



Planning Committee

Wednesday, 13 January 2010 at 7.00 pm

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

Membership:

Members

Councillors:

Kansagra (Chair)
Powney (Vice-Chair)
Anwar
Baker
Cummins
Hashmi
Hirani
Jackson
R Moher
HM Patel
Thomas

first alternates

Councillors:

Mrs Fernandes
Beswick
Corcoran
Eniola
Pervez
Dunn
Tancred
CJ Patel
Butt
Colwill
Long

second alternates

Councillors:

Mistry
Bessong
Joseph
Leaman
CJ Patel
Corcoran
Ahmed
Steel

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

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

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Members' briefing will take place at 6.15pm in Committee Room 4

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting held on 16 December 2009 (to follow)		
Extract of Planning Code of Practice		
NORTHERN AREA		
3. John Billam Sports Centre, Woodcock Hill Harrow HA3 0PQ (Ref 09/3072)	Kenton;	5 - 14
4. 14 Imperial Way, Harrow HA3 9SW (Ref. 09/2273)	Kenton;	15 - 18
5. 63A Beverley Gardens, Wembley HA9 9RB (Ref.09/2313)	Barnhill;	19 - 26
6. 8A & 8B Keyes Road NW2 3XA (Ref.09/3308)	Mapesbury;	27 - 32
7. 5A -5C Hoveden Road London NW2 3XE ((Ref.09/3365)	Mapesbury;	33 - 38
8. 15A & 15B Keyes Road London NW2 (Ref.09/3306)	Mapesbury;	39 - 44
9. 32A -C Keyes Road London NW2 (Ref.09/3374)	Mapesbury;	45 - 50
10. 44A-C Keyes Road London NW2 (Ref.09/3367)	Mapesbury;	51 - 56
11. 6 Barn Way, Wembley HA9 9LE (Ref.09/3265)	Barnhill;	57 - 62
12. 63 Beverley Gardens Wembley HA9 9RB (Ref.09/3423)	Barnhill;	63 - 70
13. 338-346 Stag Lane London NW9 (Ref.09/1947)	Queensbury;	71 - 80
SOUTHERN AREA		
14. 54A The Avenue, London NW6 7NP (Ref.09/2454)	Brondesbury;	81 - 84
15. 1-36 inc Marshall House., Albert Road London NW6 5DS (Ref.09/3319)	Kilburn;	85 - 96
16. Communal Rooms & Flats 1-39 inc Gordon House, Malvern Road NW6 (Ref.09/2234)	Kilburn;	97 - 108
WESTERN AREA		
17. 1 Mulgrave Road, Harrow HA1 3UF (Ref.09/2261)	Northwick Park;	109 - 114
18. The Coffee Shop, 11 The Broadway, Wembley HA9 8JU (Ref.09/2362)	Preston;	115 - 124

19.	177 Norval Road, Wembley HA0 3SX (Ref.09/3176)	Northwick Park;	125 130	-
20.	16 The Broadway, Wembley HA9 8JU (Ref.09/2426)	Preston;	131 140	-

21. 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 – SATURDAY 9 JANUARY 2010

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
09/3265	6 Barn Way Wembley	11	Barnhill	9.55	57-62
09/1947	338-346 Stage Lane NW9	13	Queensbury	10.15	71-80
09/2454	54A The Avenue NW6	14	Brondesbury Park	10.45	81-84
09/3319	Marshall House, Albert Road NW6 5DS	16	Kilburn	11.10	109-120
09/2234	Gordon House, Malvern Road NW6	15	Kilburn	11.30	85-108

Date of the next meeting: Wednesday, 3 February 2010

The site visits for that meeting will take place the preceding **Saturday 30 January 2010 at 9.30am** when the coach leaves Brent House.



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
 - Toilets are available on the second floor.
 - Catering facilities can be found on the first floor near the Grand Hall.
 - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

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

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

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

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

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

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

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

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Committee Report Planning Committee on 13 January, 2010

Case No. 09/3072

RECEIVED: 16 September, 2009

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: John Billam Pavilion, Woodcock Hill, Harrow, HA3 0PQ

PROPOSAL: Variation of condition 1 to allow the activities within the building to be permitted between the hours of 0800 - 2230 Sundays to Thursdays and between the hours of 0800 - 2330 Fridays and Saturdays with the premises cleared within 30 minutes after these times on a permanent basis and in the case of the following events for the activities within the building to be permitted between the hours of 0800 - 0030, vacated by 0100 hours on a permanent basis:

- New Year's Eve celebration;
- Valentine's Day celebrations on the Friday and Saturday in the weekend immediately prior to and after St. Valentine's Day (14th February);
- Diwali celebrations on the Friday and Saturday in the weekend immediately prior to and after Diwali;
- Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;
- Christmas celebrations on the Friday and Saturday in the weekend immediately prior to and after Christmas Day (25th December)
- the Saturday falling in a Bank Holiday weekend

APPLICANT: Kenton Hall

CONTACT:

PLAN NO'S: N/A

RECOMMENDATION

Approval

EXISTING

The site consists of the former John Billam Sports Centre with associated entrance and access road. The site extends further to include a 5.0m radius around the building itself and encompasses the ex-tennis courts adjacent to the access road. The site is managed by the community group, Gujarati Arya Association (GAA).

The site is accessed off Woodcock Hill and faces extensive playing fields to the west that are under the ownership and management of Brent Parks Service. To the immediate south/ rear of the building is the Tenterden Sports Ground that is separated by a hedgerow and has independent access from Preston Road. To the immediate east lies Silverholme Close, a grouping of 40 elderly persons' flats. The access road from Woodcock Hill will also continue to provide access to the Tenterden Close Allotments, Scout Hut and Parks Service Depot and associated car-park hardstanding.

PROPOSAL

Variation of condition 1 to allow the activities within the building to be permitted between the hours of 0800 - 2230 Sundays to Thursdays and between the hours of 0800 - 2330 Fridays and Saturdays with the premises cleared within 30 minutes after these times on a permanent basis and in the case of the following events for the activities within the building to be permitted between the hours of 0800 - 0030, vacated by 0100 hours on a permanent basis:

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the Saturday falling in a Bank Holiday weekend

HISTORY

08/0825: Planning permission is sought for the variation of 3 conditions limiting the hours of use and restricting the maximum attendance at the John Billam community building imposed by planning permission 06/3398, dated 14/02/2007 (as per e-mail from applicant dated 06/05/2008) - Granted, 08/10/2008.

06/3398: Variation of condition 7 (relating to hours of use) of full planning permission 06/1337 dated 28/07/2006 which amended conditions 11 and 12 of planning permissions no. 02/2671 and 03/2865 (limiting the attendance of community premises enlarged by the erection of first-floor and single-storey rear extensions, internal and external modifications and change of use to include Use Class D1 (D2 Existing) (as revised 27/06/2006) - Granted, 14/02/2007.

06/3166: Details pursuant to condition 15 (Green Travel Plan) of full planning Permission reference 06/1337 - Granted, 21/12/2006.

06/2734: Details pursuant to condition 16 (management plan), being a condition of planning permission references 02/2671, 03/2865 and 06/1337 - Granted, 22/11/2006.

06/2730: Details pursuant to condition 3(b) details of car park, (c) overspill car park, (d) surfacing materials, (e) disabled parking, (f) loading and unloading, (g) refuse-collection, (h) lighting, (i) screening and condition 4(a) (siting and design of signs) of planning permission references 02/2671, 03/2865 and 06/1337 - Granted, 01/11/2006.

06/2707: Details pursuant to condition 3 (a) (landscaping) of full planning permission reference 06/1337 dated 28 July 2006 - Granted, 05/12/2006.

06/1337: Amendment to conditions 11 and 12 (limiting the number of "peak" events in which between 150 and 350 persons can occupy the premises to 15 days per annum) and consequently to conditions no. 3 and 16, being conditions of planning permission reference 02/2671 and 03/2865 for erection of first-floor and single-storey rear extensions, internal and external modifications and change of use to include Use Class D1 (D2 Existing) (as revised 27/06/06) - Granted, 28/07/2006.

03/3721: Details pursuant to condition 9 (materials) of planning reference 03/2865 - Granted. 29/03/2004.

03/2865: Erection of first-floor and single-storey rear extensions, internal and external modifications and change of use to include Use Class D1 (D2 Existing) - Granted, 14/11/2003.

02/2671: Erection of first-floor and single-storey rear extensions, internal and external modifications and change of use to include Use Class D1 (D2 Existing) - Granted, 09/05/2003.

POLICY CONSIDERATIONS

Brent's Adopted UDP 2004

Strategic

STR35 – The Council will seek to improve the Borough's public open space, sports and leisure facilities.

STR37 – The Council will encourage the provision of accessible community facilities that meet the needs of the Borough's diverse multi-cultural population.

Environmental Quality

BE2 - Proposals should be designed with regard to their local context and character.

Transport

TRN22 – Parking standards for non-residential developments.

Parking Standards

PS10- Assembly and Leisure (Use Class D2)

PS12- Non-Residential Institutions (Use Class D1)

PS16 – Cycle Parking Standards

Open Space and Recreation

OS4 - The open frontages identified on the proposals map (John Billam Playing Fields) will be protected and enhanced.

OS8 - Protection of Sports Grounds.

OS9 – Dual use of open space.

Community Facilities

CF4 – Community facilities capable of holding functions.

Central Government Guidance

PPG17: Planning for Open Space, Sport and Recreation

CONSULTATION

Consultation Period: 22/09/2009 -13/10/2009

Reconsultation: 02/12/2009 - 23/12/2009

Public consultation

122 neighbours consulted - 12 letters of objection received on the following grounds:

- Extension of hours for special events should be restricted to one weekend either before or after the event rather than both of these weekends.

- Some of the larger events, such as Navrati, where the car park has been full and vehicles have had to park on the surrounding residential streets, including Woodcock Hill and Silverholme Close leading to traffic congestion.
- Need for another temporary consent for Preston Amenities Protection Association (PAPA) and Tenterden Local Action (TLA) to monitor and evaluate the events given the close proximity of the hall to Silverholme Close.
- Windows and doors left open and the sound of the music from the hall can be heard inside the properties on Woodcock Hill.
- Noise and disturbance from vehicles leaving the site at later hours of the day.
- Alcohol being served at the hall could lead to drunk people on the street causing disturbance in the later hours of the day.
- The hall is increasingly being used as a commercial premises rather than community one.
- Events being allowed with increased hours would lead to noise and disturbance to residents of Silverholme Close.
- Festivals such as Divali will involve the use of fireworks which would disturb local residents.
- Noise and disturbance from cars travelling within the gravel car park.
- The car park is supervised on arrival but not when people are leaving the hall.
- Rubbish within the wheelie bins often overflow leading to vermin such as rats.

Internal Consultation

Environmental Health - no objections raised to the extension of hours.

Transportation - no objections raised.

External Consultation

Silverholme Housing Association - objections raised with noise problems that are being created when the events are over and people are returning to their cars - doors banging, engines revving, shouting and the cars over gravel standing. The noise is disturbing the residents of Silverholme Close.

REMARKS

Background

As a long established sports centre/ club house there have been previously no planning restrictions on the hours when the building could be used. The planning permission granted in 2002 for the extensions which have been built to the premises restricted the hours of use for the first time and were introduced because of the potential disruption to residential amenity.

Previous application for increased hours of use

Members may be aware that a similar application to what is currently being considered was approved by the planning committee on 07/10/2008 for increased hours of use on Fridays and Saturdays and on special events for a period of one year (LPA Ref: 08/0825). A temporary consent was granted to enable the Local Planning Authority to review the impact of the extended hours during a limited period. This was due to concerns from residents and representatives of PAPA in relation to noise nuisance arising from music audible from late night functions within the hall and from noise nuisance in the car park when events have finished. Concerns were also raised with breaches in the planning conditions, namely breaches in hours of use and management arrangements.

The application also granted planning permission to increase the maximum number of people at the hall from 350 to 400 persons.

Planning application 08/0825 was granted subject to conditions including a reviewed management plan and travel plan.

Current application

This application seeks permission to continue operating with the increased hours of use that were granted as part of planning application ref: 08/0825. The details of which are provided below:

Allow the activities within the building to be permitted on Fridays and Saturdays between the hours of 0800 - 2330 with the premises cleared within 30 minutes after these times.

In the case of the following events for the activities within the building to be permitted between the hours of 0800 - 0030 with the premises cleared within 30 minutes of these times:

- New Year's Eve celebration;
- Valentine's Day celebrations on the Friday and Saturday in the weekend immediately prior to and after St. Valentine's Day (14th February);
- Diwali celebrations on the Friday and Saturday in the weekend immediately prior to and after Diwali;
- Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;
- Christmas celebrations on the Friday and Saturday in the weekend immediately prior to and after Christmas Day (25th December)
- the Saturday falling in a Bank Holiday weekend

The applicants were seeking the above variation in hours of use on a permanent basis but due to a number of complaints being received from residents and outstanding conditions not being discharged your officers recommend that a temporary consent is granted. This is expanded upon below.

Nature of events that have taken place over the past year

The GAA have provided a log of all of the events that have taken place over the past year. The log forms part of their management plan and provides details of number of attendees, arrival and departure times, number of vehicles in the car parks and reports of any incidents that may of taken place.

Over the past year there have been 63 "peak events" accounting to approximately 5 events per month. These events are when there are more than 100 individual in the hall and the events are required to be operated in accordance with the management and green travel plans. 27% of these events were weddings/engagements parties; 21% accounted for other religious events; 9% accounted for other functions; and 6% were funeral dinners.

18 of the events (29%) made use of the extended hours, i.e. they finished after 2230 hours.

Complaints received from local residents

Whilst the current application has not received such a large number of objections as received during the course of the previous application, a reasonable number of objections have been received. These objections primarily relate to noise nuisance arising from music audible from late night functions within the hall, noise nuisance in the car park when events have finished and vehicles parking on Woodcock Hill leading to congestion.

Your officers in Environmental Health have advised that they have received few complaints over the past year and when complaints have been received have been investigated by council officers but were not substantiated as a potential statutory nuisance.

In response to these concerns, GAA have provided a log of all of the events that have taken place in the hall over the past year. This log forms part of their management plan and provides details of number of attendees, arrival and departure times, number of vehicles in the car parks and reports of any incidents that may of taken place. This is a comprehensive log and provides evidence to suggest that the management arrangements have improved over the past year. The view of which is generally supported by PAPA.

Some of the incidents reported by the objectors have been accounted for in the log, as an example, during the 8th day of the Navratri Festival an unexpected high number of guests attended resulting in the car parks being full. The Tenterden car park was closed which led to vehicles parking on Woodcock Hill. Such incidents are rare and based on the information provided in the log, the car parks on site are sufficient to accommodate the number of vehicles that turn up for the peak events, i.e. when 100 people or more attend. The existing travel plan promotes the use of car sharing and visitors are directed to the Tenterden Car Park when the on site car parks are full.

The other objections relate to noise nuisance arising from music audible from late night functions within the hall and noise nuisance in the car park when events have finished. In response to the first of these concerns relating to music audible from late night functions, the GAA have advised that as the hall has air conditioning the doors and windows of the hall are kept closed during the functions. If people do wish to go outside, for example to smoke, stewards are present to manage any noise incidents. There is also a planning condition which required details of sound insulation within the hall. The second of these concerns relating to noise in the car park when events have finished is more difficult to control. Whilst the GAA are including measures to minimise disturbance, i.e. having stewards within the car park to discourage people from congregating outside when leaving the hall and stopping people from beeping their car horns, the proximity of the overflow car park to Silverholme Close does lead to some disturbance through the sound of car doors shutting, engines noises and cars travelling along the gravel access road. The car park layout approved as part of application ref: 06/2732 has not able to be implemented to date.

Conditions

In light of the above, your officers consider it necessary to attached conditions requiring a revised management plan and green travel plan, in order to protect the amenity of neighbouring occupants. In addition your officers propose that planning permission be granted on a temporary basis. This is to monitor and review the existing arrangements given the increased hours of use that are proposed.

It is also recommended that a condition is attached to ensure details of the sound insulation and ventilation system that have been installed within the hall meet the required standard, with remediation measures if the insulation and ventilation details are found to be substandard.

Finally, a condition is recommended to secure details of the times for public/community access to the main hall as the increased hours of use could affect public/community access.

In light of historic difficulties in satisfying planning conditions, your officers recommend that the above information is submitted within two months of the date of the approval. Furthermore, your officers will ensure that GAA are aware that any outstanding conditions from earlier planning permissions will need to be satisfied within three months of the decision notice. Failure to do so could result in enforcement action.

Conclusions

In conclusion, whilst the evidence indicates that the management arrangements have improved over the past year, there are still incidents of noise nuisance. Your officers therefore recommend

that a further temporary consent is granted subject to conditions to address the concerns of local residents, for a period of two years to allow the management arrangements to be fully embedded. PAPA are in support of a two year period which will allow them to monitor the events over the next two years before a final decision is made on the extension of the operating hours on a permanent basis. The two year consent will provide the GAA with enough flexibility to operate in a manner which meets their needs and the needs of the wider community.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(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

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

Transport: in terms of sustainability, safety and servicing needs

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

CONDITIONS/REASONS:

(1) The activities within the building shall be permitted between the hours of 0800 - 2230 Sundays to Thursdays and 0800 - 2300 Fridays and Saturdays, with the premises cleared within 30 minutes after these times and at no other times without the consent in writing of the Local Planning Authority.

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

(2) Notwithstanding the provisions of condition 1, the activities within the building shall be permitted between the hours of 0800 - 2330 Fridays and Saturdays with the premises cleared within 30 minutes after these times. These extended hours shall be for a limited period of two years only, from the date of the decision notice when (unless a further application has been submitted to and approved in writing by the Local Planning Authority) the extended hours of opening hereby approved shall be discontinued.

Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use during a limited period.

(3) Notwithstanding the provisions of condition 1, the activities within the building shall be permitted between the hours of 0800 - 0030, vacated by 0100 hours for the following events:-

- Christmas celebrations on the Friday and Saturday in the weekend immediately prior to and after Christmas Day (25th December)
- New Year's Eve celebration;
- Valentine's Day celebrations on the Friday and Saturday in the weekend immediately prior to and after St. Valentine's Day (14th February);

- Divali celebrations on the Friday and Saturday in the weekend immediately prior to and after Divali;
- Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;
- the Saturday falling in a Bank Holiday weekend

These extended hours shall be for a limited period of two years only, from the date of the decision notice when (unless a further application has been submitted to and approved in writing by the Local Planning Authority) the extended hours of opening hereby approved shall be discontinued.

Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use during a limited period.

- (4) The whole or any part of the Community Centre shall not be used/occupied by more than 400 persons (including staff) at any one time on any given day of the week, Sundays to Saturdays inclusive, without the further prior written consent of the Local Planning Authority.

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

- (5) In the case of "peak events" when more than 100 individuals, and up to 400 persons (including staff and visitors) attend the community centre (excluding the changing rooms) at any one time, the use of the centre shall not take place other than in accordance with an approved Management Plan or Green Travel Plan as set out in Conditions 6 and 7 below.

Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use by the number of persons in attendance and to ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (6) Notwithstanding any Management Plan or Green Travel Plan which has been approved by the Council, a revised Management Plan and Green Travel Plan to include 400 persons shall be submitted to the Local Planning Authority within two months of the date of this permission. The extension in the hours of use approved as part of this application shall not operate until the revised Management Plan and Green Travel Plan have been approved by the Local Planning Authority and the development thereafter shall only be used or occupied in compliance with the plans so approved.

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

- (7) The Management Plan shall set out and include details of the arrangements for its monitoring and implementation, the responsibility of which will rest with the developer/occupier. The plan shall include details of a system for reporting the monitoring information to the Local Planning Authority for reviewing/comment and approval. The plan shall contain details relating to the long-term objectives and management responsibilities for controlling the usage of the development, including details of the arrangements/management of the matters listed below and, to ensure that the maximum occupancy numbers, controlled by other conditions of this consent, are not exceeded:
- (a) concurrent lettings and usage of the various parts of/rooms in the development.

- (b) demonstration of how in practice the on-site parking facilities can be laid out to meet the requirements and demands for car and coach pick-ups and drop-offs, and/or parking, deliveries, loading and unloading in connection with the use of the development; and
- (c) arrangements for the uses set out in condition no. 5 where the number of persons using/occupying the development will exceed 100, which shall include details of the following matters:
 - stewarding of the pedestrian and vehicular traffic in particular at the times of arrival and departure from the site; and
 - crowd and visitor control.

Reason: To ensure that the usage of the development is appropriately controlled and that the maximum occupancy numbers controlled by other conditions of this consent are not exceeded to the detriment of residential amenities and highway safety in the local area.

- (8) Details of the times for public/community access to the main hall shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this permission. The extension in the hours of use approved as part of this application shall not operate the above information has been approved by the Local Planning Authority and the development thereafter shall only be used or occupied in compliance with the plans so approved (save as varied in accordance with the Council's agreement in writing).

Reason: To ensure community/dual use of the accommodation on site.

- (9) No music, public-address system or any other amplified sound shall be audible at any boundary of the Community Centre, which, for clarification, includes the residential boundary of the service road and the boundary of the car-parking areas.

Reason: To safeguard the amenities of the adjoining occupiers and users of land.

- (10) Details of the existing sound-insulation and ventilation of the premises together with remediation measures should the existing ones be found to be substandard shall be submitted to the Local Planning Authority within two months of the date of this permission. The extension in the hours of use approved as part of this application shall not operate until the sound-insulation and ventilation of the premises have been approved by the Local Planning Authority and the development thereafter shall only be used or occupied in compliance with the plans so approved.

Reason: To safeguard the amenities of the adjoining occupiers and users of land.

INFORMATIVES:

- (1) Officers invite GAA to meet to discuss timetable and information required to satisfy the above conditions and all relevant outstanding conditions from earlier planning permissions.

REFERENCE DOCUMENTS:

Letters of objection

Brent's UDP 2004

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



Planning Committee Map

Site address: John Billam Pavilion, Woodcock Hill, Harrow, HA3 0PQ

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This map is indicative only.

Supplementary Information
Planning Committee on 13 January, 2010

Item No. 3
Case No. 09/3072

Location John Billam Pavilion, Woodcock Hill, Harrow, HA3 0PQ
Description Variation of condition 1 to allow the activities within the building to be permitted between the hours of 0800 - 2230 Sundays to Thursdays and between the hours of 0800 - 2330 Fridays and Saturdays with the premises cleared within 30 minutes after these times on a permanent basis and in the case of the following events for the activities within the building to be permitted between the hours of 0800 - 0030, vacated by 0100 hours on a permanent basis:

- New Year's Eve celebration;
- Valentine's Day celebrations on the Friday and Saturday in the weekend immediately prior to and after St. Valentine's Day (14th February);
- Diwali celebrations on the Friday and Saturday in the weekend immediately prior to and after Diwali;
- Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;
- Christmas celebrations on the Friday and Saturday in the weekend immediately prior to and after Christmas Day (25th December)
- the Saturday falling on a Bank Holiday weekend

Agenda Page Number: 5

Withdrawal

The applicant withdrew this application on 11 January 2010.

Recommendation: The application has been withdrawn. The Planning Committee are asked whether, on the information available, they would have supported the recommendation to grant for a temporary period.

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Committee Report Planning Committee on 13 January, 2010

Case No. 09/2273

RECEIVED: 2 November, 2009

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 14 Imperial Way, Harrow, HA3 9SW

PROPOSAL: Single-storey rear extension to dwellinghouse

APPLICANT: Mr N. Shivji

CONTACT: Archterior

PLAN NO'S: Imperial-01;
Imperial-02;
Imperial-03;
Imperial-04.

RECOMMENDATION

Approval.

EXISTING

The subject site is occupied by a 2-storey semi-detached dwellinghouse on a splayed corner site. The surroundings are residential. The site is not in a Conservation Area, nor does it contain a listed building.

PROPOSAL

Single storey rear extension to dwellinghouse.

HISTORY

00/1650 - Erection of single-storey rear extension with dummy pitched roof to dwellinghouse – Granted.

83/1750 – Single storey side extension – Granted.

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Local context and character

BE9 – Architectural quality

SPG

SPG 5 – Altering and Extending Your Home

CONSULTATION

Consultation period: 11/11/2009 – 02/12/2009

- 2 neighbours consulted – No representations received.

REMARKS

Existing:

The existing property consists of a 2-storey semi-detached dwelling with existing side extension and detached garage. The property is a corner site, roughly triangular in shape, and is flat.

Design:

The proposed extension is almost the full width of the original dwelling, and is 4.0m deep. It is proposed to have a crown-type roof, 2.5m high at the eaves and 3.6m high at the crown. It is proposed to be finished in painted render with a tiled roof to match the original dwelling.

Planning permission was granted in 2000 (00/1650), for a single storey rear extension of almost exactly the same design, but 4.33m in depth. This permission was not implemented.

Impact on neighbouring amenities:

The proposed extension exceeds SPG5 guidance for maximum depth of single storey rear extensions. The impact of the proposed extension on the amenities of the non-attached neighbour, 12 Imperial Way, is considered to be negligible due to significant existing extensions to this property.

The impact of the proposal on the amenities of the occupants of the attached dwelling, 12 The Leys, is considered to be greater. This property has no existing rear extensions, but does have a detached greenhouse adjacent to the boundary. This greenhouse is positioned 2.3m rear of the original rear wall of the dwelling. The side wall of the greenhouse which faces the application site is a brick wall which extends 3.5m further rearward from this point, and is 2.35m high. As the eaves of the proposed extension will extend only slightly above this existing structure, it is considered that the additional depth of the proposed extension will have very little additional impact on neighbouring amenity. It should be noted that a significantly higher (although 1m shallower) extension could be built at the site without planning permission, which would be considered to have a greater impact on the amenities of neighbouring occupants.

It is accepted that planning policy and design guidance has changed since the previous decision to allow a larger extension in 2000, however it is not considered that the impact of the proposed development on the residents of 12 The Leys has changed during this time. No objection has been raised by the occupants of this property.

The proposal complies with policies BE2 and BE9 of Brent's UDP, and on balance, is acceptable in respect of the principles of policy guidance provided by SPG5 – Altering and Extending Your Home. Approval is accordingly recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

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

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

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

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

- (3) No access shall be provided to the roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- (4) No windows or glazed doors (other than any shown in the approved plans) shall be constructed in the flank walls of the building as extended without the prior written consent of the Local Planning Authority.

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

INFORMATIVES:

- (1) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

REFERENCE DOCUMENTS:

Brent UDP 2004;
SPG5 - Altering and Extending Your Home.

Any person wishing to inspect the above papers should contact Hayden Taylor, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5345



Planning Committee Map

Site address: 14 Imperial Way, Harrow, HA3 9SW

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Committee Report

Planning Committee on 13 January, 2010

Case No.

09/2313

RECEIVED: 9 November, 2009

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 63A Beverley Gardens, Wembley, HA9 9RB

PROPOSAL: Retention of existing ground and lower ground floor rear extensions, rear dormer window and front and flank roof lights, removal of flank wall window at ground floor, internal alterations including an internal staircase from ground to lower ground floor and the removal of an internal wall, alterations to the front garden layout and vehicle access; and the removal of the outbuilding in the rear garden and front canopy.

APPLICANT: Mr Cormac Mc Garvey

CONTACT: Homes Design

PLAN NO'S: HD01/8000; 8001; 8002; 8003; 8004; 8005; 8006; and 8007

RECOMMENDATION

Refusal

EXISTING

The application site involves a new property attached to No. 63 Beverley Gardens. Planning permission was granted on 11/02/2008 for a new 3 bedroom dwellinghouse attached to No. 63 Beverley Gardens including hardstanding, landscaping and new vehicle access to the front of both the new and existing dwellings (LPA Ref: 07/3513).

The site is not situated within a conservation area but the Barn Hill Conservation Area lies to the south and east of the site. This section of Beverley Gardens is classified as a heavily parked street.

PROPOSAL

Retention of existing ground and lower ground floor rear extensions, rear dormer window and front and flank roof lights, removal of flank wall window at ground floor, internal alterations including an internal staircase from ground to lower ground floor and the removal of an internal wall, alterations to the front garden layout and vehicle access; and the removal of the outbuilding in the rear garden and front canopy.

HISTORY

Land N/T 63 Beverley Gardens

E/09/0313: Enforcement investigation into without planning permission, the erection of a part 3/part 4 storey building attached to 63 Beverley Gardens comprising two self contained flats and the erection of a bungalow to the rear of the premises - enforcement notice served.

E/08/0551: Enforcement investigation into the breach of condition 3 of planning permission 07/3513.

07/3513: Full Planning Permission sought for erection of a 3 bedroom dwelling adjoining 63 Beverley Gardens including hard standing, landscaping and new vehicle crossover to front of new and existing dwelling - Granted, 11/02/2008.

No. 63 Beverley Gardens

09/3410: Certificate of lawfulness for existing hip to gable end roof extension and installation of rear dormer window to dwellinghouse - Unlawful, 22/12/2009.

09/3423: Full Planning Permission sought for retention of lower ground floor and ground floor extensions, removal of front entrance canopy and new soft landscaping to front garden - under consideration.

E/09/0520: Enforcement investigation into without planning permission, the erection of a rear dormer window, single and 2 storey rear extension and front canopy to premises and the formation of a hard surface to the front of the premises - enforcement notice served.

POLICY CONSIDERATIONS

Brent's UDP 2004

BE7 - Public Realm: Streetscape

Hardsurfacing occupying more than half of a front garden area and forecourt parking that would detract from the streetscape or setting of the property, or create a road/pedestrian safety problem would be resisted.

BE9 - Architectural Quality

New buildings, extensions and alterations to existing buildings should be of a scale, massing and height that is appropriate to their setting; and be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents.

H10 - Containment of dwellings

New residential accommodation should be self-contained unless it is designed to meet the known needs of a named institution and suitable management arrangements are secured. Non self-contained accommodation should be located within an area of good or very good public transport accessibility.

TRN15 - Forming an access to a road

An access from a dwelling to a highway is acceptable where the location of the access would be at a safe point with adequate visibility; the access and amount of off street parking provided would be visually acceptable; and on a heavily parked street the proposal should not result in the loss of more than one on-street space.

TRN23 - Parking Standards: Residential Developments

Residential development should not provide more parking than the levels listed in standard PS14.

Supplementary Planning Guidance

SPG5 "Altering and Extending Your Home"

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

Consultation Period: 17/11/2009 - 09/12/2009

Public Consultation

16 neighbours consulted - 42 letters of objection received on the following grounds:

- The works to the loft including the rear dormer and roof lights and the rear extensions do not benefit from planning permission.
- Alterations to the front forecourt would still result in vehicles driving over the pavement.
- The house as built exceeds 3 bedrooms and has the capacity for far too many occupants, increasing the problems of noise, parking, traffic, refuse and general congestion.
- The use of the property as a HMO is out of character with the area.
- Front garden layout needs to reprovide 50% soft landscaping.
- Velux windows and flue terminal in the roof are out of character with the area.
- The building has a top heavy elevation (4 storeys) which is overbearing when viewed from the properties to the rear, affecting the ability of these occupants to enjoy their gardens.
- Outbuilding being used as a bungalow.

Internal Consultation

None sought

External Consultation

Barn Hill Residents Association - objected on the following grounds:

- The original planning application (07/3513) has been vastly exceeded with a four storey building which appears to contain several flats.
- Roof lights did not form part of the original application and are unsightly and do not enhance the streetscene.
- The property has a number of ongoing enforcement cases.
- The alterations have increased car parking congestion in an already over-parked narrow road.
- Outbuilding being used as a bungalow without the benefit of planning permission.

The original planning application (07/3513) was granted in exchange of a payment for £9,000 (section 106 contribution) - cannot see what the payment has to do with ameliorating the effects of overdevelopment on this particular property.

REMARKS

New dwelling next to No. 63 Beverley Gardens as approved

Planning permission was granted on 11/02/2008 for a new 3 bedroom dwelling next to No. 63 Beverley Gardens (LPA Ref: 07/3513). The approved plans included a two storey dwelling with a sunken single storey ground floor rear extension. Steps were provided internally to provide access from the main ground floor level to the lower floor level of the rear extension. Two bedrooms were approved on the first floor and an additional bedroom was approved in the loft. A rear dormer was also approved which measured 1.95m wide and was set up 0.5m from the eaves of the roof and set down 0.3m from the ridge. The eaves line, windows and door on the front elevation were designed to be in keeping with the existing dwellinghouse.

A new 4.2m wide vehicle crossover was approved which was to be shared by both No. 63 Beverley Gardens and the new dwellinghouse. One off street parking space was provided for both of the properties and the remaining area of the front garden was to be soft landscaped. The existing crossover to No. 63 Beverley Gardens was to be made redundant.

New dwelling next to No. 63 Beverley Gardens as built

The new dwelling has been constructed next to No. 63 Beverley Gardens but has not been built in accordance with the approved plans. Externally the following additions/alterations have been built without the benefit of planning permission:

- A front canopy to the entrance door and alteration to front door design
- Eaves line of the new dwelling higher than the existing dwelling (No. 63)
- A two storey lower ground and ground floor rear extension with basement accommodation
- Windows on the flank wall
- Two front rooflights and a flank rooflight
- Rear dormer larger than approved
- Outbuilding in rear garden used as self contained residential accommodation.
- Alterations to the front garden layout to provide two off street parking spaces for the new dwelling

Internally, the layout of the dwelling as built varies significantly from the approved plans. The lower ground floor is not connected to the ground floor above. It was evident from the officer site visit that it is being used as a separate self-contained flat. The layout of the ground and first floors as built do not conform with the approved plans and it was observed from the officer site visit that excluding the lower ground floor, seven bedrooms have been provided instead of three bedrooms as approved on the original plans. The layout suggests that the property is in use as a House in Multiple Occupation (HMO) rather than a single family dwellinghouse.

An enforcement notice has been served on the unauthorised works (LPA Ref: E/09/0313) involving without planning permission, the erection of a part 3/part 4 storey building attached to 63 Beverley Gardens comprising two self-contained flats and the erection of a bungalow to the rear of the premises. The enforcement notice was issued on 12th October 2009 and was due to come into effect on 21 November 2009. An appeal was lodged by the applicant before the notice came into effect which is currently being considered by the Planning Inspectorate.

Alterations proposed as part of this application to the new dwelling next to No. 63 Beverley Gardens.

A number of internal and external alterations are proposed to the new property, together with the retention of some of the additions that do not benefit from planning permission. These are set out in detail below:

Alterations to the rear of the property

Lower ground and ground floor rear extensions

The lower ground and ground floor rear extensions are proposed to be retained as part of this application. Their combined height is 6.2m at the top of the pitched roof and 5.3m to eaves. The depth of the rear extensions is 3.0m.

The bulk and scale of the lower ground and ground floor extensions is considered to be significant, resulting in an extension which is out of proportion with the main dwelling and the surrounding properties. The extension would appear obtrusive and overbearing when viewed from the gardens of surrounding residential properties. Its bulk and over-dominating appearance is exacerbated by

the large dormer window which results in the rear having an appearance of a 4 storey building. Whilst it is recognised that there is a significant variation in the levels from the houses to the gardens along Beverley Gardens, the surrounding properties in the area are designed as modest two storey properties with features such a terrace and stepped access to garden level. The new dwelling as built and sought to be retained as part of this application is out of character with the surrounding properties.

Rear dormer

The rear dormer is proposed to be altered to be set up from the eaves by 0.7m and set down from the ridge by 0.4m. Its width is to remain as existing at 2.1m wide and its front face is to be predominantly glazed with three casement reflecting the proportions of the windows below. The dormer as amended is considered to be of an appropriate design and scale .

Outbuilding in rear garden

The outbuilding is proposed to be removed as part of this application and reinstated to external amenity space with timber decking. No details of the timber decking have been provided but officers are of the view that decking is acceptable subject to details of its height which could be agreed through a planning condition.

Internal alterations

A number of internal alterations are proposed to the ground and lower ground floors including a new stair case to provide an internal connection from the ground to the lower ground floor. At first and second floor levels no alterations are proposed. The property as proposed to be retained will have five bedrooms. This is an increase of two bedrooms compared to the approved scheme in 2007. The additional number of bedrooms will result in an increased demand for parking on an already heavily parked street. The implications of the additional parking is discussed below.

Alterations to the front/side of the property

Front canopy and entrance door

The front canopy is to be removed. It was observed from the officer site visit that the front canopy has already been removed.

The front door is proposed to be retained as built. This does vary from the approved plans as the door should have mirrored No. 63 Beverley Gardens. Whilst this has not occurred the front door as built is not considered in itself to cause significant harm to the streetscene.

Roof lights

The rooflights on the front roof plane and flank roof plane are proposed to be retained. SPG5 advises that a maximum of two rooflights can be permitted per roof plane subject to the size and location. The rooflights that are proposed to be retained on the front elevation combined with the rooflights to No. 63 Beverley Gardens are considered to be excessive and appear cluttered and adversely impact upon the character of the property when viewed from the streetscene. It was observed during officer site visit that few properties have roof lights on the front roof plane. The absence of roof lights in the vicinity of the site exacerbates the harmful impact that the rooflights at the application property have upon the streetscene.

Front garden layout

The front garden layout as proposed to be retained varies significantly from the approved scheme. Instead of providing one off-street parking space accessed off a shared crossover with No. 63

Beverley Gardens, two off-street parking spaces are proposed to be retained within the front garden of the new property accessed off the existing crossover. An area of soft landscaping is proposed in front of the parking spaces. Access is provided on the left of the parking spaces through a ramped access to the property.

The area of soft landscaping now proposed is only 8.46sqm. This accounts for approximately 15% of the front garden which is substantially less than approved as part of the approved scheme and the requirement for 50% of the front garden as set out in BE7 and SPG5. In addition no front boundary treatment is proposed and the existing crossover at 3.0m wide is not considered sufficient to accommodate two vehicles without the need to drive over the pavement/grass verge. It was observed from the site visit that vehicles have been driving over the grass verge. The lack of soft landscaping and absence of a front boundary treatment is considered to detract from the visual amenity of the property and the streetscene and is also considered to create a highway/pedestrian safety problem with vehicles overriding the pavement.

Based on the layout as submitted as part of this application 5 bedrooms are proposed to be retained. PS14 requires two parking spaces for dwellings with 4 bedrooms or more. Policy TRN15 states that on a heavily parked street no more than one on-street parking space should be lost. Whilst this application proposes to retain the existing crossover, consideration also needs to be given to the combined impact with No. 63 Beverley Gardens. The approved layout sought to address this by providing a shared access between the two properties which would allow for one off street parking space for each property. This level of parking was considered acceptable as each property only had three bedrooms. As the existing crossover was to be made redundant and the pavement reinstated sufficient on-street parking would be retained. However, the alteration that is now proposed would result in the need for No. 63 Beverley Gardens to have a separate access which would result in the loss of an on-street parking space on a heavily parked street. The loss of an on-street parking space coupled with the increased demand for parking due to the additional number of bedrooms is considered to have an unacceptable impact upon the heavily parked street.

Windows on flank wall

Three windows have been constructed on the flank wall of the property which were not approved as part of the application. One of these is to be removed but two are proposed to be retained. They are to be obscured glazed with top opening fanlights. As the windows are located 1.0m off the boundary and are to be obscured glazed with high level top openings, they are not considered to have a harmful impact upon the adjoining occupants through a loss of privacy.

Other matters not shown on the submitted plans

It was observed from the officer site visit that the eaves line of the new dwelling is higher than the existing dwelling. The approved plans showed them at the same level so that it maintains continuity between the new dwelling and the existing semi detached properties. This variation is considered to create an incongruous feature that is out of character with the existing dwelling and the streetscene.

A flue from the boiler has also been installed projecting out from the front roof plane. It is considered that the flue is unsightly and an obtrusive feature.

Conclusions

In conclusion, this application is unacceptable for a number of reasons. The retention of the lower ground floor and ground floor rear extension and the front rooflights are considered to be harmful to the character of the property and the visual amenities of the locality. The existing crossover is considered to be of insufficient width to safely accommodate two off-street parking spaces and the resulting front garden layout would result in the loss of an on-street parking space on an heavily parked street. The proposal is considered to be contrary to policies BE7, BE9 and TRN15 of

Brent's UDP 2004 and the guidance as outlined in SPG5 and Brent's Domestic Vehicle Footway Crossover Policy.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The lower ground floor and ground floor rear extension, by reason its combined height, bulk and scale, would appear as an overdominant and obtrusive feature, which is out of character with the property and the surrounding properties. It would appear as an overbearing feature that is harmful to the visual amenities of the surrounding residential properties, and as such is contrary to policy BE9 of Brent's UDP 2004 and the guidance as set out in SPG5 "Altering and Extending Your Home".
- (2) The proposed alteration to the front garden layout, to provide two offstreet parking spaces accessed via the existing crossover, by virtue of the substandard width of the crossover and lack of front boundary treatment, would result in vehicles overridding the pavement to the detriment of highway and pedestrian safety. Furthermore, the resulting front garden layout and associated underprovision of soft landscaping and lack of front boundary treatment would be detrimental to the visual amenities of the street scene and the area in general. The proposal is thus contrary to policies BE2, BE7 and TRN15 of adopted Unitary Development Plan 2004 and Supplementary Planning Guidance No. 5: "Altering and Extending Your Home".
- (3) The retention of the front rooflights, by reason of their number, size and siting, is considered to be harmful to the character and appearance of the property and the visual amenities of the locality. This would be contrary to policy BE9 of Brent's Unitary Development Plan 2004 and the guidance as outlined in the adopted SPG5 "Altering and Extending Your Home".
- (4) The proposed alteration to the front garden layout resulting in the need for No. 63 Beverley Gardens to have an seperate vehicle access, would result in the loss of on-street parking on a heavily parked street to the detriment of the safety of pedestrians and users of the adjacent highway. This is contrary to policies BE7 and TRN15 of adopted Unitary development Plan 2004, Supplementary Planning Guidance No. 5 "Altering and Extending Your Home" and Brent's Domestic Vehicle Footway Crossover Policy.

INFORMATIVES:

- (1) The applicant is advised that the plans submitted as part of this application do not include the boiler flue projecting out of the front roof plane or the variation in the height of the eaves of the new dwelling. These variations do not have the benefit of planning permission.

REFERENCE DOCUMENTS:

Brent's UDP 2004
SPG5 "Altering and Extending Your Home"
SPG17 "Design Guide for New Development"
Letters of objection

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



Planning Committee Map

Site address: 63A Beverley Gardens, Wembley, HA9 9RB

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Location 63A Beverley Gardens, Wembley, HA9 9RB
Description Retention of existing ground and lower ground-floor rear extensions, rear dormer window and front and flank rooflights, removal of flank-wall window to ground floor, internal alterations, including an internal staircase from ground to lower ground-floor and the removal of an internal wall, alterations to the front garden layout and vehicle access; and the removal of the outbuilding in the rear garden and front canopy

Agenda Page Number: 19

Letters of objection

One additional letter of objection has been received on the following grounds:

1. Building is overbearing when viewed from neighbouring properties, affecting their ability to enjoy their garden.
2. Overlooking from property in multiple occupancy.
3. Out of character with the area.
4. Increase in noise with parties on the terrace and in the garden.
5. The development will set a precedent for the future.

These matters have been addressed in the Committee report.

Recommendation: Remains Refusal

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Committee Report Planning Committee on 13 January, 2010

Case No. 09/3308

RECEIVED: 13 October, 2009

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 8A & B, Keyes Road, London, NW2 3XA

PROPOSAL: Installation of replacement white timber windows and doors to ground and first floor flat.

APPLICANT: Stadium Housing Association

CONTACT: Ashford Commercial

PLAN NO'S: 021009-1,
021009-2;
021009-3;
021009-4;
Jeldwen 1
Jeldwen 2
Jeldwen 4

RECOMMENDATION

Approval

EXISTING

2 flats occupying a semi-detached building within the Mapesbury Conservation Area

PROPOSAL

Full planning permission is sought for replacement timber sash windows.

HISTORY

No relevant planning history

POLICY CONSIDERATIONS

London Borough of Brent Adopted Unitary Development Plan 2004

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

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

- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- BE26 Requires that alterations and extensions to properties in Conservation Areas should retain the original design and materials, or where not practical be sympathetic to the original design in terms of dimensions, texture and appearance.

Planning Documents

Mapesbury Conservation Area Design Guide

CONSULTATION

Neighbouring residents consulted by letter sent out 29/10/2009. A site notice was placed up on 02/11/2009.

Objections have been received from 31 residents on Keyes Road on the grounds that:

1. UPVC windows would be out of keeping with the character of all the other windows on the street.
2. Out of keeping with character of the Conservation Area
3. UPVC is unsustainable
4. Windows could be repaired rather than replaced.

In response to the first 3 points timber is proposed and therefore the material is in accordance with the character of the area and the detailed design and proportions of the replacement windows match the existing.

In response to the fourth point the applicant has stated that:

The Stadium HA policy encompasses things like aesthetic compliance with original building feature styles, especially within conservation areas. High-energy efficiency, thereby contributing towards energy cost savings and a reduction in carbon footprint for each of the improved homes. Security standards are improved and typically meet Secured by Design enhanced security standards for windows of BS 7950 and doors of PAS 0233/024

Stadium has a policy of product replacement wherever this is most economically fulfilled, thereby minimising levels of maintenance and redecoration works programs. The operational, mobilisation, access and scaffolding costs for this number of dwellings would be prohibitive if a simple repair and redecoration cycle were to be applied as a company policy, which includes the whole fabric of the buildings.

REMARKS

The application seeks planning permission to replace existing timber windows with replica timber windows with the same design features to the front and rear of the property.

Locality

The named property is located within the Mapesbury Conservation Area, which is covered by an Article 4 . The property has timber windows in situ while the other residential properties on Keyes Road and Hoveden Road predominantly have timber framed windows that are in keeping with the design detailing of the original dwellinghouse. The Local Authority seeks to retain and preserve original features; more especially in Conservation Areas.

Materials

Over the last 300 years, timber has been a dominant window material resulting in timber windows being a well known feature of both British architecture and indeed the Mapesbury Conservation Area. As such officers consider the replacement (timber) material to be appropriate in order to preserve the character of the area

Technical Detail (*Design and Appearance*)

All frontage windows which are sash will be with softwood and be double glazed and painted white. The existing window design styles are retained through out the property and replaced on like for like design style. Amended plans have been received showing the detail of the front windows matching that of the existing and surrounding street scene and including the sash horn detail.

The Housing Associations are in the process of upgrading their housing stock to Government's Design Homes Standards. This application is in line with the numerous applications that have been approved within other Conservation Areas in the Borough. It is stated in the D&A and Heritage Statements that the proposed new products are of a similar operating type and of similar profile size to those already installed.

Conclusion

The proposed replacement windows are considered to be in keeping with the character and appearance of the dwelling and surrounding streetscene and will preserve the character of the Conservation Area and thus compliant to policies BE7, BE9 and BE25 of the Unitary Development Plan 2004. Accordingly approval is recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
Mapesbury Conservation Area Design Guide

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

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

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with 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 approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities by any work remaining incomplete.

- (3) The proposed replacement windows hereby approved shall match the existing windows in every respect, particularly in terms of their length and width of the glazing area, style, frame depth and thickness, drip-rail design if any and thickness, proportions and sizes of upper & lower sash and/or casements, the thickness of the sills, the even profiles of the opening and fixed casements, and the even sight-lines.

Reason: In order to maintain the attractive, original design of windows in the Mapesbury Conservation Area in accordance with the objectives of policy BE25 of the Brent Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

UDP 2004

Mapesbury Conservation Area Design Guide

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: 8A & B, Keyes Road, London, NW2 3XA

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Committee Report Planning Committee on 13 January, 2010

Case No. 09/3365

RECEIVED: 21 October, 2009

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 5A 5B & 5C, Hoveden Road, London, NW2 3XE

PROPOSAL: Installation of replacement white timber windows and doors to ground floor, first floor and second floor flats

APPLICANT: Stadium Housing Association

CONTACT: Ashford Commercial

PLAN NO'S: 290909-1,
290909-2;
290909-3;
Jeldwen 1
Jeldwen 2
Jeldwen 4

RECOMMENDATION

Approval

EXISTING

3 flats occupying a three-storey terraced building within the Mapesbury Conservation Area.

PROPOSAL

Full planning permission is sought for replacement timber sash windows.

HISTORY

No Relevant planning history

POLICY CONSIDERATIONS

London Borough of Brent Adopted Unitary Development Plan 2004

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

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

- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- BE26 Requires that alterations and extensions to properties in Conservation Areas should retain the original design and materials, or where not practical be sympathetic to the original design in terms of dimensions, texture and appearance.

Planning Documents

Mapesbury Conservation Area Design Guide

CONSULTATION

Neighbouring residents consulted by letter sent out 29/10/2009. A site notice was placed up on 02/11/2009.

Objections have been received from 3 residents on Keyes Road on the grounds that:

1. UPVC windows would be out of keeping with the character of all the other windows on the street.
2. Out of keeping with character of the Conservation Area
3. UPVC is unsustainable
4. Windows could be repaired rather than replaced.

In response to the first 3 points timber is proposed and therefore the material is in accordance with the character of the area and the detailed design and proportions of the replacement windows match the existing.

In response to the fourth point the applicant has stated that:

The Stadium HA policy encompasses things like aesthetic compliance with original building feature styles, especially within conservation areas. High-energy efficiency, thereby contributing towards energy cost savings and a reduction in carbon footprint for each of the improved homes. Security standards are improved and typically meet Secured by Design enhanced security standards for windows of BS 7950 and doors of PAS 0233/024

Stadium has a policy of product replacement wherever this is most economically fulfilled, thereby minimising levels of maintenance and redecoration works programs. The operational, mobilisation, access and scaffolding costs for this number of dwellings would be prohibitive if a simple repair and redecoration cycle were to be applied as a company policy, which includes the whole fabric of the buildings.

REMARKS

The named property is located within the Mapesbury Conservation Area, which is covered by an Article 4 . The property has timber windows in situ while the other residential properties on Keyes Road and Hoveden Road predominantly have timber framed windows that are in keeping with the design detailing of the original dwellinghouse. The Local Authority seeks to retain and preserve original features; more especially in Conservation Areas.

Materials

Over the last 300 years, timber has been a dominant window material resulting in timber windows being a well known feature of both British architecture and indeed the Mapesbury Conservation Area. As such officers consider the replacement (timber) material to be appropriate in order to preserve the character of the area

Technical Detail (*Design and Appearance*)

All frontage windows which are casement will be with softwood and be double glazed and painted white. The existing window design styles are retained through out the property and replaced on like for like design style.

The Housing Associations are in the process of upgrading their housing stock to Government's Design Homes Standards. This application is in line with the numerous applications that have been approved within other Conservation Areas in the Borough. It is stated in the D&A and Heritage Statements that the proposed new products are of a similar operating type and of similar profile size to those already installed.

Conclusion

The proposed replacement windows are considered to be in keeping with the character and appearance of the dwelling and surrounding streetscene and will preserve the character of the Conservation Area and thus compliant to policies BE7, BE9 and BE25 of the Unitary Development Plan 2004. Accordingly approval is recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
Mapesbury Conservation Area Design Guide

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

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

CONDITIONS/REASONS:

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning with 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 approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities by any work remaining incomplete.

- (3) The proposed replacement windows hereby approved shall match the existing windows in every respect, particularly in terms of their length and width of the glazing area, style, frame depth and thickness, drip-rail design if any and thickness, proportions and sizes of upper & lower sash and/or casements, the thickness of the sills, the even profiles of the opening and fixed casements, and the even sight-lines.

Reason: In order to maintain the attractive, original design of windows in the Mapesbury Conservation Area in accordance with the objectives of policy BE25 of the Brent Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

UDP 2004

Mapesbury Conservation Area Design Guide

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: 5A 5B & 5C, Hoveden Road, London, NW2 3XE

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Committee Report Planning Committee on 13 January, 2010

Case No. 09/3306

RECEIVED: 14 October, 2009

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 15A & B, Keyes Road, London, NW2

PROPOSAL: Installation of replacement timber casement windows and doors to both self contained flats (as revised by plans received 17/12/2009)

APPLICANT: Stadium Housing Association

CONTACT: Ashford Commercial

PLAN NO'S: 021009-1,
021009-2;
021009-3;
021009-4;
Jeldwen 1
Jeldwen 2
Jeldwen 4

RECOMMENDATION

Approval

EXISTING

2 flats occupying a semi-detached dwelling within the Mapesbury Conservation Area.

PROPOSAL

Full planning permission is sought for replacement timber sash windows.

HISTORY

No relevant planning history

POLICY CONSIDERATIONS

London Borough of Brent Adopted Unitary Development Plan 2004

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

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

- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- BE26 Requires that alterations and extensions to properties in Conservation Areas should retain the original design and materials, or where not practical be sympathetic to the original design in terms of dimensions, texture and appearance.

Planning Documents

Mapesbury Conservation Area Design Guide

CONSULTATION

Neighbouring residents consulted by letter sent out 29/10/2009. A site notice was placed up on 02/11/2009.

Objections have been received from 31 residents on Keyes Road on the grounds that:

1. UPVC windows would be out of keeping with the character of all the other windows on the street.
2. Out of keeping with character of the Conservation Area
3. UPVC is unsustainable
4. Windows could be repaired rather than replaced.

In response to the first 3 points timber is proposed and therefore the material is in accordance with the character of the area and the detailed design and proportions of the replacement windows match the existing.

In response to the fourth point the applicant has stated that:

The Stadium HA policy encompasses things like aesthetic compliance with original building feature styles, especially within conservation areas. High-energy efficiency, thereby contributing towards energy cost savings and a reduction in carbon footprint for each of the improved homes. Security standards are improved and typically meet Secured by Design enhanced security standards for windows of BS 7950 and doors of PAS 0233/024

Stadium has a policy of product replacement wherever this is most economically fulfilled, thereby minimising levels of maintenance and redecoration works programs. The operational, mobilisation, access and scaffolding costs for this number of dwellings would be prohibitive if a simple repair and redecoration cycle were to be applied as a company policy, which includes the whole fabric of the buildings.

REMARKS

The application seeks planning permission to replace existing timber windows with replica timber windows with the same design features to the front and rear of the property.

Locality

The named property is located within the Mapesbury Conservation Area, which is covered by an Article 4 . The property has timber windows in situ while the other residential properties on Keyes Road and Hoveden Road predominantly have timber framed windows that are in keeping with the design detailing of the original dwellinghouse. The Local Authority seeks to retain and preserve original features; more especially in Conservation Areas.

Materials

Over the last 300 years, timber has been a dominant window material resulting in timber windows being a well known feature of both British architecture and indeed the Mapesbury Conservation Area. As such officers consider the replacement (timber) material to be appropriate in order to preserve the character of the area

Technical Detail (*Design and Appearance*)

All frontage windows which are sash will be with softwood and be double glazed and painted white. The existing window design styles are retained through out the property and replaced on like for like design style. Amended plans have been received showing the detail of the front windows matching that of the existing and surrounding street scene and including the sash horn detail.

The Housing Associations are in the process of upgrading their housing stock to Government's Design Homes Standards. This application is in line with the numerous applications that have been approved within other Conservation Areas in the Borough. It is stated in the D&A and Heritage Statements that the proposed new products are of a similar operating type and of similar profile size to those already installed.

Conclusion

The proposed replacement windows are considered to be in keeping with the character and appearance of the dwelling and surrounding streetscene and will preserve the character of the Conservation Area and thus compliant to policies BE7, BE9 and BE25 of the Unitary Development Plan 2004. Accordingly approval is recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
Mapesbury Conservation Area Design Guide

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

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

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with 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 approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities by any work remaining incomplete.

- (3) The proposed replacement windows hereby approved shall match the existing windows in every respect, particularly in terms of their length and width of the glazing area, style, frame depth and thickness, drip-rail design if any and thickness, proportions and sizes of upper & lower sash and/or casements, the thickness of the sills, the even profiles of the opening and fixed casements, and the even sight-lines.

Reason: In order to maintain the attractive, original design of windows in the Mapesbury Conservation Area in accordance with the objectives of policy BE25 of the Brent Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

UDP 2004

Mapesbury Conservation Area Design Guide

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: 15A & B, Keyes Road, London, NW2

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Committee Report Planning Committee on 13 January, 2010

Case No. 09/3374

RECEIVED: 21 October, 2009

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 32A-C, Keyes Road, London, NW2

PROPOSAL: Installation and replacement of white timber double glazed windows to 3 flats (as amended by plans received 17/12/2009)

APPLICANT: Stadium Housing Association

CONTACT: Ashford Commercial

PLAN NO'S: 021009-1,
021009-2;
021009-3;
021009-4;
Jeldwen 1
Jeldwen 2
Jeldwen 4

RECOMMENDATION

Approval

EXISTING

3 flats occupying a semi-detached building within the Conservation Area

PROPOSAL

Full planning permission is sought for replacement timber sash windows.

HISTORY

No relevant planning history

POLICY CONSIDERATIONS

London Borough of Brent Adopted Unitary Development Plan 2004

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

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

- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- BE26 Requires that alterations and extensions to properties in Conservation Areas should retain the original design and materials, or where not practical be sympathetic to the original design in terms of dimensions, texture and appearance.

Planning Documents

Mapesbury Conservation Area Design Guide

CONSULTATION

Neighbouring residents consulted by letter sent out 29/10/2009. A site notice was placed up on 02/11/2009.

Objections have been received from 31 residents on Keyes Road on the grounds that:

1. UPVC windows would be out of keeping with the character of all the other windows on the street.
2. Out of keeping with character of the Conservation Area
3. UPVC is unsustainable
4. Windows could be repaired rather than replaced.

In response to the first 3 points timber is proposed and therefore the material is in accordance with the character of the area and the detailed design and proportions of the replacement windows match the existing.

In response to the fourth point the applicant has stated that:

The Stadium HA policy encompasses things like aesthetic compliance with original building feature styles, especially within conservation areas. High-energy efficiency, thereby contributing towards energy cost savings and a reduction in carbon footprint for each of the improved homes. Security standards are improved and typically meet Secured by Design enhanced security standards for windows of BS 7950 and doors of PAS 0233/024

Stadium has a policy of product replacement wherever this is most economically fulfilled, thereby minimising levels of maintenance and redecoration works programs. The operational, mobilisation, access and scaffolding costs for this number of dwellings would be prohibitive if a simple repair and redecoration cycle were to be applied as a company policy, which includes the whole fabric of the buildings.

REMARKS

The application seeks planning permission to replace existing timber windows with replica timber windows with the same design features to the front and rear of the property.

Locality

The named property is located within the Mapesbury Conservation Area, which is covered by an Article 4 . The property has timber windows in situ while the other residential properties on Keyes Road and Hoveden Road predominantly have timber framed windows that are in keeping with the design detailing of the original dwellinghouse. The Local Authority seeks to retain and preserve original features; more especially in Conservation Areas.

Materials

Over the last 300 years, timber has been a dominant window material resulting in timber windows being a well known feature of both British architecture and indeed the Mapesbury Conservation Area. As such officers consider the replacement (timber) material to be appropriate in order to preserve the character of the area

Technical Detail (*Design and Appearance*)

All frontage windows which are sash will be with softwood and be double glazed and painted white. The existing window design styles are retained through out the property and replaced on like for like design style. Amended plans have been received showing the detail of the front windows matching that of the existing and surrounding street scene and including the sash horn detail.

The Housing Associations are in the process of upgrading their housing stock to Government's Design Homes Standards. This application is in line with the numerous applications that have been approved within other Conservation Areas in the Borough. It is stated in the D&A and Heritage Statements that the proposed new products are of a similar operating type and of similar profile size to those already installed.

Conclusion

The proposed replacement windows are considered to be in keeping with the character and appearance of the dwelling and surrounding streetscene and will preserve the character of the Conservation Area and thus compliant to policies BE7, BE9 and BE25 of the Unitary Development Plan 2004. Accordingly approval is recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
Mapesbury Conservation Area Design Guide

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

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

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with 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 approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities by any work remaining incomplete.

- (3) The proposed replacement windows hereby approved shall match the existing windows in every respect, particularly in terms of their length and width of the glazing area, style, frame depth and thickness, drip-rail design if any and thickness, proportions and sizes of upper & lower sash and/or casements, the thickness of the sills, the even profiles of the opening and fixed casements, and the even sight-lines.

Reason: In order to maintain the attractive, original design of windows in the Mapesbury Conservation Area in accordance with the objectives of policy BE25 of the Brent Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

UDP 2004

Mapesbury Conservation Area Design Guide

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: 32A-C, Keyes Road, London, NW2

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 London Borough of Brent - Copyright (C)

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**Committee Report
Planning Committee on 13 January, 2010**

Case No. 09/3367

RECEIVED: 21 October, 2009

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 44A-C, Keyes Road, London, NW2

PROPOSAL: Installation of replacement white timber windows and doors to ground floor, first floor and second floor flats. (as amended by plans received 17/12/2009)

APPLICANT: Stadium Housing Association

CONTACT: Ashford Commercial

PLAN NO'S: 021009-1,
021009-2;
021009-3;
021009-4;
Jeldwen 1
Jeldwen 2
Jeldwen 4

RECOMMENDATION

Approval

EXISTING

3 flats occupying a two-storey semi-detached building within the Mapesbury Conservation Area.

PROPOSAL

Full planning permission is sought for replacement timber sash windows

HISTORY

No relevant planning history

POLICY CONSIDERATIONS

London Borough of Brent Adopted Unitary Development Plan 2004

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

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

to the character and/or appearance of an area or have an unacceptable visual impact on Conservation Areas.

- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- BE26 Requires that alterations and extensions to properties in Conservation Areas should retain the original design and materials, or where not practical be sympathetic to the original design in terms of dimensions, texture and appearance.

Planning Documents

Mapesbury Conservation Area Design Guide

CONSULTATION

Neighbouring residents consulted by letter sent out 29/10/2009. A site notice was placed up on 02/11/2009.

Objections have been received from 31 residents on Keyes Road on the grounds that:

1. UPVC windows would be out of keeping with the character of all the other windows on the street.
2. Out of keeping with character of the Conservation Area
3. UPVC is unsustainable
4. Windows could be repaired rather than replaced.

In response to the first 3 points timber is proposed and therefore the material is in accordance with the character of the area and the detailed design and proportions of the replacement windows match the existing.

In response to the fourth point the applicant has stated that:

The Stadium HA policy encompasses things like aesthetic compliance with original building feature styles, especially within conservation areas. High-energy efficiency, thereby contributing towards energy cost savings and a reduction in carbon footprint for each of the improved homes. Security standards are improved and typically meet Secured by Design enhanced security standards for windows of BS 7950 and doors of PAS 0233/024

Stadium has a policy of product replacement wherever this is most economically fulfilled, thereby minimising levels of maintenance and redecoration works programs. The operational, mobilisation, access and scaffolding costs for this number of dwellings would be prohibitive if a simple repair and redecoration cycle were to be applied as a company policy, which includes the whole fabric of the buildings.

REMARKS

The application seeks planning permission to replace existing timber windows with replica timber windows with the same design features to the front and rear of the property.

Locality

The named property is located within the Mapesbury Conservation Area, which is covered by an Article 4 . The property has timber windows in situ while the other residential properties on Keyes Road and Hoveden Road predominantly have timber framed windows that are in keeping with the design detailing of the original dwellinghouse. The Local Authority seeks to retain and preserve original features; more especially in Conservation Areas.

Materials

Over the last 300 years, timber has been a dominant window material resulting in timber windows being a well known feature of both British architecture and indeed the Mapesbury Conservation Area. As such officers consider the replacement (timber) material to be appropriate in order to preserve the character of the area

Technical Detail (*Design and Appearance*)

All frontage windows which are sash will be with softwood and be double glazed and painted white. The existing window design styles are retained through out the property and replaced on like for like design style. Amended plans have been received showing the detail of the front windows matching that of the existing and surrounding street scene and including the sash horn detail.

The Housing Associations are in the process of upgrading their housing stock to Government's Design Homes Standards. This application is in line with the numerous applications that have been approved within other Conservation Areas in the Borough. It is stated in the D&A and Heritage Statements that the proposed new products are of a similar operating type and of similar profile size to those already installed.

Conclusion

The proposed replacement windows are considered to be in keeping with the character and appearance of the dwelling and surrounding streetscene and will preserve the character of the Conservation Area and thus compliant to policies BE7, BE9 and BE25 of the Unitary Development Plan 2004. Accordingly approval is recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
Mapesbury Conservation Area Design Guide

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

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

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with 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 approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities by any work remaining incomplete.

- (3) The proposed replacement windows hereby approved shall match the existing windows in every respect, particularly in terms of their length and width of the glazing area, style, frame depth and thickness, drip-rail design if any and thickness, proportions and sizes of upper & lower sash and/or casements, the thickness of the sills, the even profiles of the opening and fixed casements, and the even sight-lines.

Reason: In order to maintain the attractive, original design of windows in the Mapesbury Conservation Area in accordance with the objectives of policy BE25 of the Brent Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

UDP 2004

Mapesbury Conservation Area Design Guide.

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: 44A-C, Keyes Road, London, NW2

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Committee Report

Planning Committee on 13 January, 2010

Case No.

09/3265

RECEIVED: 19 November, 2009

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 6 Barn Way, Wembley, HA9 9LE

PROPOSAL: Retention of uPVC windows to front elevation of dwellinghouse

APPLICANT: Mrs Hayley Tugby

CONTACT: Mr H Patel

PLAN NO'S: N/A

RECOMMENDATION

Refusal

EXISTING

This application relates to a detached dwellinghouse located on Barn Way. It is situated in the Barn Hill Conservation Area and subject to the Article 4 Direction.

PROPOSAL

Retention of uPVC windows to front elevation of dwellinghouse.

HISTORY

09/1249: Details pursuant to conditions 2 (facing bricks), 3 (cladding detailing) and 5 (soft and hard landscaping) of full planning permission 08/1606, dated 4 November 2008, for demolition of existing garage and erection of two-storey side extension and single-storey rear extension - Granted, 16/07/2009.

08/1606: Full Planning Permission sought for demolition of existing garage and erection of two-storey side extension and single-storey rear extension - Granted, 04/11/2008.

E/08/0223: Enforcement investigation into the breach of conditions 5 and 6 of planning permission ref: 06/0743 – ongoing.

06/0743: Full Planning Permission sought for erection of 2 storey side and single storey rear extension to dwellinghouse – Granted, 11/05/2006.

E/06/0146: Enforcement Investigation into the change of use of the premises to a hostel – no action taken.

05/3581: Full Planning Permission sought for erection of 2 storey side and single storey rear extension to dwellinghouse – Refused, 02/02/2006.

POLICY CONSIDERATIONS

Brent UDP 2004

BE2: Local Context & Character - Proposals should be designed with regard to their local context, making a positive contribution to the character of the area. Proposals should not cause harm to the character and/or appearance of an area, or have an unacceptable visual impact on Conservation Areas.

BE9: Architectural Quality - Requires new buildings to embody a creative and high quality design solution, specific to the sites shape, size, location and development opportunities and be of a design, scale and massing appropriate to the setting.

BE25: Development in Conservation Areas - Development proposals in conservation areas shall pay special attention to the preservation or enhancement of the character or appearance of the area; and regard shall be had for design guidance to ensure the scale and form is consistent.

BE26: Alterations and Extensions to Buildings in Conservation Areas - Alterations to elevations of buildings in conservation areas should retain the original design and materials; be sympathetic to the original design in terms of dimensions, texture and appearance; characteristic features should be retained; extensions should not alter the scale or roofline of the building detrimental to the unity or character of the conservation area; should be complementary to the original building and elevation features.

Supplementary Planning Guidance

SPG5 – Altering and Extending your Home

Design Guide

Barn Hill Conservation Area Design Guide

CONSULTATION

Consultation Period: 23/11/2009 - 14/12/2009

Site Notice: 23/11/2009 - 14/12/2009

Public consultation

5 neighbours consulted - no objections raised

Internal consultation

None sought

External consultation

Barn Hill Residents' Association - no objections raised.

REMARKS

Retention of replacement windows to front elevation of dwellinghouse

This application is a retrospective planning application for the retention of uPVC windows to the front elevation of the dwellinghouse. It includes both the windows to the original dwellinghouse and the windows to the side extension which were not built in accordance with the approved plans.

The window next to the front door is an original timber window and has been retained.

Windows to the original house

Prior to being replaced the existing windows were not the original windows. They were casement windows in uPVC in a relatively simple design. The bay window has fanlights but none of the detailed features that are found on the original timber windows such as glazing bars or a drip rail were provided. The fixed and opening casements were uneven. It is unclear of the exact date when these windows were replaced. However, the Council's records indicate that they existed over four years.

The replacement windows are also casement windows in uPVC but vary in design to the existing windows. They include internally mounted glazing bars within the fanlights of the ground floor bay window dividing the pane of glass into four sections, and internally mounted glazing bars in the upper floor casements of the bay window dividing the glass into eight sections. The first floor window above the entrance door also has internally mounted glazing bars dividing the glazing into six sections.

While the Planning Committee has supported the principal of a more relaxed position on replacement windows in some areas, this has been on the basis that replacements can reflect the original design and detailing in all practical respects. The general need to ensure this level of proportion and detail is also advocated in the Barn Hill Conservation Area Design Guide. Furthermore, the replacement windows have to preserve or enhance the character and appearance of the Barn Hill Conservation Area. In determining whether a proposal preserves the character and appearance of the conservation area it is in the sense that it does not do harm to it.

Whilst officers recognise that the replacement windows have attempted to replicate the design features of the original windows seen within the conservation area such as through the use of glazing bars, the detailed design is of poor quality that fails to preserve the character and appearance of the conservation area. Whilst one could argue that the previous uPVC casement windows were of a poor quality design, they were relatively well proportioned and simple in their design. The introduction of internally mounted glazing bars exacerbates the poor proportions between the fixed and opening casements, particularly at first floor level. In addition, the glazing bars in the replacement windows varies in number and proportion to those at first floor level. This results in a cluttered and clumsy appearance, which does not meet the objectives of the Barn Hill Conservation Area Design Guide.

As members are aware, this section of the Barn Hill Conservation Area does have an Article 4 Direction in force. It is of your officer's view that over time the Article 4 Direction has the potential to reverse the trend of unsympathetic uPVC window replacements by encouraging the reintroduction of replacement ones more akin to the original designs which, in turn, would assist in preserving or enhancing the character and appearance of the conservation area.

Retention of windows to front elevation of the side extension

The plans approved as part of planning application ref: 08/1606 included a two storey side extension. The windows approved as part of the application comprised at ground floor a casement window divided into three panes with fanlights and at first floor a casement window divided into two panes with no fanlights. These windows were designed to reflect the simple design and proportions of the existing uPVC windows on the front elevation of the house prior to being replaced.

The windows that this application seeks to retain have not been installed in accordance with the approved scheme - 08/1606. The ground floor window as built comprises two casements with upper fanlights with glazing bar detailing. Its height does not reflect the bay window and as a result of its lack of height, the window is poorly proportioned and detailed and does not reflect the design or proportions of the main house or surrounding area. Officers have explored whether there is an alternative window design option which may be easier for the applicant to accommodate but the

applicant has advised that they are unable to pursue this change. This included raising the height of the window to improve the proportions of the fanlights.

At first floor the window comprises two casements with internally mounted glazing bars. As seen in the replacement windows to the main house. The introduction of internally mounted glazing bars exacerbates the poor proportions between the fixed and opening casements, resulting in a cluttered and clumsy appearance.

Other matters

Your officers observed on the site visit that the landscaping scheme to the front garden approved as part of application ref: 09/1249 has not been fully implemented. An informative is recommended to be attached to remind the applicant of the requirements to fully implement the approved landscape scheme. The matter will also be passed onto enforcement for further investigation.

Conclusions

In conclusion, the replacement windows to the front elevation of the dwellinghouse are considered to be harmful to the character and appearance of the conservation area. If members are minded to support the officer recommendation, the matter will be passed on to the enforcement team for further action.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The retention of the replacement uPVC windows to the front elevation of the dwellinghouse do not accurately reflect the detailed design and proportions of the original windows and therefore significantly detract from the appearance and character of the original dwellinghouse and the visual amenity of the locality, and as such, fail to preserve or enhance the original character and appearance of the Barn Hill Conservation Area. This proposal is therefore contrary to policies BE2, BE9, BE25 and BE26 of Brent's adopted Unitary Development Plan 2004, the adopted Barn Hill Conservation Area Design Guide and the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES:

- (1) The applicant is advised that the submitted landscaping scheme approved as part of application ref: 09/1249 has not been fully implemented. This matter has been passed onto the enforcement team for further investigation.

REFERENCE DOCUMENTS:

Brent's UDP 2004
Barn Hill Conservation Area Design Guide

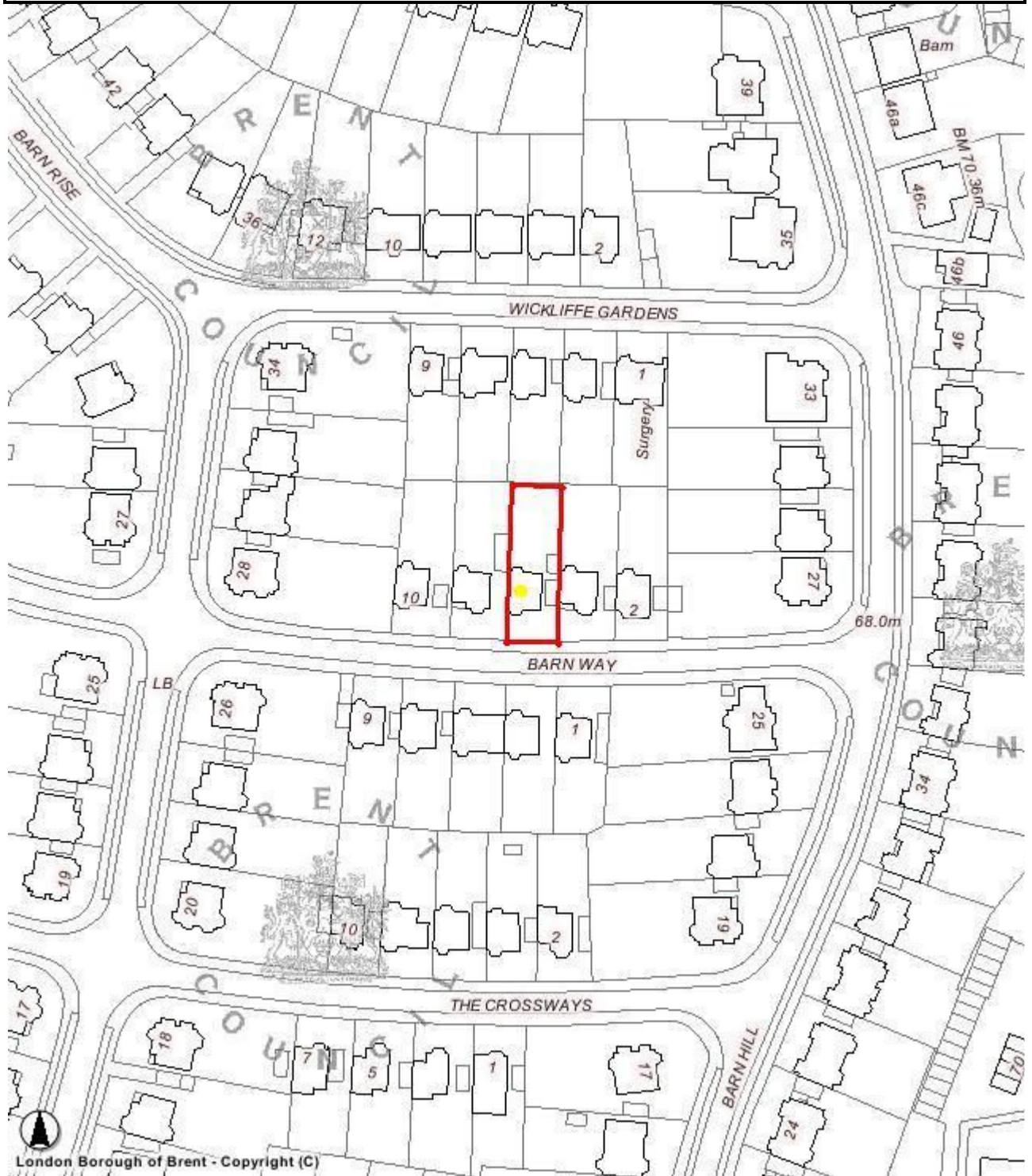
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: 6 Barn Way, Wembley, HA9 9LE

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**Supplementary Information
Planning Committee on 13 January, 2010**

**Item No. 11
Case No. 09/3265**

Location 6 Barn Way, Wembley, HA9 9LE
Description Retention of uPVC windows to front elevation of dwellinghouse

Agenda Page Number: 57

Members' site visit

Members visited the site on 9 January 2010. Members asked for clarification on the status of the windows at Nos. 4 and 8 Barn Way. Your officers can confirm that there is no planning record for the windows at Nos. 4 and 8 Barn Way.

Recommendation: Remains refusal

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Committee Report

Planning Committee on 13 January, 2010

Case No.

09/3423

RECEIVED: 27 October, 2009

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 63 Beverley Gardens, Wembley, HA9 9RB

PROPOSAL: Retention of lower ground floor and ground floor extensions and rear dormer window, removal of front entrance canopy and alterations to the front garden layout.

APPLICANT: Mr Cormac McGarvey

CONTACT: Homes Design

PLAN NO'S: HD01/6000; 6001; 6002; 7000; and 7001

RECOMMENDATION

Refusal

EXISTING

The application site comprises a semi detached dwellinghouse located on Beverley Gardens. The site is not situated within a conservation area but the Barn Hill Conservation Area lies to the south and east of the site. This section of Beverley Gardens is classified as a heavily parked street.

A new two storey house has recently been constructed next to the application property, resulting in a terrace of three properties. The new house was granted planning permission as part of planning application ref: 07/3513.

PROPOSAL

Retention of lower ground floor and ground floor extensions and rear dormer window, removal of front entrance canopy and alterations to the front garden layout.

HISTORY

No. 63 Beverley Gardens

09/3410: Certificate of lawfulness for existing hip to gable end roof extension and installation of rear dormer window to dwellinghouse - Unlawful, 22/12/209.

E/09/0520: Enforcement investigation into without planning permission, the erection of a rear dormer window, single and 2 storey rear extension and front canopy to premises and the formation of a hard surface to the front of the premises - enforcement notice served.

Land N/T 63 Beverley Gardens

09/2313: Full Planning Permission sought for retention of existing ground and lower ground floor rear extensions, rear dormer window and front and flank roof lights, removal of flank wall window at ground floor, internal alterations including an internal staircase from ground to lower ground floor

and the removal of an internal wall, alterations to the front garden layout and vehicle access; and the removal of the outbuilding in the rear garden and front canopy - under consideration.

E/09/0313: Enforcement investigation into without planning permission, the erection of a part 3/part 4 storey building attached to 63 Beverley Gardens comprising two self contained flats and the erection of a bungalow to the rear of the premises - enforcement notice served.

E/08/0551: Enforcement investigation into the breach of condition 3 of planning permission 07/3513.

07/3513: Full Planning Permission sought for erection of a 3 bedroom dwelling adjoining 63 Beverley Gardens including hard standing, landscaping and new vehicle crossover to front of new and existing dwelling - Granted, 11/02/2008.

POLICY CONSIDERATIONS

Brent's UDP 2004

BE7 - Public Realm: Streetscape

Hardsurfacing occupying more than half of a front garden area and forecourt parking that would detract from the streetscape or setting of the property, or create a road/pedestrian safety problem would be resisted.

BE9 - Architectural Quality

New buildings, extensions and alterations to existing buildings should be of a scale, massing and height that is appropriate to their setting; and be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents.

H10 - Containment of dwellings

New residential accommodation should be self contained unless it is designed to meet the known needs of a named institution and suitable management arrangements are secured. Non self contained accommodation should be located within an area of good or very good public transport accessibility.

TRN15 - Forming an access to a road

An access from a dwelling to a highway is acceptable where the location of the access would be at a safe point with adequate visibility; the access and amount of off street parking provided would be visually acceptable; and on a heavily parked street the proposal should not result in the loss of more than one on-street space.

TRN23 - Parking Standards: Residential Developments

Residential development should not provide more parking than the levels listed in standard PS14.

Supplementary Planning Guidance

SPG5 "Altering and Extending Your Home"

Domestic Vehicle Footway Crossing Policy

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

Consultation Period: 11/11/2009 - 03/12/2009

Public Consultation

16 neighbours consulted - 42 letters of objection received on the following grounds:

- The works to the loft including the rear dormer and roof lights and the rear extensions do not benefit from planning permission.
- Alterations to the front forecourt would still result in vehicles driving over the pavement.
- The house as built exceeds 3 bedrooms and has the capacity for far too many occupants, increasing the problems of noise, parking, traffic, refuse and general congestion.
- The use of the property as a HMO is out of character with the area.
- Front garden layout needs to reprovide 50% soft landscaping.
- Velux windows and flue terminal in the roof are out of character with the area.
- The building has a top heavy elevation (4 storeys) which is overbearing when viewed from the properties to the rear, affecting the ability of these occupants to enjoy their gardens.
- Outbuilding being used as a bungalow.

Internal Consultation

None sought

External Consultation

Barn Hill Residents Association - objected on the following grounds:

- The original planning application (07/3513) has been vastly exceeded with a four storey building which appears to contain several flats.
- Roof lights did not form part of the original application and are unsightly and do not enhance the streetscene.
- The property has a number of ongoing enforcement cases.
- The alterations have increased car parking congestion in an already over-parked narrow road.
- Outbuilding being used as a bungalow without the benefit of planning permission.

The original planning application (07/3513) was granted in exchange of a payment for £9,000 (section 106 contribution) - cannot see what the payment has to do with ameliorating the effects of overdevelopment on this particular property.

REMARKS

Site and surroundings

The application site comprises a two storey three bedroom semi-detached dwellinghouse. Prior to the works being carried out to the property that are the subject of this application, the property had a rear conservatory which sat on an existing raised terrace. Stepped access was provided down to garden level from the terrace and a separate stepped access was also provided to the garden at the side of the dwellinghouse. The use of a terrace and/or stepped access is a common feature to the properties on this side of Beverley Gardens due to the difference in levels from the front to the rear of the site.

A new house has been built to the side of No. 63 Beverley Gardens, which is the subject of planning application refs: 07/3513 and 09/2313. The other pair of the semis, No. 61 Beverley Gardens, has not been extended to the rear although planning permission was granted for a 3.0m deep single storey rear extension (LPA Ref: 09/0876).

Alterations/extensions carried out to the property which are the subject of this application

A number of extensions have been constructed to the house without the benefit of planning permission. The works were carried out at the same time when the new adjoining house was being built. These works have increased the number of bedrooms within the property from three to four bedrooms. Details of these works are set out below:

Retention of lower ground floor and ground floor rear extension

This application proposes to retain the lower ground floor and ground floor rear extensions. The lower ground floor extension is 5.0m deep and the ground floor extension is 3.0m deep. Their combined height of the extensions is 6.2m at the top of the pitched roof and 5.3m to eaves. An internal staircase provides access from the ground floor to the lower ground floor.

The bulk and scale of the lower ground and ground floor extensions is considered to be significant, resulting in an extension which is out of proportion with the main dwelling and the surrounding properties. The extension would appear obtrusive and overbearing when viewed from the gardens of surrounding residential properties. Its harmful impact upon the character of the house is exacerbated by the large dormer window which result in the rear having an appearance of a four storey building. Whilst it is recognised that there is a significant variation in the levels from the houses to the gardens along Beverley Gardens, the surrounding properties in the area, like this house before extended, are designed as modest two storey properties with features such a terrace and stepped access to garden level.

This application seeks to replace a door on the ground floor rear extension with a window. The door currently provides access onto the roof of the lower ground floor extension which is being used as a terrace. The replacement of the door with a window would restrict the use of the roof of the lower ground floor extension being used as a terrace.

Front canopy

This application proposes to remove the front entrance canopy which was constructed without the benefit of planning permission. It was observed from the officer site visit that the front canopy has already been removed.

Front garden layout

The front garden layout as proposed to be retained varies significantly from the layout approved as part of planning application ref: 07/3513. Instead of providing one off-street parking space accessed off a shared 4.2m wide crossover with the new dwelling adjoining No. 63 Beverley Gardens, one off-street parking space is proposed within the front garden of No. 63 Beverley Gardens accessed off a new separate crossover located in the centre of the front garden. Access to the new house is proposed via the existing crossover. An area of soft landscaping is proposed to the side and in front of the parking space. Access to the house is provided to the right of the parking space via stepped access.

The area of soft landscaping now proposed is only 12.61sqm. This accounts for approximately 30% of the front garden which is substantially less than approved as part of the approved scheme and the requirement for 50% of the front garden as set out in BE7 and SPG5. In addition no front boundary treatment is proposed which assists in defining the access points and contributing to the streetscene. The lack of soft landscaping and absence of a front boundary treatment is considered to be detract from the visual amenity of the property and the streetscene.

As referred to earlier in this report, this section of Beverley Gardens is classed as a heavily parked street. Policy TRN15 states that on a heavily parked street no more than one on-street parking

space should be lost. The approved layout sought to address this by providing a shared access between the two properties which would allow for one off street parking space for each property. This level of parking was considered acceptable as each property only had three bedrooms.

Based on the layout submitted as part of this application 4 bedrooms are proposed to be retained which results in the need for an additional parking space. As the proposed layout can only accommodate one off-street parking space the additional parking space is required to be provided on-street. The proposed location of the crossover in the centre of the site and in close proximity to existing crossovers would result in the loss of on-street parking along this stretch of Beverley Gardens which is a heavily parked street. The loss of an on-street parking space coupled with the increased demand for parking due to the additional number of bedrooms is considered to have an unacceptable impact upon the heavily parked street.

Other matters

Your officers have also received a lawful development certificate for the existing hip to gable roof extension, rear dormer window and three front rooflights to the property. This application has been determined and the works were considered to be unlawful. The works to the roof including the rear dormer and front roof lights therefore require planning permission.

The rear dormer is 4.75m wide. It is set up 0.7m from the eaves of the roof and set down 0.4m from the ridge of the roof. Whilst the set up and set down from the eaves and ridge is considered adequate, the width, design and associated bulk results in an obtrusive feature that appears excessive within the roof plane. The lack of fenestration within the front face of the dormer coupled with the poor proportions of the fenestration that does exist in relation to the main house contributes to its bulk.

The rooflights on the front roof plane are proposed to be retained. SPG5 advises that a maximum of two rooflights can be permitted per roof plane subject to the size and location. The rooflights that are proposed to be retained on the front elevation combined with the rooflights to the new dwelling adjoining No. 63 Beverley Gardens are considered to be excessive and appear cluttered and adversely impact upon the character of the property when viewed from the streetscene. It was observed during the officer site visit that few properties in the area have roof lights on the front roof plane. The absence of roof lights in the vicinity of the site exacerbates the harmful impact that the rooflights at the application property have upon the streetscene.

Enforcement matters

An enforcement notice has been served on the unauthorised works (LPA Ref: E/09/0520) involving without planning permission, the erection of a rear dormer window, single and 2 storey rear extension and front canopy to premises and the formation of a hard surface to the front of the premises. The enforcement notice was issued on 12th October 2009 and was due to come into effect on 21 November 2009. An appeal was lodged by the applicant before the notice came into effect which is currently being considered by the Planning Inspectorate.

Conclusions

In conclusion, this application is unacceptable for a number of reasons. The retention of the lower ground floor and ground floor rear extension and the rear dormer and front rooflights is considered to be harmful to the character of the property and the visual amenities of the locality. The proposed vehicle access would result in the loss of an on-street parking space on an heavily parked street, and the resulting front garden layout would be harmful to the visual amenities of the streetscene. The proposal is considered to be contrary to policies BE7, BE9 and TRN15 of Brent's UDP 2004 and the guidance as outlined in SPG5 and Brent's Domestic Vehicle Footway Crossover Policy.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The lower ground floor and ground floor rear extension, by reason its combined height, bulk and scale, would appear as an overdominant and obtrusive feature, which is out of character with the property and the surrounding properties. It would appear as an overbearing feature that is harmful to the visual amenities of the surrounding residential properties, and as such is contrary to policy BE9 of Brent's UDP 2004 and the guidance as set out in SPG5 "Altering and Extending Your Home".
- (2) The retention of the front rooflights, by reason of their number, size and siting, is considered to be harmful to the character and appearance of the property and the visual amenities of the locality. This would be contrary to policy BE9 of Brent's Unitary Development Plan 2004 and the guidance as outlined in the adopted SPG5 "Altering and Extending Your Home".
- (3) The proposed rear dormer, by reason of its size, bulk and design, is out of keeping with the character of the existing dwelling and adversely affects the appearance of the property and the visual amenity of the locality. This would be contrary to policy BE9 of Brent's Unitary Development Plan 2004 and the guidance as outlined in the adopted SPG5 "Altering and Extending Your Home".
- (4) The proposed vehicle access, by reason of its central position within the site and close proximity to existing access points, would result in the loss of on-street parking on a heavily parked street to the detriment of the safety of pedestrians and users of the adjacent highway. Furthermore, the resulting front garden layout and associated underprovision of soft landscaping and lack of front boundary treatment, would be detrimental to the visual amenities of the street scene and the area in general. The proposal is thus contrary to policies BE2, BE7, and TRN15 of adopted Unitary Development Plan 2004 and Supplementary Planning Guidance No. 5: "Altering and Extending Your Home" and Brent's Domestic Vehicle Footway Crossover Policy.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's UDP 2004
SPG5 "Altering and Extending Your Home"
Domestic Vehicle Footway Crossing Policy
Letters of objection

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



Planning Committee Map

Site address: 63 Beverley Gardens, Wembley, HA9 9RB

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Committee Report Planning Committee on 13 January, 2010

Case No. 09/1947

RECEIVED: 9 September, 2009

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 338-346 inc, Stag Lane, London, NW9

PROPOSAL: Alterations to outbuilding, single-storey rear extension to commercial units, alterations to shopfront and internal alterations to form one retail unit from 3 separate existing commercial units (two retail and one office), alterations to the existing 3 first-floor flats, alterations to and extension of roof to form 4 rear dormer windows to create loft floor and provide a total of 6 self-contained flats, comprising 4 two-bedroom and 2 one-bedroom flats, replacement of 2 front and 2 rear first-floor windows and all windows to side elevations, formation of 6 car-parking spaces, provision of cycle and bin store and associated landscaping

APPLICANT: Catina Design

CONTACT:

PLAN NO'S: 1516/01 B, 1516/02, 1516/101 D, 1516/102 D

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor

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.
- A contribution of £12,000, due on material start and index-linked from the date of Committee, for Education, Sustainable Transportation and Open Space & Sports in the local area.
-
- Join and adhere to the Considerate Contractors Scheme.

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

EXISTING

Free-standing building within but on the boundary of Roe Green Village Conservation Area. The building comprises three ground-floor commercial units and three flats, comprising 2 x 2-bedroom and 1 x 3-bedroom, on the first floor.

PROPOSAL

Alterations to outbuilding, single-storey rear extension to commercial units, alterations to shopfront and internal alterations to form one retail unit from 3 separate existing commercial units (two retail and one office), alterations to the existing 3 first-floor flats, alterations to and extension of roof to form 4 rear dormer windows to create loft floor and provide a total of 6 self-contained flats, comprising 4 two-bedroom and 2 one-bedroom flats, replacement of 2 front and 2 rear first-floor windows and all windows to side elevations, formation of 6 car-parking spaces, provision of cycle and bin store and associated landscaping.

HISTORY

07/2965 - Full planning application for alterations to existing first floor and erection of loft level, creation of 6 self-contained dwellings, comprising 4 two-bedroom and 2 one-bedroom flats at 338A, 338B & 346A, was withdrawn.

99/1279 - Full planning application for change of use from retail (Use Class A1) to offices (Use Class A2) for ground-floor commercial unit at 346 Stag Lane was approved on 09/08/1999.

POLICY CONSIDERATIONS

STR11 Which 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.

STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.

STR19 New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

BE2 Townscape: Local Context & Character

BE7 Public Realm: Streetscape

BE9 Architectural Quality

BE25 Development in Conservation Areas

BE26 Alterations & Extensions to Buildings in Conservation Areas

H12 Residential Quality – Layout Considerations

TRN23 Parking Standards – Residential Development

PS14 Parking Standards

Supplementary Planning Guidance Note 17: Design Guide for New Development

Supplementary Planning Document: New Planning Obligations (s106)

CONSULTATION

External

Neighbours were consulted on 22nd September and a site notice was posted on 23rd September. 9 representations, which included 8 objections and 1 comment, were received. The concerns raised include the following:

- Loss of privacy - overlooking from rear dormer windows into gardens
- Increase in parking demand and congestion
- Noise, water and refuse pollution
- Children's safety
- Destruction of trees and garden and its conversion to excessively paved car parking
- Injurious alterations to the existing building
- Endanger Conservation Area status
- Intrusive in relation to the site and on adjoining properties.
- Not appropriate for Conservation Area
- Congregating in car park

Internal

Environmental Health:

In order that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their land, a noise assessment (carried out in accordance with PPG24) and a vibration assessment should be carried out and the results forwarded to this department. This information will be conditioned.

Landscape Design:

The scheme is supported, following various amendments and the required amount of amenity space. A condition requiring submission of a landscaping scheme has been attached to this recommended approval.

Transportation:

The scheme is supported following amendments made to the scheme.

REMARKS

Introduction

Extensions and alterations to buildings of this nature for a greater intensity of residential development are reliant on certain pre-conditions. Uppermost of these is the requirement for proposals to satisfy policies BE2, BE9, BE24, BE25 and H12 of the Brent Unitary Development Plan, which stipulate that proposals must respect or improve the existing townscape, be appropriate to its setting, protect and enhance the locality, does not impact adversely on the amenity of the neighbouring residents. Further amendments were made to the scheme following discussion with the Residents' Association and advice from your officers. For the reasons discussed below, the proposal is considered to be of sufficient quality of design to comply with the above policies.

It is a free-standing two-storey rectangular building on the boundary but within the Roe Green Village Conservation Area. The ground floor was built as four separate retail units and the first floor contained spaces for community use. Later the first floor was used as primary school.

The ground floor, at the present time, comprises three commercial units, two retail and one office. A single-storey disused outbuilding in a state of disrepair is located to the rear, about 8m from the rear wall of the building. A structure attached to the rear face of the main building at ground-floor level has now been removed.

To the north there is a driveway off Stag Lane which leads to the rear of the building which originally would have been used to service the ground-floor shops and community rooms on the first floor. Currently this is a disused yard, overgrown and in a state of disrepair.

The first floor currently comprises three self-contained flats, two of which are accessed from the north-facing flank elevation and one from the south-facing elevation. The existing flats are poorly converted, providing substandard accommodation.

The building gives an impression of it having a pitched roof. In reality its roof is pitched along the front and sides (with dormer windows) and forms a "U"-shaped pitched and hipped roof with its middle infilled with a flat roof which sits at a lower level (at eaves level) and faces the rear.

It is proposed to alter the existing outbuilding and to extend the ground floor to the rear, thus infilling the space between the existing rear wall and the current outbuilding. This will provide increased retail and ancillary space. The proposal also involves replanning of the existing 3 flats on the first floor to provide 4 flats. 2 loft flats are created by alterations to the existing roof, such

that it is sloped along all the elevations with a flat crown just below the existing ridge line. Roof lights are inserted in the crown. Four dormers are installed in the front roof slope. The proposed altered and extended roof thus allows the creation of 6 self-contained flats - 2 x 2-bedroom and 2 x 1 one-bedroom on 1st floor, and 2 x 2 two-bedroom flats in the loft floor.

Various revisions were required and your officers consider that the proposed scheme addresses the concerns raised by residents and also matters raised when assessing the withdrawn application under ref. no. 07/2965.

Design & Scale and its impact on Residential Amenity of adjoining residents

The existing building has a prominent presence on Stag Lane, due to its attractive design features, including the roof sweeping down to the first-floor level to the side with dormer windows and the vertical tile hanging on the roof to the front. However, insensitive adaptations and lack of investment over a period of time have disfigured the building and it is in a state of disrepair. The proposed alterations to the front and side elevations can be regarded as restoration of the building in terms of its original features & design. It proposes to replace some of the windows to the first floor, both to the front and rear, and the side dormers so that they match the original windows. The existing insensitive modern shopfronts and signage will also be replaced and the original design of articulated fenestrations and central entrance restored. The existing chimneys which are an important feature are also retained. Alterations and extensions to the ground floor and roof are to the rear of the building and therefore the proposals do not have any impact on the street scene.

The proposal for use of the ground floor as one retail unit does not have any impact on the design and scale of the existing building. The proposal involves extending the retail space to the rear thus infilling the space between the rear wall of the building and the outbuilding. The proposed floor area will increase by 118m² to a total of 420m².

The main alterations involve remodelling internally the first floor to create four flats (in place of 3 flats) and alterations to the roof to create a loft floor comprising two flats. Floor area in the loft is maximised with 4 dormer windows to the front and alterations to the existing "U"-shaped roof. The existing front and side elevations remain unaltered and infilling the 4 slopes along the perimeter of the building with a flat crown roof with rooflights. The rooflights on the resulting crown roof, which is set lower than the ridge, are not visible from the street or the rear of properties on Roe End and Roe Lane.

Whilst front dormer windows are not generally permitted, it should be noted that these are part of the character of dwellings within Roe Green Village. The dormer windows are designed in keeping with the existing original side dormers to this building and are not considered to be over-dominant or overbearing.

Standard of Accommodation and Amenity for Future Residents

Units comply with SPG17 in terms of internal space.

Flat No.	Beds	Area (m²)	SPG 17 - Area (m²)
1	1	47	45
2	1	45.2	45
3	2	69.2	55/65
4	2	55.6	55/65
5	2	64 (above 2.3m high)	55/65
6	2	63 (above 2.3m high)	55/65

Both the 1-bedroom and 2-bedroom flats conform to the guidelines set out in SPG17. Flats 1, 2, 3 & 4 are on the 1st floor and flats 5 & 6 are within the loft.

The distance between the existing dormer windows on the flanks, serving as sole outlook for a bedroom in flat 2 and one in flat 4 and the site boundary is 2.9m and 4.5m respectively. Whilst this is contrary to standards set out in SPG17, it should be borne in mind that these are guidelines and should be applied flexibly and the proposal is for alterations to an existing historic building in order to restore it and bring it back into use. Furthermore there exists a bedroom in the existing flat in the same location as that in flat 2 with a sole dormer window. From both these windows, there is an extensive unobstructed outlook along the Stag Lane by virtue of the relationship between this property and the neighbouring properties which are both set further back from Stag Lane than this property. There is no direct overlooking of the neighbouring adjacent properties and thus no loss of privacy is anticipated.

The level of amenity space suggested by SPG17 is 20m² per flat. As this historic building was never intended to for use as residential, no space was designated for gardens. The rear yard was intended as a service yard to the retail element on ground floor and the community use for the first floor. In the proposed scheme, this yard is designated for parking of 6 vehicles occupying approximately half of the rear yard. The rest of the area is designated as private communal gardens and the area exceeds that set out in SPG17. Separation between the retail use and the residential use is maintained. A comprehensive landscape scheme is required and a condition is accordingly attached to this recommended approval. Additionally, the roof over the rear extension to the ground floor is a green roof which will add to visual amenity to all the flats.

Transportation

The site has low access to public transport with PTAL level 1. 1 parking space per 400m² is required for retail units. There are 3 designated off-street parking spaces at the present for the shops. 6.8 parking spaces are required for the residential element which includes visitor parking and thus some reduction may be allowed and 6 spaces are acceptable. The car park is accessed through the existing vehicular access and drive off the Stag Lane.

Refuse storage points are within the accepted maximum refuse-carrying distances. Emergency vehicle access is provided.

The retail unit requires space for a transit-sized van. This is provided alongside the proposed condenser unit at the northern end of the building. Cycle parking for the retail unit is provided to the front. Cycle stores are also provided to the rear for use by the dwelling units and shop staff.

Existing Access Gates to No. 336 Stag Lane

There exist gates within the boundary fencing with the adjacent no. 336 Stag Lane. The applicant has stated that there does not exist any right of way and that the access is provided as a courtesy to access a structure to the rear and within the garden of no. 336 Stag Lane. The current use of this structure is not known and your Officers will establish its status and include this in a Supplementary Report. Historical documents confirm that no right of way exists and that permission for erection of temporary cycle and tool shed was granted in 1935.

Response to Objectors

The proposed dormer windows which were visible from the rear of properties on Roe End and Roe Lane, have been removed and thus no loss of privacy will result. There already exists three flats on the first floor. Remodelling of this floor allows an addition of one more flat. These flats fall within the standards set out in SPG17.

The distances between the proposed sloped roof to the rear and habitable-room windows within the houses along Roe End and Roe Lane exceeds the standards set out in SPG17. The distances between the existing boundaries and amenity area of no. 18 Roe End exceeds the standards set out in SPG17 and thus your officers do not envisage that the proposed change from a flat roof to a sloped roof would be over-dominant or overbearing. The rear yard of the property has now been redesigned and over half its width is used as amenity area, thus maintaining the open and green character currently resulting from the overgrown and untended rear yard.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

Environmental Quality: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development
Design and Planning Standards

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) Notwithstanding the description of architectural details and materials given in the application, details of the materials, including samples, proposed for all external surfaces of the building and all areas of hard landscape works, and drawings showing details to be replicated, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site, and the development shall only be carried out in accordance with such approved details. (Where appropriate, a schedule of the exact product references shall be provided.)

Reason: In order for the Local Planning Authority to assess the suitability of the samples submitted, in the interests of visual amenity and character of the area.

- (3) Before the first occupation of the residential accommodation, the amenity area shall be laid out and access to it provided within the curtilage of the site, in accordance with details to be submitted to the Local Planning Authority for prior written approval.

Reason: In the interests of the amenity of future residential occupiers.

- (4) The communal garden to the rear shall be landscaped in accordance with a scheme

to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition or construction work on the site, and such work shall be completed prior to occupation of the proposed dwelling units.

In particular, the scheme shall indicate:

1. Details of the existing vegetation to be removed
2. Plant species, size and density of the proposed planting, together with a planting schedule.
3. Incidental planting elsewhere on the site.
4. Proposed walls and fencing, indicating materials and heights.
5. Other appropriate matters within the context of a landscaping scheme and areas of hard surfacing with regards to proposed car-parking spaces.

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 with the prior written agreement of the Local Planning Authority, by trees/shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development is integrated into the visual amenity of the area.

- (5) The A1 Unit fronting Stag Lane shall not be used except between the hours of 8.00am and 11pm, Mondays to Sundays.

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

- (6) No satellites, antennas or other aerials shall be erected on the building without written permission from the Local Planning Authority.

Reason: To ensure that such additions do not harm the visual amenity of the Conservation Area.

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

(a) the operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Monday - Friday, 0800 - 1300 Saturday and at no time on Sunday or Bank Holidays.

(b) all vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site.

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

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

(e) the applicant shall employ measures to mitigate against the impact of dust and fine particles generated during construction, including damping-down during demolition and construction, particularly in dry weather conditions, minimising the drop height of materials and damping from the skips/spoil tips, sheeting of lorry loads

during haulage, utilising screening on-site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area.

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

(8) Details, including samples of materials, proposed for:-

- (a) all external surfaces of the building
- (b) windows
- (c) roofing materials
- (d) all external lighting within the development

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site, and the development shall not be carried out otherwise than in accordance with any such approval. Wherever possible, recycled construction materials and/or re-used steel joists/girders shall be employed.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted, in the interests of visual amenity.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Amina Hirani, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5211



Planning Committee Map

Site address: 338-346 inc, Stag Lane, London, NW9

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Location 338-346 inc, Stag Lane, London, NW9
Description Alterations to outbuilding, single-storey rear extension to commercial units, alterations to shopfront and internal alterations to form one retail unit from 3 separate existing commercial units (two retail and one office), alterations to the existing 3 first-floor flats, alterations to and extension of roof to form 4 rear dormer windows to create loft floor and provide a total of 6 self-contained flats, comprising 4 two-bedroom and 2 one-bedroom flats, replacement of 2 front and 2 rear first-floor windows and all windows to side elevations, formation of 6 car-parking spaces, provision of cycle and bin store and associated landscaping

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1. To ensure separation between the retail and residential elements, the applicants were advised to move the cycle stand for shop employees and the set of doors along the south-facing flank wall to the rear. The cycle parking has been relocated but, the doors have been retained for fire exit reasons. Revised drawings nos. 1516/101E and 1516/101E were submitted. Officers consider this arrangement acceptable.

2. Section 106 Notes

Bullet Point no. 2 should be corrected to read

A contribution of £9,000, due on material start and index-linked from the date of Committee, for Education, Sustainable Transportation and Open Space & Sports in the local area. The reason for this is that currently there are 3 flats with a total of 7 bedrooms (comprising 2 x 2 bedroom and 1 x 3 bedroom). The proposed increase of 3 bedrooms requires a contribution of £9000.

3. Officer's site visit confirmed that the gates within the boundary fence between this property and the neighbouring no. 336 Stag Lane lead to an outbuilding within the rear garden of no. 336 Stag Lane. A notice on the front door of no. 336 Stag Lane indicates that this rear outbuilding houses ALB Signwriters Ltd. A phone number, website details and email address is also given.

No planning or council tax records exist to confirm the use of the outbuilding at no. 336 Stag Lane. Your officer has spoken to the director of ALB Signwriters who has confirmed that the outbuilding has been accessed via the proposed site for many years and that the outbuilding has been used for storage purposes for many years as well. Your officers have accordingly written to ALB Signwriters asking for confirmation and advising that they should apply for retrospective planning permission or a certificate of lawfulness for existing use as the case may be. Owners of no. 336 Stag Lane have confirmed that they have a right of way to access the above rear outbuilding from the driveway of this property. Accordingly the following informative stating that the right of way should be maintained is added to this recommended approval:

Informative:

A realigned rear service access should be provided where an existing right way will be obstructed by development

4. The Residents Association have removed its objection as all their concerns have been

addressed to their satisfaction.

5. Environmental Health require a noise and vibration assessment relating to the air conditioning to the retail unit. Appropriate sound insulation to mitigate against noise transmitted between flats is also required. Accordingly the following conditions are attached to this recommended approval:

Condition 9:

Any air conditioning plant or refrigeration shall be installed so as to prevent the transmission of noise and vibration into any neighbouring premises and noise levels from this plant shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises.

An acoustic assessment shall be undertaken to verify that this can be achieved, including a scheme of insulation works to mitigate the noise should the predicted levels exceed those specified in this condition, and submitted to the Local Planning Authority for approval prior to commencement of the works.

Reason: To safeguard the amenity of future occupants

Note: The method of assessment should be carried out in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. It is recommended that an approved Acoustic Consultant produce a report.

Condition 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 building regulations 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.

Recommendation: Remains Approval

DocSuppF

Committee Report

Planning Committee on 13 January, 2010

Case No.

09/2454

RECEIVED: 26 November, 2009

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 54A The Avenue, London, NW6 7NP

PROPOSAL: Removal of two rear rooflights and installation of rear inverted dormer window with sliding doors to first floor flat

APPLICANT: Mr Neil Stuart

CONTACT: True Associates

PLAN NO'S: H8044PA/460/001; H8044PA/460/002; H8044PA/460/003;
H8044PA/460/004 REVA; H8044PA/460/005; H8044PA/460/006
REVA; H80044PA/460/007 REVA

RECOMMENDATION

Approval.

EXISTING

The subject site is a two storey semi-detached dwelling, which has been subdivided into two self contained flats, located on The Avenue. This application relates to the first floor flat. The surrounding area is predominantly residential, consisting of semi-detached dwellings. The subject site is not located within a conservation area, nor is it a listed building.

PROPOSAL

The applicant has proposed the removal of two rear rooflights and the installation of rear inverted dormer window with sliding doors to first floor flat.

HISTORY

No relevant planning history.

POLICY CONSIDERATIONS

Brent's Unitary Development Plan 2004

BE9 Architectural Quality

Supplementary Planning Guidance

SPG5 "Altering and Extending Your Home"

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

Consultation letters, dated 3rd December 2009, were sent to 10 neighbouring owners/occupiers. Two letters of objection have been received, the following comments were made:

- The proposed will overlook garden areas;
- The proposed will result in increased noise levels;
- Both properties have balcony's on the first floor to the rear and the creation of a second balcony will overlook existing balcony areas;
- The proposed would look out of character to the rear dwelling-house;
- Permission has not been granted by the freeholder for any structural changes within the roof.

Officers have met with the adjacent flat owner, to inspect the site from their property. There was concern over increased noise disturbance from the balcony, structural damage, and overlooking. In consideration of these issues, whilst site inspection revealed that there is likely to be no overlooking into neighbouring balcony areas, the proposal has been amended to include an obscured glazed screen to the side facing Number 52 The Avenue.

Whilst it is noted that the applicants are not the freeholders of the first floor flat and it is claimed that no consent from the freeholder has been granted, this is not a planning consideration. However, in situations of this kind the development requires written agreement of the freeholder. Although there may be structural issues these will be covered by Building Regulations, should the application be approved.

REMARKS

The application relates to the first floor flat of a two storey semi-detached building located on The Avenue. The site as existing has two rear rooflights which have been installed without prior planning consent and one side and one rear rooflight which appear to have been installed for over five years, and therefore exempt from planning control. The applicant has proposed an inverted rear dormer window which results in the removal of the two unauthorised rooflights and creates an outside balcony area set within the roofplane of the first floor flat.

Design and appearance

The proposed inverted rear dormer window is cut into the rear roofplane, 2.97m wide and set up from the eaves by 1.2m, which complies with Supplementary Planning Guidance 5, in terms of scale and size of roof extensions. The proposed features full length, grey aluminium, sliding doors that open onto a 2m by 2.95m balcony area. An obscured glass screen is proposed to the side of the balcony area, adjacent to the adjoining property Number 52 The Avenue to prevent overlooking into neighbouring balcony areas.

Response to objections

Whilst objection has been raised in relation to overlooking into garden and balcony areas, existing balconies located at the first floor of these properties already overlook rear gardens and the set up from eaves level along with the provision of an obscure screen should prevent overlooking into neighbouring balcony areas. The adjoining property has a rear dormer window which allows views into the application site and although this proposal seeks consent for a different form of roof extension to a "normal" dormer addition, it is considered that there should be no significant loss of amenity for neighbours.

In terms of noise, the proposed balcony area should not be detrimental to neighbouring amenity as the balcony area is approximately 6m² and is essentially an extension to a home work studio. Although it will be used for sitting out, the balcony area should be seen in the context of the existing rear balcony areas at both Numbers 52 and 54 The Avenue.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

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

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

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

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

- Brent's Unitary Development Plan 2004
- Supplementary Planning Guidance 5 'Altering and Extending Your Home'
- Four letters of objection

Any person wishing to inspect the above papers should contact Nicola Butterfield, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5239



Planning Committee Map

Site address: 54A The Avenue, London, NW6 7NP

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Location 54A The Avenue, London, NW6 7NP
Description Removal of two rear rooflights and installation of rear inverted dormer window with sliding doors to first-floor flat

Agenda Page Number: 81

Members visited the application site on Saturday 9th January 2010. At that meeting, a question was asked about whether there are any similar proposals in the immediate locality. In addition, officers indicated that further information would be provided which explain Building Control and Environmental Health history with the application site.

There does not appear to be any similar proposals within the immediate locality. However, Members have previously approved open terraces and julliet balconies within roofspaces. The key issue is whether the extension can be erected without impacting on amenity and for the reasons set down in this report, this is considered to be the case here.

Building Control Officers have visited the site and note that the loft conversion is unauthorised and currently, does not comply with Building Regulations. Officers note, and the applicant is aware, that the loft conversion needs to satisfactorily demonstrate that building regulation requirements have been met. These matters have yet to be resolved.

Environmental Health Officers have confirmed that a noise complaint has been received in relation to the application site, in August 2009. The matter did not result in any action. This has raised concerns on behalf of the neighbour about future problems that they feel may arise from the proposal.

Additional objections

Councillor Shaw has raised objections to the proposal. These concern: overlooking; noise; character and appearance. Whilst these issues have been discussed within the report, further clarification has been sought from the applicant and agent as to the current and proposed use of the roofspace. It has been confirmed that the current and proposed use of the roofspace is a photography studio/study which is a work from home facility that is ancillary to the residential use.

A further representation has been received from an objector explaining their concerns.

- The terrace would affect living conditions of adjacent properties, as the roofspace will be used to entertain and create excessive noise. Details of noise complaints above;
- The terrace will overlook existing neighbouring terrace areas, as currently both terraces are private;
- The planning application has not sought to regularise the two other existing side rooflights;
- Building control have an open case on the site, this should have been considered;
- The existing loft conversion does not have fire doors or alarms and states that the loft area is a workspace. This is untrue as the applicant lives in the loft and rents the other rooms to tenants;
- The planning application is a waste of funds, as it should not have been considered as freeholder consent has not been obtained and never will.

purposes if the freeholder of the application site does not give permission for these works to take place, these proposed works cannot commence. Granting of any planning permission does not override any legal requirement that needs to be complied with.

The application description does not include the existing side and rear rooflights within the proposals, as noted within the report. These require planning consent (this is a flat) and the matter will need to be regularised by the necessary planning permission being granted in any event, regardless of what happens to this application.

Recommendation: Remains approval.

DocSuppF

Committee Report

Planning Committee on 13 January, 2010

Case No.

09/2234

RECEIVED: 29 October, 2009

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Communal Rooms & Flats 1-39inc Gordon House, Malvern Road, NW6

PROPOSAL: Demolition of a three-storey building and erection of a part three-, four- and five-storey building comprising 26 affordable self-contained maisonettes and flats (3 one-bedroom, 15 two-bedroom, 8 three-bedroom), with formation of new vehicular access onto Malvern Road, communal garden and associated landscaping

APPLICANT: Stadium Housing Association Ltd

CONTACT: PRP Architects

PLAN NO'S: AA0474/2.3/001
AA0474/2.3/020
AA0474/2.1/001
AA0474/2.1/003 C
AA0474/2.1/005 C
AA0474/2.1/006 B
AA0474/2.1/007 A
AA0474/2.1/010 B
AA0474/2.1/011 A (perspective views)

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance.
- (b) 100% Affordable Housing.
- (c) A contribution of £90,000, due on material start and index-linked from the date of Committee, for Education, Sustainable Transportation and Open Space & Sports in the local area.
- (d) Submission and compliance with the Sustainability check-list, ensuring a minimum 50% score is achieved, and Code for Sustainable Homes level 3, with compensation, should it not be delivered, in addition to adhering to the Demolition Protocol.
- (e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that this is unfeasible, provide it off-site through an in-lieu payment to the Council who will provide that level of offset renewable generation.
- (f) Join and adhere to the Considerate Contractors scheme.

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

EXISTING

The site is on the east side of Malvern Road, NW6. It is not within a Conservation Area nor is it a Listed Building. The site is currently owned by Willow Housing and Care and leased to Stadium Housing Association and the existing building contains 39 bedsit units which have been used to house elderly people and now accommodates homeless families. The current occupiers of the building will be provided alternative accommodation elsewhere, most likely within South Kilburn.

The site is within the South Kilburn Regeneration Area.

PROPOSAL

Demolition of a three-storey building and erection of a part three-, four- and five-storey building comprising 26 affordable self-contained maisonettes and flats (3 one-bedroom, 15 two-bedroom, 8 three-bedroom), with formation of new vehicular access onto Malvern Road, communal garden and associated landscaping

HISTORY

No relevant planning history.

POLICY CONSIDERATIONS

UDP 2004

STR11 Which 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.

STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.

STR19 New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

BE2 Townscape: Local Context & Character

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE9 Architectural Quality

BE24 Locally Listed Buildings

BE25 Development in Conservation Areas

BE26 Alterations & Extensions to Buildings in Conservation Areas

H12 Residential Quality – Layout Considerations

TRN23 Parking Standards – Residential Development

PS14 Parking Standards

Supplementary Planning Guidance Note 17: Design Guide for New Development

Supplementary Planning Guidance 19: Sustainable Design, Construction & Pollution Control

Supplementary Planning Document: New Planning Obligations (s106)

SUSTAINABILITY ASSESSMENT

The development achieves a score of 48.5% in the Council's Sustainability Checklist, which is considered fairly positive in sustainability terms. A number of points have not been awarded under point 6.1, Air Quality, because they are not considered to be appropriately related to the development. The applicant will need to sign up to achieving the full 50% in the S106 agreement, for the application to be recommended for approval in sustainability terms.

Furthermore, it has been noted that although an energy options assessment has been undertaken, there has not been a commitment to provide the full 20% CO2 reduction through the use of renewable energy technology. It is essential that the applicant signs up to this through the S106 agreement to ensure that the development meets the requirements of London Plan policy 4A.7. The extra points that are needed in the checklist can be achieved by signing up to the use of renewable energy to ensure a 20% CO2 reduction.

CONSULTATION

External

218 consultation letters were sent to neighbouring occupiers on 9th November 2009 and site notices were posted at the front of the site on 11th November 2009. 1 objection has been received, which raises the following issues:

- The area has deteriorated from a residential and social perspective due to the Council erecting and collaborating too many social and government houses within a small space.
- The area has become congested, a crime hotspot and a nightmare.
- The building will impinge on the neighbours privacy from a window and security perspective.
- Its design is huge and ugly and will block daylight.
- The affordable-housing project will put a lot more strain and pressure on this road and area which already suffers from congestion and too much social housing.

Westminster Council does not wish to comment on the proposal.

Internal

Landscape officer: No objection subject to conditions discussed in report

Transportation officer: No objections subject to conditions discussed in report

Streetcare: Requirements discussed in report

Design: No objections, recommendations provided.

REMARKS

The proposal is for the demolition of a three-storey building and erection of a part three-, four- and five-storey building comprising 26 affordable self-contained maisonettes and flats (3 one-bedroom, 15 two-bedroom, 8 three-bedroom), with formation of new vehicular access onto Malvern Road, communal garden and associated landscaping.

Context

The Council produced a Supplementary Planning Document (SPD) for the area in 2005 to provide detailed guidance on the redevelopment of large parts of the South Kilburn estate. Around that time the Council had procured a consortium of housebuilders and Housing Associations to bring forward a comprehensive proposal, rebuilding approx. 1400 new socially rented homes by building and selling around 1500 private ones. This relied on government funding that was insufficient to complete the wider development, and then the downturn in economic conditions effectively halted the proposals. At the moment the Council itself is bringing forward developments including the roundabout site as well as the South Kilburn Neighbourhood Trust on the Texaco site and Network Housing Group on Gordon House. These will provide over 360 new homes, the majority of which will be for social rent. The new social rented homes will be ring-fenced to residents of South Kilburn, and the Council has agreed to give priority to residents in Bronte and Fielding Houses, two of the two bison-constructed towers. A report to the Council's Executive in February 2010 will recommend the demolition of these blocks. This will hopefully kickstart the regeneration process. The Council is also intending to procure joint venture partners that will take the redevelopment of the estate forward. It must be stressed that this is an important first phase that needs to be implemented before any wider plans can be acted upon. It will take advantage of Homes and Community Agency Funding for the next financial year if schemes are approved. It will not guarantee the long-term redevelopment of the estate but failure to start on the redevelopment now will set back any chance of moving forward substantially.

Gordon House

In the 2005 South Kilburn SPD, Gordon House was proposed to form part of a much larger redevelopment including the town houses around Stafford Road and it was also suggested that the site could accommodate a healthy living centre on the ground floor which would have been much bigger. The Council has carried out a review of the 2005 SPD which will be formally incorporated into a wider replacement SPD in 2010. The review which has been consulted on proposed that the town houses, which in any case, were very expensive to buy out and redevelop, should be kept and only the poor-quality Gordon House be redeveloped. This was strongly supported by existing residents. The Healthy Living Centre is intended to be replaced on the site of the Peel Precinct Housing office and will provide sufficient new GP's to be accommodated to serve the wider area, notwithstanding the fact that the ground floor of Gordon House could not support the scale of facility envisaged.

The masterplan involves the redevelopment of Blake Court directly to the north of Gordon House, it is proposed that the site of Blake Court will be open space and this is expected in Phase 4 of the programme (2015/16). As such, while the scheme must be assessed in terms of its relationship within the existing streetscene, it is also a significant consideration that the site would change considerably with the demolition of Blake Court.

Principle of Redevelopment

There is no objection to the loss of the existing bedsit units on the site which are currently used to house homeless families. Policy officers indicate that this need is met elsewhere in the Borough and it is the case that the standard of accommodation provided by the building is extremely poor. The provision of self-contained units on the site is supported.

Design & Scale

The existing building is three storeys in height with an additional front two-storey projection at the north end of the site and the main building is set back from the front boundary (Malvern Road) by 12m. The style of the building is similar to the three-storey terraced houses to its south and east but does not provide an attractive or active street frontage.

The proposed scheme is three, four and five storeys in height and set back from the front boundary by 3m thus increasing its prominence in the streetscene. To the north of the site the proposed building is 1m further away from Blake Court than existing and the building also projects approximately 2m less to the south. Its footprint is a horseshoe shape, its southern wing has a very similar rear building line to the existing while its northern wing projects 5m closer to the rear boundary.

The general size of the proposal respects the size and character of the existing buildings in the vicinity. The framed five-storey corner block stands out from the rest of the building and overall the design appears quite robust though not overly bulky.

The elevational treatment applies very clean forms, lines and design elements, resulting in a modern appearance. The window detail surrounding each window reflects that in the elevational detail of the Victorian properties opposite. This detail also creates the impression of larger fenestration at lower floors with smaller windows above which is characteristic of the existing Malvern Road buildings. The proportions and balconies ensure the building has a residential character. In terms of materials a dark brick is proposed alongside white cladding which creates a contrast as well as interest.

Ground-floor units have private entrances which are defined by an L shaped concrete canopy and are accessed through small private forecourts. The communal entrances are more pronounced being wider and also having "Gordon House" in stainless steel lettering on top of the entrance

canopy. The main entrance on Malvern Road will be the most defined, being open to the street while the private doors will be screened by hedging. The entrance facing Blake Court, while having the same treatment as Malvern Road will be more discrete due to its location however in the future context as described above this elevation would face a new open space and would therefore be a far more visible.

Residential Amenity

Standard of Accommodation for Future Residents

All units comply with or exceed the minimum internal floorspace standards of SPG17 and all are dual aspect.

The separation distance between Blake Court will increase by 1m from the existing to 17.6m. The situation is similar to the south of the site, the distances between the neighbouring buildings and the proposed building in some instances are below the 20m recommended by SPG17 (at the southeast corner), however, the proposed building is sited 2m further from the buildings to the south than the existing Gordon House.

All units have some private amenity space, which in some cases is only 4m², however the site also benefits from a landscaped courtyard. Amenity space is discussed further below.

Impact on Adjoining Occupiers

The proposed building in projecting closer to the highway results in a distance of between 18.5m and 19.5m between facing front elevations. SPG17 states that the distance between front elevations will be defined by the character of road widths.

Also given the existence of a significantly higher building (Blake Court) the increased height (from three to four and five storeys) fronting Malvern Road appears suitable and should not be detrimental to occupiers opposite on Malvern Road.

The relationship with Blake Court is fairly tight, as noted above, the separation distance is increased by 1m but the height is increased from two and three storeys, to three, four and five storeys. Blake Court backs onto the site and while in the long term the demolition of this building is proposed, the relationship between the buildings must still be considered, seeking to ensure the development does not harm the amenity of Blake Court's occupants. It is appropriate to apply the guidance of SPG17 (an angle of 30° measured from 2m in height on the rear elevation of Blake Court). The proposed building largely falls below this but for the 12m section where the 5-storey block is directly opposite Blake Court the proposed building projects 2.7m above the line drawn by this angle. A daylight and sunlight report submitted by the applicant demonstrates that the relationship is acceptable in terms of BRE guidelines (Building Research Establishments "Site layout planning for daylight and sunlight: A guide to good practice"). Given that this guidance is met and the guidance of SPG17 is largely met, officers do not object to this relationship, particularly given the long-term aspirations for this part of the Borough.

The northeast wing of the scheme projects to within 5m of no.10 Hampton Close which is a three-storey dwellinghouse. There is no direct conflict between windows and the scheme does not project into the direct outlook from the front of the dwelling. It is considered that high-quality material to this elevation will result in a satisfactory relationship.

To the south of the site the proposed building is three storeys as existing and four storeys where there is a distance of at least 20m between elevations. A small balcony is proposed at second-floor level on this elevation but again there is a separation of over 20m, ensuring satisfactory levels of privacy.

Mix of units & Tenure

The Council's Housing department support the redevelopment of the current poor and substandard hostel accommodation at Gordon House which forms part of the Phase 1 programme of development identified in the revised South Kilburn Masterplan. These sites will be used as decant accommodation for the first two bison blocks, Bronte and Fielding House, to be demolished and redeveloped, and therefore are key to supporting the Council's regeneration strategy to move those living in the worst housing conditions first in South Kilburn.

The proposal is for:

3 x 1-bedroom

15 x 2-bedroom

8 x 3-bedroom

While it is unusual to provide relatively few 1-bedroom units the provision of larger family-sized units is supported as it is designed to provide appropriate decant accommodation. Bronte and Fielding House currently accommodate many families in overcrowded conditions and therefore family units are required.

The applicant is a housing association and the scheme is proposed as 100% affordable for social rent.

Amenity space & Landscaping

There are a number of street trees to the front of the site which are not affected by the proposal, notably there is one of considerable size to the front of the five-storey block of the proposed building. The site layout plan indicates that the smaller trees within the frontage of the site will be removed. To the north of the site a couple of trees again will be removed, one retained and 6 more proposed to improve the quality of the landscaping between the site and Blake Court.

The private forecourts are screened by hedges as is the parking to the south of the site in the interest of residential amenity. The central courtyard is screened from the public pedestrian accessway to the east by hedging.

While ground-floor units each have a private forecourt, the UDP does not regard them as amenity space due to their proximity to public areas but they do have some amenity value and it is likely that in some cases they would be utilised by occupiers. Each 3-bedroom ground-floor unit also has a private amenity area to its rear; these range in size from 12m² to 22.5m² which are less than would usually be sought for family units but they have the added benefit of facing opening onto the communal courtyard.

The 1-bedroom units have private amenity space of up to 5m². The 2-bedroom unit balconies range in size from 4m² to 10m² or more, a large roof terrace of over 50m² is proposed to the 2-bedroom unit at the northeast end of the building. There are 2 x 3-bedroom units not at ground-floor level and therefore each relies on a balcony of 12m²; while this is not favourable for family accommodation, the occupants will have access to the communal courtyard and the units have an area of 89m², above the 80m² minimum standard of SPG17.

The communal courtyard measures approximately 187m² and low-level planters separate the private areas from the communal space. The communal courtyard consists of hardstanding pathways and space for seating, soft-landscaped areas, including 5 trees, and a children's playspace using natural materials. In order to ensure a good-quality and usable space is achieved, landscape officers have suggested a number of requirements which will be conditioned.

Overall the amount of amenity is fairly limited, however, if compared to the existing situation it is of much better quality and the provision of private amenity space, even if not particularly large, is

favourable. The site is in close proximity to Paddington Recreation Ground which is in the Borough of Westminster and South Kilburn Open Space which is under 300m from the site which will be improved in a later stage of the South Kilburn redevelopment.

Transportation

The site is PTAL4 with good access to public transport, in terms of parking standards the reduced allowance of 0.7 spaces per 1-2-bedroom and 1.2 spaces per 3-bedroom unit. Up to 22 spaces would be permitted for the new building, compared with 27 for the existing building, with the provision of 9 parking spaces on site the standards will be complied with.

This building is to be used to decant families from other housing blocks in South Kilburn and as they may already have parking permits, a "car-free" scheme removing the right for residents to obtain parking permits cannot be imposed.

It is acknowledged that an increased level of overspill parking could be generated by the site, however, while Malvern Road is identified as being Heavily Parked in Brent's UDP, it is not considered that the overspill level would be so significant as to be unacceptable.

The siting and access to the on-site parking bays is acceptable, the disabled parking bay adjacent to the site boundary to the east is acceptable as there is no proposed boundary treatment meaning there is sufficient space.

Cycle parking is provided in a communal store at ground floor. It is accessible from the communal courtyard and this can be accessed via communal or private doors or from the pedestrian highway at the east of the site. At least 1 cycle parking space per unit is provided.

Refuse and Recycling

Refuse and recycling storage arrangements are communal, they are located in accessible positions for occupiers and for collection and they are large enough for the volume required for this scheme. A refuse-collection vehicle will enter the site at the northern end.

S106 contribution

A S106 contribution of £90,000 is sought, this is based on the standard affordable-housing charge minus £1,200 for each existing bedsit.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

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

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

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

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

(b) screening to the roof terrace.

NOTE - Other conditions may provide further information concerning details required.

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

- (4) 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 (including species, size and density) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed prior to occupation of the building.

Such scheme shall also indicate:-

(i) The courtyard with at least 60% soft landscaping.

(ii) A child-friendly play space including details of proposed play elements.

(iii) A calm amenity area.

(iv) No areas of grass smaller than 3m² or less than 1m wide, in the interest of maintenance.

(v) Seating.

(vi) Plant species creating all-year-round interest.

(vii) Small ornamental trees in the courtyard.

(iii) A 5-year maintenance plan indicating how the landscape will be maintained over this period and specifying the anticipated outcome for the maturing of the landscape.

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.

- (5) The proposed parking facilities shown within the site on the layout plan shall be implemented and maintained for use for such purpose and shall not be obstructed or used for any other purpose(s).

Reason: To ensure the provision of adequate parking in the interests of the conditions of highway safety, the free-flow of traffic on the neighbouring highways and the general amenities of the locality.

INFORMATIVES:

- (1) The new vehicular crossover and the reinstatement of the redundant lengths of crossover to footway should be undertaken at the applicant's expense, including all associated costs involved in amending the on-street parking bays along the site frontage to suit.

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



Planning Committee Map

Site address: Communal Rooms & Flats 1-39inc Gordon House, Malvern Road, NW6

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London Borough of Brent - Copyright (C)

This map is indicative only.

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Location	1-36 inc, Marshall House, garages, electricity substation and playgrounds, Marshall House, Albert Road, London, NW6 5DS
Description	Demolition of 4- and 5-storey block of flats and erection of 2 new blocks, ranging from 4 storeys to 11 storeys in height, comprising 153 self-contained flats and maisonettes (111 of which are Affordable), 3 communal garden areas, private garden areas to front and rear of proposed ground-floor dwellings and associated landscaping to site

Agenda Page Number: 85

The final scheme includes 40 private units and 113 affordable units, (and not 42 private units and 111 affordable units as stated on page 94 of the main report). As a result, the development description needs to be amended to reflect this.

As indicated in the main body of the report (page 98) a study has been produced assessing the possible overshadowing from the proposed buildings on the buildings to the north of the railway line. The study concludes that the impact would be acceptable. A number of points have been raised about the methodology used in producing this report and that a number of assumptions have been made in its preparation. An example is that it is claimed that without knowing the depth of any affected rooms it is not possible to fully assess impact. The applicants have considered the point further and state that any room on the ground floor of any properties to the north would need to be over 7m deep (and within the affected area) for there to be a "rights of light" issue in that room of the property. (The upper storeys are not affected by the development). They have produced a report that assesses the impact of the development on the 3 "worst case situations" to the north and it is considered reasonable to assume that in the circumstances none of the other properties would suffer an unreasonable impact.

The concerns indicate that, although it may ultimately be shown that light levels remain acceptable, this cannot be known with any certainty at present as the tests to date have not been thorough enough. The author of the report does not accept that this is the case and has re-confirmed that they consider that the impact of the proposed development on people living to the north will be acceptable.

The view of Officers is that the relationship between existing and proposed properties across the railway line is, on balance, acceptable. This view is, in part, reached as a result of the separation distance between the existing and proposed buildings which, as set down in the main body of the report is in excess of 70 metres.

However, in any planning application (regardless of its scale) there may be an issue of "right to light." If a new building limits the amount of light coming in through a particular window and the level of light inside falls below an accepted level, then this could constitute an obstruction which would need to be resolved between the parties. Officers are not aware that this is the case here and the view is that there would not be such an impact so as to justify a refusal based on loss of light or overshadowing to properties to the north of the railway line.

As Members are aware, the matter of protecting any established "right of light" would need to be enforced through the Courts and, as far as this application is concerned, the relationships with buildings to the north are considered to be acceptable.

ADDITIONAL REPORT

In response to concerns expressed by some residents, an outline wind assessment has been produced by WSP. This summarises the results of the wind environment assessment at pedestrian level around the proposed development. The assessment has been undertaken by simulating the baseline and proposed scenario. It has been based on the most frequent wind speed and direction (South-West) at this stage.

The results of this study indicate that the sensitive receptors fall within the comfort criteria in the base line scenario. They show that there is no significant increase in wind velocities and all the sensitive receptors fall within the comfort criteria. The impact of the proposed development is such that there is beneficial effect on the north and west of the development site and, simultaneously, a slight increase in wind velocity along Denmark Road to the south. However the velocities predicted with the proposed development in place still fall within the pedestrian comfort criteria for leisure and business walking.

The report concludes that there is no specific mitigation required since the site adheres to recommended criteria. However including strategic planting and landscaping in open areas will add further density and obstruction to airflow in the pedestrian areas of the site. This will help to generally improve the wind environment.

ADDITIONAL REPRESENTATION

A letter has been received from Sarah Teather MP who has been contacted by constituents in Brondesbury Road and Villas. She has repeated their concerns that the buildings are too high, that they would result in increased noise from the railway and that their concerns have not been taken into account. Sarah Teather has asked to be kept informed regarding the application.

The points raised are dealt with in the main report and require no further comment.

ADDITIONAL CONDITIONS

In connection with the need to ensure that the installation of PV (photo-voltaic) is maximised in this development, an additional condition is suggested to require further information to be submitted and approved.

"Further information relating to the provision of PV on the roofs of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing (with the exception of any demolition works). Once approved, the details shall be fully implemented.

Reason: In order to ensure that the development is sustainable and in order to allow the Local Planning Authority to exercise proper control over the development."

BOROUGH SOLICITOR

The Borough Solicitor has made a number of detailed comments on the report.

In terms of recommendation at the beginning of the report, he suggests that Officers substitute the words "Grant planning permission subject to....." for the existing first sentence beginning "Agreed in principle....."

Also, in this paragraph after “other legal agreement” insert “(to be entered into simultaneously with transfer of a land interest in the site)”

In terms of the Section 106 details (second bullet point down on page 86) after “Affordable Housing” add “(including 100% nomination rights for the Council).”

On page 94 at the end of the paragraph headed “A New Masterplan for South Kilburn” add “furthermore, this application will not conflict with any of the proposed changes to be incorporated in a revised Masterplan SPD”.

Page 104 condition 5 should be amended to substitute “commencement (save for demolition works)” for “First Occupation.” At the end of the condition, insert “shall be fully implemented and” after the word “details”.

On page 105, add at the end of condition 10 “(save for demolition works). The approved plan shall be fully implemented”.

In terms of condition 11, at the end of the first point after the words “for review” the words “prior to commencement of development any mitigation measures required by the local planning authority shall be fully implemented” shall be added. At the end of the second point, the words “in accordance with details submitted to, and approved in writing by, the local planning authority prior to commencement of development” shall be added.

ENVIRONMENTAL IMPACT ASSESSMENT

The Borough Solicitor states that the Council has adopted (under Officers’ delegated powers) a screening opinion to determine whether this development is EIA development and, therefore, requires an EIA. The opinion concluded that the development falls within Schedule 2 of the relevant regulations, but having regard to the characteristics of the development, its location and potential impact, it would not have significant environmental effects and, therefore, an EIA is not required. This opinion was formed based on whether the development was likely to have any significant impacts on the environment, in terms of traffic related impacts, open space, nature conservation, archaeology and architectural contexts, the air quality, other impacts and cumulative impacts. In respect of the latter the regulations say that in considering whether there will be significant impacts on the environment it is necessary to take into account “cumulation with other development”. Strictly speaking it is only necessary to take into account existing, or approved, development which in this case would consist of the Malvern Road site which is under construction and the approved former Texaco site at Carlton Vale. However, Officers have in fact also taken into account the potential cumulative effects of the application on the Carlton Vale roundabout site (due to come a future Committee), and the Gordon House site (which is on this agenda) as well. However, the view of officers is that even with the cumulative effects of all these development sites, there would not be significant effects on the environment so as to require an EIA to be undertaken”.

Recommendation: Remains approval subject to Section 106 legal agreement, amended development description, additional condition and amended conditions.

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Committee Report

Planning Committee on 13 January, 2010

Case No.

09/2234

RECEIVED: 29 October, 2009

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Communal Rooms & Flats 1-39inc Gordon House, Malvern Road, NW6

PROPOSAL: Demolition of a three-storey building and erection of a part three-, four- and five-storey building comprising 26 affordable self-contained maisonettes and flats (3 one-bedroom, 15 two-bedroom, 8 three-bedroom), with formation of new vehicular access onto Malvern Road, communal garden and associated landscaping

APPLICANT: Stadium Housing Association Ltd

CONTACT: PRP Architects

PLAN NO'S: AA0474/2.3/001
AA0474/2.3/020
AA0474/2.1/001
AA0474/2.1/003 C
AA0474/2.1/005 C
AA0474/2.1/006 B
AA0474/2.1/007 A
AA0474/2.1/010 B
AA0474/2.1/011 A (perspective views)

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

SECTION 106 DETAILS

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

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance.
- (b) 100% Affordable Housing.
- (c) A contribution of £90,000, due on material start and index-linked from the date of Committee, for Education, Sustainable Transportation and Open Space & Sports in the local area.
- (d) Submission and compliance with the Sustainability check-list, ensuring a minimum 50% score is achieved, and Code for Sustainable Homes level 3, with compensation, should it not be delivered, in addition to adhering to the Demolition Protocol.
- (e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that this is unfeasible, provide it off-site through an in-lieu payment to the Council who will provide that level of offset renewable generation.
- (f) Join and adhere to the Considerate Contractors scheme.

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

EXISTING

The site is on the east side of Malvern Road, NW6. It is not within a Conservation Area nor is it a Listed Building. The site is currently owned by Willow Housing and Care and leased to Stadium Housing Association and the existing building contains 39 bedsit units which have been used to house elderly people and now accommodates homeless families. The current occupiers of the building will be provided alternative accommodation elsewhere, most likely within South Kilburn.

The site is within the South Kilburn Regeneration Area.

PROPOSAL

Demolition of a three-storey building and erection of a part three-, four- and five-storey building comprising 26 affordable self-contained maisonettes and flats (3 one-bedroom, 15 two-bedroom, 8 three-bedroom), with formation of new vehicular access onto Malvern Road, communal garden and associated landscaping

HISTORY

No relevant planning history.

POLICY CONSIDERATIONS

UDP 2004

STR11 Which 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.

STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.

STR19 New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

BE2 Townscape: Local Context & Character

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE9 Architectural Quality

BE24 Locally Listed Buildings

BE25 Development in Conservation Areas

BE26 Alterations & Extensions to Buildings in Conservation Areas

H12 Residential Quality – Layout Considerations

TRN23 Parking Standards – Residential Development

PS14 Parking Standards

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Supplementary Planning Guidance 19: Sustainable Design, Construction & Pollution Control

Supplementary Planning Document: New Planning Obligations (s106)

SUSTAINABILITY ASSESSMENT

The development achieves a score of 48.5% in the Council's Sustainability Checklist, which is considered fairly positive in sustainability terms. A number of points have not been awarded under point 6.1, Air Quality, because they are not considered to be appropriately related to the development. The applicant will need to sign up to achieving the full 50% in the S106 agreement, for the application to be recommended for approval in sustainability terms.

Furthermore, it has been noted that although an energy options assessment has been undertaken, there has not been a commitment to provide the full 20% CO2 reduction through the use of renewable energy technology. It is essential that the applicant signs up to this through the S106 agreement to ensure that the development meets the requirements of London Plan policy 4A.7. The extra points that are needed in the checklist can be achieved by signing up to the use of renewable energy to ensure a 20% CO2 reduction.

CONSULTATION

External

218 consultation letters were sent to neighbouring occupiers on 9th November 2009 and site notices were posted at the front of the site on 11th November 2009. 1 objection has been received, which raises the following issues:

- The area has deteriorated from a residential and social perspective due to the Council erecting and collaborating too many social and government houses within a small space.
- The area has become congested, a crime hotspot and a nightmare.
- The building will impinge on the neighbours privacy from a window and security perspective.
- Its design is huge and ugly and will block daylight.
- The affordable-housing project will put a lot more strain and pressure on this road and area which already suffers from congestion and too much social housing.

Westminster Council does not wish to comment on the proposal.

Internal

Landscape officer: No objection subject to conditions discussed in report

Transportation officer: No objections subject to conditions discussed in report

Streetcare: Requirements discussed in report

Design: No objections, recommendations provided.

REMARKS

The proposal is for the demolition of a three-storey building and erection of a part three-, four- and five-storey building comprising 26 affordable self-contained maisonettes and flats (3 one-bedroom, 15 two-bedroom, 8 three-bedroom), with formation of new vehicular access onto Malvern Road, communal garden and associated landscaping.

Context

The Council produced a Supplementary Planning Document (SPD) for the area in 2005 to provide detailed guidance on the redevelopment of large parts of the South Kilburn estate. Around that time the Council had procured a consortium of housebuilders and Housing Associations to bring forward a comprehensive proposal, rebuilding approx. 1400 new socially rented homes by building and selling around 1500 private ones. This relied on government funding that was insufficient to complete the wider development, and then the downturn in economic conditions effectively halted the proposals. At the moment the Council itself is bringing forward developments including the roundabout site as well as the South Kilburn Neighbourhood Trust on the Texaco site and Network Housing Group on Gordon House. These will provide over 360 new homes, the majority of which will be for social rent. The new social rented homes will be ring-fenced to residents of South Kilburn, and the Council has agreed to give priority to residents in Bronte and Fielding Houses, two of the two bison-constructed towers. A report to the Council's Executive in February 2010 will recommend the demolition of these blocks. This will hopefully kickstart the regeneration process. The Council is also intending to procure joint venture partners that will take the redevelopment of the estate forward. It must be stressed that this is an important first phase that needs to be implemented before any wider plans can be acted upon. It will take advantage of Homes and Community Agency Funding for the next financial year if schemes are approved. It will not guarantee the long-term redevelopment of the estate but failure to start on the redevelopment now will set back any chance of moving forward substantially.

Gordon House

In the 2005 South Kilburn SPD, Gordon House was proposed to form part of a much larger redevelopment including the town houses around Stafford Road and it was also suggested that the site could accommodate a healthy living centre on the ground floor which would have been much bigger. The Council has carried out a review of the 2005 SPD which will be formally incorporated into a wider replacement SPD in 2010. The review which has been consulted on proposed that the town houses, which in any case, were very expensive to buy out and redevelop, should be kept and only the poor-quality Gordon House be redeveloped. This was strongly supported by existing residents. The Healthy Living Centre is intended to be replaced on the site of the Peel Precinct Housing office and will provide sufficient new GP's to be accommodated to serve the wider area, notwithstanding the fact that the ground floor of Gordon House could not support the scale of facility envisaged.

The masterplan involves the redevelopment of Blake Court directly to the north of Gordon House, it is proposed that the site of Blake Court will be open space and this is expected in Phase 4 of the programme (2015/16). As such, while the scheme must be assessed in terms of its relationship within the existing streetscene, it is also a significant consideration that the site would change considerably with the demolition of Blake Court.

Principle of Redevelopment

There is no objection to the loss of the existing bedsit units on the site which are currently used to house homeless families. Policy officers indicate that this need is met elsewhere in the Borough and it is the case that the standard of accommodation provided by the building is extremely poor. The provision of self-contained units on the site is supported.

Design & Scale

The existing building is three storeys in height with an additional front two-storey projection at the north end of the site and the main building is set back from the front boundary (Malvern Road) by 12m. The style of the building is similar to the three-storey terraced houses to its south and east but does not provide an attractive or active street frontage.

The proposed scheme is three, four and five storeys in height and set back from the front boundary by 3m thus increasing its prominence in the streetscene. To the north of the site the proposed building is 1m further away from Blake Court than existing and the building also projects approximately 2m less to the south. Its footprint is a horseshoe shape, its southern wing has a very similar rear building line to the existing while its northern wing projects 5m closer to the rear boundary.

The general size of the proposal respects the size and character of the existing buildings in the vicinity. The framed five-storey corner block stands out from the rest of the building and overall the design appears quite robust though not overly bulky.

The elevational treatment applies very clean forms, lines and design elements, resulting in a modern appearance. The window detail surrounding each window reflects that in the elevational detail of the Victorian properties opposite. This detail also creates the impression of larger fenestration at lower floors with smaller windows above which is characteristic of the existing Malvern Road buildings. The proportions and balconies ensure the building has a residential character. In terms of materials a dark brick is proposed alongside white cladding which creates a contrast as well as interest.

Ground-floor units have private entrances which are defined by an L shaped concrete canopy and are accessed through small private forecourts. The communal entrances are more pronounced being wider and also having "Gordon House" in stainless steel lettering on top of the entrance

canopy. The main entrance on Malvern Road will be the most defined, being open to the street while the private doors will be screened by hedging. The entrance facing Blake Court, while having the same treatment as Malvern Road will be more discrete due to its location however in the future context as described above this elevation would face a new open space and would therefore be a far more visible.

Residential Amenity

Standard of Accommodation for Future Residents

All units comply with or exceed the minimum internal floorspace standards of SPG17 and all are dual aspect.

The separation distance between Blake Court will increase by 1m from the existing to 17.6m. The situation is similar to the south of the site, the distances between the neighbouring buildings and the proposed building in some instances are below the 20m recommended by SPG17 (at the southeast corner), however, the proposed building is sited 2m further from the buildings to the south than the existing Gordon House.

All units have some private amenity space, which in some cases is only 4m², however the site also benefits from a landscaped courtyard. Amenity space is discussed further below.

Impact on Adjoining Occupiers

The proposed building in projecting closer to the highway results in a distance of between 18.5m and 19.5m between facing front elevations. SPG17 states that the distance between front elevations will be defined by the character of road widths.

Also given the existence of a significantly higher building (Blake Court) the increased height (from three to four and five storeys) fronting Malvern Road appears suitable and should not be detrimental to occupiers opposite on Malvern Road.

The relationship with Blake Court is fairly tight, as noted above, the separation distance is increased by 1m but the height is increased from two and three storeys, to three, four and five storeys. Blake Court backs onto the site and while in the long term the demolition of this building is proposed, the relationship between the buildings must still be considered, seeking to ensure the development does not harm the amenity of Blake Court's occupants. It is appropriate to apply the guidance of SPG17 (an angle of 30° measured from 2m in height on the rear elevation of Blake Court). The proposed building largely falls below this but for the 12m section where the 5-storey block is directly opposite Blake Court the proposed building projects 2.7m above the line drawn by this angle. A daylight and sunlight report submitted by the applicant demonstrates that the relationship is acceptable in terms of BRE guidelines (Building Research Establishments "Site layout planning for daylight and sunlight: A guide to good practice"). Given that this guidance is met and the guidance of SPG17 is largely met, officers do not object to this relationship, particularly given the long-term aspirations for this part of the Borough.

The northeast wing of the scheme projects to within 5m of no.10 Hampton Close which is a three-storey dwellinghouse. There is no direct conflict between windows and the scheme does not project into the direct outlook from the front of the dwelling. It is considered that high-quality material to this elevation will result in a satisfactory relationship.

To the south of the site the proposed building is three storeys as existing and four storeys where there is a distance of at least 20m between elevations. A small balcony is proposed at second-floor level on this elevation but again there is a separation of over 20m, ensuring satisfactory levels of privacy.

Mix of units & Tenure

The Council's Housing department support the redevelopment of the current poor and substandard hostel accommodation at Gordon House which forms part of the Phase 1 programme of development identified in the revised South Kilburn Masterplan. These sites will be used as decant accommodation for the first two bison blocks, Bronte and Fielding House, to be demolished and redeveloped, and therefore are key to supporting the Council's regeneration strategy to move those living in the worst housing conditions first in South Kilburn.

The proposal is for:

3 x 1-bedroom

15 x 2-bedroom

8 x 3-bedroom

While it is unusual to provide relatively few 1-bedroom units the provision of larger family-sized units is supported as it is designed to provide appropriate decant accommodation. Bronte and Fielding House currently accommodate many families in overcrowded conditions and therefore family units are required.

The applicant is a housing association and the scheme is proposed as 100% affordable for social rent.

Amenity space & Landscaping

There are a number of street trees to the front of the site which are not affected by the proposal, notably there is one of considerable size to the front of the five-storey block of the proposed building. The site layout plan indicates that the smaller trees within the frontage of the site will be removed. To the north of the site a couple of trees again will be removed, one retained and 6 more proposed to improve the quality of the landscaping between the site and Blake Court.

The private forecourts are screened by hedges as is the parking to the south of the site in the interest of residential amenity. The central courtyard is screened from the public pedestrian accessway to the east by hedging.

While ground-floor units each have a private forecourt, the UDP does not regard them as amenity space due to their proximity to public areas but they do have some amenity value and it is likely that in some cases they would be utilised by occupiers. Each 3-bedroom ground-floor unit also has a private amenity area to its rear; these range in size from 12m² to 22.5m² which are less than would usually be sought for family units but they have the added benefit of facing opening onto the communal courtyard.

The 1-bedroom units have private amenity space of up to 5m². The 2-bedroom unit balconies range in size from 4m² to 10m² or more, a large roof terrace of over 50m² is proposed to the 2-bedroom unit at the northeast end of the building. There are 2 x 3-bedroom units not at ground-floor level and therefore each relies on a balcony of 12m²; while this is not favourable for family accommodation, the occupants will have access to the communal courtyard and the units have an area of 89m², above the 80m² minimum standard of SPG17.

The communal courtyard measures approximately 187m² and low-level planters separate the private areas from the communal space. The communal courtyard consists of hardstanding pathways and space for seating, soft-landscaped areas, including 5 trees, and a children's playspace using natural materials. In order to ensure a good-quality and usable space is achieved, landscape officers have suggested a number of requirements which will be conditioned.

Overall the amount of amenity is fairly limited, however, if compared to the existing situation it is of much better quality and the provision of private amenity space, even if not particularly large, is

favourable. The site is in close proximity to Paddington Recreation Ground which is in the Borough of Westminster and South Kilburn Open Space which is under 300m from the site which will be improved in a later stage of the South Kilburn redevelopment.

Transportation

The site is PTAL4 with good access to public transport, in terms of parking standards the reduced allowance of 0.7 spaces per 1-2-bedroom and 1.2 spaces per 3-bedroom unit. Up to 22 spaces would be permitted for the new building, compared with 27 for the existing building, with the provision of 9 parking spaces on site the standards will be complied with.

This building is to be used to decant families from other housing blocks in South Kilburn and as they may already have parking permits, a "car-free" scheme removing the right for residents to obtain parking permits cannot be imposed.

It is acknowledged that an increased level of overspill parking could be generated by the site, however, while Malvern Road is identified as being Heavily Parked in Brent's UDP, it is not considered that the overspill level would be so significant as to be unacceptable.

The siting and access to the on-site parking bays is acceptable, the disabled parking bay adjacent to the site boundary to the east is acceptable as there is no proposed boundary treatment meaning there is sufficient space.

Cycle parking is provided in a communal store at ground floor. It is accessible from the communal courtyard and this can be accessed via communal or private doors or from the pedestrian highway at the east of the site. At least 1 cycle parking space per unit is provided.

Refuse and Recycling

Refuse and recycling storage arrangements are communal, they are located in accessible positions for occupiers and for collection and they are large enough for the volume required for this scheme. A refuse-collection vehicle will enter the site at the northern end.

S106 contribution

A S106 contribution of £90,000 is sought, this is based on the standard affordable-housing charge minus £1,200 for each existing bedsit.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

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

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

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

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

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

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

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

(b) screening to the roof terrace.

NOTE - Other conditions may provide further information concerning details required.

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

- (4) 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 (including species, size and density) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed prior to occupation of the building.

Such scheme shall also indicate:-

(i) The courtyard with at least 60% soft landscaping.

(ii) A child-friendly play space including details of proposed play elements.

(iii) A calm amenity area.

(iv) No areas of grass smaller than 3m² or less than 1m wide, in the interest of maintenance.

(v) Seating.

(vi) Plant species creating all-year-round interest.

(vii) Small ornamental trees in the courtyard.

(iii) A 5-year maintenance plan indicating how the landscape will be maintained over this period and specifying the anticipated outcome for the maturing of the landscape.

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.

- (5) The proposed parking facilities shown within the site on the layout plan shall be implemented and maintained for use for such purpose and shall not be obstructed or used for any other purpose(s).

Reason: To ensure the provision of adequate parking in the interests of the conditions of highway safety, the free-flow of traffic on the neighbouring highways and the general amenities of the locality.

INFORMATIVES:

- (1) The new vehicular crossover and the reinstatement of the redundant lengths of crossover to footway should be undertaken at the applicant's expense, including all associated costs involved in amending the on-street parking bays along the site frontage to suit.

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



Planning Committee Map

Site address: Communal Rooms & Flats 1-39inc Gordon House, Malvern Road, NW6

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Location Communal Rooms & Flats 1-39inc Gordon House, Malvern Road, NW6
Description Demolition of a three-storey building and erection of a part three-, four- and five-storey building comprising 26 affordable maisonettes and flats (3 one-bedroom, 15 two-bedroom, 8 three-bedroom), with formation of new vehicular access onto Malvern Road, communal garden and associated landscaping

Agenda Page Number: 109

Members visited the site on Saturday 9th January 2010

The exact siting of the proposed building in relation to Blake Court and in comparison to the existing building was raised. The existing building would be approximately 16.5m from Blake Court to the north, the proposed building is 17.5m away.

Conditions

The following condition is proposed:

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

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

S106

It is recommended that point (b) be altered to read as follows:

(b) 100% Affordable Housing (including 100% nomination rights for the Council)

The development achieves code level 3 against the council's aspirations to achieve Code Level 4. In other schemes on South Kilburn such as Albert Road, part of the S106 (£1250 per unit) standard charge is dedicated to providing a decentralised energy network in the future which will allow existing code 3 homes to convert to code 4. While in this instance, because the scheme is small, there is no centralised boiler room that could allow for an easy switch-over to a decentralised energy supply, your officers consider that a contribution towards the decentralised energy centre will nevertheless assist the wider development to achieve code level 4. The current proposals are therefore considered acceptable with a change to the Heads of terms in the S106 to read as follows:

(d) Submission and compliance with the Sustainability check-list, ensuring a minimum 50% score is achieved, and Code for Sustainable Homes level 3 including a 25% CO2 reduction, with compensation, should it not be delivered, in addition to adhering to the Demolition Protocol.

(e) Offset 8% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that this is unfeasible, provide it off-site through an in-lieu payment to the Council who will provide that level of offset renewable generation. £32,500 of

the S106 standard charge to be used to offset the sites carbon emissions by decentralised energy generation, or other energy saving scheme to be implemented by the council.

Recommendation: Remains approval subject to amended Section 106.and additional condition.

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Committee Report

Planning Committee on 13 January, 2010

Case No.

09/2261

RECEIVED: 30 October, 2009

WARD: Northwick Park

PLANNING AREA: Wembley Consultative Forum

LOCATION: 1 Mulgrave Road, Harrow, HA1 3UF

PROPOSAL: Erection of a first floor rear extension and installation of a first floor rear window to dwellinghouse

APPLICANT: Mr Pinder Sopal

CONTACT:

PLAN NO'S: 2009-08-01 Rev A
2009-08-02 Rev A
2009-08-03 Rev A
2009-08-04 Rev A
2009-08-05 Rev A
2009-08-06 Rev A
2009-08-07 Rev A
2009-08-08 Rev A

RECOMMENDATION

Approve subject to conditions

EXISTING

The subject site is a two storey detached dwellinghouse located on Mulgrave Road.

The surrounding uses are predominantly residential. The property is not within a Conservation Area, nor is it a listed building, it is however, located within an Area of Distinctive Residential Character as defined in Brent's adopted Unitary Development Plan.

PROPOSAL

Erection of a first floor rear extension and installation of a first floor rear window to dwellinghouse

HISTORY

16/10/2009 Certificate of Lawfulness refused for a proposed first floor rear extension to dwellinghouse (ref: 09/2122).

11/08/2009 Certificate of Lawfulness refused for a proposed first floor rear extension to dwellinghouse (ref: 09/1804).

04/07/2001 Planning permission granted for the erection of a part single-storey rear extension and a two-storey side and rear extension to dwellinghouse (ref: 01/0727).

POLICY CONSIDERATIONS

BE2 – Townscape: Local Context & Character
BE7 – Public Realm: Streetscape
BE9 – Architectural Quality
BE29 – Areas of Distinctive Residential Character

SPG 5 – Altering and extending your home

- Size and scale of the development
- Impact on residential and visual amenity of neighbouring occupiers
- Impact on the character and appearance of the dwellinghouse and surrounding streetscene.

CONSULTATION

Consultation period: 06/11/2009 – 26/11/2009. 2 neighbouring properties were notified.

One letter of objection has been received, raising one main issue being that the proposed development would restrict light to a ground floor living room, which has a side facing window. *This issue is dealt with in the 'Remarks' section of this report.*

Sudbury Court Residents Association has made the following comments:

Why were they not notified of the two earlier applications for a first floor extension to this property? ***These were both applications for Certificates of Lawfulness and therefore no consultation was carried out.***

Asked for confirmation that the proposed extension would be at least 3 metres from the neighbouring house. ***The proposed first floor extension is set 1.8 metres off the boundary between 1 and 3 Mulgrave Road and exactly 3 metres from the neighbouring house itself.***

Asked for confirmation of the purpose of the extension. ***The extension will increase the size of two of the existing bedrooms and provide them with en-suite bathrooms. The number of bedrooms will remain 5 and it is the stated intention of the applicants to use the extended property as a single family home.***

Concerned that the existing patio might be extended and cause overlooking to neighbouring gardens. ***This application does not propose any alterations to the existing patio.***

Pointed out an inaccuracies in the roof plan. ***These inaccuracies were also identified by officers and have been addressed in a revised plan.***

No additional on street parking will result from the proposed extension. ***The number of bedrooms remain the same and the house will remain as a single family dwelling. The Council's parking standards are therefore not affected by this application. Off street parking is currently provided for 2 possibly 3 cars at a squeeze.***

REMARKS

The subject site is a 2-storey detached dwellinghouse located on Mulgrave Road, Harrow. The property has an existing 2-storey side extension that projects beyond the rear wall of the original house. It also has a full width single storey rear extension. The current proposal is for a first storey extension above the existing single storey rear extension.

The proposed extension will have a depth of 3.0 metres and is not quite full width, being set in from the side of house by 1.0 metre and 2 metres from the side boundary with the neighbouring property at 3 Mulgrave Road.

Impact on residential amenities and comments on objections received

This proposal was originally submitted as a Certificate of Lawfulness. The proposed extension fell within the limits of permitted development in terms of its relationship to number 3, being set in 2 metres from the boundary and not extending more than 3 metres from the original rear wall of the house. However the cumulative volume of the proposed and existing alterations to the roof exceed the volume limit for roof extensions.

The neighbouring property at no 3 has an existing 3 metre deep single storey rear extension. The nearest rear facing habitable room window is therefore located on the first floor and because of the unusual design of the property and due to the 2 metre separation between the houses and the 1 metre set in of the proposed extension, its flank wall is 6.4 metres away from the centre point of neighbours window. The proposed extension therefore more than complies with the 1:2 rule set out in the Council's SPG 5. This relationship has been checked on site and is confirmed on the submitted plan number 2009-08-05 Rev A.

The neighbour at 3 Mulgrave Road has expressed concern about the impact of the proposed extension on a ground floor side facing habitable room window. The officer undertook an additional site visit in order to assess the impact of the extension on this window. The room in question is currently used as a secondary living room. It is connected to the kitchen via a pair of glazed double doors. The kitchen takes up the extension that was built over 30 years ago. The Council's stance is that side facing windows that have become the sole window to a habitable room as a result of alterations made to the property, no matter how long ago, should not prevent a neighbour from carrying out alterations to their own property that would otherwise comply with Council policy. In any case it is consider that the window which the neighbour is concerned about will not be impacted upon to any significant degree. Its outlook is already restricted by the applicant's original house and existing ground floor extension. The 2 metre gap between the two properties and the proposed extensions 1 metre set in from the corner of the original house means that very little of the first floor extension will be visible from the window. The application site is also to the north and there will therefore be no increase in overshadowing as a result of the extension.

Character and appearance

The proposal is located entirely to the rear of the house and is therefore not visible from the street. In assessing its visual impact we are therefore concerned with its impact on the visual amenities of occupiers of adjoining properties viewing the extension from their back gardens. Although relatively large the extension does not extend as far back as the existing two storey extension and is set in from the side boundary so the extension remains subservient to the original house. A sloping hipped roof is proposed over the extension which will require a large crown roof. While the roof arrangement might be considered a little cumbersome this in itself is not considered sufficient reason for resisting the application. In amending the GPDO to make it easier for householders to erect two storey extensions the government has given tacit support for these type of roof arrangements.

Summary

The proposed first floor rear extension is of a scale, size and design that would be in keeping with the character and appearance of the original house and is in keeping with the surrounding area. As such it is in compliance with the Council's policies BE2, BE7, BE9 and BE29 of Brent Unitary Development Plan 2004, as well as *Supplementary Planning Guidance 5 on Altering and Extending Your Home*. It is subsequently recommended for approval, subject to conditions.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

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

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

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

CONDITIONS/REASONS:

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

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

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

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

- (3) No windows or glazed doors shall be constructed in the flank wall of the building as extended without the prior written consent of the Local Planning Authority.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Planning application papers ref 09/2261

Any person wishing to inspect the above papers should contact Avani Raven, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5016



Planning Committee Map

Site address: 1 Mulgrave Road, Harrow, HA1 3UF

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Committee Report Planning Committee on 13 January, 2010

Case No. 09/2362

RECEIVED: 17 November, 2009

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: The Coffee Shop, 11 The Broadway, Wembley, HA9 8JU

PROPOSAL: Change of use of ground-floor from retail (Use Class A1) to coffee shop (Use Class A3) and erection of a single storey rear extension and rear extraction vent

APPLICANT: The Lunch box Company

CONTACT: Studio V Architects

PLAN NO'S: Design & Access Statement; Jason Carbon filters; Environmental Noise Report
0921/PL01; 0921/PL02RevA;0921/PL03, 0921/PL04RevC;
0921/PL05RevB;

RECOMMENDATION

Approve subject to conditions

EXISTING

The application site is located mid-way along a shopping parade on the western side of Preston Road, at the junction with East Lane. The shopfront faces east and there is a parking/servicing space to the rear. The application forms part of 1-20 Broadway "Local Centre," (within Brent Unitary Development Plan's Appendix SH1.) The existing shop is currently trading as the Coffee Shop within the limits of A1 use class. There is a service road located to the rear (west) of the site.

PROPOSAL

Change of use of ground-floor from retail (Use Class A1) to coffee shop (Use Class A3) and erection of a single storey rear extension and rear extraction vent

HISTORY

14/10/09 09/2106 - Withdrawn

Change of use of ground-floor from retail (Use Class A1) to coffee shop (Use Class A3) and erection of a single storey rear extension, as amended

20/02/09- 08/2601 - Refused

Change of use from retail to coffee shop (Use Class A3) with installation of extractor duct

This application was refused for the following reason:

The applicant has failed to demonstrate that the change of use would not result in a loss of amenity for neighbouring occupiers, either above or adjoining the premises, by way of noise, vibration and

smell from the extraction and ventilation equipment, including any ducting. As such, the proposal is contrary to policies BE2, SH9 SH10, SH19, EP2 and EP4 of Brent's Unitary Development Plan 2004.

02/04/08 – 08/0352 - Refused

Change of use to coffee shop (Use Class A3)

This application was refused for the following reason:

The applicants have failed to demonstrate that the proposal would not result in a loss of amenity for neighbouring occupiers, either above or adjoining the premises, by way of light, outlook, noise, vibration and smell from the extraction and ventilation equipment, including any ducting. As such, the proposal is contrary to policies BE2, SH9 SH10, SH19, EP2 and EP4 of the Unitary Development Plan 2004.

POLICY CONSIDERATIONS

Adopted Unitary Development Plan 2004

- **STR11** Protection and enhancement of the built and natural environment
 - **STR29** Development should sustain and enhance the vitality and viability of the Borough's town and District Centres
 - **BE2** Townscape local context and character
 - **BE4** Access for Disabled People
 - **BE17** Building-Services Equipment
 - **EP2** Noise & Vibration
 - **EP4** Potentially polluting development
 - **H22** Protection of Residential Amenity
 - **TRN3** Environmental Impact of Traffic
 - **TRN11** The London Cycle Network
 - **TRN22** Parking Standards Non-Residential Development
 - **TRN34** Servicing in New Development
 - **TRN35** Transport Access for Disabled People
 - **SH4** Local Centres
 - **SH6** Non-Retail uses appropriate to primary shopping frontages
 - **SH7** Change of use from retail to non-retail
 - **SH10** Food & Drink (A3) Uses
 - **SH11** Conditions for A3 Uses
 - **SH16** Local Centres
 - **SH19** Rear Servicing
-
- Specific nature and size of use
 - Character of the area and the concentration and existing level of disturbance from A3 and similar uses
 - Whether the proposed hours of opening would result in residential disturbance
 - Practicality of providing extract ducting, ventilation, grease traps and/or noise insulation.
 - Character and Appearance
 - Parking and Servicing

CONSULTATION

Internal

Highways- The site has moderate access to public transport with a PTAL level 2.

No objection subject to conditions requiring the retention of the proposed servicing bays, that the rear access door shall be inward only opening and the provision of a cycle parking space.

Policy - On a strict application of Policy SH16 of the Unitary Development Plan, the centre is already operating at 36% non-retail, and therefore exceeds the non-retail limit, particularly as the

level of vacancy is not at 10%. However as this only marginally exceeds the acceptable level of non-retail uses normally permitted in a designated Local Centre and given the current difficult economic situation this proposal may be allowed as an exception to policy SH16.

Environmental Health – no objections subject to further information regarding the extraction system, which may be conditioned.

External

40 letters sent to neighbouring occupiers of the shops, residential units above the shops, and church to the rear. These properties have been notified on 23/11/09.

A petition from 8 properties was received, raising the following objections to the application:

- There are already a number of A3 uses on the parade causing traffic and congestion
- The proposed use will cause competition (officer note- not material planning consideration)
- There are already parking and loading problems in the area, which an A3 use will worsen
- People living upstairs in the parade already suffer noise, smell and pollution and the proposed extraction vent will worsen this

REMARKS

The application proposes to change the use of a unit that was previously retail, (use class A1.) It has been occupied by The Coffee Shop since 10th August 2001 and operating within use class A1 since this time. The applicant now seeks an A3 consent. The application also includes a single storey rear extension with an associated extractor duct. The existing shop has a floorspace of 75.3sqm, and the proposed extension incorporating an office, staff room, food preparation areas and refuse store totals 62.2sqm.

Loss of A1

Policy SH16 states that within Local Centres non-retail uses will generally only be acceptable if the application will result in no more than 35% of the shop units being within non-retail use unless there is a vacancy rate of at least 10%. The parade currently consists of 20 units, which were surveyed by your officer as:

PROPERTY NAME	DESCRIPTION	USE CLASS	No.
VACANT - was CHINA PRESENTATIONS	GIFT SHOP	vacant was A1, vacant since 20/05/08 (VACANT)	1
was CHINA PRESENTATIONS, now Astrologer operating 9am-9pm 7 days a week	GIFT SHOP	unauthorised B1; authorised A1, (VACANT)	2
CLEAN	DRY CLEANERS	A1	3
WEMBLEY SAUNA/ MASSAGE	SAUNA	SUI GENERIS	4
KUTTING PROFESSIONALS	HAIR DRESSERS	A1	5
MALIK LAW CHAMBERS	SOLICITORS	A2	6
RAEI & CO - ACCOUNTANTS	ACCOUNTANTS	A2	7
SUNRISE CAFÉ	CAFÉ / TAKEAWAY	A3	8
AQUA MARINE	AQUARIUM SALES	A1	9
SIMINS HAIR SALON	HAIRDRESSERS	A1	9C

THE COPPER'S JUG	PUBLIC HOUSE	was A4	10A
COFFEE SHOP	COFFEE SHOP	A1 (applic in for A3 but not yet permitted)	11
LESLIES HAIR SALON	HAIRDRESSERS	A1	12
OAKLEY TRAINING CENTRE	TRAINING CENTRE	D1	12b
BARISH - BAR & EATERY	RESTAURANT	A4	13
PEACE PHARMACY	CHEMIST	A1	14
DAY 1 - LOCAL EXPRESS	OFF LICENSE/ SHOP	A1	15
ELISSA CAFÉ	CAFE	A1 (applic for A3 but not yet permitted)	16
STYLING CORNER HAIR SALON	HAIRDRESSERS	A1	16A
TAYYAB HALAL MEAT 17	BUTCHER	A1	17
VARSANI & CO- Solicitors	SOLICITORS	A2	18
INSTANT SECURITY SYSTEMS	LOCKSMITH'S SHOP	A1	19-20

The Local Centre currently has 14 operational retail units, which, (including unit 11,) consists of 64% of the Centre's units. If number 11 is permitted as a change of use from retail, the proportion of A1 units within the Local Centre will fall to 59%. This will result in 41% non-retail units, which breaches the 35% non-retail use (as stated within Policy SH16). 2 units are currently vacant within the parade (this includes the use occupied by the Astrologer given the unauthorised and temporary nature of this use). As a result the vacancy rate of the parade is 9%. A vacancy rate of 10% is required in order to justify any further loss of retail.

It should also be noted that the Local Planning Authority is also considering an application at 16 the Broadway for a change of use to A3 from A1. If this was to be allowed, the proportion of A1 units would decrease to 55% and non-retail units would increase to 45%.

The advice from the Council's Policy Team is that the limits set out within Policy SH16 are not absolute, other factors can be taken into account in determining an application. For example the policy allows for expansion of existing businesses as an exception to the normal policy. This proposal at 11 is seeking to expand an established business within the parade, to offer a wider range of food products using more intensive cooking processes. Likewise, the proposal to number 16 enables the expansion of food offer at an existing business.

The overall size of the centre should be considered in order to determine whether a higher proportion of non-retail would affect the potential range of shops that could be provided in the units that are left available as retail shops. The policy intends to retain retail uses and essential services within Local Centres. If a change of use resulting in a loss of A1 at 11 is permitted, there will still be a range of retail offer within the parade. The proposed loss of A1 will not necessarily harm the vitality and viability of the centre.

Proposed A3 use

The proposed enlarged café with an A3 use at number 11 complies with Policy SH6 that defines in principle appropriate town centre uses. Policy SH10 sets out guidelines that can be used to assess the appropriateness of a site for A3 use.

i) Proximity of residential accommodation:

Number 11 The Broadway has residential flats above the main ground floor unit. There is also a rear elevated walkway running along the back of the units, above the existing ground-floor unit. This type of relationship is common within local centres and does not necessarily represent harm

to neighbouring occupiers. The proposal will entail the erection of a single storey rear extension. This results in the external door to the ground-floor unit at a further distance to the upstairs units. It also results in the enclosure of a bin store, whereas currently bins are stored externally.

ii) **Nature and size of the use proposed**

The existing Coffee Shop has been operating since 2001 without any complaints. It currently operates within the limits of A1 use class. The proposal seeks to extend the range of food on offer and allows an expansion to the existing seating area. The unit currently has a 75sqm footprint incorporating a shopfront, with seating area, kitchen, office and w.c. The proposal creates an L-shaped 62sqm extension to the rear allowing space for a transit-sized servicing bay to the rear. The proposed extension incorporates food preparation areas, a replacement office, replacement w.c, new staff room and enclosed refuse and cycle store.

iii) **Character of the area, concentration of similar uses and disturbance from such uses.**

It should be noted that both units 11&16 The Broadway have made applications to change their use from A1 to A3. The Broadway currently consists of 20 units, the range of units is set out in the table above. The objector's comments are noted but there is only one existing A3 unit within The Broadway, number 8, Sunrise café. The rest of the units within the parade are within use classes A1, A2 or A4. It is therefore considered that there is not an over-concentration of A3 type uses in this area.

iv) **Proposed hours of opening causing residential disturbance.**

The applicant has confirmed that they only intend to open 8:00 to 16:00 Monday to Friday and 9:00 to 14:00 on Saturdays. They have also agreed that these hours may be limited by condition. It is considered that these hours are reasonable and are not expected to cause nuisance to adjoining residential amenities.

v) **Practicality of providing extract ducting, ventilation, etc.**

The applicant has provided details of a low-level extraction system in land within their ownership. Low-level extraction systems are not always considered acceptable where there are residential properties at higher levels. Indeed, inadequate information regarding a proposed extraction system has resulted in past refusals of planning permission on this site. However, within this current submission the applicants have provided significantly improved details of proposed filters of the extraction system and an acoustic report. The extraction system will vent to the rear and is located at least 6m from the rear of the main building with residential flats above. The information provided has been sufficient to satisfy Environmental Health subject to conditions requiring the submission of more technical specifications regarding the extraction system.

Impact on residential amenities

The extract duct is sited over 6m away from the nearest openable windows. Appropriate filters will ensure that the proposed extraction system will not lead to excessive smell/ fumes harmful to local amenities. The acoustic information submitted demonstrates that there will be no noise nuisance as a result of the extraction unit, which has a 29LpdBA decibel output, which is less than 10dB below the existing background noise level of 40dBLa90, which is a level that is not considered to generate complaints. In addition, the limited hours of operation of the unit, will limit any impacts of the extractor system, which is will be used less intensively. For example, there will be no evening service. The applicant has agreed to a condition limiting the opening hours of the unit. This means that should they wish to extend the opening hours in the future, they will need to make a further application, which may then be reassessed.

Character and appearance

The proposal makes no change to the existing shop front. It proposes the single storey rear extension with flat roof and extract duct, and internal alterations to the layout of the unit. Many of the other units along the parade have been extended to the rear, and therefore the rear extension

is not out of keeping with the character of the area. The extension is to be rendered, which will be conditioned to match the original building. The extension does not impinge on the functionality of either of the adjoining commercial units and will not obstruct access to the service road to the rear. The extension allows space for a transit-sized vehicle to service the premises. The extension is set below the residential properties at upper floors and is not considered to materially affect their outlook.

The extraction vent system is also not out of keeping with the character of the area. There are a number of other extraction systems to the rear of the western side of the parade. Given this character, the modest sized proposed extraction vent is not considered harmful to local visual amenity in compliance with Policy BE17. Only the extraction system serving number 13, Barish Bar & Eatery has been formally considered by the Local Planning Authority and approved. However, Environmental Health has confirmed that there have not been regular complaints as a result of this relationship to the residential properties above the ground floor parade commercial units. The applicant has provided an acoustic report that demonstrates that the proposed extraction system at number 11 will not cause noise nuisance as the acoustic output will be less than 10dB below the existing background noise level. This complies with policy EP2 of Brent's Unitary Development Plan.

Parking/ servicing

The proposed extension is to be constructed over the only land within solely the applicant's ownership that they may have parked upon. The proposal will not increase the parking requirement for the unit. Policy TRN22 guides that up to one parking space could be required. However, a servicing bay is considered more important. Brent's Unitary Development Plan guides that a servicing bay capable of housing a 6m by 3m transit-sized vehicle should be provided. The applicants have demonstrated this provision, and a condition will require that this space is retained clear from obstruction. A secure cycle store is provided, which enhances the accessibility of the unit, and complies with Policy TRN11.

The proposal also entails a bin store and secure cycle store immediately adjacent to the rear service road. As the doors to these stores could lead to obstructions to the service road, these will be conditioned to only be inward-opening/sliding to prevent obstructions to the access. Likewise, the rear door serving the unit will be required to be retained as inward-opening to prevent obstructions to the servicing bay. The servicing bay will prevent the displacement of vehicles onto a public highway, which would not be supported. The objectors concerns are noted, however the applicant has demonstrated compliance with Policy TRN22 and TRN34 regarding on-site parking and servicing.

The site is at a busy road junction between two local distributor roads. The proposed use is for A3 café/ restaurant rather than a takeaway. The objectors concerns about traffic congestion are noted however, it is not considered that the proposal will make a significant difference to the traffic and congestion around the parade, compared with an existing busy retail unit.

Summary

In summary, the proposed A3 use at 11 The Broadway has been carefully considered. On balance, Environmental Health have found that the proposed extraction system will not cause harm to local amenities on the grounds of noise/ smell subject to the submission of further details. The nature of the proposed extension and the proposed extraction system is not considered out of keeping with the character of the area. The applicant has demonstrated that the unit may be satisfactorily serviced. A3 uses are acceptable within Local Centres subject to the retention of appropriate levels of retail units. In this instance the balance of uses within The Broadway is at the limits of acceptability in planning policy terms. However the proposal is for the expansion of an existing business and the applicant has demonstrated that there will be no harm to local amenities as a result of the nature of the proposal. Accordingly, the proposal is recommended for approval subject to conditions

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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 extension shall be finished in white render with a felt roof unless otherwise agreed in writing by the Local Planning Authority through the submission of further details

Reason: In order to safeguard the character and appearance of the area

- (3) The use hereby approved shall not commence until the transit-sized servicing bays indicated on the approved plan 0921/PL04RevC is provided. This servicing area shall be maintained free from obstruction and used solely for servicing vehicles and shall not be used for any other purpose (whether temporary or permanent), unless the prior written approval has been obtained from the Local Planning Authority.

Reason: To ensure that vehicles being loaded or unloaded are parked in the designated loading areas so as not to interfere with the free passage of vehicles or pedestrians along the public highways.

- (4) a) The doors servicing the bin store and secure cycle store shall be sliding or inward-opening in accordance with the approved drawings and thereafter maintained
b) The rear pedestrian door to the proposed extension shall be installed inward-opening only in accordance with the approved drawing, and retained as approved unless otherwise agreed in writing by the Local Planning Authority

Reason: To prevent obstructions to the servicing yard and rear service road in the interests of highway safety

- (5) The use hereby approved shall not commence until the secure cycle store and bin stores are provided in accordance with the approved plan 0921/PL04RevC and thereafter the stores shall shall be maintained

Reason: these details are considered necessary in order to create a satisfactory development

- (6) The premises shall only be open and used for purposes within use class A3 between the hours of:

8:00 to 16:00 Monday to Friday

9:00 to 14:00 on Saturdays and at no other time unless otherwise agreed in writing by the Local Planning Authority

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

- (7) Notwithstanding the submitted drawings prior to the commencement of development further drawings at a scale of 1:50, detailing the external appearance and orientation of the proposed extraction duct, materials, colour and direction of the vent shall be submitted to and approved in writing by the Local Planning Authority and thereafter installed in accordance with the details so approved

Reason: In order to safeguard the character and appearance of the area

- (8) Notwithstanding the submitted plans and documents prior to the commencement of development further details of the proposed extraction system be submitted to and approved in writing by the Local Planning Authority and thereafter the extraction system shall be implemented and maintained in accordance with the approved details prior to the commencement of the use. Unless otherwise agreed in writing by the Local Planning Authority such details shall include:

a) the specification of filters

b) demonstrate that the specification of the system will comply with 'The Guide to Good Practice – Cleanliness of Ventilation Systems' (TR/17)

c) demonstrate the system has capacity to incorporate an additional odour neutralization unit to further eliminate odour particles

d) a detailed schedule of maintenance that outlines all measures the applicant will take to regularly clean and maintain the equipment throughout its operation

e) further details of the extract system components including canopy, air flow, primary grease filters, air input, secondary filters

Reason: To safeguard the amenities of the adjoining occupiers.

INFORMATIVES:

- (1) The applicant is advised that the extract system installed must sufficiently deal with all effluvia generated from the cooking process and should comprise:
- **Canopies** - A suitable canopy (or canopies) should be located above all cooking appliances that includes protected lighting and a cleansable channel around the lower edge to collect condensate
 - **Air Flow** - The canopy face velocity shall be not less than 0.5m/s.
 - **Primary Grease Filtration** - Labyrinth (baffle) grease filters should be installed within the canopy or canopies.
 - **Air Input** - A suitable air input system shall be provided by means of a pleated inlet filter, supplying clean filtered air equivalent to at least 80% "make up" of the extracted air.
 - **Secondary Filtration** - an open fibre disposable filter and a pleated non-woven felt type filter and a non-woven bag type filter shall be installed in the system in that order. The filtration system should be capable of preventing the discharge of grease and activated carbon filtration should be employed to reduce odour.

- (2) The applicant is advised to liaise with Environmental Health prior to submitting further details of the extraction system

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004

Any person wishing to inspect the above papers should contact Amy Collins, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



Planning Committee Map

Site address: The Coffee Shop, 11 The Broadway, Wembley, HA9 8JU

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Committee Report

Planning Committee on 13 January, 2010

Case No.

09/3176

RECEIVED: 29 September, 2009

WARD: Northwick Park

PLANNING AREA: Wembley Consultative Forum

LOCATION: 177 Norval Road, Wembley, HA0 3SX

PROPOSAL: Erection of a rear dormer window involving removal of existing 2 rooflights on the rear roof elevation and installation of 1 skylight to the pitched roof of the existing single storey rear extension of the dwellinghouse.

APPLICANT: Mr Kamlesh Patel

CONTACT: Mr Murat Atilla

PLAN NO'S:

- 849/00 - Site Plan
- 849/01 - Block Plan
- 849/02 - Existing Ground and First Floor Plan
- 849/03 - Existing Second Floor and Roof Plan
- 849/04 - Existing Elevations Plan
- 849/05B - Proposed Block Plan
- 849/06B - Proposed Ground and First Floor Plan
- 849/07E - Proposed Second Floor and Roof Plan
- 849/08E - Proposed Elevations and Section AA Plan

RECOMMENDATION

Approval

EXISTING

The proposal relates to an extended two-storey semi-detached house located in Norval Road within an Area of Distinctive Residential Character on the Sudbury Court Estate.

PROPOSAL

The proposal is for the erection of a rear dormer window to create rooms in roof space involving removal of two of the existing rear rooflights to dwellinghouse (as amended by revised plans dated 05/12/2009)

HISTORY

The following planning history is most relevant to the proposal:

17/04/1989 Erection of two-storey side and single storey rear extension – Approved (ref: 88/24350)

12/05/2009 Conversion of property into 4 flats (1 one-bedroom and 2 two-bedroom) and 1

two-bedroom maisonette, provision of 2 additional parking spaces and associated amenities and landscaping – Withdrawn (ref: 09/0424)

POLICY CONSIDERATIONS

Brent Adopted Unitary Development Plan 2004

BE2 Townscape: Local Context & Character

BE9 Architectural Quality

BE29 Areas of Distinctive Residential Character

TRN23 Parking Standards - Residential Developments

Supplementary Planning Guidance 5 relating to "Altering and Extending Your Home"

SUSTAINABILITY ASSESSMENT

Not Applicable

CONSULTATION

The following have been consulted on the proposal:

- Nos. 71, 73 & 75 Nathans Road
- Nos. 49, 128, 136, 169, 173, 175 & 179 Norval Road
- Sudbury Court Residents' Association

In total 2 letter of objections (from the Sudbury Court Residents' Association and 75 Nathans Road) have been received to the original proposal. The objections are raised on the grounds that it would result in the creation of 7-bedrooms in the dwellinghouse, rear dormer would overlook and cause loss of privacy for adjacent properties (in particularly two in Nathans Road), inadequate off-street car parking, overdevelopment of the site and house could be used as House in Multiple Occupation.

REMARKS

Design, Size and Scale of Proposed Rear Dormer

The proposal has been significantly amended. The width of the proposed rear dormer has now been reduced from 4m to 2.2m and its design improved in order to be in keeping with character and appearance of the dwellinghouse.

The overall design, scale and bulk of the proposed revised dormer window is considered acceptable. The average width of the roof of the original dwellinghouse is approximately 4.5 metres. The proposed dormer is 2.2 metres wide, 2 metres in height and 2.7 metres deep. The dormer is less than half the average width of the original roof. It is set up 0.5 metres from the eaves line and set down 0.3 metres from the ridge and is positioned on the central line of the roof plane. The proposal complies fully in terms of its size, position and design with the guidelines for rear dormer windows as set out in the Council's Supplementary Planning Guidance 5 relating to "Altering and Extending Your Home".

Rooflights

Currently, the rear roof elevation of the existing property has 4 x (0.6m x 0.7m) rooflights. The proposal is to remove the existing 2 rooflights in the middle of the rear roof profile of the dwellinghouse to provide space for the proposed rear dormer window discussed above. The proposal therefore resulting in the retention of the existing two rear (0.6m x 0.7m) rooflights on either side of the proposed rear dormer would comply with the Council's SPG 5 standards in that they are considered to be appropriately positioned within the rear roof plane of the dwellinghouse and are not considered in terms of their size and numbers to dominate the rear roof plane of the property and are therefore considered to be acceptable. The rear rooflights in any case can be installed as permitted development for which planning permission is not required.

Comments on the Objections Received

The property originally a 3-bedroom house was granted planning permission in 2008 for the erection of a part one, part two storey side and rear extension that allowed it to have an extended dining room and kitchen, a larger lounge and an integral garage at the ground floor and five bedrooms on the first floor. The loft space is currently arranged in a form of two rooms and are being used as storage space for the dwellinghouse. The loft rooms currently receive light via existing 4 rear and 1 side rooflights. The proposal for the rear dormer is to convert existing loft rooms being used as storage area to additional habitable rooms with reasonable light and outlook. It has been suggested that the proposed loft rooms would provide separate study rooms for the applicant's children. The case officer's recent site visit to the property has reconfirmed the use of the property as a dwellinghouse occupied solely by the applicant's family and not being used as a HMO. The proposed rear dormer is of the size, siting and design that fully complies with the Council's adopted policies and standards, which are designed to minimise the impact on the amenities of the neighbouring occupiers and allow the development to be in keeping with the character and appearance of the original house and the streetscene. The rear dormer therefore is not considered to have any significant impact than that is allowed and considered acceptable under the Council's guidance. The property in accordance with the Council's Car Parking Standards set out in the adopted Unitary Development Plan 2004 would need to provide up to 2 off-street car parking spaces and this would be satisfied by the existing side garage providing one off-street car parking facility and another car can be parked in the drive-way leading to the garage. The rear dormer therefore is considered to be acceptable.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

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

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

CONDITIONS/REASONS:

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

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

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

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

1. Adopted Unitary Development Plan 2004
2. Supplementary Planning Guidance 5 relating to "Altering & Extending Your Home"
3. Two letters of objections from Sudbury Court Residents' Association and 75 Nathans Road

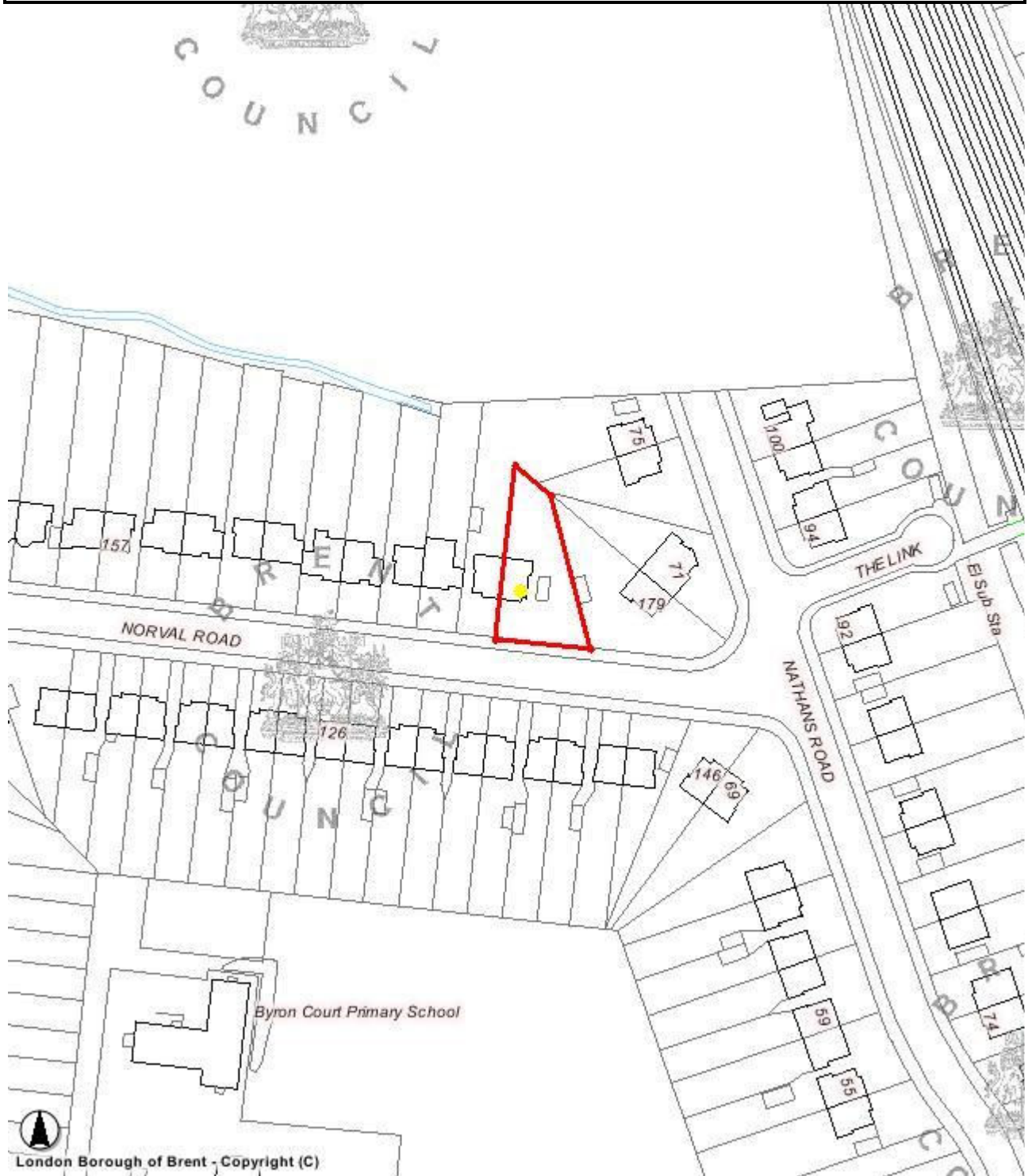
Any person wishing to inspect the above papers should contact Mumtaz Patel, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5244



Planning Committee Map

Site address: 177 Norval Road, Wembley, HA0 3SX

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Committee Report

Planning Committee on 13 January, 2010

Case No.

09/2426

RECEIVED: 23 November, 2009

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 16 The Broadway, Wembley, HA9 8JU

PROPOSAL: Change of use to cafe (Use Class A3) from retail (Use Class A1) and erection of a single-storey rear extension, rear extraction flue and bin store

APPLICANT: Mr Abdul Rahim

CONTACT: Mr Safa Alattar

PLAN NO'S: 01Rev A - site plan and design statement; 02 Rev A - Existing plan; 03 Rev A- existing elevations; 04 Rev A - porposed plans; 05 Rev A - porposed elevations; 06 Rev A - Proposed section & Extract Design Statement; 07 - extraction system location; 07RevA - extraction duct details; 09 Rev A - proposed section

RECOMMENDATION

Refuse consent

EXISTING

This application relates to a commercial unit located mid-way along a shopping parade on the western side of Preston Road, at the junction with East Lane. The unit forms part of a retail parade comprising 1-20 The Broadway which is designated as a Local Centre in Brent's adopted Unitary Development Plan. There is a service road located to the rear of the site. The authorised use of the unit is A1 (retail), however it is currently trading as the Elissa Cafe. There has been on-going enforcement investigations into the unauthorised change of use of the unit to A3, the erection of a covered area to the rear and the creation of an open seating area to the front.

PROPOSAL

Change of use to cafe (Use Class A3) from retail (Use Class A1) and erection of a single-storey rear extension, rear extraction flue and bin store

HISTORY

15/09/2009 - 09/1674 - Withdrawn

Retention of change of use to cafe (use class A3) and erection of a single storey rear undercover area and canopy, formation of an open internal seating area to the front of the premises and removal of shopfront

08/06/2009 - E/09/0357

The formation of a seating area to the front of the premises and the erection of a large wooden structure to the rear of the premises

22/02/2008 - E/08/0170

Without planning permission the material change of use of the premises to cafe/restaurant (A3) and erection of wooden type structure at rear of premises.

There is a refusal for a change of use of 16C from A1 to A3 under reference 06/3531. However, this appears to be the adjacent unit. It was refused due to concerns with the proposed extraction system.

POLICY CONSIDERATIONS

Adopted Unitary Development Plan 2004

- **STR11** Protection and enhancement of the built and natural environment
- **STR29** Development should sustain and enhance the vitality and viability of the Borough's town and District Centres
- **BE2** Townscape local context and character
- **BE4** Access for Disabled People
- **BE17** Building-Services Equipment
- **EP2** Noise & Vibration
- **EP4** Potentially polluting development
- **TRN3** Environmental Impact of Traffic
- **TRN11** The London Cycle Network
- **TRN22** Parking Standards Non-Residential Development
- **TRN34** Servicing in New Development
- **TRN35** Transport Access for Disabled People
- **H22** Protection of Residential Amenity
- **SH4** Local Centres
- **SH6** Non-Retail uses appropriate to primary shopping frontages
- **SH7** Change of use from retail to non-retail
- **SH10** Food & Drink (A3) Uses
- **SH11** Conditions for A3 Uses
- **SH16** Local Centres
- **SH19** Rear Servicing

SPG7 – Shopfronts and Shop Signs

- Specific nature and size of use
- Character of the area and the concentration and existing level of disturbance from A3 and similar uses
- Whether the proposed hours of opening would result in residential disturbance
- Practicality of providing extract ducting, ventilation, grease traps and/or noise insulation.
- Character and Appearance
- Parking and Servicing

CONSULTATION

Internal

Highways- No objection subject to alterations to the width of the access would need to be widened in order for the proposed servicing bay to be useable. A secure cycle store should also be provided.

Policy - On strict application of Policy SH16 of the Unitary Development Plan, the centre is already operating at 36% non-retail, and therefore exceeds the non-retail limit, particularly as the level of vacancy is not at 10%. However, the Local Centre figures are near margins of acceptability. The expansion of an existing business and the size of the centre and retail offer may allow the proposal as an exception to the policy guidelines within SH16.

Environmental Health – no objections subject to further information regarding the extraction system, which may be conditioned.

External

77 letters sent to neighbouring occupiers of the shops, residential units above the shops, and church to the rear and a nearby residential home. These properties have been notified on 30/11/09.

One letter received raising concerns regarding the impact of the proposed use on the rear service road.

A petition from 18 properties was received, raising the following objections to the application:

- There are already a number of A3 uses on the parade causing traffic and congestion
- There are already parking and loading problems in the area, which an A3 use will worsen
- There are already anti-social problems with people hanging around the centre
- The place is a smoking/ shisha area at the back of the premises, and this drug abuse and drunkard behaviour makes the area less safe. Allowing an extension to the smoking area will encourage a bigger crowd and cause more noise and disturbance.

REMARKS

The application proposes to change the use of a unit that was previously retail, (use class A1.) It has been occupied by “Elissa Café” for some time. According to Business Rates the current occupation has run from 05/10/09 onwards, but the previous occupation was May 2005 to October 2009. The unit has within the last year been used for smoking shisha. The shopfront has been removed and set back into the unit by several meters so that when the solid roller shutter is up there is an area to the front of the unit that is open to the front and enclosed on the other sides. The lack of a shopfront results in the use of a solid shutter during the day when the unit is not open, which is unsightly and contrary to local planning policy guidelines. Policy SH21 of Brent’s Unitary Development Plan and SPG7 sets out the Council’s guidelines on Shopfronts. Solid shutters are not normally permitted.

A structure has also been erected to the rear of the unit without planning permission. This comprises in part of wooden panels, some brickwork and wooden posts topped with a corrugated plastic roof. This area covers the whole of the rear curtilage of the unit. It is open at the top of the sides. The area has been used for smoking shisha. The applicants state that the rear structure has been in place for over 4 years. This is not the case, the rear structure is of temporary nature and aerial photographs demonstrate that the structure does not pre-date 2008.

The applicant states that they have been running the unit for over 6 years. The applicant now seeks an A3 consent. The application also includes a single storey rear extension with an associated extractor duct that runs up the back of the property and vents at ridge level. The existing shop has a floorspace of 50sqm, and the proposed extension incorporating an extended internal seating area totalling 25sqm. The proposed rear extension will require at least the partial removal of an existing covered structure to the rear of the premises that does not benefit from planning permission.

Loss of A1

The application seeks to change an A1 use class to an A3 use class. Policy SH16 guides that within Local Centres non-retail uses will generally only be acceptable if the application will result in no more than 35% of the shop units being within non-retail use unless there is a vacancy rate of at least 10%. The parade currently consists of 20 units, which were surveyed by your officer as:

PROPERTY NAME	DESCRIPTION	USE CLASS	
VACANT - was CHINA PRESENTATIONS	GIFT SHOP	vacant was A1, vacant since 20/05/08 (VACANT)	1
was CHINA PRESENTATIONS, now Astrologer operating 9am-9pm 7 days a week	GIFT SHOP	unauthorised B1; authorised A1, (VACANT)	2
CLEAN	DRY CLEANERS	A1	3
WEMBLEY SAUNA/ MASSAGE	SAUNA	SUI GENERIS	4
KUTTING PROFESSIONALS	HAIR DRESSERS	A1	5
MALIK LAW CHAMBERS	SOLICITORS	A2	6
RAEI & CO - ACCOUNTANTS	ACCOUNTANTS	A2	7
SUNRISE CAFÉ	CAFÉ / TAKEAWAY	A3	8
AQUA MARINE	AQUARIUM SALES	A1	9
SIMINS HAIR SALON	HAIRDRESSERS	A1	9C
THE COPPER'S JUG	PUBLIC HOUSE	was A4	10A
COFFEE SHOP	COFFEE SHOP	A1 (applic in for A3 but not yet permitted)	11
LESLIES HAIR SALON	HAIRDRESSERS	A1	12
OAKLEY TRAINING CENTRE	TRAINING CENTRE	D1	12b
BARISH - BAR & EATERY	RESTAURANT	A4	13
PEACE PHARMACY	CHEMIST	A1	14
DAY 1 - LOCAL EXPRESS	OFF LICENSE/ SHOP	A1	15
ELISSA CAFÉ	CAFE	A1 (applic for A3 but not yet permitted)	16
STYLING CORNER HAIR SALON	HAIRDRESSERS	A1	16A
TAYYAB HALAL MEAT 17	BUTCHER	A1	17
VARSANI & CO- Solicitors	SOLICITORS	A2	18
INSTANT SECURITY SYSTEMS	LOCKSMITH'S SHOP	A1	19-20

The Local Centre currently has 14 operational retail units, which, (including unit 16,) consists of 64% of the Centre's units. If number 16 is permitted as a change of use from retail, the proportion of A1 units within the Local Centre will fall to 59%. This will result in 41% non-retail units, which breaches the 35% non-retail use (as stated within Policy SH16). 2 units are currently vacant within the parade (this includes the use occupied by the Astrologer given the unauthorised and temporary nature of this use). As a result the vacancy rate of the parade is 9%. A vacancy rate of 10% is required in order to justify any further loss of retail.

It should also be noted that the Local Planning Authority is also considering an application at 11 the Broadway for a change of use to A3 from A1. If this was to be allowed, the proportion of A1 units would decrease to 55% and non-retail units would increase to 45%.

Your officers have sought planning policy advice. The policy officer guides that the limits set out within Policy SH16 are not absolute, other factors can be taken into account in determining an

application. For example the policy allows for expansion of existing businesses as an exception to the normal policy. This proposal at 16 is seeking to expand an established business within the parade. Likewise, the proposal to number 11 enables the expansion of food offer at an existing business.

The policy officer also guides that the overall size of the centre should be considered in order to determine whether a higher proportion of non-retail would affect the potential range of shops that could be provided in the units that are left available as retail shops. The policy intends to retain retail uses and essential services within Local Centres. If a change of use resulting in a loss of A1 at 16 is permitted, there will still be a range of retail offer within the parade. The proposed loss of A1 will not necessarily harm the vitality and viability of the centre. However, there are other policy considerations.

Proposed A3 use

The proposed enlarged café with an A3 use at number 16 complies with Policy SH6 that defines in principle appropriate town centre uses. Policy SH10 sets out guidelines that can be used to assess the appropriateness of a site for A3 use.

i) Proximity of residential accommodation:

Number 16 The Broadway has residential flats above the main ground floor unit. There is also a rear elevated walkway running along the back of the units, above the existing ground-floor unit. This type of relationship is common within local centres and does not necessarily represent harm to neighbouring occupiers. The proposal will entail the erection of a single storey rear extension that projects 5.5m from the original rear build-line of the property. The submitted drawings show that the existing temporary structure will be removed as a result of the proposed extension. However, there are some doubts about the layout of the proposed extension and how this will relate to the residential properties above. This is discussed further below.

ii) Nature and size of the use proposed

The applicants state that the unit will be used for up to 150 customers in one day. There will be ready-prepared and cooked food on the premises, including 2 donner kebab machines, Lebanese and Mediterranean style foods. It should be noted that the applicants are only applying for A3 use and not A5, although A5 uses are more commonly associated with the sale of kebabs.

The applicant states that they have been operating from the site for 6 years. There have been complaints about the nature of the use and in particular the use of the rear undercover area in terms of noise and smells, which are aggravated as the structure is not enclosed. The proposal seeks to replace the structure with a smaller extension. The proposed extension is shown to be an enlarged seating area. The applicant states that this is for a cold drink service. The extension is enclosed apart from the rear elevation that appears to have wide concertina style doors. This causes concern. It would enable customers to access the rear service yard and potentially enables the continuation of shisha smoking and external uses of the rear curtilage, which is not considered acceptable. The applicants indicate that this area will also be used for servicing. A servicing area is considered necessary.

iii) Character of the area, concentration of similar uses and disturbance from such uses.

It should be noted that both units 11&16 The Broadway have made applications to change their use from A1 to A3. The Broadway currently consists of 20 units, the range of units is set out in the table above. The objector's comments are noted but there is only one existing A3 unit within The Broadway, number 8, Sunrise café. The rest of the units within the parade are within use classes A1, A2 or A4. It is therefore considered that there is not an over-concentration of A3 type uses in this area.

iv) Proposed hours of opening causing residential disturbance.

The applicant has confirmed that they intend to open from 10am to midnight every day of the week.

The extraction system is proposed to be operated from 11am to 9pm daily. The applicants are proposing insulation measures between the unit and first floor residential properties immediately above. The length of the proposed opening hours causes concern particularly as the property has in the past been the subject of complaints regarding noise and disturbance to residential properties. The length of opening hours has the potential to cause noise nuisance.

v) **Practicality of providing extract ducting, ventilation, etc.**

The applicant has provided details of a high-level extraction system in land within their ownership. The extract duct will be sited up the back of the property adjacent to the rear elevation. It will be brick clad to eaves and exposed thereafter with angled flues that follow the roof and vent by the chimney. The applicant has also provided details of internal canopies and air inlet pipes. They have indicated that they will install a Gybroc insulation system in the floor between the ground floor commercial unit and the residential units above. The information provided has been sufficient to satisfy Environmental Health subject to conditions requiring the submission of more technical specifications regarding the extraction system.

However, the submitted drawings do not accurately represent the property's roof shape, which is angled in a mansard style to the rear. There are therefore some concerns about the practicality of the siting of the extract duct and how it will be affix to particularly the horizontal roof slope and relate to neighbouring residential windows alongside. In addition, the applicant has confirmed that they own the 2 flats upstairs, and has served certificate A. The proposed extract duct will rise up through the rear elevated walkway and there is some doubt about the practicality of this. Furthermore, the proposed rear elevation shows that there is approximately a metre wide space between the edge of the property and the nearest dormer window in which to site the extract duct. However, on your officer's site visit the distance appears significantly less than this. There is therefore some doubt that the extract duct can be achieved in the manner proposed in land within the applicant's ownership. If an extraction system cannot reasonably be installed the proposal will harm the amenity of neighbouring occupiers, either above or adjoining the premises, by way of noise, vibration and smell. As such, the proposal would be contrary to policies BE2, SH9 SH10, SH19, EP2 and EP4 of Brent's Unitary Development Plan 2004.

Impact on residential amenities

The proposed layout results in a rear extension with wide opening concertina doors. The extension is stated to provide a sitting area for drinking cold drinks. The design of the proposed extension does not give your officers certainty that the proposed layout will not enable the perpetuation of an external shisha area. The design and style of the rear door is such that there is a direct link between the internal sitting area and the external yard. The yard should be in use as a servicing area and refuse store. The layout therefore represents a poor relationship between a restaurant area and servicing paraphernalia, particularly as changes are required to the servicing layout. It is not considered appropriate that customers use the external yard area. Intensive use of the yard by members of the public would result in unreasonable levels of noise and disturbance. It may potentially lead to fumes if the shisha continues. This would be exacerbated by the long proposed opening hours of the unit. The proposal would therefore harm the amenities of local residential properties. This is contrary to Policies EP2, EP4, H22 and SH10.

Environmental Health is satisfied in principle with the technical specifications of the extraction system, subject to the submission of further information as conditions. This includes:

- The dimensions mentioned under the "cooker and donner machine" paragraph on drawing 06 do not correspond
- The types of filters proposed including manufacturer's name, filter name and product code should be provided
- Details of the cooker hood its opening dimensions, depth in relation to the appliances, velocity in meters/ second
- The overall system extraction rate in m3/s
- The noise levels of the system, (in decibels) based on the chosen fittings, indicating the acoustic performance of the proposed system or providing an acoustic assessment

demonstrating no harm to neighbouring amenities based on the existing background noise level of the site.

- Confirmation of the proposed ventilation maintenance schedule. The stated 2 years checks are not acceptable and it is recommended to have 6 month checks as a minimum.
- Height of the extraction system

Your officers have concerns about the feasibility of the system in terms of the ability to be able to insert an extract duct through the residential walkway, the ability to affix the extract duct onto the rear mansard roof, (which is not shown on the submitted drawings,) and the availability of space within the applicant's ownership to insert an extract duct without interfering with the windows serving residential properties at upper floors. As such the applicant has failed to demonstrate a feasible extraction system and in the absence of this, the proposal will harm local amenities contrary to policies BE2, SH10, EP2 and EP4 of Brent's Unitary Development Plan 2004.

Character and appearance

The submitted drawings appear to show that the existing and proposed shopfronts will not alter. The existing recessed shopfront does not benefit from planning permission and the plans do not show that it exists. However, the Design Statement confirms that it will be retained. The open nature of the frontage results in the use of the security shutter when the unit is shut. The opening hours are stated to be 10am to midnight, but when your officer has visited the site in the morning, the unit has not been open. The use of a solid shutter during the day when the unit is not open, is considered unsightly and contrary to local planning policy guidelines within SPG7 and Policy SH21.

The rear extension is set below the residential properties at upper floors. The proposed single storey rear extension should represent a visual improvement upon the existing temporary structure. Many of the other units along the parade have been extended to the rear, and therefore the rear extension is not out of keeping with the character of the area. The extension does not impinge on the functionality of either of the adjoining commercial units and will not obstruct access to the service road to the rear. This complies with parameters within policy BE2.

There are a number of other extraction systems to the rear of the western side of the parade. The extraction vent will represent the first high-level flue. High-level flue outlets are preferred by Environmental Health in order to limit nuisance potential by dispersing fumes at higher levels. However, the flue will have a greater visual impact. The applicant has proposed to brick-clad the flue up to eaves level but it is unclear what material it will be finished in above this. The flue outlet is located close to a chimney and has been angled so that it is less visible to the public realm to the front of the units. If the extraction system could be installed in accordance with the submitted details, then the visual impact of the system would be reduced to acceptable levels. However, there are drawing inaccuracies meaning that officers have concerns about the feasibility of the system.

Parking/ servicing

The proposed extension is to be constructed over the only land within solely the applicant's ownership that they may have parked upon. The proposal will not increase the parking requirement for the unit. Policy TRN22 guides that up to one parking space could be required. However, a servicing bay is considered more important. Brent's Unitary Development Plan guides that a servicing bay capable of housing a 6m by 3m transit-sized vehicle should be provided. The applicants have demonstrated this provision. However, the Council's Highway Engineers have raised concerns about the proposed access width, which should be widened to the whole entrance to enable improved manoeuvrability. They require that the bin store is relocated to enable this. The Engineers also require 2 secure cycle spaces. These matters could be dealt with through revisions to the layout as there is capacity within the site. However, officers have not sought revisions due to concerns about the principle of the use, and as such the unsatisfactory servicing arrangement will form a reason for refusal. This will create displacement parking. The site is at a busy road junction

between two local distributor roads and further parked vehicles would harm the free-flow of traffic and highway safety.

The layout of the proposed rear extension could lead to the potential presence of customers within the yard and this would prevent the effective servicing of the unit within its curtilage. The displacement of vehicles from the curtilage would impinge upon the local service road, cause congestion and harm the free-flow of vehicles on the local highway network contrary to Policy TRN3.

Summary

In summary, the proposed A3 use at 16 The Broadway has been carefully considered. The premises has been used for smoking shisha in recent times. Officers have doubts over the ability of the applicants to install an extraction system and without a viable system, the type and range of cooking proposed at the premises will cause harm to the amenities of neighbouring occupiers. Officers also have concerns about the layout of the proposal, which incorporates the ability to facilitate external use by customers of the rear curtilage. The streetscene is harmed by the appearance of a solid shutter on the frontage of the unit when the unit is not open. The layout of the servicing area also requires amendments.

Some of these details may have been sought through further clarification. However, given that the Council has received complaints about the operation of the unit, concerns about the possibility of the unit continuing to operate in an unneighbourly way could not be easily disregarded.

Application 09/3050 regarding 1 Duddenhill Parade was reported to committee on 16/12/09. This proposed a change of use of ground floor to cafe/restaurant (Use Class A3) and erection of single-storey rear extension to rear of building. Members were minded to refuse the application by reason of noise and disturbance resulting from the activity of users, in terms of vehicular parking and patrons entering and leaving the premises that would result in a detrimental impact on the amenity of adjoining and nearby residents in the flats above the premises and dwellings on Southview Avenue contrary to policy SH10 of Brent's UDP 2004. The current proposal is similar to this.

Policy SH16 seeks to safeguard appropriate levels of retail within Local Centres by limiting the level of non-retail uses. This level has already been reached, and exceptions are only permissible in exceptional circumstances. The concerns about the operation of 16 The Broadway are such that the proposal cannot be supported by officers. In contrast to unit 11 The Broadway, which has demonstrated that they can operate without harm to local amenities.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The applicants have failed to demonstrate that the change of use to A3 would not result in a loss of amenity for neighbouring occupiers, either above or adjoining the premises, as they have not shown extraction/ ventilation equipment capable of being installed on site, and as such the proposed cooking processes will lead to excessive fumes and smells. In addition, proposed customers using external areas in the lengthy proposed opening hours will result in excessive levels of noise, disturbance and fumes and the use of a solid shutter on the shopfront is considered harmful to appearance of the unit. As such, the proposal would be contrary to policies BE2, H22 SH9 SH10, SH19, SH21, EP2 and EP4 of Brent's Unitary Development Plan 2004 and SPG7.

- (2) The applicants have failed to demonstrate a layout that enables servicing vehicles to access and egress the site safely. The lack of an accessible servicing bay will lead to the displacement of vehicles onto a public highway, which would harm the free-flow of traffic and highway safety. Furthermore the lack of secure cycle storage on site reduces the site's accessibility and encourages vehicle use. This is contrary to policies SH19, TRN3, TRN11 and TRN34 of Brent's Unitary Development Plan

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004
SPG7 – Shopfronts and Shop Signs

Any person wishing to inspect the above papers should contact Amy Collins, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



Planning Committee Map

Site address: 16 The Broadway, Wembley, HA9 8JU

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