1 x one bedroom), provision of 2 off-street car parking spaces, cycle store and associated landscaping and subject to a Deed of Agreement dated 22nd July 2010 under Section 106 of the Town and Country Planning Act 1990, as amended	
Our reference: 14/0087	Appeal Decision: Appeal Allowed	Appeal Decision Date: 30/06/201
Team:	Northern Team	
Location:	40 Byron Avenue, London, NW9 0EP	
Proposal:	Demolition of existing garage and erection of two storey end of terraced dwellinghouse attached to No. 40 Byron Avenue	
Our reference: 14/0365	Appeal Decision: Appeal Allowed	Appeal Decision Date: 12/06/201
Team:	Northern Team	
Location:	19 Woodcock Dell Avenue, Harrow, HA3 0PW	
Proposal:	Prior approval for a single storey rear extension to dwellinghouse, in metres: Extending beyond the rear wall of the original house - 7 Metres Maximum height - 3 Metres Eaves height - 3 Metres	
Our reference: 14/0896	Appeal Decision: Appeal Allowed	Appeal Decision Date: 27/06/201
Team:	Southern Team	
Location:	103 Rucklidge Avenue, London, NW10 4QB	
Proposal:	Demolition of existing single storey rear extension and erection of a first floor rear extension to dwellinghouse	

**PLANNING SELECTED appeal DECISIONS between
1-Jun-2014 and 30-Jun-2014
Planning Committee: 16 July, 2014**

Background Information

Any persons wishing to inspect an appeal decision not set out in full on the agenda should check the application details on our website or contact the Technical Support Team, Planning and Development, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email tps@brent.gov.uk

Chris Walker, Assistant Director - Planning and Development

**ENFORCEMENT SELECTED appeal DECISIONS between
1-Jun-2014 and 30-Jun-2014**

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Appeal Decision

Site visit made on 9 June 2014

by **Megan Thomas BA(Hons) in Law, Barrister**

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

Decision date: 30 June 2014

Appeal Ref: APP/T5150/A/14/2215074
147 Uxendon Hill, Wembley HA9 9SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Ramanathan Rudra against the decision of the London Borough of Brent.
- The application Ref 13/1919, dated 15 July 2013, was refused by notice dated 5 November 2013.
- The development proposed is the conversion of existing dwellinghouse into 1 x three-bedroom and 1 x one-bedroom flats with associated external alterations to the front and rear.

Procedural Matter

1. An amended plan has been submitted as part of the appeal. Plan no. 4545/2 Rev B shows a one bedroom unit in the eastern end of the house and a three bedroom unit in the western end. The plan upon which the planning application was determined showed a two bedroom unit in the eastern end and a three bedroom unit in the western end. Plan no. 4545/2A is superseded. As the amended scheme involves a less intensive proposal with fewer bedrooms and no other material changes, I do not consider anyone is prejudiced by this plan being considered at this appeal. Accordingly, I have treated it as an appeal plan.
2. Given the above change in the scheme I consider it is more accurate to use the description of the development sought used in the decision notice, but amended to reflect plan no. 4545/2B. Therefore, I have used the description "Conversion of existing dwellinghouse into 1 x three-bedroom and 1 x one-bedroom flats with associated external alterations to the front and rear" in the heading above and in the formal decision.

Decision

3. The appeal is allowed and planning permission is granted for the conversion of existing dwellinghouse into 1 x three-bedroom and 1 x one-bedroom flats with associated external alterations to the front and rear at 147 Uxendon Hill, Wembley HA9 9SH in accordance with the terms of the application, Ref 13/1919, dated 15 July 2013, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4545/2B stamped received 13 March 2014 (and showing a 3 bedroom flat and a one-bedroom flat), 4545/1 (existing layout), Red line Location Plan (1:1250 scale).
- 3) Prior to the occupation of the development hereby permitted, the vehicular crossover shall be extended in accordance with the details shown on plan no.4545/2A and shall be permanently retained thereafter.
- 4) A scheme for landscaping the front garden area shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development hereby permitted. Development shall be carried out in accordance with the approved details. The approved scheme shall be completed during the first available planting season following completion of the development hereby permitted. Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species.

Main Issues

4. The main issues are the effect of the proposal on the living conditions of the future occupants of the one bedroom unit by reason of the size and quality of internal floorspace provided; the effect on the provision of family housing in the Borough; and the effect on the character and appearance of the area from the proposed subdivision of the rear garden.

Reasons

Living conditions of future occupants of one-bedroomed flat

5. The appeal site is a two storey semi-detached house located on the north side of Uxendon Hill adjacent to the boundary of Barn Hill Open Space. The property has been extended to the side and rear with single storey rear extension, a two storey side extension which extends to the side and rear of the property and a single storey front extension.
6. There is off-street parking in the front forecourt area. The rear garden is about 245sqm. The existing dwelling has a gross internal floorspace of about 152sqm.
7. The surrounding area is residential in character and comprised mainly of two storey semi-detached dwellings of fairly uniform appearance.
8. The proposed development would split the house vertically into two units of accommodation. There would be some resulting changes to fenestration and doors. The smaller unit would be within the eastern end of the property within the existing side and rear extension to the dwelling. It would have a floorspace of about 55sqm. The remaining portion would be a three bedroom dwelling with a floorspace of about 97sqm.

9. I have explained above why the amended plan should be permitted in evidence in this case. It shows one bedroom and a bathroom on the upper floor of the smaller unit. With a floorspace of about 55sqm, this flat would exceed the minimum space standard for a one bedroom two person flat found in the London Plan 2011 at Table 3.3. That minimum is a gross internal area of 50sqm. Looking at the room sizes and arrangement of the proposed flat overall including the fact that it would be on two storeys, I consider that the living conditions for future occupants of the proposed one bedroom unit would be acceptable and the floorspace useable and accessible. There would be no conflict with policy 3.5 of the London Plan 2011 or policy BE9 of the Brent Unitary Development Plan 2004 'UDP'.

Potential loss of family accommodation

10. Policy CP21 of the London Borough of Brent Core Strategy 2010 'CS' and policy H17 of the UDP indicate that there was and is a shortage of family sized accommodation in the Borough and they seek to protect the stock. H17 states that the conversion of a dwelling with an original floor area of less than 110sqm to flats will not be permitted. Paragraph 5.14.5 of the supporting text explains that the aim of this approach is to prevent the loss of small, family accommodation.
11. In this case 147 Uxendon Hill had an original unextended floorspace of broadly about 76sqm and therefore converting it into smaller units would be in breach of policy H17. I note that Table 3.3 of the London Plan indicates minimum space standards for a 3 bedroom 6 person flat of 95sqm (GFA), a 3 bedroom 5 person flat of 86sqm (GFA) and a 3 bedroom 4 person flat of 74sqm (GFA). For two storey houses minimum space standards are 3 bedroom 5 person - 96sqm (GFA) and 3 bedroom 4 person - 87sqm. With all those standards in mind, the larger unit would be a reasonably good size at about 97sqm. In addition to that, the size and arrangement of rooms would be commensurate with creating a well-designed home environment composed of spaces that would be attractive, useable by a family and accessible. The Council have not argued that there is a clear specific need to keep 5-bedroomed houses as 5-bedroomed houses in the Borough. It is clear from the supporting paragraphs to policy H17 that the Council want to encourage conversion activity as long as the units so created form satisfactory dwellings and small purpose built family dwellings are retained. A family dwelling would be retained as part of the proposed scheme and, as a whole, the use of no.147 would not be over-intensive.
12. Therefore in the particular circumstances of this case, those factors taken together lead me to conclude that the breach of policy H17 is outweighed. The proposed scheme would continue to provide a family unit and it would provide a one-bedroom unit in addition. On this second issue, I conclude that the dwelling is of an adequate size to be sub-divided into two units. Family accommodation would not be lost.

Subdivision of the garden

13. The proposed scheme involves dividing the rear garden into two plots with a fence along the common boundary, giving each a linear-shaped rear amenity area. Policy H18 of the UDP aims to retain rear gardens without subdivision

where possible. From my site visit I observed that the rear gardens of dwellings to the west of the appeal site are of a broadly even size. However, the character and appearance of the area visible from the public realm is formed principally by the front elevations of dwellings and the streetscene. Even though the appeal site borders an area of open space, it would be difficult to perceive from the public realm that the garden had been sub-divided. Whilst plot sizes would be generally larger than the ones formed by the proposed development I do not consider that the essential character of suburban housing would be eroded in this case. Any perceived harm would not be sufficient to warrant refusal of permission. On this issue, I conclude that the proposal would not materially harm the character or appearance of the area and the aims of policies CP17 of the CS and H18 of the UDP would be protected.

Other Matters

14. I have determined this appeal on its own individual merits as I am obliged to do and I do not consider it would set a harmful precedent given its particular characteristics.

Conditions

15. I have considered the imposition of conditions in the light of Practice Guidance and Annex A of Circular 11/95 *The Use of Conditions in Planning Permissions* and where appropriate used model wording. In the interests of highway safety I have imposed a condition requiring the crossover to be extended so that each parking space can be accessed independently. To protect the character and appearance of the area I have attached a landscaping condition. For the avoidance of doubt and in the interests of proper planning and owing to the need for only one-bedroom to be provided in the smaller unit I have imposed a condition which ties the development to the approved plans.

Conclusion

16. Having taken into account all representations made, I allow the appeal.

Megan Thomas

INSPECTOR

Appeal Decision

Site visit made on 30 May 2014

by **Les Greenwood MRTPI**

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

Decision date: 17 June 2014

Appeal Ref: APP/T5150/A/14/2214606

Woodoven Pizza, 391 Kilburn High Road, London NW6 7QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sabah Ahmed against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/2803, dated 19 September 2013, was refused by notice dated 9 December 2013.
 - The development proposed is decking in front of a pizza shop.
-

Decision

1. The appeal is allowed and planning permission is granted for decking in front of a pizza shop in accordance with the terms of the application Ref 13/2803, dated 19 September 2013.

Main issues

2. The main issues are the effects of the proposal on: (i) the character and appearance of this part of Kilburn High Road; and (ii) the use of the public highway by pedestrians.

Reasons

Character and appearance

3. Kilburn High Road a lively commercial high street, with a wide variety of shops, restaurants and other businesses spilling out onto the wide pavements. The proposed wooden decking is already in place, extending well out from the front of the restaurant, and is partly enclosed by solid timber walls. The Council suggests that these are higher than the 1.2m specified on the submitted plans. However, no alternative measurement is submitted and the specified height appears to me to be reasonably accurate.
 4. A large number of other premises are making use of about the same width of pavement for seating and for the display of goods in various arrangements, some of which seem semi-permanent in their construction like the appeal decking. Although this is a more substantial structure than some, the use of timber walls here does reflect the design and construction of other outdoor
-

seating areas. In this context the appeal development appears fully in character with the area.

5. I conclude that the appeal proposal does not harm the character and appearance of this part of Kilburn High Road. It therefore accords with the aims of Policies BE2, BE9 and SH23 of Brent Unitary Development Plan 2004 (UDP) to ensure that proposals should provide an appropriate design solution, having regard to their local context and avoiding harm to local character and appearance. This is in line with the National Planning Policy Framework's (NPPF's) emphasis on high quality design.

Pedestrian use of the public highway

6. The Council suggests that the appeal development lies at least partly within the public highway, but again produces no evidence for this. In the absence of any such evidence, I leave this matter to separate legislation regarding the use and obstruction of the public highway by forecourt trading.
7. The NPPF (paragraph 35) and the recently published national planning practice guidance (Ref ID: 26-008-20140306) make it clear that the needs of vulnerable road users such as pedestrians should be given priority in highways design. UDP Policy SH23 furthermore aims to ensure that forecourt trading does not cause obstruction to pedestrians, including users of prams and wheelchairs. Kilburn High Road carries heavy pedestrian flows. The free movement of people on the pavements is important to the function and sustainability of the street and the local area.
8. The area of decking here is, however, very similar to the areas already being used by neighbouring traders, so that the line of the pavement useable by pedestrians is consistent. There is a pinch point caused by a tree and bicycle parking stands opposite the appeal site, so that the pavement does narrow to less than 3m in width, below the standard of 3.5m set out in the Council's Supplementary Planning Guidance 13 *Layout Standards for Access Roads*, which applies to roads fronted by shops in a town centre. However, that standard appears to be general guidance and makes no specific allowance for pinch points. Such minor narrowings are commonplace on Kilburn High Road and I see no reason why this particular situation should cause unacceptable obstruction.
9. I conclude that the proposal does not unduly interfere with or obstruct the use of the public highway by pedestrians, in line with the above-mentioned policies.

Conclusion

10. The Council suggests no conditions and I see the need for none. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR

Appeal Decision

Site visit made on 27 May 2014

by **Jonathon Parsons MSc BSc (Hons) DipTP Cert(Urb) MRTPI**
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 June 2014

Appeal Ref: APP/T5150/A/14/2215092
Workshop rear of 18 Craven Park, London NW10 8TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant subject to conditions of consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr G Moran against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/2842, dated 16 December 2013, sought approval of details pursuant to condition 5 of a planning permission Ref 09/3055, granted on 10 January 2011.
 - The development proposed is the erection of a 3 storey building comprising of 3 self contained flats (2 x two bedroom and 1 x one bedroom), provision of 2 off-street car parking spaces, cycle store and associated landscaping.
 - The condition in dispute is No 5 which states that: Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.
 - The reason given for the condition is: To ensure a satisfactory development which does not prejudice the amenity of the locality.
-

Decision

1. The appeal is allowed and the material details submitted pursuant to condition 5 attached to planning permission Ref 09/3055 granted on 10 January 2011 in accordance with application Ref 13/2842 dated 25 September 2013 and the plans submitted with it are approved.

Procedural Matters

2. The Council's decision refers to condition 3 (materials) of planning permission Ref 09/3055. It is clear from the submitted evidence that this reference is incorrect and the materials condition in dispute is No 5. Both main parties have proposed this change and for the purposes of clarity, I have corrected this in my decision.
3. To satisfy this condition 5, samples of brick, roofing, windows and doors were submitted. The condition required approval of such details by the local planning authority before development commenced. On my site visit, the building had been built without the approval of the local planning authority and thus the appeal has been considered on this basis.
4. The building has been constructed with a yellow stock brick similar to the samples submitted which the Council have raised no objection to. In this regard, I am satisfied that this aspect of the proposal would cause no material

harm, and would not conflict with any development plan policies I have been referred to. It is the submitted roof tile, a Marley Eternite Thrutone Fibre cement slate and the submitted window and door sample, a small section of uPVC frame, which are contested. I shall therefore confine my detailed considerations to these materials.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

6. The appeal site comprises a three storey building which faces onto Park Road. The building has a contemporary design with a recessed second floor and a low pitched roof above. The surrounding older residential buildings along Park Road are Victorian in appearance and character, and many have retained their original slate roofs and timber sash windows. The building also flanks onto a similarly traditionally designed property at 18 Craven Park.
7. The cement slate is larger and has a more machine made appearance compared to the natural slate used on many of the older dwellings in the surrounding area. However the cement tile is in keeping with the contemporary appearance of the building. Furthermore, any difference in the appearance of the cement slate with the natural slate because the roof is designed with a low pitch and the main eaves line is higher than those on neighbouring properties. Consequently, there are only limited views from the street below and immediately surrounding the appeal site whilst views of the tile beyond this are distant where differences with natural slate will not be noticeable. The tile has also been used on a cycle store but any visual impact would be limited because this building is located to the rear of the site with a small roof area.
8. The window and door frames have different profiles and design compared to the older dwellings in the surrounding area where their original features have been retained. However, the design of these older buildings is more detailed which the simpler contemporary design of the appeal building is not seeking to imitate. It is appreciated that the Council are not requiring timber sash windows but the windows and doors used do not have an overtly inelegant appearance. Moreover, the frames and bars across the glass are well-proportioned and thus do not dominate the contemporary designed building or look out of place with the more traditionally designed fenestration in the street. Again, the opening nature of the windows is different to those on older properties, but for similar reasons, they are in keeping with the contemporary appearance and character of the appeal building.
9. In conclusion, the proposal would not the harm the character and appearance of the surrounding area. Accordingly, the development would comply with Policy BE9 of the Brent Unitary Development Plan, which amongst other matters, requires new buildings to exhibit a consistent and well-considered application of the principles of any chosen style and employ materials of a high quality that are compatible to the surrounding area. The materials would also be durable high quality materials complying with the Brent Supplementary Planning Guidance 17 titled Design Guide for New Development for the reasons referred to.

Conclusion

10. For the reasons given above, I conclude that the appeal should succeed and that the approval be given to the details pursuant to this disputed condition.

Jonathon Parsons

INSPECTOR

Appeal Decision

Site visit made on 2 June 2014

by **M J Single Dip TP MRTPI**

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

Decision date: 30 June 2014

Appeal Ref: APP/T5150/A/14/2215959

40 Byron Avenue, London, NW9 0EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mitesh Versani against the decision of the Council of the London Borough of Brent.
 - The application Ref 14/0087, dated 11 January 2014, was refused by notice dated 10 March 2014.
 - The development proposed is the construction of a new end of terrace house following demolition of a domestic garage.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new end of terrace house following demolition of a domestic garage at 40 Byron Avenue, London, NW9 0EP, in accordance with the terms of the application ref. 14/0087, dated 11 January 2014, subject to the following conditions:
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the following plans: site location plan; 3071/PD01 Rev B, 3071/PD02 Rev A and 3071/PD03 RevA.
 3. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in the existing dwelling, no. 40 Byron Avenue.
 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development permitted under article 3 and described within Classes A-E of Part 1 to Schedule 2 shall take place on the new dwelling.

Main Issue

2. There is one main issue in this appeal namely whether the development would have a detrimental impact on the character of Byron Avenue.
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Reasons

3. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that decisions are made in accordance with the provisions of the development plan unless material considerations indicate otherwise. The Council asserts that the development would be contrary to Policy BE9 of the adopted Brent Unitary Development Plan 2004 (UDP) in that the addition of the proposed dwelling on to the end of an existing terrace of four dwellings would harm the uniform character of Byron Avenue.
4. Byron Avenue and neighbouring streets on this extensive estate are characterised by terraced blocks comprising either four or six dwellings. Whilst it originally had a uniform appearance it is evident that a substantial number of properties have been subjected to limited alterations and additions that provide some more variety to the street scene. I found that uniformity on such a large scale has led to a very monotonous suburban townscape. The Council refers to the existing style, with each end property having a gable on the front elevation over ground and first floor bays, as 'bookends' and it is anxious to avoid disruption to this standard form.
5. The appeal property is in a position that distinguishes it from other similar dwellings in the street. It has a large space at the side occupied by a concrete double garage of a style that is uncharacteristic of Byron Avenue, beyond which are the rear gardens of dwellings in North Way. As a consequence it is in a prominent position at the entrance to Byron Avenue from North Way.
6. The Council considers the proposal to be contrary to the design principles set out in its Supplementary Planning Guidance *Altering and Extending Your Home* (SPG5), in that the proposal would be of excessive width and a bulky addition. The appellant considers this should not apply as this is not a house extension as such but a new dwelling, and that SPG17 *Design Guide for New Development* would be more applicable. Nevertheless, whilst SPG5 does not apply strictly to this form of development, an expectation of a high standard of design remains a valid general objective, as set out in SPG17 and in Policy BE9 which looks, amongst other matters, for creative and appropriate design solutions.
7. I take a different view to the Council on whether this proposal would be acceptable. In my view it would represent an innovative use of the relatively wide space at the side of no. 40 currently occupied by a garage. The appellant has put forward a design that would attach well in design terms to the existing dwelling, replicating design, materials and features of the terrace. It would, like a number of side extensions to dwellings in Byron Avenue and neighbouring streets, be set back from the front of the existing dwelling and its roof height would be lower than the ridge on the remainder of the terrace. It would contribute to the appearance of the street scene and would not harm the appearance of the terrace. The estate as a whole is still dominated by terraces of four or six dwellings of very similar appearance. The presence of this one dwelling, of a slightly different style, would not detract from the overall character of the area or Byron Avenue in particular. Whilst it would undoubtedly be wider than other side extensions that have been built I attach little weight to that fact. It would have a frontage width similar to no. 40 and

other properties in the street and create an attractive feature in the street scene.

8. The proposal would make use of a space that currently does not represent an efficient or effective use of land. There would be no objection in principle, or in policy terms, to the erection of a domestic extension in this space and there is no sound reason why the space cannot be occupied by a separate dwelling. There is now a well publicised need to provide more homes in London including Brent and the appeal proposal would make a small contribution. I conclude that the development would not have a detrimental impact on the character of Byron Avenue and would not conflict with saved UDP Policy BE9 or the aspirations of the National Planning Policy Framework or Planning Practice Guidance to secure a high standard of design in all development. It would provide a new dwelling in a sustainable location with relatively good access to public transport, schools and other facilities.
9. The Council has put forward conditions for my consideration in the event that the appeal is allowed. I have included the standard time condition and conditions specifying the approved drawings (for the avoidance of doubt) and that external facing materials to be used should match those used in no. 40 Byron Avenue.
10. I consider several of the conditions proposed by the Council to be unnecessary or require an unreasonable amount of detail for such a proposal. These include the condition relating to 'even sight lines' between windows, the purpose of which is unclear. Likewise the submission of guttering details would be excessive, as would the requirement to submit a full landscaping scheme for a development involving a single dwelling in this position.
11. The Council proposes duplicate conditions requiring the widening of the vehicle crossover to 6.2 metres, as required by the Local Highways Authority. This is odd as the proposals show the existing access onto the highway to be reduced from 7.0 metres to 6.5 metres, which would be satisfactory for this form of development, having no adverse impact on a relatively quiet suburban street.
12. Finally, the Council propose a condition removing all permitted development rights from the proposed dwelling. I consider this to be unreasonable but, having regard to the relatively modest size of the rear amenity space, it would not be inappropriate for the Council to be in a position to maintain some control over possible future extensions, alterations or incidental structures under Classes A to E of the Town and Country Planning (General Permitted Development) Order 1995.

Martyn Single

INSPECTOR

Appeal Decision

Site visit made on 9 June 2014

by **Megan Thomas BA(Hons) in Law, Barrister**

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

Decision date: 11 June 2014

Appeal Ref: APP/T5150/D/14/2215867
19 Woodcock Dell Avenue, Harrow HA3 0PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph 4A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Mr P S Varughese against the decision of the London Borough of Brent.
 - The application Ref 14/0365, dated 31 January 2014, was refused by notice dated 12 March 2014.
 - The development proposed is a single storey 7 metre deep rear extension.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)(GPDO) for a single storey rear extension at 19 Woodcock Dell Avenue, Harrow HA3 0PW in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

Procedural matter

2. The provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises - taking into account any representations received. My determination of this appeal has been made in the same manner.
3. The description of development proposed seeks a 7 metre deep extension but, as referred to below, there is an existing rear extension. To avoid confusion, in the Decision above I have used only the words "single storey rear extension".

Reasons

4. The appeal site is a single storey detached bungalow located on a quiet residential road in Harrow. 17 Woodcock Dell Avenue is located to the north west of the appeal site and 21 Woodcock Dell Avenue to the south east. Both those dwellings are bungalows and the building lines of all three dwellings at the front are very similar. The appeal site has been previously extended at the rear with a full width flat roofed extension. The proposed addition would result in the dwelling extending about 7 metres from the original dwellinghouse at the

rear. The proposed addition would be about 4.4 metres deep. It would have a flat roof at the same height as the previous extension. It would step in from the flank walls of the main dwelling (and previous extension) on each side by about 1.1 metres.

5. No.21 Woodcock Dell Avenue has a building line at the rear which is approximately in line with the original rear elevation of the appeal site bungalow. In its rear elevation it has patio doors, a small slit window and a larger window. There is a low close-boarded fence on the common boundary. The proposed extension at the appeal site would be about 3m in height with a flat roof and would step in from the boundary by about 2 metres. This combination would be sufficient to avoid any undue sense of enclosure that the occupants of no.21 might experience when in the house or using the garden. Moreover, the patio doors at no.21 are located towards the eastern side of the rear elevation away from no.19. The proposed step-in and 3m height would also allow sufficient light to reach the rear windows and garden of no.21.
6. The common boundary between the appeal site and no.17 also has a wooden fence but it is of a height which typically precludes views into the garden or rear rooms of no.17. There are also a number of shrubs and small trees in the vicinity of the common boundary which impede any overlooking, although in the winter months the cover may reduce. The proposed extension would be located about 2m from this common boundary and the occupants of no.17 would not experience any material loss of outlook from the garden or the rear rooms.
7. The proposal would not have any fenestration in the flank walls and therefore there would be no views from it directly into the gardens of nos 17 or 21.

Conclusion

8. Consequently, I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GPDO requires at Paragraphs A4 (10), (11) and (12) that the development shall be completed on or before 30th May 2016 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

Megan Thomas

INSPECTOR

Appeal Decision

Site visit made on 25 June 2014

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

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

Decision date: 27 June 2014

Appeal Ref: APP/T5150/D/14/2218794
103 Rucklidge Avenue, London, NW10 4QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Pettit against the decision of the Council of the London Borough of Brent.
 - The application Ref 14/0896, dated 11 March 2014 was refused by notice dated 6 May 2014.
 - The development proposed is 1st floor part rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for 1st floor part rear extension at 103 Rucklidge Avenue, London, NW10 4QB in accordance with the terms of the application, Ref 14/0896, dated 11 March 2014, and the plan submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 103RR/P01.
 - 3) The first floor rear extension hereby permitted shall not be used to facilitate the creation of a roof terrace on the roof of the single storey rear projection for the lifespan of the development.

Main issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring residents by reason of outlook.

Reasons

3. The appeal site is a mid terrace house with a single storey flat roofed extension at the rear. At the time of my visit it was undergoing refurbishment works. The proposal is for a first floor extension over the existing rear extension to accommodate an ensuite shower room.
4. The National Planning Policy Framework (the Framework) requires that development proposals should be determined in accordance with an up to date development plan. The development plan relevant in this case is the Brent Unitary Development Plan, adopted in 2004 (the UDP). Saved policy BE9

requires, among other things, new extensions to be of a scale which provides a satisfactory level of outlook for existing residents.

5. The Council's SPG5 *Altering and Extending Your Home* adopted in 2002 offers detailed guidance for the design of extensions. This includes a 1:2 rule for two storey extensions, whereby the depth of any extension is restricted to half the distance between the side wall and the middle of the nearest window of a habitable room in neighbouring properties.
6. I consider that the proposal is modest in size and scale and would result in an improvement in the standard and convenience of the living accommodation, since the existing main bathroom of the house is at the rear of the ground floor extension beyond the kitchen.
7. I saw during my visit that there is a window at first floor level in the adjoining property, No. 101, which appears to serve a habitable room. I am not convinced that the plans submitted with the application accurately show the dimensions of the width of this window and its distance from the boundary, and consequently the extent to which the proposal breaches the 1:2 rule. In my opinion, even if the proposal were to breach the rule, it would be a relatively minor breach as the depth of the extension would not be great, and the impact on the outlook from No. 101 would not be significant.
8. I understand that the flat roof of the extension has been used unlawfully as a terrace with trellising around the edge, although it is unclear how long it has been in that use and whether it could have gained lawful status. I consider that the proposed en suite would be an improvement on the use of the roof as a terrace.
9. I conclude that the proposal would not harm the living conditions of neighbouring residents in terms of their level of outlook. It would be consistent with the Framework and would not conflict with UDP policy BE9.
10. For the reasons given above and having regard to all matters raised, the appeal is allowed.

Conditions

11. I have considered the conditions put forward by the Council, having regard to the six tests set out in the Framework. I consider that a condition precluding the use of the extension as a means of access to the flat roof is necessary and reasonable in order to protect the privacy of neighbouring residents. A condition detailing the plans is required because it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

PAG Metcalfe

INSPECTOR