



Planning Committee

Wednesday, 3 February 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
Bessong
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 13 January 2010 (to follow)		
Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
3. 8A & 8B Keyes Road London NW2 3XA (Ref. 09/3308)	Mapesbury;	5 - 10
4. 15A & 15B Keyes Road London NW2 (Ref. 09/3306)	Mapesbury;	11 - 16
5. 44A-44C Keyes Road London NW2 (Ref. 09/3367)	Mapesbury;	17 - 22
6. 32A-32C Keyes Road London NW2 (Ref. 09/3374)	Mapesbury;	23 - 28
NORTHERN AREA		
7. Dollis Hill House, Gladstone Park, Dollis Hill Lane NW2 6HT (Ref. 09/1470)	Dudden Hill;	29 - 40
8. 7-8 Elmwood Crescent London NW9 0NL (Ref. 09/1851)	Fryent;	41 - 54
9. 6 Barn Way, Wembley, HA9 9LE (Ref. 09/3265)	Barnhill;	55 - 62
10. 37 Geary Road London NW10 1HJ (Ref. 09/1962)	Dudden Hill;	63 - 70
SOUTHERN AREA		
11. Workshop 1 rear of 92 Villiers Road NW2 5PJ (Ref. 09/2452)	Willesden Green;	71 - 76
12. Beulah Apostolic Church, 130 Church Road NW10 9NH (Ref. 09/2588)	Harlesden;	77 - 86
13. 8 Brondesbury Park Mansions, 132 Salusbury Road, NW6 6PD (Ref. 09/3377)	Queens Park;	87 - 92
WESTERN AREA		
14. 243 Ealing Road, Wembley HA0 4LF (Ref. 09/2116)	Alperton;	93 - 130
15. 19 Crawford Avenue, Wembley HA0 2HX (Ref. 09/2468)	Sudbury;	131 - 136
16. 3 Crawford Avenue & St John's Hall, High Road Wembley HA0 2AF (Ref. 09/3104)	Sudbury;	137 - 166

- | | | | |
|-----|--|----------|-----------|
| 17. | 75Llanover Road, Wembley HA9 7LW (Ref. 09/2340) | Preston; | 167 - 172 |
| 18. | Barham Park Estate, Wembley HA0 2NE (Ref. 09/2350) | Sudbury; | 173 - 200 |

PLANNING APPEALS

- | | | |
|-----|--|-----------|
| 19. | Planning & Enforcement Appeals Oct to Dec 2009 | 201 - 268 |
| 20. | Any Other Urgent Business | |

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

Site Visit -30 January 2010

SITE VISITS – SATURDAY 30 JANUARY 2010

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
09/3104	3 Crawford Avenue & St John's Hall, High Road Wembley	16	Sudbury	9:35	137-166
09/2350	Barham Park Estate, Wembley	18	Sudbury	9:55	173-200
09/2116	243 Ealing Road, Wembley HA0 4LF	14	Alperton	10.25	93-130
09/2588	Beulah Apostolic Church, 130 Church Road NW10 9NH	12	Harlesden	11:05	77-86
09/3306	15A & 15B Keyes Road London NW2	4	Mapesbury	11.25	11-16
09/1470	Dollis Hill House, Gladstone Park, Dollis Hill Lane NW2 6HT	7	Dollis Hill	11.45	29-40

Date of the next meeting: Wednesday, 24 February 2010

The site visits for that meeting will take place the preceding **Saturday 20 February 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 3 February, 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

This application was deferred at the planning committee on 16/01/2010 to allow for committee members to conduct a site visit.

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 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.

The main concern of local residents is that the small panels of glass in the upper sash of the main front windows cannot be reproduced under modern methods as the exact type of glass and any attempt to reproduce them would not be in keeping with the character and appearance of the subject and surrounding dwelling. In response to this the applicants are proposing to use a film attached to the glass panels to recreate this effect. Your officers are satisfied that this method would meet the need to preserve or enhance the Conservation Area and therefore support this proposal.

In response to points 1 and 3 timber is proposed and therefore the material is in accordance with the character of the area.

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

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 3 February, 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

This application was deferred at the planning committee on 16/01/2010 to allow for committee members to conduct a site visit.

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 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.

The main concern of local residents is that the small panels of glass in the upper sash of the main front windows cannot be reproduced under modern methods as the exact type of glass and any attempt to reproduce them would not be in keeping with the character and appearance of the subject and surrounding dwelling. In response to this the applicants are proposing to use a film attached to the glass panels to recreate this effect. Your officers are satisfied that this method would meet the need to preserve or enhance the Conservation Area and therefore support this proposal.

In response to points 1 and 3 timber is proposed and therefore the material is in accordance with the character of the area.

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

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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**Supplementary Information
Planning Committee on 3 February,
2010**

Item No. **4**
Case No. 09/3306

Location 15A & B, Keyes Road, London, NW2
Description Installation of replacement timber-framed casement windows and doors to
 both flats (as revised by plans received 17/12/2009)

Agenda Page Number: 11

Members visited the site on Saturday 30 January. At the site visit, further information was requested in relation to the detailing of the windows and in particular the original upper obscured glazing panels on the main front windows.

It is recognised that it may not be possible to replicate the exact appearance of this obscured glass. Neither is the applicant's suggested film treatment considered appropriate. The issue is therefore whether another pattern may be acceptable and whether resisting this may be supported on appeal. On balance, it is considered that a currently available obscured glass could adequately reflect the contribution that this part of the glazing adds to the houses and the streetscene.

Further details of this would have to be sought by condition.

The only doors that are proposed to be replaced are those on the rear of the dwellings; the front doors are to remain as existing.

Recommendation: Remains approval

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Committee Report

Planning Committee on 3 February, 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-framed 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

This application was deferred at the planning committee on 16/01/2010 to allow for committee members to conduct a site visit.

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.

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- 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.

The main concern of local residents is that the small panels of glass in the upper sash of the main front windows cannot be reproduced under modern methods as the exact type of glass and any attempt to reproduce them would not be in keeping with the character and appearance of the subject and surrounding dwelling. In response to this the applicants are proposing to use a film attached to the glass panels to recreate this effect. Your officers are satisfied that this method would meet the need to preserve or enhance the Conservation Area and therefore support this proposal.

In response to points 1 and 3 timber is proposed and therefore the material is in accordance with the character of the area.

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

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 3 February, 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

This application was deferred at the planning committee on 16/01/2010 to allow for committee members to conduct a site visit.

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 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.

The main concern of local residents is that the small panels of glass in the upper sash of the main front windows cannot be reproduced under modern methods as the exact type of glass and any attempt to reproduce them would not be in keeping with the character and appearance of the subject and surrounding dwelling. In response to this the applicants are proposing to use a film attached to the glass panels to recreate this effect. Your officers are satisfied that this method would meet the need to preserve or enhance the Conservation Area and therefore support this proposal.

In response to points 1 and 3 timber is proposed and therefore the material is in accordance with the character of the area.

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

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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Committee Report

Planning Committee on 3 February, 2010

Case No.

09/1470

RECEIVED: 12 June, 2009

WARD: Dollis Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: Dollis Hill House Gladstone Park, Dollis Hill Lane, London, NW2 6HT

PROPOSAL: Listed Building Consent for demolition of Dollis Hill House (as accompanied by Design and Access Statement prepared by DPP Heritage, and Biodiversity Survey Report prepared by Aspect Ecology)

APPLICANT: London Borough of Brent

CONTACT: DPP Heritage

PLAN NO'S: 1035708/01; 573/03; 8772/SK1 and unnumbered "Site Interpretation"

RECOMMENDATION

Grant Listed Building Consent subject to Referral to the Government Office for London.

EXISTING

The application site relates to Dollis Hill House, a Grade II listed building, located within Gladstone Park. The site is accessed off Dollis Hill Lane.

PROPOSAL

Listed Building Consent sought for the demolition of Dollis Hill House.

HISTORY

95/0798: Full Planning Permission sought for internal alterations and external additions, including demolition of two-storey rear extension and change of use of existing building to provide restaurant and bar and first-floor meeting room and staff accommodation, car parking and landscaping - Withdrawn, 02/08/1995.

95/0816: Listed Building Consent sought for internal alterations and external additions, including demolition of two-storey rear extension and change of use of existing building to provide restaurant and bar and first-floor meeting room and staff accommodation - Withdrawn, 02/08/1995.

LM36371377: Full Planning Permission sought for reconstruction of garden wall - Granted, 30/04/1980.

LM36381378: Listed Building Consent sought for demolition and reconstruction of existing wall - Granted, 27/03/1980.

POLICY CONSIDERATIONS

National Planning Policy Guidance

Planning Policy Guidance 15: Planning and the Historic Environment

In essence PPG15 acknowledges a general presumption in favour of the preservation of Listed

Buildings unless a convincing case can be made for alteration or demolition. Where works are proposed to a listed building that it is necessary for these to be justified, showing that they are desirable or necessary. Any proposals for alteration or demolition will, it states, be subject to "careful scrutiny".

PPG15 sets out four issues that are generally relevant to the consideration of all Listed Building Consent applications:

1. The importance of the building, its intrinsic architectural and historic interest and rarity both in national and local terms. (The historic interest is due to age and rarity.)
2. The particular physical features of the building which justify its listed status.
3. The building's setting and its contribution to the local scene, which may be very important, e.g. where it forms an element in a group, park or townscape or where it shares particular architectural forms or details with other buildings nearby;
4. Whether substantial community benefits will arise for the community, in particular by contributing to the economic regeneration of the area or the enhancement of the environment.

PPG15 consider the approach to the demolition of Listed Buildings. It notes that only "very occasionally" will demolition be unavoidable and the destruction of Listed Buildings is rarely necessary for reasons of good planning but rather the result of neglect or failure to incorporate them into new development.

PPG15 advises that consent is contingent upon a need to provide clear and convincing evidence that all reasonable efforts have been made to find a use for the building, whether existing or new uses. This includes evidence that some form of charitable or community ownership is not possible; or that a substantial community benefit might arise from the replacement of the Listed Building. The case that redevelopment may be economically more attractive than repair and reuse is not necessarily a sufficient reason for consent to be granted for demolition.

The policy guidance note underlines three aspects that must be addressed in applications for total or substantial demolition of a Listed Building, namely:

1. The condition of the existing building and the cost of repair/maintenance in relation to importance and value derived from the use: this must be based upon consistent and long-term assumptions and include the possibility of tax allowances and of grants from public or charitable sources. The Listed Building may also offer proven technical performance, physical attractiveness and functional spaces that, in an age of rapid change, may outlast the short-lived and inflexible technical specifications that have sometimes shaped new developments.
2. The adequacy of efforts made to retain the building in its current use or to find compatible alternative uses: In effect, the Secretaries of State must be satisfied that real efforts have been made, without success, to continue the present use or to find compatible new uses for the building. This should include the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting its condition.
3. The merits of alternative proposals for the sites: the architectural merits of the replacement building may not be sufficient in themselves to justify demolition: The advice states that there may very exceptionally be situations whereby the community benefits that arise from the new development arising from demolition must be weighed against the arguments in favour of preservation. It continues that even in this case, it will often be feasible to incorporate Listed Buildings within new development and this must be carefully considered.

London Borough of Brent Adopted Unitary Development Plan 2004

Policy BE22 - Protection of Statutory Listed Building

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

29/06/2009 - 20/07/2009

Site Notices Displayed: 02/07/2009 - 23/07/2009

Public Consultation

87 neighbours consulted - 13 letters of objection received on the following grounds:

- Queried as to whether a Council/private enterprise partnership could be formed to fund the restoration and to continue to finance the building.
- Queried whether there is scope to retain part of the ruin and utilise this area for plays.
- Dollis Hill House should be used as an arts centre/community use.
- Loss of an important symbol of local history.

One letter of support received. Suggested that the historic interest could be marked by a plaque or small statue.

Internal Consultation

Landscape Team - requested a Full Tree Protection Method Statement as there are trees in close proximity to the existing building.

External Consultation

Dollis Hill Art Group

Dollis Hill Art Group currently used the stables gallery and need room to expand. They would like to see Dollis Hill House restored and used as an Arts & Community Centre.

Greater London Authority

No comments to make as the application is not one classed as strategic by the Town and Country Planning (Mayor of London) Order 2008.

Brent Arts Council

Objections raised on the following grounds:

- The demolition of Dollis Hill House as it would result in the loss of an important symbol of local history.
- Prior to the fires, the House was used as an Arts and Community facility and as a retreat for Prime Minister William Gladstone.
- Brent Arts Council is the trustee for the Stables Arts Centre and Gallery (once the stables block for the house). Existing space is limited making it difficult to expand activities in accordance with Brent Council's corporate strategy, in particular with regard to working with youth organisations and older people, due to access constraints.
- The Council has not exhausted all possible avenues for restoration.

Gladstone Park Consultative Committee

Objections raised on the following grounds:

- The demolition of Dollis Hill House would result in the loss of one of the very few historic buildings left in Brent.

- Prior to the fires, the House was used as an arts and community facility by local art groups and other organisations.
- Brent Arts Council is the trustee for the Stables Arts Centre and Gallery (once the stables block for the house). Existing space is limited, making it difficult to expand activities in accordance with Brent Council's corporate strategy, in particular with regard to working with youth organisations and older people, due to access constraints.
- GPCC would like to see the House refurbished and put to both arts and community use with the Council more seriously considering undertaking the funding or part of the costs.

The Georgian Group

Objections raised to the demolition of Dollis Hill House as a "convincing" case for its demolition, as set out in PPG15, has not been met as there is no structural report to demonstrate the structural imperative for demolition.

Suggest that it is feasible, in the short to medium term, for the House to be preserved as a established ruin and serve as an eye-catcher in Gladstone Park. Demolition is premature given the level of active interest in the building's preservation.

Dawn Butler MP (Labour MP for Brent South)

Objections raised to the demolition of Dollis Hill House as it is not considered that there has been careful consideration of all the viable options.

Dollis Hill House Trust

Objections raised on the following grounds:

- The requirements of PPG15 for demolition of a Listed Building have not been made.
- The Council has not made adequate efforts to save the building.
- The historical associations connected to the house remain today.
- Details of the cost of bringing the building back into weatherproof use are not provided. Instead the costs quoted are for complete projects which are higher than the costs to bring the building back into a usable condition.
- The effectiveness of the Council's marketing exercise has not been evaluated.
- The application does not refer to the Heritage Lottery Funding (HLF) stage one grant.
- The Council has not put any of its own funds into Dollis Hill House other than the insurance monies.

English Heritage

English Heritage have provided the following observations:

They acknowledge the poor condition of the house but have advised that they are not convinced that the case for demolition has been fully satisfied and wishes to be satisfied that all possible options for retention or reuse, in whole or in part have been fully tested. Such options include the possibility of the retention of elements of the existing fabric, such as the Portico.

The above comments have been addressed by the Council's consultants and referred to within the Remarks section of this Committee Report.

REMARKS

1.0 Background and History

Dollis Hill House was statutory listed at Grade II on 23 January 1974 because of its role in the life of Gladstone. The description on the statutory list is as follows:

"Built in 1825 by the Finches, a Willesden family, and later became the property of the Earl of Aberdeen and a favourite residence of Mr Gladstone, who stayed as a guest here for long periods between 1882 - 1896 (plaque). A square, 2-storey, 3-window House in yellow stock brick, with hipped slate roof and boxed eaves. Entrance front: wide central doorway and double door with fanlight, in stucco porch arcaded at sides, with pilaster treatment and rosettes in frieze, supporting cast iron balcony with stucco piers. To the right the front is built out to the line of the porch, with cement cornice and blocking course (probably later extension). The east front overlooking the park is plain with grounds floor windows altered to doors, and wood and glass verandah for restaurant. North front has projection to left with cornice, as entrance front. West front towards Dollis Hill has service extensions. Graded for its historic rather than architectural importance".

Dollis Hill House was declared surplus to the needs of Brent Council in 1994. The building has unfortunately struggled to provide viable accommodation for new uses ever since. As a result of extremely destructive fires (suspected arson) in June 1995, April 1996 and a third fire in June 2003, the building is a burnt-out, derelict shell. The plight of Dollis Hill House is not unusual nationally, and is recognised in English Heritage's survey of large Houses in publicly owned parks. **"Park Mansions at Risk in London"** (2004) (The Drury Partnership).

The building is has been included on English Heritage's, Heritage at Risk Register since 1993; the 2008 entry for the building identifies it as a vacant property and its condition is recognised as "Very Bad". The House is currently listed at the "Priority Category A", which is defined by English Heritage as the highest priority for a building which is deteriorating rapidly with no solution to secure its future.

Since 1994, officers have made a number of attempts to secure partners to deliver the rehabilitation of the listed House but none of these options have proven to be successful and/or viable. Unfortunately the application for the demolition of the structurally compromised Dollis Hill House has become the only realistic safe option.

Reasons for Decline

Dollish Hill House has suffered the same way as many Houses in public parks throughout the country. Its vulnerable location has made it the victim of vandalism and arson attacks and its situation within publicly owned Metropolitan Open Land means that its development potential is severely limited. The viability of the House for reuse is also seriously compromised by its relatively remote location in terms of public transport; the lack of parking also restricts the accessibility and versatility of the site. These constraints mean that the Council has found it extremely difficult to secure development partners to find a viable new use. Unfortunately, the House has also suffered from a sustained insidious decline described below:

A summary chronology of the recent history of the building from this time is set out below:

1994 June	Declared surplus to needs by Council.
1994 October	Proposal by Whitbread PLC for reuse as a public House restaurant was resisted by a significant lobby of local residents.
1995 June	First arson attack.
1996 June	Application submitted for Whitbread proposal (withdrawn August 1995).
1996 April	Second arson attack.
1999 June	Torkilsden & Barclay Leisure Management report concludes that reuse is unlikely to succeed without substantial subsidy from Council.
2000 March	Property marketed on open market for nine months.

- 2000** November Council agreed a four-month delay to allow setting up of Dollis Hill House Trust (DHHT).
- 2001** November Council agrees £30,000 from insurance fund for DHHT to develop business plan and funding applications.
- 2002** September Council agrees £28,350 from insurance fund to further develop DHHT business plan.
- 2003** June Third arson attack.
- 2003** December Council Executive considers future of Dollis Hill House. Decision to demolish.
- 2004** Spring Brent Primary Care Trust (PCT) expresses interest in site as a community health centre.
- 2004** June Gladstone Park Heritage Lottery Funded restoration scheme completed.
- 2005** May Brent PCT decides not to progress their proposal.
- 2005** September DHHT agrees to submit revised business case for consideration.
- 2006** October Council agrees to second marketing exercise.
- 2007** June Marketing exercise completed and no viable proposal obtained. One of the bidders, Training for Life (TFL), given three months to submit a feasibility study for the future of the House.
- 2007** September Council officers instructed to prepare application for Listed Building consent to demolish subject to outcome of TFL study
- 2008** February Council Executive gave TFL twelve months to develop full business plan, secure capital funding and obtain planning permission.
- 2008** December TFL not able to progress their proposal due to funding constraints.
- 2009** March Council instruct DPP Heritage to submit application for Listed Building consent for demolition of House.

2.0 Efforts to secure Retention and/or Adaptive Reuse

PPG15 advises that consent for demolition is contingent upon a need to provide clear and convincing evidence that all reasonable efforts have been made to find a use for the building, whether existing or new uses. This includes evidence that some form of charitable or community ownership is not possible; or that a substantial community benefit might arise from the replacement of the Listed Building.

The Council has committed many officer hours and significant financial resources in trying to identify a suitably experienced and resourced partner to help in securing a future for the House. The Council has tried two major marketing exercises advised by experienced estate consultants. The two exercises in 2000 and 2007 were rigorous, comprehensive and open but did not attract a partner with a sustainable, viable proposal for the future of the House that would have complied with the planning requirements of the House's Public Park setting. Unfortunately most of the proposals submitted to the Council were predicated on the transfer of the House ownership for a nominal minimal sum and a large grant to support the restoration. In 2005 the GLA indicated that they would match funding of any monies invested by the Council in the restoration. However, the grant aid was never forthcoming and the offer was withdrawn.

Although the marketing exercise did not secure a new owner and/or appropriate reuse for the building, the Council and technical officers have supported the initiation and development of two serious proposals for the House. Unfortunately, although many hours have been expended to guide these proposals towards a successful scheme; the financial viability and poor structural condition of the building have prevented resolution and delivery. The schemes were:

PCT Health Centre

The Health Centre scheme, based on a Conservation Management plan and initial survey work in collaboration with the Preservation Trust, proposed a full conversion and restoration with some sensitive reticent extension. The scheme was fully developed but after consideration by Quantity Surveyors, the cost of the historic restoration made the project too expensive.

Training For Life

Training for Life (TFL) represented the best opportunity for the future of Dollis Hill House, the organisation is experienced in the sensitive rehabilitation of Listed Buildings and has completed a number of projects elsewhere in London and the Country. The proposal by TFL was for the conversion of the House into a catering training facility. After a year's work, the organisation and Council officers came to the conclusion that the cost of restoration, the difficult location and withdrawal of the GLA funding offer, meant a scheme was not possible at Dollis Hill House.

A number of surveys have been undertaken to assess the condition of the House and the cost of repair and reconstruction. The House was assessed in July 2003 by WPG Surveys where it was reported that "the basic condition of the building is that the brick remains, but the timber elements (floors, roof, staircase, etc.) and finishes are either destroyed or badly damaged (except in the cellar and parts of the north extension)". In 2003 -2004 Integrated Surveying Partnership (Commissioned by the Dollis Hill House Trust) estimated that the costs of repairs to bring the ruined building back into a secure and weatherproof shell where further fit-out would then facilitate a new use, were in the order of £2.8 million. Subsequently in 2007, it was established that these costs had risen to £5.5 million (survey commissioned by Training for Life).

Unfortunately, after so much work, the Council has come to the conclusion that if the PCT and TFL, with all their resources, experience and skill, cannot deliver a future for the House, then it is difficult to see which organisation can. Whilst the Council has been developing its response to the criterion of PPG15's sequential test, the Chinese Welfare Trust approached the Council in October 2009 with some suggestions for a new proposal. Officers invited the organisation to come and explain their scheme but they were unable to develop their ideas and withdrew from the meeting. The Council has not received anything concrete since and cannot delay the planning process based on a verbal intention – the Council is not convinced that the CWT can deliver a sustainable viable solution.

Future Commercial Viability

The Councils property consultants who carried out the 2007 marketing exercise also assessed the future of Dollis Hill House as a commercial proposition unfortunately their conclusions do not suggest a positive future for the remaining derelict structure. They suggested:

"Even if the property was offered at a nil premium, potential leaseholders would not be confident of being able to generate sufficient income or secure appropriate funding to pay for the long-term maintenance of the property. Should the building be refurbished then the cost of undertaking such works (the Training for Life Study budgeted for £5.5 million, though this did include an extension) would represent a significant 'conservation deficit'."

3.0 Testing the Policy Case for Demolition

The case for demolition can only be made if the demands of the sequential test are strictly met - National Policy Guidance PPG15 sets out the fundamental issues that need to be considered for all applications calling for the demolition of a Listed Building. The criteria are set out below,

together with a summary of the Council's consultants' assessment of the application for demolition of Dollis Hill House in relation to these issues. The cases are made in more detail in the Design and Access statement and letter to English Heritage by the Council's consultants DPP Heritage. The sequential test requires assessment of:

PPG 15 (Para. 3.5) Criteria (i) “The importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms.”

Dollis Hill House was listed for its special historical interest and association with William Ewart Gladstone. The listing was not initiated by the architectural character of the House, indeed Dollis Hill House is considered to be an unexceptional piece of architecture. The Council and its consultants argue that the listing was made because of an association with an historic person, so although the demolition of the building is regrettable, it does not remove the historic association or the celebration of Gladstone, as the park is named after him. The Council is proposing that some interpretative material will be available either on an independent display or attached to the surviving stables complex.

PPG 15 (Para 3.5) Criteria (ii) “The particular physical features of the building which justify its inclusion in the list.”

As the statutory listing description establishes, even in good condition, the House was not included on the list for its architecture. Therefore, now that the building has been significantly altered and ravaged by three fires there is nothing physical left to justify retention of the seriously compromised derelict structure.

PPG 15 Criteria (iii) The building's setting and its contribution to the local scene

Dollis Hill House does not form part of or contribute to the character and quality of an associated group of other Listed Buildings. The House stands within what would originally have been its own landscaped grounds, independent of the Park. The House was not laid out to respond to any part of Gladstone Park or any axis or landscape and natural features. The House is at the top of the Hill but was not composed to be the focus of views from around the park location.

PPG 15 Criteria (iii) The extent to which the proposed works would bring substantial benefits to the community. In particular by contributing to economic regeneration.

The demolition of the remains of Dollis Hill House will not in itself bring a regeneration benefit to the community of Brent. However, the building is in a very poor structural condition and is difficult to keep secure, therefore posing a threat to anyone who might get inside. At present the security and structural stability of the House is a financial burden to the Council and the demolition of the remains would enable an area of the Park to be brought back into public access and provide amenity for park users that is not now available behind the security fence.

Should the consent be permitted for demolition it is proposed to landscape the remaining space expressing the footprint of the building in a combination of hard and soft landscape surfaces. This will indicate that the building once stood on the site and will be explained in any interpretive materials either directly on site or more appropriately within the stables. Your officers have prepared a preliminary draft proposal. The resultant landscape space will provide a much more positive and usable amenity for the users of the park.

It has been suggested by English Heritage that an element of the remaining structure, in particular the entrance Portico, should be retained as a memory of the House. The Council has appointed structural engineers to assess the surviving elements of the House and they are of the opinion that the most suitable elements for retention are structurally compromised and their condition has deteriorated too much for viable restoration. In any event, the basement beneath the remaining structure makes the retention of walls and/or the Portico a very complex and difficult construction problem.

4.0 Conclusions

The recommendation to seek consent for the demolition of Dollis Hill House has not been reached easily and is the regrettable but inevitable result of a series of conspiring factors, they are:

1. The architecture of the House is not exceptional and, as the 1974 statutory listing describes, the significance of the House is through an historic association, not its built fabric and architecture.
2. The House's role in the Park has always been secondary and, because of vandalism and fire, it is now a significant blight on the local landscape.
3. The original, undistinguished House is now a burnt-out, derelict shell which seriously reduces its architectural relevance and structural integrity.
4. The building cannot provide the accommodation, location and development potential for a viable reuse.
5. Despite repeated efforts by experienced and well-resourced professionals, it has been impossible to develop a viable, sustainable, long-term commercial proposition for the remaining structure.

RECOMMENDATION: Refer to Secretary of State

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

Brent Unitary Development Plan 2004
Central Government Guidance

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

Built Environment: in terms of the protection and enhancement of the environment
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

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) Prior to works commencing on the demolition of Dollis Hill House, details of the hard and soft landscaping works which form part of the site interpretation shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape scheme shall be implemented within six months of the demolition of Dollis Hill House. Such details shall include:

(a) the identification and protection of existing trees and shrubs not directly affected

by the building works and which are to be retained;

(b) soft landscaping planting schedule and layout plan (including details of species, size, location, density and number);

(c) areas of hard landscape works and proposed materials;

(d) details of the proposed arrangements for the maintenance of the landscape works.

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

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's UDP 2004

Planning Policy Guidance 15: Planning and the Historic Environment

Letters of objection

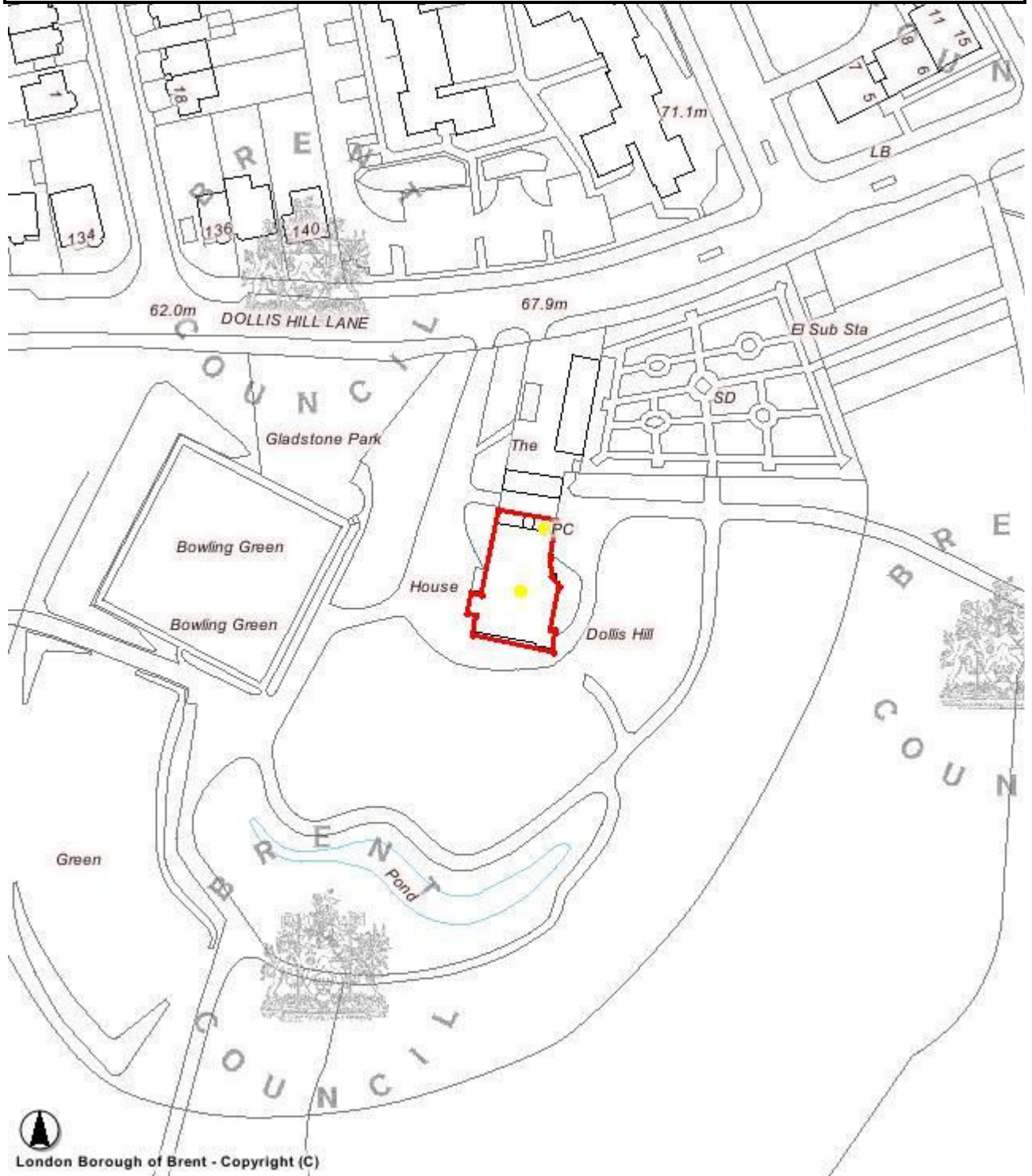
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: Dollis Hill House Gladstone Park, Dollis Hill Lane, London, NW2 6HT

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**Supplementary Information
Planning Committee on 3 February,
2010**

Item No.
Case No.

7
09/1470

Location Dollis Hill House Gladstone Park, Dollis Hill Lane, London, NW2 6HT
Description Listed Building Consent for demolition of Dollis Hill House (as accompanied by Design and Access Statement prepared by DPP Heritage, and Biodiversity Survey Report prepared by Aspect Ecology)

Agenda Page Number: 29

This application is to be deferred to allow for further consideration of matters raised by the North London Chinese Association.

Recommendation: Members are asked to note the reason for the deferral in terms of exploring the recent expression of interest in the building.

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Committee Report

Planning Committee on 3 February, 2010

Case No.

09/1851

RECEIVED: 13 October, 2009

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 7-8 Elmwood Crescent, London, NW9 0NL

PROPOSAL: Erection of a single storey rear and side extension, first floor front extension, raised terrace with ramped access to rear and front, new canopy to front entrance door, 2 front and 1 rear rooflight and associated landscaping, and change of use of premises from single family dwelling (Use Class C3) to supported accommodation for people with mental health problems, incorporating 11 self-contained units (Use Class C2).

APPLICANT: Maison Moti

CONTACT: John Perrin & Co

PLAN NO'S: Design and Access Statement by Pearson Associates dated July 2009;
Email from Managing Director of Maison Moti dated 01 December 2009;
Email from Managing Director of Maison Moti dated 14 December 2009;
Email from Managing Director of Maison Moti dated 21 January 2010;
Completed TP6 form dated 18/09/2009;
1308/1;
1308/2;
1308/3D;
1308/4F;
1308/5E;
1308/6D;
1308/7D;
1308/8E;
1308/9D;
1308/10;
1308/11;
1308/19;
1308/20.

RECOMMENDATION

Approval

EXISTING

The site is currently occupied by a pair of vacant semi-detached houses with side, rear and roof extensions. The property is positioned on the western side of Elmwood Crescent. Internal alterations have been made following a previous approval for use as an 10-bedroom elderly persons' home. Planning approval for the conversion and adaptation of the existing buildings into

supported accommodation for clients with mental-health problems (11-bed), approved on 1st August 2002 (Ref: 02/3227), lapsed on 1st August 2007.

PROPOSAL

Erection of a single storey rear and side extension, first floor front extension, raised terrace with ramped access to rear and front, new canopy to front entrance door, 2 front and 1 rear rooflight and associated landscaping, and change of use of premises from single family dwelling (Use Class C3) to supported accommodation for people with mental health problems, incorporating 11 self-contained units (Use Class C2).

HISTORY

E/08/0467 The breach of conditions 5 and 9 of p.p. 02/3227 dated 01/08/2003 (temp. desc.)
Application Technically Deleted 18/09/2008

06/1398 Demolition of existing building and construction of new 2-storey building for use as a mental-health rehabilitation unit comprising 11 units of accommodation **Refused** 06/09/2006

1. Rear extension out of character
2. Poor standard of accommodation
3. Impact on neighbouring residential amenity
4. Over-intensive use
5. Failure to meet sustainability requirements

05/1360 Demolition of existing building and erection of a 2-storey building with basement, 2 front and 2 rear dormer windows and access ramp with balustrades to the rear of building for use as mental-health rehabilitation unit **Application Withdrawn** 02/10/2007

04/3214 Demolition of existing buildings at No. 6a, 7 & 8 Elmwood Crescent and erection of 2 no. two-storey buildings for use as mental-health rehabilitation units **Refused** 31/03/2005 for the following reasons:

1. the potential over concentration of a clientele in one area leading to an over-intensive use of the plot, and unacceptable additional strain upon local services,
2. the likely detrimental impact on the amenities of nearby residential properties by reason of the nature of the use, an increase in activity, noise and disturbance which would be incompatible with the character of the area,
3. incongruous design, out of character with adjoining properties,
4. failure to provide adequate distances between habitable rooms, outlook and day lighting to several bedrooms in the unit
5. excessive bulk, mass and scale resulting in overshadowing, loss of privacy and loss of outlook.

02/3227 Erection of single-storey rear extension and first-floor side extension, external alterations to front and rear elevations and change of use from a single family dwelling to supported accommodation for clients with mental-health problems **Granted** 01/08/2003

00/0331 Erection of single-storey side and rear extension and change of use of house to a 10-bedroom elderly persons' home (Use Class C2) and retention of newly erected boundary wall with metal railing and metal gates on the front boundary of the premises (as amended by plans received on 22 May 2000 and 20 July 2000) **Granted** 03/08/2000

99/2139 Change of use from residential to elderly persons' home (Use Class C2) **Application Withdrawn** 01/02/2000

99/0488 Change of use from residential to elderly persons home (Use Class C2) with single storey side extension **Application Withdrawn** 16/09/1999

98/0134 Re-roofing and installation of rear dormer, front and side velux windows to provide room in roof space **Granted** 11/03/1998

89/1256 DETAILS PERSUANT TO CONDITIONS 2,3,4,5, 6,+12 **Refused** 07/06/1990

88/2766 C/USE TO ELDERLY PERSONS HOME **Granted** 09/05/1989

82/0328 ER. OF 2 STOR. & 1ST. FLOOR REAR EXTN. 2 STOR. SIDE EXTN. & ADD. TO REAR DORMER WINDOWS, & ALTS. TO CONVERT 2 HOUSES INTO SNGL. FAMILY DWELLING (ALSO 8) **Granted** 17/08/1982

80/1500 EREC. OF 2/STOR. SIDE EXTN. **Application Withdrawn** 12/05/1981

P6839 5808 SNG/STOREYED EXTN AT REAR. **Granted** 15/10/1968

POLICY CONSIDERATIONS

The following are the policy considerations relevant to this application:

Adopted UDP 2004

Built Environment

BE2 - Townscape: Local Context & Character

BE6 - Landscape Design

BE7 - Public Realm: Streetscape

BE9 – Architectural Quality

Housing

H8 – Resisting Loss of Housing

H22 - Protection of Residential Amenity.

H23 – Supported Housing/Day Centres - Principle of Development.

Transport

TRN23 – Parking Standards, Residential Developments.

Parking Standards

PS12- Non-Residential Institutions (Use Class D1)

PS14 – Residential Development (Use Class C3)

SPG's

Supplementary Planning Guidance 5 – Extending Your Home

SUSTAINABILITY ASSESSMENT

As the proposal does not involve demolition and the net gain in units is under 10, the scheme is not deemed to meet the requirements for complying with SPG19. Therefore sustainability matters are not significant planning considerations in this case.

CONSULTATION

Public

Residents on Elmwood Crescent and Stag Lane, including Harrod and Kenwood Courts, Grove Park School and local Ward Councillors were consulted on 15/10/09.

9 objections were received from local residents, on the following grounds:

- Proposal in breach of policy H23 due to the presence of 2 nearby care homes, one of which serves people with mental health problems in Fairfield's Close who cause distress to local residents. This proposal would result in the same harm to residents, and would harm the rehabilitation of the residents.
- Noise and disturbance arising from increased activity at the care home causing harm to residential amenity along Elmwood Crescent
- Traffic problems within the cul-de-sac, and inadequate off-street parking
- Do not trust Maison Moti to act in consideration of the interests of the local community
- Covenant on the property prevents its uses as supported accommodation
- Objected many times to this scheme
- Negative impact on character of the area and locally listed buildings
- Negative impact on the residential amenity of 9 Elmwood Crescent in terms of loss of outlook.
- Not within 400m of local shopping facilities and public transport
- Concern that the scale of the development or the type of facility provided may change over time
- Concern that the 11 new residents would constitute a high proportion of the overall residents of the street
- Structural integrity of house following fire in the past
- Increased pressure on water services

These matters shall be addressed within *Remarks*, below, with the exception of the points regarding the covenant, the structural integrity of the house, and the pressure on water services, which are not planning considerations.

Further to this, Officers met on 1st December with Councillor Jim Moher and several residents of Elmwood Crescent in order to discuss these concerns. This was followed up with a visit to two Maison Moti facilities in Enfield (varying in scale but identical in terms of type of facility proposed by this application) on 14th January, which was attended by Councillor Moher and 3 of the same residents. Whilst the current application will obviously be determined on its own merits, this was considered beneficial in providing clarity for Officers and residents as to the target client group, the standard of facilities and staff provided by the applicant, and how developments of this type fit into a normal residential setting.

Internal

Policy: No objection

No requirement for a s106 agreement unless a car-free scheme is required.

Transportation: No objection subject to the widening and marking of one of the car parking spaces for disabled use.

This proposal now involves the change of use of these dwellings to a mental health care facility with 11 bedrooms, rather than demolishing the houses and constructing a new purpose-built facility. Each of the rooms will be provided with its own bathroom and kitchen, but a communal meeting room, laundry and offices will still be located at ground floor level. Six staff are to be employed at the site.

Two car parking spaces, a bicycle storage area and refuse storage are indicated within the frontage of the site, with the existing access from Elmwood Crescent remaining unaltered (i.e. unlike previous proposals, the access to 6a will be kept entirely separate). As before, car parking allowances (as set out in standard PS13 of the adopted UDP 2004) allow up to one space per five staff and one space per 10 bedrooms, giving a total allowance of two spaces for this proposal. The

proposed provision of two spaces therefore accords with standards. However, there is a considerable amount of existing hardpaving across the front garden area which will be surplus to requirements and the opportunity could be taken to introduce more soft landscaping, in line with Policy BE7.

Given the use proposed and the fact that one of the bedrooms is proposed specifically for disabled use, at least one of the proposed spaces ought to be widened and marked as a disabled space.

The provision of a secure bicycle parking area is welcomed and needs to provide just one space in order to satisfy standard PS16. Refuse storage is indicated within 10 metres of Elmwood Crescent, allowing easy collection by Brent's contractors.

With access to the adjoining property at 6a remaining entirely separate, no alterations are now required to the crossover onto Elmwood Crescent.

Social Services: No objection. Brent Mental Health Service are service providers, jointly commissioned by NHS Brent and Brent council. They have confirmed that at present there is insufficient supported accommodation of this type within the borough, and so a number of Brent service users have to be placed outside the borough. Brent Social Services have known the service providers for many years and have worked closely with them and been impressed with the quality of service they provide. It has been confirmed that there are no similar facilities in this area, but that Brent Social Services have a 25 bedded in-patient rehabilitation unit in Fairfields Crescent.

External

Thames Water: No objection

Ward Councillors: No representations made.

REMARKS

Summary:

- The application is for the conversion of an existing 12-bedroom dwellinghouse (Class C3) to 11 supported housing units (Class C2) for people with mental health problems.
- Minor extensions and alterations are also proposed.
- The proposed scheme is almost identical to the 2003 approved scheme (02/3227)
- There have been no significant changes in the relevant policy framework since the 2003 approved scheme.
- On balance the proposal is considered acceptable and the recommendation is to grant planning permission

Principle of use:

The principle was established by the approval of application 02/3227 and none of the subsequently refused or withdrawn applications have questioned this principle, only the detail. It remains the case, therefore, that the use is acceptable in principle. The relevant policy guidance in this case is policy H23, which states that supported housing should meet a known need in the borough and are acceptable in residential areas, subject to the following:

- (a) The location or scale would be inappropriate in terms of the impact of the proposed client group on residential amenity, unless that can be secured through management measures;
- (b) The proposed client group would over stress local health or social services;
- (c) Over-concentration would harm local amenity
- (d) The site lacks suitable access for any necessary ambulances or mini buses;
- (e) The site lacks access to local shopping/public transport facilities with 400m; or
- (f) The scale of the development is incompatible with the character of the area.

In 1982 (Ref. 82/0328) the conversion of No 7 & 8 Elmwood Crescent into a single family dwelling was approved. Planning permission was approved for the use of the property as an Elderly Persons' Home in August 2000 and, subject to conditions being met, could have been implemented. Planning approval for an 11-bed Rehabilitation Home for people recovering from mental health illnesses was approved at Committee on 1 August 2002. This permission was valid until 1 August 2007. Several other applications have been either withdrawn or refused since 2002, but these related to the demolition of the property and some included a larger site area. These refused schemes were fundamentally different to the proposed scheme and the reasons given for their refusal do not indicate that the principle of the use was in question.

The proposal complies with policy H23 of the London Borough of Brent Adopted Unitary Development Plan 2004 in that the application serves to meet a known need in the Borough, that being the shortage of medium to long-term residential accommodation for those recovering from mental health difficulties. It remains to check that the other matters are addressed:

- (a) Local residents have expressed concern that the impact on their amenity arising from the client group would be harmful. The applicant proposes a scheme very similar to an elderly persons home but providing care for people suffering from mental ill-health. Each client will have their own independent space and will be managed from an office on-site and will have access to a communal room, where they will be expected to gather together on a daily basis so that they are not socially isolated. The premises offer the clients the opportunity for independent living while staff monitoring and support remains. The 11 proposed residents will make up a relatively small proportion of the overall population of the 20 dwellings on the street. There is no evidence to suggest that such a use would have a significant impact on residential amenity. Members have considered this previously and, subject to a suitable management plan, the proposal would not have an unduly harmful impact on the amenity of neighbouring residents.

In addition the site offers a quiet location with a considerable amount of amenity space with good public transport access and adequate space to provide for a suitable layout. It would not, therefore, have a negative impact on the amenity of the client group.

- (b) Brent Mental Health Services have confirmed that there are no other facilities as the type proposed, in the local area. There is an existing 25 bed in-patient rehabilitation home on Fairfields Crescent, however this is a very different facility to that proposed by this application as it provides nursing care for patients with long-term complex needs. A small home for 6 patients with autism exists on Pear Close, and a larger care home for elderly patients is situated on Stag Lane, however both of these are some distance from the application site, and again provide for very different patient groups than the proposed facility. Brent Mental Health have confirmed that the combined needs of the residents of these facilities would not over stress local health and social services.
- (c) The client group that this facility caters for have a high level of independence, and in many ways are not easily distinguishable from any other member of the public. The company reports very few incidents in public over the 16 years they have operated. As such, this facility would be unlikely to make a significant impact on local amenity even bearing in mind the other existing facilities in the area. Officers are aware that there have been incidents in the past involving residents of the Fairfield rehabilitation home, however as already discussed, this facility has a very different client base to the facility proposed by this application.
- (d) Access is considered acceptable by the Borough's highway engineers (see below for detail).
- (e) The site is suitably located in relation to local shopping facilities and public transport with a small parade of shops very close where Elmwood Close meets Hay Lane, and larger

supermarket and stores at the Edgware Road end of Hay Lane.

- (f) The scale of the development is compatible with the character of the local area, providing just 11 bedrooms, which is a reduction from the 12 bedrooms that previously existed in the dwellinghouse.

Background to the Service Providers

Maison Moti Care Homes have been established since 1993 operating 7 properties in the London Borough of Enfield, one of which is a care home as defined by the Care Quality Commission and 3 provide identical services as proposed for this site. Four of the premises have 24 hour, 7 days staffing, all of whom are trained and qualified to the required industry standard. The company cares for 64 clients all of whom have a diagnosed, long-term mental health problem. All existing projects are 24-hour staffed with highly qualified managers and meet high standards in organisation and service provision.

For over twelve years the company has had referrals from some 15 London Boroughs, a substantial number of clients being accommodated from the London Borough of Brent. Brent Mental Health Service are therefore in support of the principle of the proposal as it would be seen to assist them in curtailing the need to accommodate Brent residents in other Boroughs, keeping them close to the familiar social networks. Nine clients currently reside in Maison Moti homes in Enfield and the company have been identified as one of their preferred providers. The homes offer supported accommodation and an independent living environment along side staff monitoring.

The scheme for Elmwood Crescent is proposed to provide 24 hour care, support and supervision for a maximum of 11 clients, with the intention of maximising independence and reducing risk. Potential clients would be expected to have already established a social structure to prevent the risk of social isolation in their flats, as well as have certain level of independence and a low managed level of risk. Clients must not have current risk history of physical violence, drug, or alcohol abuse, and must be committed to an agreed personal development plan. Details of the client group, level of care, and qualifications and experience of staff for the proposal have been submitted and are considered acceptable, however these are to be formalised in a Management Plan, which will be required by condition. The Management Plan will also contain details of client admissions policy, including a nomination agreement, similar to that used by Maison Moti at their other facilities. This agreement gives priority for places that become available to residents of the local Borough, which if not required are offered to residents of other Boroughs after a given time period. This is considered to be an acceptable way of ensuring that the facility will provide primarily for Brent residents without imposing unrealistic controls of the running of the business which may impede its viability, and also be difficult for the Council to enforce.

Quality of the Scheme and Amenity for the Occupiers:

Policy H23 of the UDP (as well as other policies in the Built Environment and Housing Chapters of the 2004 UDP) requires proposals to be of a scale which offers an appropriate level of residential amenity for the proposed client group; and are compatible with the character of the area. The internal floor areas for the individual units of accommodation measure between 28 and 33 sqm. All units accord with National Minimum Standards which require at least 12 sqm of usable floor space in single rooms. The development has a large rear garden area to ensure sufficient levels of amenity for the 11 people occupying the house. Similar facilities operated by Maison Moti in Enfield have been viewed and were observed to provide a high level of accommodation for residents.

Extensions and alterations

The property has a previous 4.8 metre, ground-floor rear extension to which was added a 2.4

metre deep, rear conservatory extension, approved under the most recent planning application. This was in excess of normal guidance, however, it was felt that given the property has a substantial rear garden (26m long x at least 15m wide) and that it would be set approximately 5 metres from its side boundaries on either side of the property, it was not considered to have any significant impact on the amenities of the adjoining occupiers. The proposal now involves the re-building of the volume of this conservatory in a solid brick design rendered to match the existing house.

The proposed side extension is at first-floor level and brings it forward 1.9 metres with a remaining set back of 1.0m from the front line of the property. While this does reduce a previous set-back from the front line of the property and is contrary to normal guidance, the location of the building and its relationship to the building line and street scene is exceptional and the impact of the front/side extension would not result in a 'terracing effect' with adjacent properties, and is considered to be acceptable. The character of the original property has been significantly eroded and due to the position of the property in the street, the extension will remain secondary to the main house that has a centred position. The proposed door and window alterations and installations are also acceptable.

Impact to Adjoining Properties:

The amenity of neighbours will not be affected by the extension and alterations. A landscape condition is proposed which requires additional screen planting along boundaries in order to enhance privacy of neighbouring properties. The use of amenity space to the rear of the property would not be expected to give rise to significant noise and disturbance as the number of residents is similar to that which would otherwise occupy the 12 bedrooms of the original properties.

Parking and Traffic Implications

The property is situated close to local shopping facilities in Hay Lane and the area is served with moderate public transport accessibility to other local shopping facilities on Kingsbury Road. The regular local bus services are accessible from Hay and Stag Lane as are nearby doctors' surgeries. Many of the objections have related to parking and traffic implications of the proposal, with a focus on the fact the road is a narrow cul-de-sac.

2 car parking spaces are proposed, with access from the cul-de-sac. The parking standard for this type of use is 1 space per 10 bedrooms and 1 space per 5 employees. The 11 bedrooms and 6 employees gives a maximum total of 2 spaces. No residents of any of the existing Maison Moti facilities have driving licenses or vehicles, and the same is expected of future residents of this home. The parking provision is therefore likely to be used to accommodate staff and occasional visitor parking only. Other similar facilities viewed in Enfield have a similar level of off-street provision or less, and this is reported to be sufficient as most staff use public transport and visitors are few.

The servicing requirement for the change of use should include suitable-sized facilities that should be provided for buses and/or ambulances catering for the client group. The present parking area in front of the care home provides adequate access and service areas for the service vehicles. Notwithstanding this, the applicant has confirmed that the servicing requirements for this facility, as with other similar existing facilities, is minimal. There will be no deliveries to the site, and access by ambulances and refuse vehicles is no different than for a family dwelling. On rare occasions a mini-bus may be required for excursions, however there is ample space for such a vehicle to manoeuvre and park within the site.

The application is acceptable on transport grounds. There is however a need to soften the appearance of the front garden area which is fully paved. A condition is therefore imposed requiring the applicant to submit a suitable landscape scheme before any works commence on

site.

Landscape and Boundary Treatment:

Landscape design consider that the proposed front garden layout is inappropriate in terms of the level of soft landscaping proposed, access to cycle storage, and the arrangement of car parking spaces. A condition is proposed requiring further landscape details to be submitted in order to rectify these problems.

Response to Objectors:

A number of points of objection were raised by local residents regarding the development. Concerns raised in letters of objection relating to the impact of the development upon the surrounding area, the inappropriate scale of the proposal and the impact of the proposed use on the established residential area have already been discussed in previous paragraphs of this report.

Concern has been raised by residents that, should planning permission be granted for this scheme, the scale and type of facility may change over time. It appears that this concern has arisen as a result of the various applications that have been made and refused since the last approval in 2003, which indicate a desire by the applicant to provide a larger facility than that granted consent. Officers consider that the recent refusals of permission demonstrate the Council's concern for the impact of the proposals on local residents, and contend that the upper limits of the scale of development deemed acceptable have been tested by these applications.

If permission is granted for the current proposal, no increase in scale, or change in the type of care facility provided could be made without a full planning application, which would again be subjected to public consultation. Any further extensions to the property in the future would require full planning permission. Furthermore, conditions are proposed to ensure that no more than 11 people reside at the premises at any time; and restricting the use of the premises to 11 units of supported accommodation within the C2 Use Class. As a result, full planning permission would be required to change to a residential care home or rehabilitation home with a high level of care - such as exists on Fairfields Crescent. The submission and approval of a management plan detailing long term objectives and day - to - day management of the facility is proposed to be required by condition, in order to provide further certainty as to how the premises is run. As a result, Officers consider that sufficient information exists to understand with a high level of certainty the type of facility that will exist both initially and into the future.

Conclusion:

With regards to the objections raised, the use of residential premises as home for people with mental-health problems is not considered to generate any significant increase in traffic, noise and pollution in the area. The cul-de-sac nature of the street, with its turning head at the end of the crescent, is sufficient to manoeuvre any emergency vehicles in the street. The development meets the Council requirements and is therefore 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

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 of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material (including litter bins inside and outside the premises) shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

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

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

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

- (4) 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.

- (5) Notwithstanding details given on the plans hereby approved, further details of the front garden layout shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building is occupied, such details to include:

- (a) Landscaping of the front garden area with shrubs and/or hedges, which shall amount to approximately 50% of the front garden area.
- (b) The provision of refuse and waste storage and disposal facilities.
- (c) The provision for 2 car-parking spaces in the frontage, one of which shall be the appropriate width for a disabled space, and marked accordingly.
- (d) The provision of vehicle turning-space within the site.

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

- (6) A scheme providing adequate noise insulation for floors between separate sleeping accommodation shall be submitted to and approved in writing by the Local Planning Authority before the building is occupied and shall be implemented in full.

Reason: In the interest of amenities of the occupants and to ensure a satisfactory design.

- (7) The premises shall be used only for the purpose of supported accommodation for clients with mental-health problems and for no other purpose of Use Class C2 specified in the Schedule of the Town and Country Planning (Use Classes) Order 1987, as amended, nor for any other purpose without the prior written permission of the Local Planning Authority.

Reason: To ensure that no other use commence without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits.

- (8) No more than 11 persons shall reside within the premises at any one time.

Reason: To ensure a satisfactory standard of amenity as provided within the development and to safeguard the amenities of adjoining owners and occupiers.

- (9) The remainder of the undeveloped land within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed within 6 months of occupation of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority. The submitted scheme shall demonstrate adequate strengthening of existing screen planting long site boundaries in order to improve privacy.

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

- (10) This permission allows use of the application premises by Maison Moti Ltd only and cannot be transferred with the land or used by any other person or persons obtaining an interest in it.

Reason: The proposed use or development requires an operator recognised and approved by the Council, and personal permission is given because of the track record working relationship put forward by the applicant in this instance. The Local Planning Authority is satisfied that the specific development, managed as proposed, will not be detrimental to the amenities of the area.

- (11) A Management Plan shall be submitted to and approved in writing by the Local Planning Authority before the premises is occupied and the development shall be carried out and completed in all respects in accordance with the details so approved before the building is occupied, and throughout the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority. The Management Plan shall set out details of the following:

- a) Long term objectives for the facility and residents;
- b) Target client group and admissions policy, including assessment criteria for

- prospective clients and details of a nominations agreement which gives priority for vacancies to Brent residents;
- c) Minimum standards for staffing experience and qualifications;
 - d) Provision of 24hr, 7 day supervision and support network;
 - e) Provision of a point of a contact for local residents, and mechanism for reviewing and addressing any concerns;
 - f) Deatails of client risk and relapse management plan system.

Reason: To ensure that the usage of the development is appropriately controlled so as to avoid harm to the residential amenities of the local area.

INFORMATIVES:

None Specified

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: 7-8 Elmwood Crescent, London, NW9 0NL

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**Supplementary Information
Planning Committee on 3 February,
2010**

Item No. 8
Case No. 09/1851

Location 7-8 Elmwood Crescent, London, NW9 0NL
Description Erection of a single storey rear and side extension, first floor front extension, raised terrace with ramped access to rear and front, new canopy to front entrance door, 2 front and 1 rear rooflight and associated landscaping, and change of use of premises from single family dwelling (Use Class C3) to supported accommodation for people with mental health problems, incorporating 11 self-contained units (Use Class C2).

Agenda Page Number: 41

Recommendation:

The recommendation has been changed from 'Grant planning permission', to 'Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor'. The reason for doing this is to secure the submission of and adherence to a Management Plan which addresses various elements of the management of the proposed facility.

This Management Plan was previously to be required by condition, however on advice from Brent Legal Services, it is now considered more appropriate to secure this by legal agreement to ensure that preference be given to placing Brent residents in any vacant spaces available in the facility, and to ensure that the cost of such places is comparable and competitive in the market, for the lifetime of the development. Details of the proposed heads of terms are given under 'Section 106 notes'. It is recommended that the proposed condition requiring the submission of the management plan (11) be removed.

Consultation:

The Consultation section of the main body of the report noted that no representations were made by Councillors in respect of the application. While no written representations were received, Officers wish to clarify Councillor Jim Moher's contribution to the consultation process. As reported in the Consultation section, Councillor J Moher attended both a meeting that Officers held with local residents, and a visit to two Mason Moti facilities in Enfield. During these, Councillor Moher expressed various concerns that were shared by residents, all of which are addressed in the main body of the report.

Subsequently, Councillor J Moher has raised issue with the ability of emergency vehicles to access the property, due to the layout of the cul-de-sac, at the end of which the application site is situated. Although Officers note the reasonably tight street layout, this is clearly an existing situation, which the proposal is not considered to materially affect. Emergency vehicles may need to access the cul-de-sac regardless of whether the application site is used as a single family dwelling or as supported housing.

Conditions:

Condition 9 (page 51) shall be altered by the removal of the words "and shall be maintained thereafter to the satisfaction of the Local Planning Authority" and replaced with the following: "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."

As previously discussed, it is proposed to remove condition 11 (page 51), which relates to the submission of a management plan.

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Committee Report

Planning Committee on 3 February, 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

Introduction:

The application is reported to Committee under the provisions of Clause 24 of the Planning Code of Practice following the resolution at the previous meeting of the Planning Committee on 13th January 2010 of 'minded to grant' consent for the retention of uPVC windows to the front elevation of the dwellinghouse, contrary to the recommendation to refuse consent. This report discusses the implications of the committee's resolution, maintains the original recommendation to refuse but includes planning conditions should the Planning Committee decide to grant planning permission.

Discussion:

For the avoidance of doubt and, as discussed at the previous meeting, officers recommended refusal as the replacement uPVC windows at the subject site are considered to 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 character and appearance of the Barn Hill Conservation Area.

Whilst the Planning Committee has supported the principal of a more relaxed position on replacement windows in some conservation areas, this has been on the basis that replacements can reflect the original design and detailing in all practical respects. The approach is advocated in the Barn Hill Conservation Area Design Guide and the Unitary Development Plan 2004 which are both adopted policy documents and carry significant weight in the determination of planning applications.

The replacement windows that are under consideration as part of this application are not considered to reflect the original design and detailing in all practical respects. The reasons of which are expanded upon within the main committee report. As a comparison members are asked to refer to Nos. 3 and 5 Barn Way, that are also in uPVC but have reflected the original design and detailing in all practical respects and include even sight lines, externally mounted glazing bars and a drip rail.

Policy Implications

Officers are concerned that to grant consent for the retention of the replacement windows at the subject property that are of such a poor quality in their design when compared to adopted policy

would inevitably set a precedent for future applications in all similar conservation areas. This in turn would significantly impact upon the character and appearance of these conservation areas, and would undermine the purpose of the Article 4 Directions.

A recent appeal decision at 9 Tudor Close supports this view (20 November 2009). The Inspector noted that whilst there are a number of properties in the area that had unsympathetic window replacement, it did not justify perpetuating a situation whereby serious harm has been caused to the character of the conservation area. The Inspector was of the view that as there is an Article 4 Direction in place, the likelihood is that the character and appearance of the conservation will be enhanced as more replacements are fitted. This would include replacement of existing aluminium and uPVC windows. This appeal reinforces the generally consistent responses to both planning and enforcement appeals over many years.

Conclusions

Article 4 Directions covering window and other elevational changes were introduced by Brent to all conservation areas following the review in 2005. This review accepted that the quality of several areas had declined to such a degree that they were no longer worthy of Conservation Area designation. It therefore committed Brent to protecting the quality of the remaining areas, including Barn Hill, to ensure that their appearance was maintained and improved.

Officers are clearly concerned that approving this application will fail to improve this property in a reasonable way. However, it must also raise the question as to the value of maintaining Barn Hill's Conservation Area status.

Suggested conditions in the event that approval is granted:

If Members wish to grant consent your Officers would recommend that the following conditions be attached to this consent:

1. Details of a revised design for the ground floor window of the side extension shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this permission. The approved window design shall be implemented within three months of the date of such an approval and accordingly maintained.

Reason: To protect the amenities of the locality and in order to exercise proper control over the development.

Recommendation : Remains refusal, for the reasons set out in the original report. However if the Planning Committee resolves to grant planning permission, the conditions set out in this report are recommended.

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

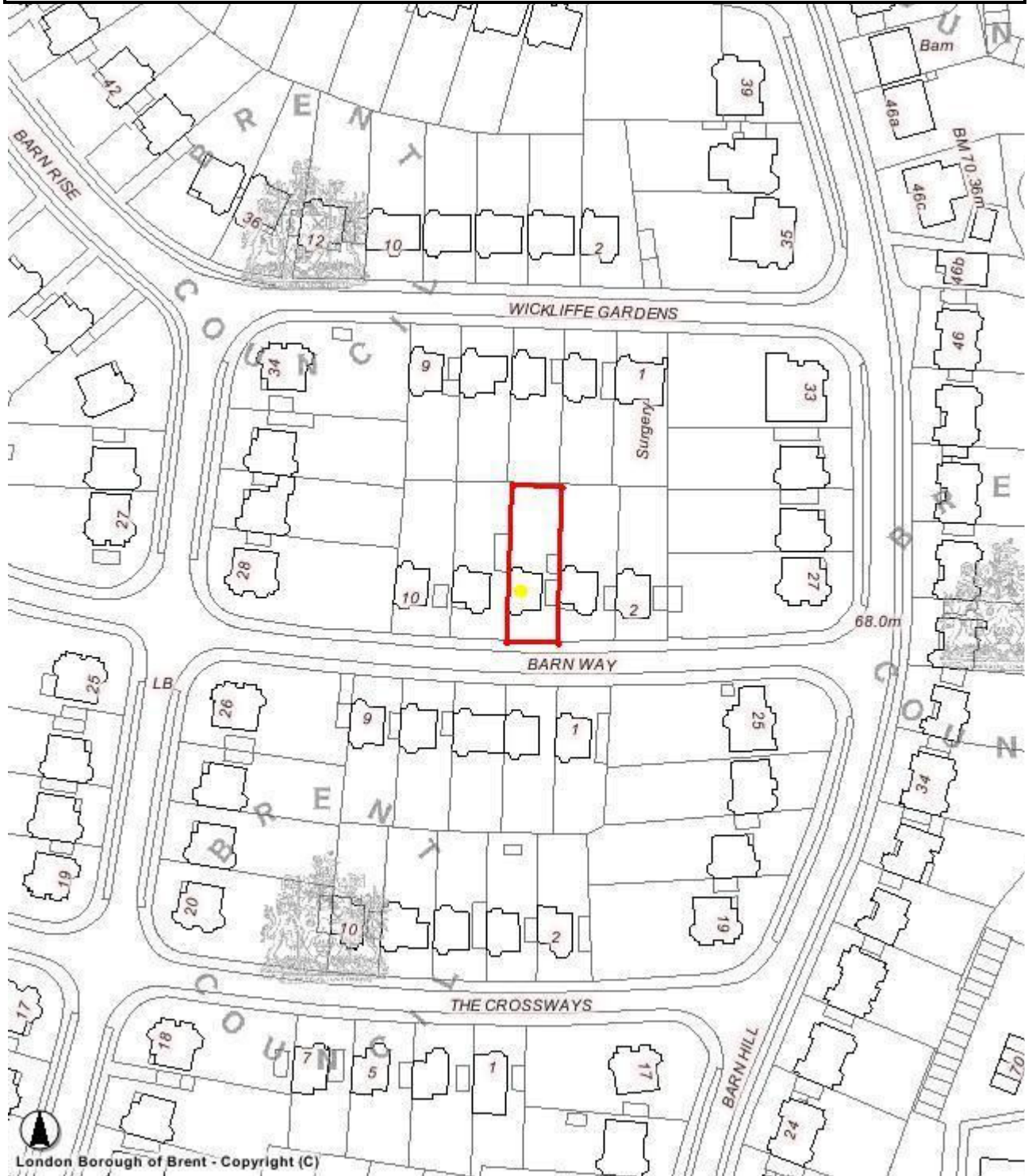
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

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

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Committee Report

Planning Committee on 3 February, 2010

Case No.

09/1962

RECEIVED: 10 August, 2009

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: 37 Geary Road, London, NW10 1HJ

PROPOSAL: Erection of a two-storey side extension to the dwellinghouse (as amended by plans received 02/10/2009)

APPLICANT: Jevenor Ltd

CONTACT: Architect: DAS

PLAN NO'S: E'01 Rev. B, E'02 Rev. B, E'03 Rev. A, E'04, P'01 Rev. B, P'02 Rev. B, P'x'01, P'x'02, E'x'01, E'x'02, E'x'03

This application was presented to the committee meeting on 13/10/2009. It was decided to defer the application to allow for further investigation of the following issues that were raised at the site visit

- 1) The planning status of the front gates and boundary treatment
- 2) The combined impact of all the proposed extensions
- 3) The current status of the property and whether it is being used as a single family dwelling.

RECOMMENDATION

Approval

EXISTING

Two-storey detached dwellinghouse located on the south side of Geary Road in Dollis Hill. The site is bounded by a semi-detached dwelling to the east, Geary Road to the North and the rear gardens of 49-55 Kendal Road to the west and those of 44 & 46 Fleetwood Road to the south. It is not a Listed Building nor is it within a Conservation Area.

PROPOSAL

Full planning permission is sought for the erection of a two-storey side extension.

HISTORY

09/1128: Certificate of lawfulness sought for proposed single-storey rear extension and two-storey rear extension to dwellinghouse. Granted 08/07/2009.

08/2157: Full planning permission sought for the erection of a single-storey and 2-storey side and 2-storey rear extension and covered area to front and side of dwellinghouse. Refused 26/09/2008 for the following reasons:

1. *The proposed two-storey side extension, by virtue of its inadequate set-back from the main front wall at ground-floor level, and its relationship with the proposed loft conversion and ridged roof construction, constitutes a dominant and visually obtrusive form of development that does not appear subservient to the original dwellinghouse, and would be detrimental to the character and appearance of the dwellinghouse and surrounding streetscape. The proposal is therefore contrary to policies BE2, BE7, and BE9 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance 5: "Altering & Extending Your Home".*
2. *The proposed first-floor rear extension, by reason of its excessive depth and width, would appear as a bulky and incongruous extension to the property, resulting in a detrimental impact on the character of the original dwellinghouse. As such, the development would be contrary to policies BE2, and BE9 of Brent's Unitary Development Plan 2004, as well as the provisions of Supplementary Planning Guidance No. 5: "Altering and Extending Your Home".*

08/0309. Full planning permission sought for the erection of a 2-storey side and rear extension to dwellinghouse. Refused 26/03/2008, for the following reasons:

3. *The proposed two-storey side extension, by virtue of its inadequate set-back from the main front wall at ground-floor and first-floor levels, and its relationship with the proposed loft conversion and ridged roof construction, constitutes a dominant and visually obtrusive form of development that does not appear subservient to the original dwellinghouse, and would be detrimental to the character and appearance of the dwellinghouse and surrounding streetscape. The proposal is therefore contrary to policies BE2, BE7, and BE9 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance 5: "Altering & Extending Your Home".*
4. *The proposed first-floor rear extension, by reason of its excessive depth, width and flat roof design, would appear as a bulky and incongruous extension to the property, resulting in a detrimental impact on the character of the original dwellinghouse. As such, the development would be contrary to policies BE2, and BE9 of Brent's Unitary Development Plan 2004, as well as the provisions of Supplementary Planning Guidance No. 5: "Altering and Extending Your Home".*

07/2413: Certificate of lawfulness sought for the erection of a rear dormer window to dwellinghouse. Granted 27/09/2007.

POLICY CONSIDERATIONS

Brent UDP 2004

- BE2 Local Context
- BE7 Streetscene
- BE9 Architectural Quality

SPG

- *SPG5 Altering and Extending you Home*
- Appropriate Design
- Character of dwelling and surrounding area
- Light, outlook and privacy of neighbouring dwellings

CONSULTATION

13 neighbours were consulted on this application. Four objections were received from neighbouring residents on Geary Road, Hamilton Road and Fleetwood Road on the following grounds:

1. Loss of light to the ground floor and first-floor bedrooms at No 41 Geary Road
2. Loss of privacy in neighbouring gardens.
3. Detrimental impact on the character of the dwelling and surrounding streetscene.
4. Detrimental visual impact.
5. Lack of parking.
6. Loss of rear green space.

Prior to the last committee meeting a further petition was received from all residents who have a direct boundary with the site. They have further emphasised their objections to the proposed development on the following grounds:

1. That the proposed development, taking into account certificates of lawfulness granted at this site, would result in an excessively sized development out of keeping the character of the dwellings in the area.
2. Car parking is insufficient given the potential number of bedrooms at the dwelling.
3. Loss of green space as a result of the existing rear patio.
4. A condition should be attached to ensure that the use of the property is restricted to use as a single family dwellinghouse.

In relation to these points:

1. The objectors make reference to existing certificate of lawfulness approvals at this property. While the proposal will result in a dwellinghouse that is larger than that of the neighbouring properties it should be noted that the plot for the house is also larger than that of the neighbouring dwellinghouses. The proposed development seeks to increase the size of the bedroom and rooms within the dwelling without providing a significant number of additional bedrooms. It should be noted that no construction of the extensions have been started on the property and with regards to the loft it should be noted that this will have to be completed prior to any work on the two storey side extension. An informative will be attached informing the applicants of this.

The proposed certificates of lawfulness combined with the current proposal show the provision of 1 large room in the loft and 5 bedrooms on the first floor. (There was an additional bedroom shown on the first floor of the certificate of lawfulness (ref 09/1128) but with the current application the applicant has confirmed that the room in the South East corner on the first floor will be a bathroom). Therefore from an original 4 x bedrooms on first floor and 1 x bedroom in the loft there will be 5 x bedrooms on first floor and 1 x bedroom in the loft.

2. The proposed dwelling, given the paved front forecourt completed over 4 years ago, will still be able to accommodate at least 2 off-street parking spaces and would therefore still be in keeping with the required parking standard. There is also restricted parking on Geary Road and the neighbouring Hamilton Road.
3. The patio referred to has existed since at least 2001 as it shows up in the aerial photos. This covers an area of approximately 46.3m² of the rear garden. The proposed extension will project 3m to the rear of the building and have a width of 3m, It will cover land that is currently covered by the patio therefore it is considered that there will not be a significant loss of green space in the rear garden.

A condition will be attached to the planning permission to ensure that the property is used as a single family dwellinghouse. However it should be noted that if the property is to be used for use that is not a single family dwellinghouse then it is likely that it would need full planning permission and be subject to the relevant policy and standards for that use.

REMARKS

Matters Arising following Committee Members Site Visit

It was decided to defer the application to allow for further investigation of the following issues that were raised at the site visit

- 1) The current status of the property and whether it is being used as a single family dwelling.
 - Local residents have expressed concerns that the premises is currently used as an HMO. These concerns have arisen as a result of the following
 - (i) The property has previously been used as an HMO and this resulted in disturbance for neighbouring residents ,
 - (ii) The applicant is a registered landlord
 - (iii) There is an alleged self-contained unit at the top of the house.

Your officers have sought and received written and verbal confirmation that the property is for personal use with the applicant's wife, five children and 2 au pairs living at the dwellinghouse. There is a kitchenette in the loft which is for the use of the au pairs but is not detached from the rest of the dwellinghouse. It is therefore considered that although there are more than six people resident at the property the relationship between the residents is such they are considered to form one household.

- 2) The combined impact of all the proposed extensions
 - As stated in the history section two certificate of lawfulness applications have been approved and these, combined with the proposed two storey side extension under consideration would result in a 2 storey side and rear extension and additional floor space in the loft. The main concern of residents is that the combined extensions would result in an overdevelopment of the site. The proposed extensions will result in a significant increase in the floorspace however the applicant has demonstrated that the proposed development is required to accommodate their family personal circumstances. The proposed development will result in an increase of 1 bedroom and while it will result in a larger building it is not considered to be an overdevelopment of the site.

- 3) The planning status of the front gates and boundary treatment
 - The existing front gates and boundary treatment do not have planning permission and are unlawful. An application has been submitted for a revised front boundary treatment (ref10/0064) and officers are considering this. The revised scheme proposes to reduce the height of existing gates and railings from 2.3m to 1.2m with soft landscaping planted behind. This will result in a significant improvement in the appearance of the property within the streetscene.

Planning History

There have been a number of various proposals to extend No. 37 Geary Road that the Local Planning Authority have considered over the past 2 years. Two applications were refused for reasons relating to the detrimental impact on the character and appearance of the dwellinghouse by reason of the lack of setback from the main front wall of the dwellinghouse resulting in an extension not subservient to the original dwelling, and the loss of amenity for neighbouring residents as a result of the excessive depth, width and bulk of the proposed extensions.

The current proposal has been amended during the application process in the following way:

1. The proposed side extension has been setback 2.5m from the main front wall of the dwellinghouse on the ground floor and the first floor.

Residential Amenity

The current proposal is for a two-storey side extension adjacent to the boundary with No. 41 Geary Road. This will also project 3m beyond the rear wall of the dwelling. Due to the difference in building lines the rear wall of number 41 projects 1.9m beyond the rear wall of No. 37 Geary Road. Therefore the proposed 2-storey rear extension projects 1.1m beyond the rear wall of No. 41.

The rear elevation of No. 41 Geary has a living-room window on the ground floor and two windows through to the same bedroom on the first floor. The midpoint of the ground-floor window is 2.5m from the flank wall of the extension and thus in line with the 2:1 rule as the depth of the extension from the rear wall of No. 41 is 1.1m.

The nearest bedroom window has a midpoint 2m from the flank wall of the extension. This would not comply with the 2:1 rule but there is a similar-sized window through to the same bedroom with a midpoint 3.2m from the flank-wall window. Therefore it is considered that there will not be a detrimental loss of light through to this habitable room. There is also a flank wall habitable-room window on the flank wall of No. 41, however, this is not the principal window through to the room as there is another window through to the same room from the front elevation. The proposal is not close to the other boundaries of the site. Therefore there will not be a detrimental impact on the amenity of neighbouring residents.

Character and Appearance

37 Geary Road is a distinctive detached dwellinghouse in an area characterised by terraced and semi-detached dwellinghouses. Furthermore the existing dwelling has a dual-pitched roof with gable-ends facing the street and the rear, which is different from the predominantly hipped roofs of the surrounding residential properties. The proposed extension has been assessed in light of this and the principles guiding the specifications set out in SPG 5.

The proposed two-storey side extension replicates the existing roof shape but on a smaller scale to ensure that it is subsidiary to the main dwellinghouse. It is set back 2.5m from the main front wall at ground-floor level and at first floor level. The proposed roof ridgeline is significantly set down from the main roof ridgeline and it is set in from the side boundary to provide space for guttering similar to that of the existing roof within the curtilage of the site.

It is therefore considered that the roof is suitably subservient to the original dwellinghouse while also in keeping with the dwelling's character and appearance.

Response to the Concerns of Objectors

1. Loss of light: The depth of the proposed extension is in keeping with the guidelines set out in SPG5 as set out in the section above, therefore it is considered that there is no detrimental impact on the neighbouring properties.

2. Privacy: The nearest habitable-room windows to the boundary as a result of the proposal are the proposed bedroom and kitchen windows. These will be 10m from the rear boundary and over 20m from the nearest facing habitable-room window at No. 46 Fleetwood Road. There is also an

existing, thick, planted boundary treatment that reduces overlooking. Therefore the proposal is in keeping with the privacy standards set out in SPG 17 which requires 10m to the boundary and 20m between directly facing habitable-room windows.

3. Detrimental impact on the character of the dwelling and surrounding streetscene: The subject property is already a distinctive property and the extension is considered to be of a size and scale that is in keeping with the character and appearance of the dwelling. While there is an existing Certificate of Lawfulness, this is a determination that planning permission is not needed for such works and as these works have not commenced they cannot be considered as material to this proposal. Furthermore the proposal results in the creation of larger bedrooms rather than significantly increasing the number of bedrooms. A condition will be attached to ensure that the proposal is used in conjunction with a single family dwellinghouse.

4. Detrimental visual impact from rear gardens of neighbouring properties: The proposed extension being considered under this application is subsidiary to the main dwellinghouse and, given that it complies with the parameters set out in SPG 5 and SPG17, it is considered that there will not be a detrimental impact on the visual amenity of the neighbouring properties.

5. Lack of parking: The proposed extension will result in an increase in bedrooms from 4 to 5, in line with the Council's policy on parking as set out in UDP there will not be a significant increase in the parking impact for the dwellinghouse.

6. Loss of rear green space: The proposed extension will cover an area of 9.6m² of green space from a rear garden with an area of 195m². The loss of green space anticipated is not considered to be significant.

Conclusion

The proposed two-storey side and rear extension is of a size and scale that is subservient to the existing dwellinghouse and will provide additional living space for the applicants large family. Accordingly the proposal is recommended for approval subject to the conditions set out below.

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) The extension hereby approved shall be used solely in connection with the existing house as a single family dwelling.

Reason: To ensure that the premises are not sub-divided or used for multiple occupation without the prior written permission of the Local Planning Authority.

INFORMATIVES:

- (1) For the works of the Certificate of Lawfulness reference 07/2413, to be considered valid, they would need to be completed prior to works commencing on the works subject of this application.

REFERENCE DOCUMENTS:

UDP 2004
SPG 5
SPG 17

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: 37 Geary Road, London, NW10 1HJ

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This map is indicative only.

Committee Report

Planning Committee on 3 February, 2010

Case No.

09/2452

RECEIVED: 2 December, 2009

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: Workshop 1 rear of 92, Villiers Road, London, NW2 5PJ

PROPOSAL: Erection of first-floor extension, installation of external staircase to western elevation and replacement of existing windows with opaque glass blocks to northern elevation of building

APPLICANT: James Taylor Construction Ltd

CONTACT: Hertford Planning Service

PLAN NO'S: See Condition 2

RECOMMENDATION

Approval

EXISTING

The application relates to an irregular shaped site with an area of 0.2ha, fronting and accessed from the north-eastern side of Villiers Road. The subject site is occupied by a mixture of two and three-storey commercial/industrial buildings located around a central courtyard. The site is currently being redeveloped in connection with planning permission 07/2744 ('see history'). The surrounding area is predominantly residential and the site is generally bound by the terraced residential properties on Villiers Road, Deacon Road and Sandringham Road.

PROPOSAL

Erection of first-floor extension, installation of external staircase to western elevation and replacement of existing windows with opaque glass blocks to northern elevation of building

HISTORY

Planning permission 07/2744 was approved on the 27th December 2007 for the following development

"Change of use from warehousing (Use Class B8) to Class B1, including part demolition of existing building, erection of 3-storey glazed extension forming lift shaft and stairwell access tower, 2 x two-storey glazed extensions forming new atria, first-floor extension forming second storey, internal alterations, installation of new timber-cladding facade to all elevations, provision of 6 car-parking spaces and cycle store & as accompanied by Transport Statement, Green Travel Plan, Record Photographs, Design And Access Statement and subject to a Deed of Agreement dated 27th December 2007 under Section 106 of the Town and Country Planning Act 1990, as amended"

The site is currently under development in connection with the above permission.

Planning permission (08/3199) was also approved, on the 6th February 2009, for the change of use of the adjoining site, formerly a motor repair centre known as Villiers Motors, to a car park, comprising of 13 parking spaces, for use in connection with the subject site. Planning conditions prevent vehicular access from the proposed car-park to the subject site but pedestrian access is provided.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

BE2 Townscape: Local Context & Character
BE9 Architectural Quality
EMP2 Small and Medium Sized Enterprises

Supplementary Planning Guidance 17:- Design Guide For New Development

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

External

Consultation letters, dated 16th December 2009, were sent to 26 neighbouring owner/occupiers. One letter of objection from two different households was received in response. The concerns of the objectors include.

- Effects on the character of the area
- Effects on parking
- Loss of light, privacy and outlook
- Increased noise, smell, dust, traffic

Internal

Transportation Unit

Raised no objection to the proposal.

REMARKS

The proposal would involve the erection of a first floor extension above part of an existing single-storey extension to the main building. The proposed extension would act to serve as an extension to the adjoining first floor light industrial unit. The proposal would involve the erection of a spiral stairwell to the western side of the extension to provide access from the extension to the adjoining car-park. The proposal also involves the replacement of a number of windows to the northern elevation with obscured glass blocks.

Design & Character

The proposed first floor extension would be set back from the northern edge of the existing single-storey extension, which lies along the site boundary, by approximately 4.25m. On all other sides the proposed extension would match the footprint of the existing single-storey extension below. The proposed extension would have a modest design with a flat roof, punctuated by three roof lights. The walls of the extension would be constructed from brickwork which would match the existing single-storey extension. The rear (northern) elevation, facing the rear of the properties along Deacon Road, would only have one opening, a maintenance access door. The front

(southern) elevations would have four windows which align with the windows on the ground floor. The proposed windows would have a similar style and opening pattern to those on the ground floor.

The proposed first floor extension is considered generally subservient, in terms of overall scale, to the existing development as a whole and the design detail is considered to be generally consistent with the character of the surrounding area. Whilst the proposed extension would be visible from the rear of a number of neighbouring properties it would not be visible from the public realm. Overall it is not considered that the design of the proposed extension would cause any significant harm to the character and appearance of the surrounding area.

The replacement of existing windows, which were conditioned to contain obscured glazing as part of planning permission 07/2744, with obscured glass blocks is considered to be a sympathetic alteration to the character and appearance of the existing building.

Impact on Neighbouring Residents

The closest residential properties to the proposed extension would be those along the southern side of Deacon Road whose rear boundaries abut the rear wall of the existing single-storey extension on the subject site. The distance between the nearest habitable room windows to these properties and the site boundary would be approximately 6m. On the ground floor these properties already directly face the rear wall of the existing single-storey extension which has a height of approximately 3m.

In terms of direct outlook, the proposal would have little impact on the ground floor habitable room windows to the Deacon Road properties or the gardens of those properties which would remain restricted by the existing ground floor extension. On the first floor, the nearest habitable room windows would directly face the proposed first floor extension. However, as the proposed first floor extension would be set back by 4.25m from the site boundary a gap of approximately 10.25m would be maintained between the nearest habitable room windows and the proposed extension. On balance, this distance is considered sufficient to maintain adequate outlook for neighbouring occupiers.

In terms of daylight and sunlight, the proposed first floor extension would be set below a line of 30 degrees from the nearest ground floor habitable room window and a line of 45 degrees taken from the site boundary in compliance with the guidance set out in SPG17. As such, it is not considered that the proposed extension would have an unreasonable impact on the daylight and sunlight of adjoining occupiers.

In terms of privacy, the proposed extension will not have any openings facing towards the rear of the properties on Deacon Road, other than an access door to be used for maintenance. Providing that a condition is imposed to restrict access to maintenance purposes only then it is considered that the proposed extension would not cause any significant harm to the privacy of neighbouring residential occupiers. The replacement of obscured windows with obscured glass block would maintain existing levels of privacy.

Transportation Issues

The proposed first floor extension would provide a storage area with approximately 112m² of floorspace to the adjoining commercial unit. It has been confirmed by the Council's Transportation Unit that the amount of floorspace to be added would not increase the parking or servicing standard for the site. A Travel Plan was secured, by way of a Section 106 agreement, as part of the original planning permission (07/2744) for the current development of the site. The particulars of the original s106 agreement will remain in force and will require any transport impacts of the proposed extension to be monitored, and addressed through, the Travel Plan alongside the originally approved development. It is therefore considered that the proposed extension would be

unlikely to give rise to a development on the site that would have a significantly increased impact on local transportation, particularly in terms of traffic generation and local parking conditions, beyond that already considered by Members during the determination of the application for the current development of the site.

Consideration of Objections

The impacts of the proposed development on the character and appearance of the surrounding area, the amenity of neighbouring residential occupiers and traffic and parking in the locality have been addressed in the above report. In terms of any disturbance arising from noise and smells there is little evidence to suggest that the proposed extension, in itself, would have any significant impact beyond that of the current development which has already been considered by Members.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Brent Council's Supplementary Planning Guidance 17: Design Guide For New Development

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

Built Environment: in terms of the protection and enhancement of the environment
Employment: in terms of maintaining and sustaining a range of employment opportunities
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

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

- 10010-500
- 10010-501
- 10010-502
- 10010-503
- 10010-30-G
- 10010-31-F
- 10010-32-G
- 10010-33-D

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

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

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

- (4) The maintenance access door within the northern elevation of the approved first floor extension will provide access to the flat roof above unit 3 for emergency and maintenance reasons only and will not be opened for any other reason. The flat roof above unit 3 shall not be used as any form of balcony, amenity or sitting out area and no other openings shall be formed within the northern elevation of the approved first floor extension without prior written approval of the Local Planning Authority.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004
Supplementary Planning Guidance 17:- Design Guide For New Development
One letter of objection (signed by two households)

Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: Workshop 1 rear of 92, Villiers Road, London, NW2 5PJ

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Committee Report

Planning Committee on 3 February, 2010

Case No.

09/2588

RECEIVED: 14 December, 2009

WARD: Harlesden

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Beulah Apostolic Church, 130 Church Road, London, NW10 9NH

PROPOSAL: Proposed demolition of existing church building and erection of part single-, part two-storey replacement church building (as accompanied by Travel Plan, dated November 2009)

APPLICANT: Beulah Apostolic Church

CONTACT: Mr Collin Davis

PLAN NO'S: 130CR/P01, 130CR/P02, 130CR/P03, 130CR/P04, 130CR/P05, 130CR/P06, 130CR/LL01, 130CR/SK1, 130CR/SK2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services 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:-

- Implementation of a Travel Plan for the church. The Travel Plan shall be in full accordance with the TfL residential or workplace travel planning guidance.
- Membership and compliance with the "Considerate Contractors" scheme.
- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.

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 subject site, located towards the north-east of the junction between Church Road and Conley Road, consists of a triangular plot (0.042Ha) occupied by a single-storey church building. The existing building fronts both Church Road, a busy local distributor road, and Conley Road, a mainly residential local access road.

PROPOSAL

Proposed demolition of existing single-storey church building and erection of part single-, part two-storey replacement church building (as accompanied by Travel Plan, dated November 2009)

HISTORY

There have been two recent planning applications for the erection of a new church building on the site. The first application (08/1151) sought outline planning permission for the erection of a two-storey church building. This application was refused for the following reasons.

"The proposed two-storey church by reasons of its scale, layout and design would result in an intensification of the use leading to overspill of people into highways due to excessive building coverage of the site, limited outlook, privacy and daylight to the adjacent occupier at No 132 Church Road and increased traffic levels on the local streets to the detriment of the amenity of the residents nearby, contrary to policies H22 and CF14 of Unitary Development Plan 2004 and Supplementary Planning Guidance No 17."

"The proposed church by reasons of its design would result in a building which poorly relates to the street scene of Church Road providing poor architectural transition between two built forms and lack of articulated details on the front elevation without strong element allowing for sense of arrival leads to unacceptable increased bulk and scale introduced to streetscene contrary to BE2 and BE9 of Unitary Development Plan 2004"

A second application (09/1581) was submitted seeking full planning permission for the erection of a part-single-, part two-storey church building. Whilst this application overcame some of the previous design concerns the application was withdrawn prior to determination, on the advice of Officers, to allow for more time to prepare a suitable Travel Plan for the site.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

BE2	Townscape: Local Context & Character
BE3	Urban Structure: Space & Movement
BE5	Urban Clarity & Safety
BE6	Public Realm: Landscape Design
BE9	Architectural Quality
TRN4	Measures to Make Transport Impact Acceptable
TRN11	The London Cycle Network
TRN22	Parking Standards - Non-Residential Developments
CF14	Places of Worship

Supplementary Planning Guidance 17:- Design Guide For New Development

SUSTAINABILITY ASSESSMENT

The proposal does not reach the threshold that would require the submission of a sustainability assessment.

CONSULTATION

External

Consultation letters, dated 17th December 2009, were sent to Ward Councillors and 42 neighbouring owner/occupiers. In response, four letters of objection have been received from local residents. The concerns raised include:-

- The proposal will result in increased levels of noise, dust and traffic disturbance to local residents.
- The proposal will increase local traffic congestion and exacerbate local on-street parking pressure to the detriment of pedestrians.
- The proposal will harm the outlook, daylight and privacy of neighbouring occupiers.
- The design of the proposed church would harm the character of the area.
- The proposals would result in an increase in crime as a result of the increased use.

Councillor Janice Long has commented on the application, highlighting some of the above concerns raised by the local residents. Councillor Long has commented that additional planting around the church would be beneficial.

Internal

Transportation

The Council's Transportation Unit have commented that the submitted Travel Plan should be secured by way of a s106 agreement to ensure that the development would have an acceptable impact on transportation in the local area.

Environmental Health

The Council's Environmental Health Unit have raised no objection to the application but have suggested a number of conditions that could be applied if permission were granted. These relate to construction, general control over works, noise and site waste management.

Metropolitan Police Crime Prevention Officer

Have raised no objection to the proposal.

REMARKS

Background & the Proposal

The Beulah Apostolic Church is currently accommodated within a single-storey building on a triangular site located towards the north of the junction between Church Road and Conley Road. The existing church building has an internal floorspace of approximately 218m² consisting of the main church hall, vestry, meeting room and kitchen. At present the church has 175 registered members, although non-members may also attend, and, whilst the building is also used for a variety of ad-hoc events, the current worship schedule is as follows:-

Day	Type of Worship
Tuesday	Evening prayer meeting (1.5 hours)
Thursday	Evening Bible studies (2 hours)
Friday	Evening youth meetings (2 hours)
Saturday	Women-only prayer (2 per month), Men-only prayer (2 per month)
Sunday	Two services (2 hours each), Sunday school (1.5 hours)

The proposal would involve the demolition of the existing single-storey church building and the erection of a new part single-, part two-storey church building on the site. The proposed church building would have a similar but slightly enlarged footprint of approximately 225m². However, with the introduction of an additional-storey the total floorspace of the church would be increased to approximately 338m². The ground floor of the proposed church would consist of the main church hall, the vestry, male and female changing facilities and other storage and toilet facilities. The first floor of the proposed church would consist of a function/dining room with toilet and storage facilities and an office. The applicants have stated that they intend to grow the current membership to a maximum of 200 within the next five years. This is considered reasonable as the proposed plans indicate seating for a congregation of 182 people, although there may be space to accommodate a slight increase.

Whilst, it is not envisaged that the proposed redevelopment of the church is likely to give rise to a significant increase in the number of registered members, given the improved/enlarged facilities that would be provided, it is likely that the redevelopment would encourage a more intensive use of the site. The likely impacts of the proposed use of the site are considered below.

Transportation Issues & the Travel Plan

The subject site has frontages along both Church Road and Conley Road. Church Road is a busy local distributor road where on-street parking is provided through a limited number of pay-and-display spaces. Conley Road, a local access road, lies within controlled parking zone "HY" and is defined as being heavily parked. Controlled parking zone "HY" is operational from Monday to Friday between the hours of 08.30 and 16.30. Despite having Neasden tube station within walking distance and three bus routes available locally the public transport accessibility of the site is rated as fairly low (PTAL 2). A baseline travel survey has been carried out on the existing site which reveals that only 7% of the congregation (approximately 12 people) travel to the church by single-occupancy car and 14% either walk or cycle. However, at present 52% of respondents stated that car-sharing is their main mode of travel, despite 58.1% of the congregation living within 2 miles of the site. This survey gives a useful insight into how, without intervention, the transportation constraints of the site affect the travel choices of the congregation of the existing church. Given that a significant proportion of the congregation live within a relatively short distance of the church, it is considered that there is a realistic opportunity to increase the number of members arriving by more sustainable methods of transport.

In order to achieve this, the applicant has prepared a full 5-year Travel Plan which sets out key measures which aim to encourage attendees of the church to adopt more sustainable methods of transport when travelling to and from the proposed church. The content of the plan has been assessed for robustness and appropriateness using the Transport for London "ATTrBuTE" system and has passed with a score of 78/87. The Travel Plan sets out the following package of key measures to support sustainable travel.

- The provision of 11 cycle parking spaces and 3 motorcycle parking spaces.
- The provision of private cubicle shower and changing facilities for cyclists.
- The introduction of voluntary car parking stewards to ensure that any parking relating to the church is controlled.
- Promotion of the benefits of sustainable travel.
- The provision of sustainable travel information.

The Travel Plan also sets out a number of measurable targets which will be monitored and reviewed during the lifespan of the Travel Plan. The primary Travel Plan target is a reduction in the number of people driving alone to the church from the current level of 7% (12 people) to 4% (7 people) over a period of three years and then a further reduction to 2% (4 people) in five years' time. Other targets seek slight increases in the number of members who cycle, walk, car-share and use public transport to travel to the proposed church.

The Council's Transportation Engineers have inspected the submitted Travel Plan and have stated that they are satisfied that the measures set out in the plan would provide adequate mitigation against any additional pressure placed on local transport infrastructure as a result of the proposed development. However, they have stated that for the submitted Travel Plan to be fully enforceable that it should be secured by way of a s106 legal agreement. On balance, it is considered that subject to the satisfactory completion of such an agreement, the proposed development would not result in an unreasonable increase in traffic and parking congestion within the surrounding area.

In terms of pedestrian access, the layout of the building and main entrance has been designed to encourage attendees of the church to congregate towards Church Road where they will be less likely to cause disturbance to residents of Conley Road.

Impact On Residential Amenity

The proposed church building consists of a two-storey element, with a dual-pitched roof which generally fronts Church Road and a single-storey element, with a part flat, part mono-pitched roof, which fronts Conley Road. Towards the north-east, the site adjoins 132 Church Road, a two-storey, end-of-terrace property which consists of a mini-cab office on the ground floor with a

self-contained flat at first-floor level. Towards the rear of 132 Church Road there are two habitable room windows at first floor level, one rear facing window to the main body of the property and one side facing window to the outrigger. The proposed church building would be set in from the joint boundary by 1.5m.

In terms of daylight, sunlight and outlook, the proposed church building has been designed so that the two-storey element would only project beyond the rear facing habitable room window by 0.75m and, with the centre of the window being approximately 3m from the flank of the proposed building, any impact would be minimal. The side facing habitable room window would face the flank wall of the single-storey element at a distance of 3.6m. The relationship between this window and the single-storey element of the church building would easily comply with the guidance contained in SPG17 in terms of daylight and sunlight and the applicant has also provide a drawing (130CR/SK1) to indicate that the impact on outlook would be reasonable. It should also be noted that this side-facing window current faces the existing single-storey church building, which is closer to the site boundary.

In terms of privacy, there are no windows to the proposed church building that would interfere with the habitable-room windows to 132 Church Road. However, there is an emergency escape external staircase to the flank wall of the building, facing 132 Church Road. Officers had suggested that the orientation of the staircase could be amended towards Church Road to remove any potential for a loss of privacy to occupants of 132 Church Road. The applicant has suggested that the relocation of the staircase would interfere with light to the ground-floor windows to the main church hall and has declined to change the scheme. On balance, Officers consider that, subject to a condition ensuring that the proposed staircase is only used for emergency purposes, the current location of the staircase would be unlikely to cause significant harm to the privacy of neighbouring occupiers.

It is noted that along Conley Road there are a number of existing residential properties although these are separated from the subject site by the width of the road (approximately 12.5m) to the south and by the rear yard of 132 Church Road (in excess of 12m) to the east. In terms of outlook, daylight, sunlight and privacy, it is considered that the relationship between the proposed development and the properties on Conley Road would comfortable comply with the guidance contained in SPG17 and impact would be minimal.

Urban Design & Impact On Local Character

The existing church building, to be demolished, is a single-storey structure with a roughly L-shaped footprint and a dual-pitched (gable) slate roof. The building is finished externally with brickwork punctuated by a number of uPVC windows. In streetscene terms, the building lacks architectural quality and the scale of the building relates poorly to the surrounding area which is generally characterised by the two-storey terraced properties on Church Road and Conley Road.

As discussed above, the proposed church building would consist of both single- and two-storey elements. The two-storey element, which would front Church Road, respects the roof form of the neighbouring terraced properties improving the visual connection between the subject site and the wider streetscene. Towards Conley Road, the building reduces to a single-storey which gives the impression of subsidiarity along this frontage, respecting the orientation of the adjacent site (132 Church Road) where the building also fronts Church Road. As mentioned above, the footprint of the proposed building is not dissimilar to the existing church and the overall scale of the building is considered appropriate within the context of the surrounding area.

The proposed church building would be generally finished externally with brickwork and a slate roof, respecting the general design context of the surrounding buildings. The civic setting of the building as a place of worship is underpinned by decorative features such as cast stone copings, corbels and quoins. The proposed church windows will be of an ornamental style, a significant improvement on the existing building, which will add to the visual interest of the building.

Overall, in urban design terms, it is considered that the proposed church would be a well-considered and good-quality building that, whilst retaining a distinct identity as a place of worship, would subtly reference the context and character the surrounding area.

Landscaping

At present there is an absence of soft-landscaping on the subject site. This is, in part, due to the limited external space around the building and the demand to use what space is available as an area for those attending the church to safely access the site. However, as part of the proposed development the applicant intends to introduce planters along the site boundaries which would act as a means to soften the appearance of the church and enhance the general streetscene.

Consideration of Objections

The concerns of objectors relating to the impact of the proposed development on transportation, parking, residential amenity and the character of the surrounding area have been already been considered in the above report.

Concerns that the proposed development would give rise to an increase in crime have been discussed with a Crime Prevention Design Officer (CPDO) from the Metropolitan Police. The view of the CPDO is that the proposed development would be unlikely to give rise to an increase in crime within the locality and that, in fact, a more intensive use of the site would increase the chances of public intervention and improve visual surveillance, which could help reduce crime levels.

Concerns have been raised that the proposed development would give rise an a increase in noise disturbance to local residents, although it is unclear within what context these concerns are raised. Whilst it is acknowledged there will always be a level of disturbance associated with construction works, as Members will be aware this is not normally a material planning consideration. However, the applicant will be required, as part of the s106 agreement, to join and comply with the Considerate Contractors scheme and any operations on site will be subject to the statutory controls over works which can be enforced by the Council's Environmental Health Officers.

In terms of noise disturbance that would be associated with the operation of the church, as mentioned above, the layout of the church has been designed to orientate the congregation towards the Church Road frontage when entering and exiting the site to reduce the potential for disturbance to Conley Road residents. It is envisaged that the proposed church building would provide better sound-insulation than the existing building and therefore noise generated during times of worship would be less likely to be audible from Conley Road. A condition should be attached to any consent, ensuring that adequate sound-insulation is provided.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17:- Design Guide For New
Development
Council's Supplementary Planning Document:- s106 Planning Obligations

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
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

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

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

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

- 130CR/P01
- 130CR/P02
- 130CR/P03
- 130CR/P04
- 130CR/P05
- 130CR/P06
- 130CR/LL01
- 130CR/SK1
- 130CR/SK2

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

- (3) 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.

- (4) All designated areas shown on the approved plan (130CR/LL01) shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on the site. The approved landscaping work shall be completed prior to the occupation of the building. 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.

- (5) Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development is completed and all fencing, walls, gateways and means of enclosure shall be constructed in accordance with the approved details prior to occupation.

Reason: In the interests of the visual amenity and character of the locality.

- (6) Those doors, gates and stairways to the premises marked for escape purposes on the approved plans shall not be used for access to or exit from the premises, save in the event of an emergency, and shall be kept closed at all times.

Reason: To safeguard the amenities of adjoining occupiers.

- (7) The premises shall be acoustically insulated prior to occupation so that no music, amplified sound or preaching/chanting is audible beyond the site boundary (Leq,5min shall be below 10dB (at 1/3 octaves 40Hz to 20kHz) at the nearest noise-sensitive premises).

Reason: To protect acoustic amenities within the locality.

INFORMATIVES:

- (1) The applicant is informed that the installation of any external building services equipment, such as extract ducts or air-conditioning units, would be likely to require a separate grant of planning permission.

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004
Supplementary Planning Guidance 17:- Design Guide For New Development
5 representations

Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: Beulah Apostolic Church, 130 Church Road, London, NW10 9NH

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**Supplementary Information
Planning Committee on 3 February,
2010**

Item No. **12**
Case No. 09/2588

Location Beulah Apostolic Church, 130 Church Road, London, NW10 9NH
Description Proposed demolition of existing church building and erection of part single-,
part two-storey replacement church building (as accompanied by Travel Plan,
dated November 2009)

Agenda Page Number: 77

Amended Layout

Prior to the recent site visit, the applicant submitted amended plans which revised the layout of the proposed church to orientate the main entrance towards Church Road and confirm the access towards Conley Road as being for escape only. It is therefore recommended that condition 2 should be amended to read:-

"2. The development hereby permitted shall be carried out in accordance with the following approved drawings and/or documents:-

- 130CR/P01A
- 130CR/P02A
- 130CR/P03
- 130CR/P04
- 130CR/P05A
- 130CR/P06
- 130CR/LL01A
- 130CR/SK1
- 130CR/SK2

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

Forecourt Landscaping

During the recent site visit Members asked about the scope for additional landscaping in front of the proposed main entrance in order to reduce the scope for people to congregate outside the church. The proposed forecourt would have a relatively modest area of approximately 40m², similar in size and shape to the existing forecourt. Officers are concerned that if the forecourt area were reduced further that, given the size of the congregation, this would lead to the footpath along Church Road becoming overly congested which could harm the safety of pedestrians who are forced towards the highway. An increase in congestion outside of the church could also make access more difficult and less safe for the elderly, young children and those with disabilities.

However, following discussion with Officers, the applicant has agreed in principle to plant a new tree, of a suitable species, towards the corner of the site adjacent to the junction between Conley Road and Church Road. The planting of a new tree is generally welcomed as this would act as an additional buffer between the church forecourt and the surrounding area, and would enhance the setting of the church within the streetscene. Officers consider that the planting of a new tree and the agreement of a suitable species can be secured by

condition. Officer therefore recommend that condition 4 be amended to read:-

"4. All designated areas shown on the approved plan (130CR/LL01) shall be suitably landscaped, including the planting of a new tree, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works on the site. The approved landscaping work and tree planting shall be completed prior to the occupation of the building. 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."

Borough Solicitor Advice

On the advice of the Borough Solicitor the wording to condition 7 should be amended to read:-

"The premises shall be acoustically insulated prior to occupation so that no music, amplified sound or preaching/chanting is audible beyond the site boundary (Leq,5min shall be below 10dB (at 1/3 octaves 40Hz to 20kHz).

Reason: To protect acoustic amenities within the locality."

Recommendation: Remains Approval, subject to a Section 106 Legal Agreement and amendments to conditions 2, 4 and 7.

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Committee Report

Planning Committee on 3 February, 2010

Case No.

09/3377

RECEIVED: 10 December, 2009

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 8 Brondesbury Park Mansions, 132 Salusbury Road, London, NW6 6PD

PROPOSAL: Installation of 1 replacement UPVC-framed bathroom window to side elevation of building

APPLICANT: Mrs Jean Rye

CONTACT: Private Housing Services

PLAN NO'S: Site plan
D/1486/08

RECOMMENDATION

Approval

EXISTING

The subject site contains a first-floor flat within a 2-storey, mid-terraced Edwardian building located on the western side of Salusbury Road, NW6. The surrounding uses are a mix of residential, commercial and education. The site is not located within a Conservation Area but is immediately bordered by the boundary of Queens Park Conservation Area located on Carlisle Road, to the south of the site. The site does not contain a Listed Building.

PROPOSAL

Full planning permission sought for installation of 1 replacement UPVC-framed bathroom window to side elevation of building. A letter submitted with the application from the Council's Director of Housing and Community Care indicates that the replacement of the bathroom window is in relation to providing disabled showering facilities.

HISTORY

No relevant planning history.

POLICY CONSIDERATIONS

Adopted Brent Unitary Development Plan 2004

BE2: Townscape

Proposals should be designed with regard to their local context, making a positive contribution to the character of the area. This entails the need to respect or improve the quality of existing urban spaces, materials, townscape or historical features which contribute positively to the character of an area

BE9: Architectural Quality

Alterations to existing buildings should embody a creative and appropriate design solution which employs materials of high quality and durability, that are of compatible or complimentary colour and texture to the surrounding area.

BE25: Development in Conservation Areas

Relates to proposals in Conservation Areas or outside them but affecting their setting or views into or out of the area.

CONSULTATION

Public consultation by letter was undertaken between 16/12/2009 and 06/01/2010. 11 neighbouring properties were issued with a consultation letter; 4 letters of representation to the proposal were received outlining the following concerns:

- The use of UPVC frames is not in character with the era of the building.
- The replacement window should be timber-framed with the correct pattern of fenestration applied.

The above concerns are addressed within the Remarks section of this report.

REMARKS

The Edwardian building subject to this planning application has a large 2-storey rear projection which is an original feature of Brondesbury Mansions. The existing windows within the building are timber, single-framed, sash, double-hung with a central mullion. It appears that the original windows in the building are in situ.

The rear-projection window that is proposed to be replaced serves the first-floor rear bathroom of flat 8 and is located on the northern elevation of the building, facing the side elevation of the linked building containing flats 9-12 Brondesbury Mansions.

The window cannot be viewed from Salusbury Road and due to the presence of rear landscaping and trees within the rear garden of Brondesbury Mansions and its positioning, is of very low visibility from the rear gardens of properties within Carlisle Road, which is in the Queens Park Conservation Area.

It is therefore considered that the proposal would have no impact on the character of the adjacent Conservation Area.

In terms of its impact on the character of the building, officers always seek timber-framed replacement windows where appropriate, with the same sash opening mechanism as the original, to help to retain the original character of the building. The concern is that poor UPVC proposals to replace timber frames rarely manage to successfully fully match the detail and character of timber windows.

Nonetheless, the Council acknowledges that UPVC windows can be a cheaper and more affordable alternative to timber, and a number of well-designed UPVC window-replacement applications in areas which are not within Conservation Areas, and do not have an adverse impact upon the character of the building or streetscene, have been approved by the Council.

The proposed replacement window would carry UPVC frames and 2 casements, with the upper casement being top-hung. A central mullion is proposed to match the existing. As shown within the submitted plans, the window matches the design and proportions, if not the opening mechanism and materials, of the existing window.

Consequently, as it is not within and would not be visible from the adjacent Queens Park Conservation Area or the street and is of a satisfactory design, on balance, the proposal is considered to be acceptable in design terms and complies with policies BE2 and BE9 of the Adopted Brent Unitary Development Plan 2004. For the avoidance of doubt, this conclusion may not be the same were the window on a front elevation, even outside a Conservation Area.

The proposal is therefore recommended for approval.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

CONDITIONS/REASONS:

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

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

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

Site plan
D/1486/08

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Roland Sheldon, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5232



Planning Committee Map

Site address: 8 Brondesbury Park Mansions, 132 Salusbury Road, London, NW6 6PD

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Committee Report

Planning Committee on 3 February, 2010

Case No.

09/2116

RECEIVED: 3 September, 2009

WARD: Alperton

PLANNING AREA: Wembley Consultative Forum

LOCATION: 243 Ealing Road, Wembley, HA0 4LF

PROPOSAL: Demolition of existing building, erection of 7 blocks (1 x 14 storeys, 3 x 11 storeys, 1 x 10 storeys & 2 x 6 storeys) comprising 440 flats and commercial and community space at ground-floor level, the erection of a three-storey detached dwellinghouse, the provision of 237 parking spaces including 30 disabled parking spaces at basement and ground-floor level, associated landscaping and provision of private and public amenity space (as amended by revised plans received on 30th November 2009, January 2010).

APPLICANT: Neptune (Ealing Road) LLP

CONTACT: Austin Mackie Associates Ltd

PLAN NO'S: See attached conditions.

RECOMMENDATION

Agree in principle, but delegate the application to the Chief Planner/Head of Area Planning for his determination (taking into account any further representations received) and subject to the completion of a satisfactory Section 106, or other legal agreement, having referred the application to the London Mayor under Article 5 of the Town & Country Planning (Mayor of London) Order 2008 in order for him to confirm that the application is in compliance with the London Plan.

SECTION 106 DETAILS

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

- (a) Payment of the Councils reasonable, legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) 35% Affordable Housing (by hab room), with 28% provided prior to 50% Occupation – as per the agreed schedule, with a further 7% (by hab room) intermediate housing provided either on or off site prior to 70% Occupation, unless a updated toolkit is submitted with the actual sales values and costs is submitted to the Council showing a return of less than 17.5%.
- (c) A contribution of £1,194,300 index-linked from the date of committee for Sustainable Transportation and Open Space & Sports, which may include but not be limited to £160,000 for local bus provision and canal tow path improvements in the local area.
-£576,000 due on Material Start of Phase 1 (Block 4,5,6 or the town house)
- £618,300 due on Material Start of Phase 2 (Block 1,2,3 or 7)
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 4, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (e) Offset 15.8% of the site's carbon emissions through onsite renewable generation, with site wide carbon reduction of at least 44% compared with criterion 1 of Part L of the Building Regulations

(2006). If proven to the Council's satisfaction that it's 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.

(g) Prior to Occupation, submit, gain approval for and adhere to a residential Travel Plan, within no more than 50% of resident car ownership, with a £20,000 fine per 1% over this (capped at £200,000). The Travel Plan's shall include the provision of not less than 2 Car Club cars /bays and 15 electric car charging bays.

(h) Prior to any Occupation of Phase 2, the provision of not less than 1073sqm of Affordable Workshop Space, (at a rate of not more than 50% of market rate), or any alternative D1 community use approved in writing by the Council .

(i) A car-free agreement (to apply in the event of a CPZ being introduced in the area)

(j) Prior to any occupation enter into a S38/S278 agreement for amendments to the site access junction pedestrian crossing phase, including signal changes , land set aside for potential routes through and provision of an adoptable access road all shown on plan Y.

(k) Prior to a Material Start on either Phase 1 (Blocks 4,5,6 and the townhouse) or Phase 2 (blocks 1,2,3, or 7)submit and gain approval for a Landscaping Implementation and Management Strategy (LIMS) covering:

- Any Occupation, the provision of the public open space / landscaping adjoining the canal side shown as X

-Prior any Occupation of Phase 1, the provision of the public open space / landscaping shown as the 371sqm between blocks 5 and 6, the 463 to the east of the town house, 50sqm to the east of block 5, the 120sqm to the west of the town house, and 630sqm to the west of block 4.

- Prior any Occupation of Phase 2, the provision of the public open space / landscaping shown as the 1190sqm between block 1 and 2, the 870 between block 2 and 3 and the 100 sqm between block 1 and 7.

- Temporary alterative on site provision during construction may be permitted to enable construction of different blocks within Phases.

(l)Prior to Occupation to agree and comply with a Management and Maintenance Plan for the open space, including the right of public access during daylight hours to the public space.

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 proposal relates to the site of B&Q's former Alperton superstore on Ealing Road. The site comprises 1.7 hectares of now cleared land. The site is roughly triangular in shape and is bordered by the Grand Union Canal, Ealing Road to the west in Alperton and an elevated section of the Piccadilly Line. A line of low rise commercial units backs on to part of the site. The nearest residential properties are located in Carlyon Close, a short suburban cul-de-sac that stops just short of the south eastern corner of the site.

The site is located within the submission version of Brent's Core Strategy as being part of the Alperton Growth Area, an area identified as being suitable for at least 1,600 new homes, new commercial development, new community facilities, open spaces and other regenerative improvements. The draft Core Strategy also identifies Alperton as an area suitable for tall buildings. The draft Site Allocations document promotes the former B&Q site for comprehensive residential led mixed use development, comprising new housing, flexible commercial space, community uses, public open space, and an enhanced canal side environment. The Council is currently in the process of preparing a masterplan framework for the Alperton growth area to guide the future of such sites.

The site at the sub-regional level is also located within the Park Royal Opportunity Area Planning Framework (OAPF) as identified within the London Plan and draft consultation replacement London Plan. There is limited guidance within the OAPF as to suitable land-use functions or scale of development on this particular site. However, growth and regeneration is integral to the aspirations of the OAPF designation.

The site has a public transport accessibility level (PTAL) of 4, on a scale of 1-6, where 6 is most accessible. The site is within 200 metres of Alperton Piccadilly Line Station. There are six bus services that stop within 100 metres of the site.

PROPOSAL

The application is for the comprehensive redevelopment of the former B&Q site for mixed residential and commercial development in the form of 7 blocks ranging in height from 6 to 14-storeys. One 3-storey town house is also proposed. The development would provide in total 441 residential units (181 x 1-bedroom, 190 x 2-bedroom, 58 x 3-bedroom, 12 x 4-bedroom flats and 1 x 4-bedroom house). The proposal is to also provide 1438 square metres of flexible floor space for community and commercial uses (within Use Class D1, B1 and A3) in seven ground floor units facing Ealing Road and the Canal, capable of being occupied by a range of uses including cafe, workshops and community uses. The proposal is also to provide 237 car parking spaces, cycle parking spaces and associated amenity and landscaped area between blocks to provide a range of publicly accessible open spaces and children's' play areas. A new canal walk way would be introduced to the north of the site providing public access along the canal with a possible option for mooring facilities. The proposal also involves the creation of a new estate road to be accessed from the sites existing entrance on to Ealing Road.

The development would be carried out in two phases with the town house and block 4, 5 and 6 being carried out in Phase 1 and the remaining blocks to follow as part of the second phase.

HISTORY

B&Q built a retail warehouse on the site in the mid 1980s. They vacated the site a few years ago and were unable to find a suitable alternative user for the building. An application to divide the store in to smaller units and allow general purpose retailing was refused as the site lies outside the Council's hierarchy of designated Town Centres.

- | | |
|-------------------|---|
| <u>28/06/1985</u> | Planning permission granted for the erection of a non-food retail store with garden centre, servicing and parking (Ref: 84/182) |
| <u>24/08/2006</u> | Planning permission refused for the conversion of the existing premises to two new retail units (Ref: 06/1876) |
| <u>22/06/2007</u> | Planning permission refused for the subdivision of the existing premises to form two retail units and for the variation of condition 13 of planning permission 84/1822, which restricted the use of the premises to a DIY retail warehouse and garden centre (Ref:07/0240). |
| <u>17/10/2007</u> | Certificate of lawfulness issued allowing the sale of DIY and garden tools at premises (Ref: 07/2534) |

The former B&Q was demolished in early 2009.

POLICY CONSIDERATIONS

Brent Adopted Unitary Development Plan 2004 Policies

Built Environment

BE1	<i>Urban Design Statement</i>
BE2	<i>Townscape: Local Context and Character</i>
BE3	<i>Urban Structure: Space & Movement</i>
BE4	<i>Access For Disabled People</i>
BE5	<i>Urban Clarity & Safety</i>
BE6	<i>Public Realm: Landscape Design</i>
BE7	<i>Public Realm: Streetscape</i>
BE9	<i>Architectural Quality</i>
BE10	<i>High Buildings</i>
BE11	<i>Intensive And Mixed-Use Developments</i>
BE12	<i>Sustainable design Principles</i>
BE14	<i>Grand Union Canal Corridor</i>

Environmental Protection

EP3	<i>Local Air Quality Management</i>
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Housing

H9	<i>Dwelling Mix</i>
H11	<i>Housing On Brownfield Sites</i>
H12	<i>Residential Quality - Layout Considerations</i>
H13	<i>Residential Density</i>
H14	<i>Minimum Residential Density</i>

Transport

TRN1	<i>Transport Assessment</i>
TRN3	<i>Environmental Impact of Traffic</i>
TRN4	<i>Measures To Make Transport Impact Acceptable</i>
TRN11	<i>The London Cycle Network</i>
TRN14	<i>Highway Design</i>
TRN22	<i>Parking Standards -Non Residential Developments</i>
TRN23	<i>Parking Standards - Residential Developments</i>
TRN34	<i>Servicing In New Development</i>

Town Centres & Shopping

SH5	<i>Out Of Centre Retail Developments</i>
SH8	<i>Conditions On Non-Retail Uses</i>
SH10	<i>Food and Drink (A3) Uses</i>
SH12	<i>Customer Toilet Facilities for A3 Uses</i>
SH21	<i>Shopfront Design</i>

Tourism, Entertainment& The Arts

TEA4	<i>Public Art</i>
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Community Facilities

CF5	<i>Community Facilities in Large Scale Developments</i>
CF6	<i>School Places</i>

Supplementary Planning Guidance 17 relating to "Design Guide For New Development"

SUSTAINABILITY ASSESSMENT

Code for Sustainable Homes Pre-Assessment

Officer has concerns that the CSH Pre-assessment has not allowed for much flexibility – the predicted score exceeds 68% (Level 4) however we would usually expect to see min. 5% safety margin. The applicant has agreed to consider improvements in the following areas:

1. Building Fabric (further credits would require Heat Loss Parameter of 1.10)
2. External water use (water butts or communal rainwater harvesting for external irrigation)
3. Environmental Impact of materials
4. Responsible sourcing of materials – finishing elements should be responsibly sourced
5. Protection of ecological features – credit available if protect features as recommended by ecologist
6. Change in ecological value of site – site is adjacent to SINC should be targeting high level of ecological improvement

These improvements are to be secured through the Section 106 Agreement.

Energy Strategy

Overheating

The proposal includes the following mitigation measures: balconies, opening windows, thermal mass and external shutters on ground floor. More use could be made of green roofs which are currently only proposed for two blocks. Green roofs will be expected unless demonstrated unfeasible. Where green roofs are not feasible, brown roofs should be installed as a minimum to provide biodiversity benefits as recommended by the Ecology report.

Building Performance

Officer has some concerns as to whether the specified building fabric materials will achieve the required Code for Sustainable Homes Level, however the applicant has agreed to meet Code Level 4. Again the section 106 agreement will seek to deliver this.

Energy delivery

The preferred energy delivery option for the proposal is site-wide gas-fired CHP with biomass boiler backups and Canal Source Heat Pumps (CSHP) to provide heat and cooling to the commercial elements.

Two separate CHP systems were originally proposed to serve 2 phases. The GLA identify this as an unacceptable strategy as it does not meet the Energy Hierarchy of providing a site-wide CHP solution.

Concerns are also raised over the use of biomass boiler systems within an Air Quality Management Area. Smaller biomass boiler systems are particularly a problem being harder to control emissions. The draft London Air Quality Strategy identifies systems under 500KW as unacceptable in AQMAs. The applicants have agreed to consider a single boiler system approach to overcome this and to consider the use of other renewable technologies such as PV panels. The final energy strategy will be agreed as part of the s106 agreement.

Sustainability Checklist

Applicant's score – 66%

Officer's assessment – 45.5%

Officer's predicted score if ICE Demolition Protocol/WRAP toolkit are secured 56.5%

Officer's comments

Officer's assessment currently falls below the required 50% score. The major area of concern relates to the materials proposed and ensuring the recycled content within the materials. The applicant should will need to commit to the ICE Protocol (which also applies to new build content) or another method to demonstrate the appropriate recycled content will be achieved. Appropriate noise and wildlife mitigation measures will also need to be implemented.

Summary

The applicant's agent has agreed to a Section 106 Agreement requiring additional sustainability measures that will ensure a minimum score of 50% is achieved in the Council's Checklist and that Level 4 of the Code for Sustainable Homes is met, with compensation should it not be delivered. The s106 will also secure adherence to the Demolition Protocol and an appropriate level of on site renewable generation to off set 20% of the developments carbon emissions. If proven to the Council's satisfaction that this is unfeasible, provide an in-lieu payment to the council for off site renewable energy generation.

CONSULTATION

The application has been advertised by Site Notices displayed around the site and the following have been consulted on the proposal:

- Nos. 1 to 15 (odd nos.) Abbey Avenue
- Nos. Alperton House (suite 1.1, 1.2, 2.1A, 2.1B, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, 3.1A, 3.1C, 3.2B, 3.2A, 3.2, 3.3, 3.3A, 3.3B, 3.3C, 3.3D, 3.3E, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.1B, 2.11, 3.12, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14, 4.15, 4.16 and 5.1 Bridgewater Road
- Nos. 1 to 20 (Consecutive nos. Carlyon Close
- Nos. 1, 1C, 2 to 9, 10A - E & 11 to 34 Carlyon Road
- Nos. 243, 245 -249, 253, unit 1 253A, Managers flat, unit 1A, 1B, 2, 3C, 3A, 3B, 4, 5A, 5B, 5C, 6, 7, 8 9 & 10 at 253A Ealing Road
- Nos. 1 to 12 Carlyon Mansions, 267, 267A, 269, 271, 273, 275, 277, 279, 281, 346, 349, 360 incl. Bright Horizon, unit 1 to 2 at 372, 374, Alperton Ford, 1 to 25 Cromwell Court,
- Nos. 1 to 19 (consecutive Nos.) Hazel Grove,
- Nos. 9-10 Abercorn Commercial Centre, Manor Farm Road,
- Nos. Middlesex House (Children Play Service, Happy Child Nursery, 1A-E, 1M, 2A-F, 3A-F, 4A-F, 5A-F, 6A-F, 7A-F, 8A-F, 9A-F, 10A-F, 11A-F, 12A-F, 13A-F, 14A-F, 1 to 108 Grand Union Heights, Northwick Road
- Nos. Minavil House, unit 1 to 3 & Micro Partners; Unit 1 to 7, 8A-B, 9 to 15 Wharfside, Rosemont Road
- Nos. 1 to 21 Seaton Road
- Nos. 1 to 17 Tiverton Road
- Ward Councillors

Comments:

Neighbouring Occupiers: In total five letters of objection have been received from local residents and businesses including 16 Tiverton Road, 6 Carlyon Close, 10 Hazel Grove and Units 7 and 15 Wharfside Rosemont Avenue. The objections are raised on the grounds of height of the proposed buildings and increased crime, noise, smell, dust, litter, traffic, parking and congestion. The proposal would result in the loss of light, privacy and view from windows. It would further lead to transport issues, overcrowded paths, environmental effects and strain on public resources. The development would be out of keeping with the surrounding. The area need business development creating local employment.

Greater London Authority:- The principle of regeneration for a mix of uses is supported. However, the application in respect of the following does not comply with the London Plan:

- Principle of development
- Principle of tall buildings
- Design and access
- Affordable housing, housing mix and affordable housing split
- Children's Play space
- Energy
- Climate change
- Transport

However, The Mayor proposes the following changes to the application to remedy the above-mentioned deficiencies that could lead the application becoming compliant with the London Plan:

- In respect of the Principle of Development: an assessment regarding the impact on the town centre functions is required.
- In respect of the Principle of Tall Buildings: further evidence from the Council is required through the LDF process and further assessment regarding the impact on local views including impact from adjacent residential streets. These should be agreed with GLA officers and the Council.
- In respect of Affordable Housing: further information regarding viability (which may require independent verification) and further justification to support the current housing mix and tenure split is required.
- In respect of Design and Access: further work is required regarding the level changes across the site, safeguarding of links to the south is required and further comparison to the Mayor's space standards set out in the draft replacement London Plan and the London Housing Design Guide.
- In respect of Energy: technical response is required to the comments set out in the main body of the report (paragraph 63-74)
- In respect of Transport: The report provides a comprehensive details of the appropriate remedies to the outstanding transport matters including further discussion required regarding the section 106 agreement (paragraph 78-86).

Council's Transportation Unit:-

Following extensive negotiations and a series of amendments the Council's Transportation Unit now support the revised scheme subject to a Section 106 agreement to secure: (1) Travel Plan (incl. strict binding penalties based upon car ownership targets); (ii) a financial contribution of 490,000 towards off-site transport improvements; (iii) a car-free agreement (to apply in the event of a CPZ being introduced in the area); and (iv) an agreement under S38/S278 of the Highways Act 1980 for amendments to the site access junction and adoption of the access road.

Landscape - The Council's Senior Landscape Designer has now reviewed the revised landscape proposal which addresses some of the initial concerns and also had a detail discussion with the developer's architect who has agreed to make further necessary amendments required and therefore the landscape scheme is now considered to be satisfactory in principle subject to conditions requiring further details to be submitted for consideration at a later date. The suggested landscape conditions are therefore now attached to the committee report.

British Waterways: BW supports the principle of the proposed development, and believes it offers an exciting opportunity to reinvigorate this part of Brent, and in particular, improve access to and the quality of the waterway environment. However, it is subject to agreeing an appropriate s106 contribution, and appropriate planning conditions and informatives.

Environment Agency

The Flood Risk Assessment (FRA) submitted with this application does not adequately comply with the requirement set out in Annex E, paragraph E3 of Planning Policy statement 23 (PPS25). The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

- Demonstrate that surface water runoff will be reduced to the Greenfield run off rate for all events up to the 1 in 100 year storm (including the effect of climate change) and set out how

this will be achieved.

- Adequately demonstrate how Sustainable Drainage Systems (SUDS) such as permeable pavements, filter drains and trips, swales (conveyance), temporary basins, ponds (added amenity and education benefit), wetlands and green/brown roofs have been maximised on site with any obstacles to their use clearly justified.

The objections can be removed if it can be shown that every effort has been made to utilise the most sustainable techniques for storage and drainage on site, with any obstacles to their use clearly justified. The developer's flood risk consultants have now reviewed the use of SUDS on the site and have provided justification for the current proposal to the Environment Agency. Therefore, now awaiting a further response to the information submitted from the agency.

Environmental Health – The Environmental Health has recommended numbers of conditions in order to ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers or future occupiers of their land. However, further clarification is also required in respect of Acoustic Assessment and Air Quality Assessment Report. Additional information is also required for any proposed biomass boilers.

Thames Water - Has no objections to the proposal. It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separated and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water recommends that petrol/oil interceptions be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local water courses.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. It is further recommended, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering block drains, sewage flooding and pollution to water courses.

GLA - Regarding the viability submission, GLA are seeking all the assumptions that underpin the model and would like to know whether this has been tested and verified by a qualified cost consultant. The information is now been submitted to GLA and will be considered by them as part of the Stage II referral.

REMARKS

The Proposal

The application scheme proposes the following:

- Erection of 7 blocks (1 to 7) ranging from 6 to 14 storeys and a separate 3-storey town house. The increased height blocks are positioned towards the canal taking the opportunity afforded by the canal and lower height blocks are positioned to the south west of the site, respecting the proximity of established residential street to the south west.
- The proposal would provide in total 1x 4-bedroom town house and 440 new residential flats (comprising 181 x 1-bedroom, 190 x 2-bedroom, 58x 3-bedroom and 12 x 4-bedroom flats) with balconies. The residential units would provide a mix of private and 25% affordable (intermediate and social rented tenures) with a mix of 1 to 4 bedroom units to provide for a range of household and family sizes.

- New 1,568sq.m. of commercial floor space (of Use Class B1 and A3) with the intention of seeking the provision of affordable workspace for local small business. The potential to provide a training facility for local youths linked to the B1 element of the scheme and new café style uses to animate the canal. The proposed commercial space would be provided in the ground floor and part first floors fronting Ealing Road and the Canal.
- Range of publicly accessible open spaces, including areas for play space between blocks.
- Significant new public realm and residents amenity spaces linked to the canal
- Provision for 237 car and 478 cycle parking provision in a combination of underground and surface level spaces, distributed across the site.
- Provision for associated refuse and recycling bins storage area.
- The development would use existing vehicular access off Ealing Road. However, new estate road within the site would be created where traffic calming would provide a quality pedestrian and cycle environment. The estate road would provide access to all buildings and parking areas, including a basement parking area beneath the canal side buildings.

It is anticipated that the development will be delivered in two phases. The exact phasing of the scheme is to be agreed condition.

Policy Context and Principal of Proposed Mix of Uses

The site in terms of its Borough wide context is located to the south-west of Wembley and north of Ealing Road and the M40 corridor. The site is outside the Ealing Road town centre boundary, located south of the primary shopping frontage. There is no Unitary Development Plan or Strategic land use designation. The site is identified within the Brent Submission version of the Core Strategy (Policy CP1, CP2 and CP8) as part of the Alperton Growth Area, an area suitable for at least 1,600 new homes, new community facilities, open spaces and improvements to accessibility of spaces. The Brent's Core Strategy Submission (Policy CP6) also identifies Alperton as an area suitable for tall buildings. The Site Allocations document promotes the former B&Q site for comprehensive mixed use development, including residential amenity space, B1 employment and A3 uses. There is a desire within the allocation for the canal-side environment to be enhanced for pedestrian and canal users, a pattern that will hopefully spread through a series of adjacent canal-side sites. The Council is currently in a process of preparing a master plan framework for Alperton to guide the future of such sites.

The site at the sub-regional level is also located within the Park Royal Opportunity Area Planning Framework (OAPF) as identified within the London Plan and draft consultation replacement London Plan. There is limited guidance within the OAPF as to suitable land-use functions or scale of development on this particular site. However, growth and regeneration is integral to the aspirations of the OAPF designation. Policy 2A.5 *Opportunity Areas* of the London Plan and Policy 2.13 *Opportunity Areas and Intensification Areas* of the draft replacement plan both promote growth and, in particular the plan seek to "*optimise residential and non-residential densities necessary social and other infrastructure to sustain growth, and where appropriate contain a mix of uses*". Given that the site has no strategic industrial function that requires protection and given the Council's emerging policy the principal of the proposed mix of uses (i.e. residential and commercial uses) in this application location is supported. It should be noted that the scale and nature of commercial space proposed at the site are such that it would enhance and not compete with the town centre.

The proposed scheme consists of 441 residential units, along with ground/first floor areas capable of sub-division into seven units that will benefit from flexible permission allowing them to be used for a range of appropriate A3, commercial and community purposes.

The above mentioned Council and London Plan policies place an emphasis upon promoting development that contributes to local needs in a sustainable manner. Wherever, possible, a preference is given for building on and making best use of previous developed land.

The planning policy emphasis is on building efficient residential schemes to meet the demand for

housing, whilst providing good quality standards – both internally and externally. The Council's adopted Unitary Development Plan (UDP) 2004, identifies housing as the priority land use in the Borough.

The site is a vacant brownfield site which was formally used as a B&Q store and lies within a growth area which is partially residential in character. The emerging Core Strategy promotes the Alperton growth Area as being suitable for at least 1,600 new homes. The proposal seek to optimise the potential of the site, within the overriding theme to built and open space quality, to provide 441 new homes and therefore meet a significant need for new housing within the Borough.

The amount of new housing proposed is broadly consistent with the emerging LDF site specific designation and associated guidance.

The canal side setting of the site lends itself to small scale cafes which would open up the pedestrian connections into and through the site and allow the water side setting of the site to be in active use. The principle of creating a modest scale of uses that enhances the setting of the canal is entirely consistent with both general and site specific policies that seek to promote the use of London's waterways.

The scale of the proposed commercial units within the scheme is so small that it would provide more of a support function to the community within the development rather than competing with either the adjoining town centre or established local parades in the vicinity of the site. The focus is also to provide new public realm adjacent to the canal.

The site is well located to the town centre and edge of centre and therefore the residents of the new scheme would benefit from good access to both existing local facilities and public transport routes to centres such as Wembley.

It is considered that the proposal would add to the vitality and viability of Alperton and other Borough town centre by strengthening local community demand for existing facilities and encourage longer term investment in retail and associated uses within the town centre (London Plan Policies 2a.8 and 3D.1 &2)

The mix of uses envisaged on the site, together with the relationship with the wider mix offered in the town centre and the availability of public transport and good cycle/pedestrian links demonstrates that there is an opportunity to optimise the site's housing capacity.

The Council's approach to producing a master plan framework for Alperton is consistent with the London Plan's guidance on large sites which states that "planning framework should be prepared in consultation with local communities and key stakeholders".

The site is not within an area where employment space is specifically protected and the site has no recent history of employment uses for over 20 years. The planning application responds to the Council's draft site allocation and planning brief (that was never formally adopted) by introducing the potential for small scale B1 uses that are capable of offering affordable and /or training opportunities.

Site's Suitability for the Principle of Tall Buildings

The application is proposing 7 high rise blocks ranging from 6 to 14 storeys and a separate 3-storey town house on the site. The following table shows the block heights:

Table 1 – Blocks by storey and Heights in metres

BLOCK	STOREYS	Approx. Height (Metres)
1	14	43
2	11	34
3	11	34
4	6	19
5	6	19
6	11	34
7	10	31

The application site is located within Alperton area of the Borough. The suitability of Alperton area for tall buildings is supported by the following:

- Although Alperton (within which the application site is located) does not fall within the specific locations promoted within the Park Royal Opportunity Area Planning Framework (OAPF) as identified within the London Plan and Draft Consultation replacement London Plan for tall buildings, there is a presumption that such locations may be suitable subject to other policy test. It should be noted that OAPF also seek to locate tall buildings in town centres with good public transport links and seek to support tall buildings where they make significant contribution to local regeneration, respectively.
- The Council has designated Alperton as an area suitable for tall buildings in its forthcoming Local Development Framework and has also prepared Local Development Framework (LDF) Core Strategy Background Paper on Tall Buildings which justifies tall buildings in Alperton.
- The application site has good public transport accessibility (PTAL 4). The site is within 200m of Alperton Underground station served by Piccadilly line. The nearest bus stop is 100m away, with six bus services running down the A4005 Ealing Road corridor.
- The site location opposite the existing Middlesex House, a 14-storey residential building that acts as a tall building landmark for the area.

Given that the site is served by good public transport accessibility, a tall building already exist in the context, and given the Council's emerging LDF policy and the existing OAPF designation, it is considered that the principle of tall buildings for the site is justified. However, the proposal according to the existing and draft London Plan needs to be considered with regards to its suitability to their wider context in terms of proportions, composition and relationship to other buildings, streets, public and private open spaces, water spaces and other townscape elements. In order to assess these impacts an assessment from Local and relevant strategic views are required.

In this case, it is not considered that the proposal would have any impact on strategic views. An assessment of local views also supports the proposal. The assessment included eight local views, illustrating existing conditions against the proposed conditions of the site. In your officer's view the proposed massing and scale of the buildings is not considered to have any adverse impact on the existing urban environment and therefore the scale and massing of the development is considered to be appropriate in its wider and local context.

Density

The application is proposing approximately 1232 habitable rooms on a site of 1.7 hectare and therefore the density of the proposal development is 725 habitable rooms per hectare. The site has a good public transport accessibility level of 4 and lies in an urban location and therefore according to the Council's "Density" standards set out in the Supplementary Planning Guidance 17 relating to "Design Guide for New Development" a density within the range of 240 – 700+ in general terms is considered to be appropriate for the site. The London Plan's density matrix indicates that a density within the range of 200-700 habitable rooms per hectare would be acceptable.

The proposed density, therefore complies with the Council's SPG 17 standard but is marginally above the guidance within the London Plan. However, within London Plan a higher density may be

considered acceptable in cases where there are other strategic benefits associated with the application. However, as the increase in density is marginal and given that the site falls within a designated growth area where the policy context supports maximising development opportunity, the density proposed does not raise significant concern. Officers are satisfied that the quality of residential accommodation proposed, the creation of new high quality public open spaces throughout the development but particularly along the canal, and the significant regenerative benefits of the scheme justifies the level of development proposed.

Layout, Scale and Height

The application is proposing erection of 7 blocks (Block 1 to 7) ranging from 6- to 14-storey together with one 3-storey town house on the site. The proposed Blocks 1, 2, 3 and 4 (comprising 14-, 11-, 11- and 6-storey respectively) are sited along the canal on the north side of the site. Blocks 5 and 6 (comprising 6- and 11- storey respectively) would be sited on the south side of the site adjacent to neighbouring industrial buildings. The proposed Block 7 (10-storey high) would be sited towards the north-west side of the site, adjacent to but on the south side of Block 1. The proposed 3-storey town house would be positioned towards the south-eastern corner of the site.

Of the four blocks alongside the canal, the highest (14-storey) Block 1 would be positioned towards the north-west corner of the site, the lowest (6-storey high) Block 4 would be positioned towards the north-eastern corner of the site and the two remaining (11-storey high) Block 2 and 3 would be positioned in between Block 1 and 4.

Similarly, of the two blocks located along the south side of the site, the highest (11-storey high) Block 6 would be positioned more towards the south-west side of the site and the lowest (6-storey high) Block 5 would be positioned adjacent to but east of Block 6.

All the blocks on the site are of slender four-sided parallelogram or trapezium in shape and are orientated on a north-south alignment. The gaps between the blocks are in the main generous ranging from 20m to 40m. The proposed separation between the blocks is considered to comply with the Council's "Privacy and Outlook" standard set out in SPG 17- requiring a minimum separation of 20m between directly facing habitable room windows between the blocks to maintain adequate privacy and outlook for its future occupants. The only part of the scheme that doesn't achieve this separation is the gap between the flank ends of Blocks 1 and 7 which is only 9.1 metres. However these blocks facing windows are designed to be obscured, positioned at high level and have oblique views to protect the privacy of its future occupants and at the same time allow adequate light.

Pedestrian movement is encouraged across and through the site from the canal front, by use of extended landscape zones (which also provide range of publicly accessible open spaces including areas for play space) which stretch out from between the buildings. A new canal walk is introduced to the north of the site providing public access along the canal with the possible option for mooring facilities. The application is also proposing small ecological woodland for the east of the site, with seating area is greatly encouraged and creating a safer edge with the rail line and row of trees along Ealing Road edge to alleviate the hard edge on this frontage.

The proposed idea behind this part of the proposal is to create a highly usable and attractive green area that is accessible to all which is welcomed. However, more details on the landscape design and details of street furniture will be required and to this effect a condition is attached.

The canalside blocks will include active uses and community facilities at groundlevel including A3 and community use which together with the enhancement of canal side environment for pedestrian and canal users would be in line with the Council's Site Specific Allocation –Proposed Submission June 2009 of the forthcoming Local Development Frame Work.

The intention of the layout is to allow for as many units as possible to have views out towards the canal, enhancing the role of the canal within living, working and enjoyment. The height and

massing that has been developed in response to the path of daily sunlight rising from east to west across the site, therefore shorter blocks are proposed in the east and tallest blocks in the west, reducing any possible overshadowing.

The density of flats has been spread out in a similar pattern, with the three blocks in the west accommodating higher numbers of units to those blocks in the east.

The application with regards to access is proposing to make use of the existing main access into the site from Ealing Road. A new estate road will be created within the site which is designed to have a shared surface. The development also makes provision for car and cycle parking in the form of underground car park (below the buildings) and on the ground within the new estate road. There is also further provision for refuse and recycling storage within the ground floors each of the proposed blocks. The ground level across the site is not uniform and therefore varying levels across the site between the proposed buildings and estate road are treated with ramps and steps of varying gradient.

The general layout of the proposed development within the application site as discussed above is generally well considered and supported by the GLA and allows for a mix of public and private spaces. The creation of a canal side walk with active ground floor uses is supported in design terms and it is considered that it will contribute significantly to creation of a "place" as part of their master plan concept. However the GLA has some concerns regarding the level changes around the site addressed by ramps and steps as being not integrated sufficiently and therefore could act as barriers to potential future users. The developers since then have responded to GLA comments and have addressed the site levels by simplifying and reducing the impact of ramping and steps within the sites. The amended proposal in your officer's view would now satisfy the inclusive design policy requirement of the London Plan and draft replacement London Plan. However, no formal response has been received to these changes from GLA.

It is suggested that the layout of the proposed blocks on the site are determined by the daily and monthly movement of the sun and it's effect on the site and surrounding neighbourhood. The spacing and slender shaping of the buildings ensures that all rooms within the blocks would receive sufficient daylight, as well as allowing the amenity spaces in between to receive enough daylight, but also avoiding in as best a way as possible the overshadowing to surrounding buildings and areas and this is demonstrated in the accompanying document "Sunlight and Daylight " produced by Gordan Ingram Associates. The proposed 7 blocks, which have at least 20m separation (except in the cases discussed above) between their facades and the north-south orientation of the proposed blocks are also designed to maximise daylight to all units and limiting the number of north-facing-only flats.

The density and height of the proposed buildings are determined by their distance to transport links, and therefore the location of the tallest building is allocated to the north-west corner of the site. Ealing Road also rises up towards the north of the site as it crosses over the canal, with a 5m drop to the ground level of the site and so the tall structure (Block 1) creates a landmark for the site.

The intention of the layout is to allow for as many units as possible to have views out towards the canal, enhancing the role of the canal within living, working and enjoyment. The height and massing has been developed in response to the path of daily sunlight rising from east to west across the site, therefore shorter blocks are proposed in the east and tallest blocks in the west, reducing any possible overshadowing.

The density of flats has been spread out in a similar pattern, with the three blocks in the west accommodating higher numbers of units to those blocks in the east.

The intention of the proposed layout is to increase massing along the canal edge, towards the main road, with buildings reducing in height to the south-east. Therefore a building of 14-storey

(i.e. Block 1) is proposed for the Ealing Road north-west edge, surrounded to the east by four lower buildings of 10 and 11 storeys, and two additional 6-storey buildings to the southwest side of the site. The proposed reduction in scale and height towards the east of the site is designed to further allow the penetration of natural light into the buildings. The two lowest buildings Block 4 and 5) do not include upper level set-back floors, but instead accommodate generous green roofs, and so allowing more light into the buildings around.

The surrounding context includes a 14-storey tower (i.e. Middlesex House and Grand Union Heights) to the west of the site but otherwise low-rise, post-war houses in the south and low-rise industrial structures in the north. It is therefore appropriate to locate the tallest building to the north-west area of the site in order to balance the vista of the site and also for the block to act as a noise pollution barrier to help stop the traffic noise from Ealing Road enter into the main areas of the site. A new high-rise scheme (i.e. Atlip Road Development) is currently being constructed to the north -east of the site and will further compliment the overall context.

The ground floor is set at 4m high and is to be mostly glazed encouraging visual transparency through the public realm. Glimpses from the canal tow path through the site amenity spaces are provided by the both the site spaces between buildings and the introduction of linking pathways inviting people through the site.

The upper levels of Block 2, 3, 6 and 7 accommodate pent house units, which are set-back at a minimum of 1.5m from the main parapet edge. This set-back allows light to penetrate around and between the units.

The proposal is considered to be high quality well thought out development. It is considered to have explored the full potential of the site in maximising the development with appropriate number and sizes of the blocks, their height, siting and design in relation to each other and wider local context without any adverse impact to its future and adjoining occupiers. The development is considered to be well designed with spacing between the blocks create interesting amenity area and linkage to the canal creating public/private area and would contribute greatly towards the regeneration of Alperton. The development would introduce higher value uses in the area and would lead to significant improvement in the local environment.

Design and Appearance

The application proposes contemporary style buildings with glazing and steel frames with clean lines and projecting balconies (to be of at least 6m² has been agreed) for all flats.

A sample board of the external materials has been submitted as an indication of the likely type and colour of the materials that would be used. However, further details as well as samples of building materials will be required for consideration at a later date to ensure that the development is of high quality materials that would be appropriate for its setting in the context of that it would play a major role in regeneration of Alperton.

It is indicated that the defensible space around the residential units would have timber flooring, for the cladding of the main buildings metal black panel made of VM Zinc "Anthra-zinc" would be used. In some areas where privacy is required a frosted panel would be placed (i.e. between block 1 & 7 and in some ground floor areas). In general cladding would be made out of three types of panels and these are Concealed insulated VM Zinc panel, Clear double glazed unit and clear double glazed unit with frit cover. Balconies would be bolted with clear steel frame clear glass balustrades and timber flooring would be applied. The proposed town house façade material would be black brick.

The process of design evolution has been highly inclusive. Firstly, the architects were selected following competition, the shortlist for which was drawn up in consultation with the Council. Throughout, the design team has consulted closely with, example, the Local Planning Authority and GLA on design matters and the feedback used to develop and refine the scheme.

The site’s size, prominent location and configuration along the canal make it a significant opportunity to create a scheme of a high quality that will make a positive contribution to the wider area. Early scoping discussion with the LPA identified the scope for optimising height and density in areas of the site, whilst acknowledging the need to respect existing housing to the south.

The canal setting has had a significant “contextual” influence upon the scheme in terms of both the master plan layout, open spaces, building footprint and the elevational treatment.

The design proposal responds positively to policies BE9 and BE10 of the adopted UDP 2004. BE9 requires building to be of an appropriate design, scale and massing for the setting and provide a satisfactory level of amenity for users. Materials should be of high quality, durable and complementary to the surrounding area. Policy BE10 requires tall buildings to be of outstanding architectural and urban design quality with a distinct profile and roofspace. The building should be carefully related to its surroundings at street level and interact in a positive manner with, and contributes to, its surroundings at street level.

In addition to policy BE10, the scheme has taken its lead from the Council’s SPG 17 relating to “Design Guide for New Development” which sets out design standards which should be allowed in development. In particular, the guidance recommends that high density should benefit from high quality design. In your officer’s view the design of the building and landscaping is of a high standard so complements the density.

The initial designs for the balconies and facade takes into consideration the whole idea of canal living. Private activities and living could be carried out internally, while a more expressive living could be displayed on the balcony space. The units are designed to optimise views north-east towards the canal whilst providing privacy and shelter for the bedrooms. Each unit has a large open plan living/dinning and kitchen area along its frontage. Balconies to each unit is proposed to optimise private amenity space and views out plus allow light in with full height glazed windows. The modulation of the glass bay and full-height, dark cladding along with separate balconies repeat themselves across the buildings, helping create a pattern with a three-dimensional depth and a reflective surface. The texture of the facade is further layered by the use of bronze panels, which indicate the party walls of each of the units. All balconies are staggered at every level, preventing them from vertically stacking and this arrangement breaks down the vertical emphasis of the elevations.

Affordable Housing

The application in the proposed 7 blocks (relating to 1.7 hectare site) would provide in total 440 flats and 1 town house. The housing mixture as proposed is set out as below:

Table 2 - showing Bedroom Size Mix by Tenure

	1-bed	2-bed	3-bed	4-bed	4-bed house	Total
Social rent	0	36	16	4	1	57 (13%)
Intermediate	20	22	12	0	0	54 (12%)
Market	161	124	38	7	0	330 (75%)
Total	181	182	66	11	1	441 (100%)

However, the following table shows housing comparison by units and habitable rooms created within the site:

	Units	Habitable Rooms (Approximate)
Social rent	57 (13%)	197 (16%)
Intermediate	54 (12%)	154 (13%)
Market	330 (75%)	881 (71%)

Total	441 (100%)	1,232 (100%)
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The 111 affordable units proposed will provide a range of unit sizes, with a predominance of larger family units within the social rented, lower height blocks that are able to take advantage of generous amenity standards.

Some 37% of the social housing element will be 3- or 4-bed family units.

And therefore Council's policies H2 relating to "Requirement for Affordable Housing" and H3 relating to "Proportion of Affordable Housing Sought" in the adopted UDP 2004 would apply.

The policy H2 require *housing developments in the Borough capable of providing 15 or more units gross, or 0.5 Ha or more in size (irrespective of the number of units), should where suitable according to policy H2, include provision for affordable housing on-site.*

The policy H3 states that *"In assessing the scale of affordable housing required of sites above the size threshold (Policy H1), the maximum reasonable proportion of affordable housing be sought and secured (generally 30% - 50% of units on suitable sites) having regards to the Borough wide target (Policy STR18) and factors relating to exceptional cost associated with the site, physical suitability of the site for affordable housing, public transport accessibility for the site, the walking distance of the site to a shopping centre & local services, the housing needs of the local area and the need to secure a mix of housing type, any site-specific indicative target and the cost associated with the achievement of other planning objectives"*

The Council has indicated a requirement within its Core Strategy of the forthcoming LDF that 50% of all housing will be affordable based on its own evidence of housing needs and supply and that 70% should be social rented and 30% should be intermediate.

London Plan policies also require borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mix-use schemes. In doing so, each council should have regard to its own overall target for the amount of affordable housing provision. The policies also state that such targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should take account of the London Plan strategic target that 35% of housing should be social and 15% intermediate provision, and of the promotion of mixed and balanced communities. In addition, the plan policies encourage councils to have regards to the need to encourage rather than restrain residential development, and to the individual circumstances of the site. Target should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements. The plan also urges borough Council's to take account of economic viability when estimating the appropriate amount of affordable provision. The "Three Dragons" development control toolkit is recommended for this purpose.

The application proposes 441 residential units, including 111 affordable units. This represents an affordable housing provision of 25% on a unit basis and 28% on a habitable room basis. The proposed level of affordable housing is therefore not compliant with the London Plan and LDF policy requirements to provide 50% affordable housing on sites capable of providing 10 homes or more and accordingly the applicant has submitted a 3 Dragons Financial Toolkit in an attempt to justify this lower than policy level of affordable housing provision.

After examination of the toolkit and supporting documentation the conclusion is that the provision of such a level of affordable housing could be judged to be reasonable at this point in time, notwithstanding that the existing use value assumption in the toolkit is based upon comparable market information and not an independent valuation, and that certain minor adjustments are currently being made to the scheme that will have financial repercussions. Essentially, financial toolkits can only provide a 'snapshot' picture of the financial viability of any scheme and, given the aforementioned comments on assumed existing use value and scheme amendments, and, more

importantly, the likely delivery timescales of the proposed 2-phased scheme and the current volatility in both the housing and construction markets, the introduction of a financial review such that actual and realised costs and values are appraised at practical completion of the scheme is necessary in this case.

The Council, at present has secured 35% Affordable Housing (by hab room), with 28% provided prior to 50% Occupation – as per the agreed schedule, with a further 7% (by hab room) intermediate housing provided either on or off site prior to 70% Occupation, unless a updated toolkit is submitted with the actual sales values and costs is submitted to the Council showing a return of less than 17.5%.

The Affordable Housing level has also been secured with a potential claw-back for further on or off site provision if the developer makes a reasonable return. The Council has also been able to secure the Affordable Workshop Space and substantial S106 contribution from the developer, which would be paid in phases linked to the development.

Affordable Workspace

The site lies very close and easily accessible to Wembley town centre, which is expected to deliver a large proportion of the Borough's future office and service sector jobs.

Unlike the majority of the other sites within the defined Alperton growth area, which are predominantly industrial in character, the former B&Q site has no recent class B employment history, industrial uses having ceased on the site at least by the early 1980's. For this reason, the site is considered by the Council to be one where the balance of uses should be residential-led and where the opportunity to provide higher densities than elsewhere in the Growth Area can be achieved.

Allowing for café style uses on the canal, the scheme does provide the opportunity to provide Class B1 studio-type space within Block 1 & 7 fronting Ealing Road, which at this location has a commercial character to its frontages.

The Council has identified the potential scope for a managed workspace provider to take space within the site that will be let to small businesses. The Council has also identified the potential opportunity for linkages to provide training and skills development in, for example, computer technology for local youth.

The applicants are in discussion with the Council in respect of the scale, type and management of the space.

Tenure Mix

The London Plan strategic target is that within the affordable element 70% of housing should be social and 30% intermediate provision, and of the promotion of mixed and balanced communities. However draft London Plan seeks to ensure that 60% is social housing and 40% is intermediate.

With respect to the proposed tenure mix, the scheme allows for a rented to intermediate ratio of 51:49 on a unit basis and ratio of 56:44 on a habitable room basis. Whilst slightly off the London Plan guidance of a rented to intermediate ration of 70:30, on balance this is considered acceptable in this particular case given the proposed block layout and density of the proposals, the pattern of supply on new build and pipeline developments in the proximity of the site and the financial viability of the scheme. The proposed unit size mix is acceptable in this case, with the social rented element notably providing 45% larger family accommodation on a habitable room basis.

Housing Choice

The existing and emerging London Plan requirement is that all new housing should be built to Lifetime Homes standards and that 10% should be wheelchair accessible or easily adaptable for

residents who are wheelchair users. The applicant commits to both the 16 Lifetime home standards and a minimum 10% wheelchair accessible or adaptable and therefore it is considered to be acceptable.

Quality of Accommodation

Block and Flats Layout

The application is proposing 7 slender shape blocks in a form of either a parallelogram or Trapezium. The blocks vary in width, at its widest point from 23m to 46m and at its narrowest point it goes down to 11m in width. However, they all have a depth of 9m. The block as described above generally maintains a gap of 20m or more between each other (except block 1 & 7 and when they are separated by new estate road within the site) as described above would allow adequate light into the proposed units and provide in most cases pleasant outlook.

Internal Arrangements

The proposed blocks (other than the ground and first floor of block 1 and 7 and part of ground floor of block 2, 4, 5 and 6) provides residential flats at all levels of the building. Internally, the buildings are designed to have a central area providing lifts and stairs and also a central corridor through which all the flats have access to their main doors. The floors with residential element comprises of 1, 3, 4, 5, 6, 7, 8 or 9 flats. The number of flats on each floor is determined by the block size and sizes of the flats proposed. The flats within the building separated by a central corridor would result in the corner flats with a dual aspect (i.e. N-E, N-W, S-E and S-W) and those located in the middle of the floor would have either a solely north or south facing aspect.

It should be noted that given the blocks are generally small with a maximum of 8 or nine flats per core, the opportunity for corner units has been maximised. As such most of the flats benefit from either a southerly, easterly or westerly aspect, with the number of flats with only a northerly aspect minimised and most of these face onto the canal with balcony access. The proposed flats therefore are considered to have adequate light and outlook and are considered to be acceptable.

Originally access to balcony space in general was provided to 97% of the 440 flats, with 12 of the 1-bed (type 1) flats not benefiting from balcony space. However, this issue has been resolved by the applicant agreeing to provide (at least 6m²) balconies to all the flats.

The proposal provides 48 types of flats comprising of 1-, 2-, 3- and 4-bedroom units. Originally all but 30 of these flats did not comply with the Council's minimum unit size standards set out in the Supplementary Planning Guidance 17 relating to "Design Guide for New Developments" and the Mayor's space standards as set out in table 3.3 and those set out in the draft London Housing Design Guide. However, this issue has now been addressed and all the 441 units within the proposed development now comply with the Council's "Minimum Unit Sizes" standards as set out in SPG 17 and Mayor's Space Standards in the current and draft London Plan.

Notwithstanding the above amendments made to the scheme, the response from the GLA is that the design team has considered the arrangement carefully and it is well executed.

Landscaping, Amenity and Play Space

The mater plan concept has sought to place buildings within a landscape setting rather than simple making the best of any "Land left over"

As a result the proposed development has a strong sense of openness, with a series of spaces linking the canal through the site, framed by buildings, but with the spaces connecting each other to create both the visual and physical permeability that has the potential to extend to surrounding sites as they come forward.

The series of spaces afford opportunities to create different character areas ranging from private balconies and patios, through communal areas for residents to significant new public realm adjacent to the canal that will act as a focal point for residents and visitors alike. Situated adjacent to the public realm are active uses such as cafes.

These areas provide a sense of place for both the residents and the public along the canal edge and give the scheme a wider community role than would be achieved if predominantly private space were provided.

The application is proposing amenity space in the form of the following:

- Zone 1 (Boules Piste -providing 2 x 14m long pistes for boules games) and Zone 2 (Canal Garden - providing water display and garden) located between Block 1 and 2
- Zone 3 (providing 3 Reading Gardens that would be quieter, protected spaces by use of hedges) located between Block 1 and 7, north of Block 6 and north of space between Block 5 and 6
- Zone 4 (Play Area – a large, secured playground space, equipped with recreational equipment for young children to play in) located between Block 5 and 6
- Zone 5 (Water Garden – providing 20m wide water pool, bringing the idea of canal in through the development) located between 2 & 3
- Zone 6 (Meadows – providing low level, vegetated land) located between 3 & 4
- Zone 7 (Canal Edge –providing hard-landscaped visual extensions to the buildings) located along the edge of the canal
- Zone 8 (Oak Garden – providing green area) located to the east of Block 5
- Zone 9 (Seasonal Garden – an area to contain flowers changing by season) located to the east of Block 4
- Zone 10 (Canal Size Pocket - (a woodland space supporting wildlife and ecological habitats) located at the far east side of the site adjacent to proposed town house)
- Private balconies of at least 6m² to all flats

The Council's "Amenity Space" standards are set out in the Supplementary Planning Guidance 17 relating to "Design Guide for New Development". The requirement is that a minimum of 50sq.m. of amenity space to be provided for a ground floor flat or house suitable for a family and a minimum of 20sq.m. amenity space to be provided for each unit in a block of flats.

The application is proposing in total 440 flats and 1 townhouse and therefore would need to provide a minimum of 8800sq.m. of communal amenity space and 50m² of private garden for the townhouse. In this case, the application is proposing a total of 11,340sq.m. (Comprising 4,906sq.m. Public and 6,434 Private) communal amenity space and this would result on average 26sq.m. amenity space to be provided per unit and this would be well in excess of the Council's minimum requirement for this development. The family townhouse provides ~149m² of amenity space against an SPG 17 requirement of 50m². The proposed amenity space therefore would comply with the Council's "Amenity Space" standards set out in SPG 17.

The sunlight and shadow analysis undertaken for the scheme demonstrates that external spaces will receive excellent level of sunlight.

The quality of public realm would add to the character of the setting of buildings such as Block 1 and also add to their attractiveness for residents, creating a greater opportunity for interaction.

Children's Play Space

Policy OS18 of the adopted UDP 2004 requires the provision of suitable play areas for pre-school and junior school children in residential developments. The GLA also require play space provisions set against quantitative guidelines (London Plan policy 3D.13)

The existing and draft London Plan require developments that include housing to make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.

Using the methodology within the Mayor’s supplementary Planning guidance “providing for Children and Young People’s Play and Informal Recreation” it is anticipated that there will be approximately 141 children within the development. The guidance sets a bench mark of 10sq.m. of useable child play space to be provided per child, with under 5-child play space provided on-site. As such the development should make provision for 1,410sq.m. of play space.

Table showing Child Occupancy

Age Range	Number of Children
Under 5 year olds	59
5-11 year olds	50
12-16 year olds	32
Total	141

The proposed development provides a total of 4,906sq.m of public open spaces in a form of various formal and informal zones including play area and educational spaces mentioned above, across the whole of the application site. All of the spaces are easily accessible by children of all accessibility levels. The total provision (i.e. 4,906sq.m.) would exceed the Mayor’s guidance target for play space. The proposed mix of spaces appears to be of high quality and will create play and open space opportunities consistent with the consistent with the current and emerging strategic policy on play space.

The applicant in their submission has provided some details of the treatment of the proposed amenity zones within the development site includes planting, planters, seating, play equipment and fountain etc.

The proposed amenity space and landscaping details have been assessed by the Council’s Landscape Designer. In general the quality of the design and ideas illustrated are very good. However, with regards to the original proposal there were required to the proposed amenity zones in terms of how best they can be treated and laid out on the site together with more detail information required for planting, hard materials and future maintenance. However, most of the landscape concerns have now been addressed to their satisfaction in the partly “Design and Access” statements and landscaped proposal for the site. The outstanding issues relating to further details of planting, hard materials and management plan is now agreed to be dealt via condition for consideration at a later date. Landscape condition to this effect is now attached.

Landscaping

The landscaping around all sides of the site is designed to integrate and harmonise with the buildings and the public realm. The main entrance square, which is approximately 40m wide, is the focal point landscape space at the heart of the site. This space contains a boules piste and a canal garden and is sheltered on two sides by buildings, plus is intended as a practical play space for all residents and visitors alike.

It is not intended for the amenity space to be closed off to the public. Pedestrians are able to walk through the space from north to south to encourage permeability. Although, it is more likely that the main pedestrian desire lines will be around the outside of the site rather than through it.

It is intended that vehicles enter and pass through via a central road, which is a shared surface of stones sets, and not large expanses of tarmac. This central road enables servicing, delivery, refuse collection, biomass delivery and fire tenders all to access each building, as well as some visitors parking. The shared surface wraps around a softer landscaped area of lawns and planting.

Further details relating to planting species and materials are suggested in the landscaped drawing as part of this planning application. However, it would be subject to a condition requiring these details of the landscaping to be considered at a later date.

Lighting

The application in its original "Design and Access Statement" suggests a lighting strategy across the scheme. It suggests that all access ramps, stairways and circulation space would be lit using low level down-lights. Additional light feature could be used to light the boules pistes, canal garden, play space and water garden pool. All lighting would be designed in place to meet standards for ensuring security during evening and night time hours.

It is suggested that lighting will be used where it will be most effective, keeping in balance with that of the surrounding housing, and considering views from the surrounding landscape, avoiding any light spillage. All lighting will have hours of operation kept to a minimum, and numbers will be kept down to as few as possible in order not to contribute to urban sky glow.

The lighting of the scheme has been discussed with the Crime Prevention Design Advisor's from Secure by Design and it is suggested that proposed lighting should be spread uniformly and evenly across the public spaces. Lighting will also be needed along the towpath. The light of the proposed development at this stage is subject of a condition requiring the applicant to develop the whole lighting strategy for the site as an integral element of the detailed landscaping scheme to be considered at a later stage.

Transportation

The proposal in general terms involves comprehensive redevelopment of the site to provide a mixed-use development with seven blocks, comprising 441 residential units (181 x 1-bed, 190 x 2-bed, 58 x 3-bed and 12 x 4-bed, of which 44 (28 x 2-bed, 12 x 3-bed & 4 x 4-bed) are shown for social rented housing). The seven commercial units between 38m² - 446m² (totalling 1438m²) are proposed within ground floor of Block 1, 2 and 7 of which two units fronting the canal would have outdoor seating areas. To support the development, the proposal is also to create one lane new estate road that would go around all the blocks within the site while make use of the existing main access into the site off Ealing Road. The estate road would provide vehicular access for all vehicles to the site, which distribute either into the basement car parking or pass through the central shared surface route providing access to all blocks of the development.

It is proposed that the estate road would also be used for delivery, servicing and on- temporary parking intended for delivery and service vehicles, and also for around 56 or so car parking spaces for residents/visitors of the estate.

There are several routes through which pedestrian can access the site. However, the main entrance being the canal edge which is open to all including cyclist.

The proposal makes provision for car parking in the form of underground and on-street car parking and cycle parking.

The application is accompanied by plans demonstrating the above and Transport Assessment Document.

The scheme from transportation point of view has been subject of lengthy discussions and amendments since its original submission and it is now believed to have been resolved and awaiting formal plan submission and confirmation of it being acceptable from transportation. This report would therefore highlight the main changes proposed to the original scheme, parts that are acceptable and part awaiting a formal plan submission and of it being acceptable by transportation. It should be noted that informally whole scheme on transportation grounds has been resolved this also includes condition and requirements to be met under section 106 agreement.

The following section highlights the main changes to the original scheme:

The revised proposal as before involves the comprehensive redevelopment of the site to provide a mixed-use development with seven blocks, comprising 441 residential units. However, changes to the layout of Block 1 to reduce eight of the 3-bedroom units to 2-bedroom units has now affected the number of units proposed in the original scheme in that block and it would now be (181 x 1-bed, 190 x 2-bed, 58 x 3-bed and 12 x 4-bed, of which 44 (28 x 2-bed, 12 x 3-bed & 4 x 4-bed) are shown for social rented housing). The proposal for seven commercial units between 38m² - 446m² (totalling 1438m²) within ground floor of Block 1, 2 and 7 of which two units fronting the canal would have outdoor seating areas remains as the same as before. The proposal involves one way loop round the estate.

Since the original submission a large number of relatively minor amendments have also been made to the layout of the roads. The northern arm of the loop road is now formally designated as a shared surface zone, whilst traffic will be routed around the site in a one-way route clockwise. Nevertheless, the previously indicated parking spaces along side that stretch have been removed and together with other alterations to break up the long line of parking along the southern boundary of the site with landscaping and improved pedestrian access routes, there is an overall reduction in parking at ground floor level to 60 spaces (including 11 disabled) and two Car Club spaces. In the original scheme surface car parking was 71 spaces (including 13 disabled).

Basement parking has also been reduced to 177 spaces (including 17 disabled), taking the overall provision to 237 spaces (including 28 disabled). The basement access has been widened to provide two 3m lanes, with 300mm margins to the walls and a 300mm central margin. It should be noted that in the original scheme 181 car parking spaces (including 17 disabled) were proposed at basement level. The total car parking proposed was 252 (including 30 disabled).

With regards bicycle parking notes on the drawing suggest that 478 bicycle parking spaces are to be provided around the site, but the drawings actually detail only 318 spaces (including 138 in the basement, 120 in ground floor store rooms to the flats and 60 external spaces).

Drawings have also been submitted by the transport consultants showing an amended design for the transition road and access onto Ealing Road (although these changes have yet to be reflected on the architectural drawings), reducing its carriageway width to about 10m, with a 2.5m wide pedestrian island and an increased footway along its southern side.

The parking bay in front of the pedestrian access between 249 & 253 Ealing Road has now been removed to improve the usefulness of this link, whilst an additional pedestrian connection is now shown onto the Grand Union canal towpath at the eastern end of the site.

Assessment of Revised Scheme

The above revised plans are submitted to address the concerns raised to original proposal which related to the following:

- Travel Plan- It should be noted that proposal originally submitted as set out below failed to comply with the transportation policies on the grounds of its impact of any overspill parking from the site on traffic flow and road safety in the area and therefore it was concluded that unless some very significant intervention are made in terms of Travel Plan measures and parking restraint in the area, there is a strong likelihood that significant levels of overspill parking on nearby streets and obstructive on-street parking within the estates would arise from this development, adding to the existing parking problems in the surrounding area. The developers have agreed to submit a Travel Plan. However, due to the tight timescale there is insufficient time available to secure this in time for the committee and therefore it has been now agreed that the Travel Plan for the development would be secured through

the Section 106 agreement, with the stipulation that it be approved prior to occupation of the site and setting out clearly the car ownership penalty set out above. The section 106 will also include “car free” clauses (in the event that a CPZ is introduced in the area in future) and a general financial contribution of £490, 000 towards non-car access improvements.

- Cycle Parking – Standard PS16 requires at least one secure bicycle parking space to be provided for each flat, giving a total residential requirement for 440 spaces in addition to a further 12 publicly accessible spaces are required for the commercial units. It is stated on the drawings that 478 spaces will be provided (which would satisfy requirements) however, the details on the drawings shows only 318 spaces, which falls well short of standards. It has now been agreed that further details is therefore required demonstrating how the stated numbers of spaces are to be accommodated before bicycle parking provision can be accepted. Therefore a condition is attached to provide further details of full bicycle provision to be considered at a later date.
- Servicing – In the original scheme there was some concern regarding the location of the refuse store rooms for Blocks 03 and 05, being more than 10m from any access road. However, as before it has been agreed that unless Streetcare agree that it is not necessary, the stores should be transposed with the bicycle stores, to bring them closer to the shared surface street.
- Access – In the original proposal the principle of access, utilising the existing arm from the Ealing Road signal controlled junction and thereafter providing a loop road around the site was considered to be acceptable. However, there were major concerns with regards to the layout of the access road, which had not been given sufficient consideration. In the revised scheme, the clarification on the intended use of the loop road, with a clockwise one-way system proposed around the estate is welcomed. However, the proposed arrangement regarding the most appropriate way to circulate traffic around the site has recently been discussed and agreed and to this a further revised plan taking on board the suggests made by transportation has been produced by developers in a sketch form and this approved sketch is now been formalised in a plan to be submitted in due course. Your officer is therefore awaiting a formal plan from developers and its confirmation of acceptance from transportation although informally it has been approved by transportation. However, the outcome of this would be further covered in the supplementary report to the committee.
- The impact of all the above changes is that the parking provision has been further reduced to 237 spaces, with the basement parking spaces to be allocated to the private housing and the surface spaces to the affordable housing. This represents an overall ratio of 0.537 cars/household, which again falls well below the anticipated likely car ownership for the site (now 380 cars). The previously suggested car ownership target within the Travel Plan will therefore need to be adjusted accordingly, with the threshold above which penalty payments towards introducing a CPZ (or other transport measures) kick-in falling to 0.54 cars/household (or 54% car ownership). As before, a penalty rate of £25,000 per percentage point by which this target is exceeded is recommended.
- The widening of the access to the basement car park to 2 x 3m lanes with 300mm margins is welcomed and now complies with the standards.
- With regards to the other proposed changes, the breaking up of the long line of perpendicular parking spaces along the southern edge of the site is welcomed, as is the removal of the parking bay from in front of the pedestrian route between 249 & 253 Ealing Road. The existing crossover at the other end of that path will need to be reinstated to footway at the developer’s expense and to this effect a condition is attached.
- The reduction in width of the transition road access from Ealing Road to facilitate widening of the pedestrian refuge and the southern footway as shown on the transport consultant's drawing is also welcomed, Tracking plots have been provided to show that the junction can still accommodate deliver and service vehicles.
- Further to the previous comments and after further consideration, it should not actually be necessary to provide a staggered pedestrian crossing at the site entrance after all, as a full width straight pedestrian crossing phase would be able to operate in parallel with the right turn traffic phase into Glacier Way, As, such, the layout shown should be acceptable, subject to the addition of a formal push-button pedestrian crossing phase across the site

access junction., with the dedicated right-turn phase into the site removed. Further modelling of this revised operation , together with modelling of the linked timing with the adjoining Carlyon Close and Bridgewater Road junctions, would be beneficial in order to confirm that these arrangement would operate satisfactorily.

- Car Club -The designation of two spaces for Car Club vehicles is welcomed, whilst provision should also be made for an electric car charging point and this is covered under head of terms of the agreed Section 106 stated in the report.
- Disabled Parking – Disabled parking provision has also been reduced to 28 spaces, but this is still sufficient to satisfy the requirements of standard PS15 set out in the adopted UDP 2004.
- Summary - In summary transport requirements are subject to a Section 106 Agreement to secure: (i) a Travel Plan (incl. strict binding penalties based upon car ownership targets); (ii) a financial contribution of £490,000 towards off-site transport improvements; (iii) a car-free agreement (to apply in the event of a CPZ being introduced in the area); and (iv) an agreement under S38/S278 of the Highways Act 1980 for amendments to the site access junction (to include provision of a pedestrian crossing phase across the site access junction) and adoption of the access road, plus a condition requiring reinstatement of the redundant crossover between 249 & 253 Ealing Road to footway at the developer's expense.

Comments on Objections received

The objections received from the local residents are similar to those raised during the pre- and post application consultation carried out by the developers. It would be therefore be best to look at the process of consultation carried out by the developers and how they objections have been addressed in the application.

The applicant has commissioned “Green Issues Communications” a specialist independent community relations consultancy to carry out extensive pre- and post-application consultation with the local community and other key stake holders (i.e. local residents and their representatives, Ward and neighbouring Ward Councillors, the MP, Greater London Authority, British Waterways, the Fire and Police Authorities, the Environment Agency and officers of the Council) to involve them in the development proposal. As part of the consultation process a range of consultation mechanisms were put in place that have enabled comments from residents, their elected representatives and other key stakeholders to be fed into the development proposals. The comprehensive consultation took place in a form of direct contact with Councillors, direct letters local residents, a direct contact number to a Green Issues manager and a public exhibition.

The feed-back received, were related to the concern over the height and scale of the original scheme, improvement to the local environment (including the canal) , transport issues, provision for community facilities, security and provision for open spaces and children play area.

The above issues have been dealt with in the following way:

The proposed height, scale and siting of the blocks within the site has been constantly reviewed since the evolution of the original scheme bearing in mind the impact it could have on nearby properties and residents (in particular those in Carlyon Close. The height of the scheme has been reduced to address resident's concern over the overall height of the scheme and the potential overlooking. For example, the building (i.e. Block 5) nearest to Carlyon Close has been reduced from 12-storey to 6-storey in height. Also, the height of the “feature” building adjacent to the canal bridge has been reduced from 18 to 14 storeys. Improvements to the layout of the scheme have also been made to increase the spacing between the buildings and the manner buildings have been laid out on the site. The nearest building (block 5) would maintain approximately 36m to 45m distance between the nearest residential properties in Carlyon Close. The blocks within the site are also laid out in the manner that it would not be in a direct view of the windows of houses in Carlyon Close. The application scheme has been fully assessed and complies with the Council's standards and policies designed to minimise its impact on the amenities if its neighbouring occupiers and

therefore the proposal is not considered to cause any significant loss of light, privacy and outlook for the local residents.

With regards to transport issues, the development proposes car and cycle parking spaces along with car club and Green Travel Plan for the site to ensure that residents in the development would have minimal reliance on private cars, reflecting the essential character of a sustainable scheme. The development also proposes a new estate road and improvements to the signalised junctions nearby. The development to address all issues of concern has been a subject of lengthy discussion over a period of time with Council's transport officers and has led to significant amendments during the course of the application to ensure that the development does not give rise to any significant problems in the surrounding areas of the site. The development would also be subject to Section 106 agreement requiring prior to occupation of the buildings to submit and gain approval for and adhere to a residential Travel Plan, with compensation if the targets are not met. The developer has also agreed to a car-free agreement (to apply in the event of a CPZ being introduced in the area) and also a S38/S278 agreement for amendments to the site access junction, including signal changes, land set aside for potential routes through and adoption of the access road. The proposal subject to the above is not considered to have any significant problems in the nearby streets.

With regards to concern about crime the proposal would include number of measures such as improve the environment of the canal, generate more activity towards the canal by introducing A3 type uses with seating to the canal frontage, improved lighting and may be CCTV within the development and the canal, improved linkage between open spaces in the development and canal creating interesting public/private spaces.

With regards to other issues, the development is considered to be of high quality, would meet the needs of the local housing, regenerate the area, lead to improvement on the current land uses, create much needed community facility and enhancement of the canal. The proposed development in terms of its size, siting, design and provision it makes is supported and welcomed by all stakeholders.

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With regards to GLA comments in their first referral, the principle of the development on the site is supported. However, there are certain issues that required further information to ensure that it is fully justified in terms of both the existing and emerging London Plan. Both the Local Planning Authority and the developers since then have submitted the relevant information to GLA and are awaiting their comments which is likely to be received in their second referral letter. The Local Planning Authority believes that all the issues raised by GLA are now addressed and it is likely that the development would be fully supported.

Initially the Environment Agency has concern regarding the Buffer Zone to the canal and Flood Risk Assessment submission. However, during the course of this application, the developers liaised with the agency and now all the issues have been resolved. The Agency no longer has objection to the proposal subject to their recommended conditions which are now attached to the report.

British Waterway right from the initial consultation supported the proposal subject to their recommended conditions which are intended to address safety issues for canal users and the visual amenity of the canal. The recommended conditions are attached to the report.

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
Central Government Guidance
Council's Supplementary Planning Guidance 17 relating to "Design Guide for New Development"

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

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

CONDITIONS/REASONS:

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

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

- (2) 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.

- (3) Activities within the proposed community building including any associated loading or unloading operations shall only be permitted between 0800 - 2230 hours Sundays to Thursdays and 0800 - 2300 hours Fridays and Saturdays, with the premises cleared within 30 minutes after these times.

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

- (4) No water tank, air conditioning plant, lift motor room or other roof structure shall be erected above the level of the roof hereby approved without the further written consent of the Local Planning Authority.

Reason: To ensure that such further structure(s) do not prejudice the amenity of the

neighbouring occupiers or the appearance of the development in the interests of the visual amenities of the locality.

- (5) No development shall take place on site until full details of the proposed landscaping scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with British Waterways. The landscaping scheme should include reference to plant species types, surface treatments, fences and walls, any signage and information boards together with the means of on-going maintenance for a five year period. The approved landscaping scheme shall be implemented by the first planting scheme after the development commences [trigger date to be agreed subject to phasing details].

Reason: In the interest of preserving open views to and from the canal, the living environment for future residents and enhancing the canal setting.

- (6) Prior to the commencement of development a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water must be submitted and approved in writing by the local planning authority in consultation with British Waterways. The risk assessment shall also include details of the proposed safety equipment along the canal frontage, which shall be installed prior to [trigger date to be agreed subject to phasing details].”

Reason: In the interests of health and safety of canal users and visual amenity.

- (7) Prior to the commencement of the development hereby approved a survey of the condition of the waterway wall, and a method statement and schedule of the repairs identified shall be submitted to and approved in writing by the Local Planning Authority, in consultation with British Waterways. Any heritage features and materials identified by the survey shall be made available for inspection by British Waterways and where appropriate, preserved in –situ or reclaimed and re-used elsewhere on site or on a nearby waterway wall. The repair works identified shall be carried out in accordance with the method statement and repairs schedule by a date to be agreed in the repairs schedule.

Reason: In the interest of the structural integrity of the waterway wall, waterway heritage, navigational safety and visual amenity.

- (8) Prior to the commencement of the development hereby permitted, full details of the proposed lighting and CCTV scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with British Waterways. The approved lighting and CCTV scheme should be implemented prior to first occupation of the development.

Reason: In the interest of crime prevention, ecology, visual amenity and the canal setting.

- (9) Before development is commenced, a feasibility study shall be carried out to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (waste and recyclates). The use of waterborne transport shall be maximised during the construction of the development unless the above assessment demonstrates that such use of the canal is not physically or economically feasible.

Reason: To encourage the use of the canal for transporting waste and bulk materials in accordance with Blue Ribbon Network Policies 3C.25, 4C.8 & 4C.20 of the Consolidated London Plan, 2008

- (10) Prior to commencement of the development the applicant shall submit in writing to the local planning authority, an air quality impact assessment that shall be conducted in accordance with an agreed methodology, must take into account the cumulative effect of all development in the area and detail all mitigation measures.

All mitigation measures shall be agreed and approved by the planning authority before implementation.

Reason: To safeguard future and current residents from poor air quality

- (11) Unless otherwise agreed in writing by the Local Planning Authority and save for Temporary Works, no development shall be commenced until a Construction Method and Management Statement in respect of those works has been submitted to and approved in writing by the Local Planning Authority.

All Construction Method and Management Statements submitted pursuant to this condition shall include the following:

- (a)-details of environmental mitigation measures for the relevant area to minimise the impact of construction.
- (b)-details of a lighting scheme for use during demolition and construction of development within the relevant Zone: and
- (c)-details of how construction of development within the relevant Zone will be managed.

Reason: To safeguard future and current residents from poor air quality

- (12) The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by the operation. This must include:
- damping down materials during demolition and construction, particularly in dry weather conditions,
 - minimising the drop height of materials by using chutes to discharge material and damping down the skips/ spoil tips as material is discharged,
 - sheeting of lorry loads during haulage and employing particulate traps on HGVs wherever possible,
 - ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
 - utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
 - install and operate a wheel washing facility to ensure dust/debris are not carried onto the road by vehicles exiting the site.
 - the use of demolition equipment that minimises the creation of dust.

Reason: To minimise dust arising from the operation.

- (13) Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any contamination

present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

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

- (15) (a) The applicant shall ensure that the proposed car park is adequately ventilated to prevent the accumulation of vehicle exhaust gases such as carbon monoxide. Details of the proposed extract/ ventilation equipment including ducting shall be submitted to the Local Planning Authority for approval prior to installation.

The equipment approved shall thereafter be operated at all times when the car park is in use and maintained in accordance with the manufacturer's instructions

(b) The applicant shall ensure that any ducting installed does not exhaust close to windows, air conditioning inlets or other areas where the potential to cause nuisance exists.

(c) Car ventilation outlets should be placed where natural dispersion will not be inhibited, and not in enclosed areas where re-circulating air may lead to a build up of pollutants.

Reason: To safeguard the amenities of occupiers to adjoining properties.

- (16) The development hereby permitted shall not commence until the particulars of the proposed biomass boiler, namely the specification of the plant, arrangement for its operation and maintenance, stack heights, fuel type and boiler locations are submitted to and approved by the local planning authority. Equipment installed thereafter shall be operated at all times and maintained in accordance with the manufacturers' instructions.

Reason: To safeguard the amenity of future and current residents from poor air quality.

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

Criterion	Typical situations	Design range LAeq, T
Reasonable resting	Living rooms	30 – 40 dB (day: T =16 hours 07:00 –

conditions		23:00)
Reasonable sleeping conditions	Bedrooms	30 – 35 dB (night: T = 8 hours 23:00 – 07:00) LAmax 45 dB (night 23:00 – 07:00)

Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers or future occupiers of the site.
(17)

- (18) During demolition and construction on site:-
1. The best practical means available in accordance with British Standard Codes of practice 5228:1997 Parts 1 to 4 -Noise and vibration control on construction and open sites. Guide to noise and vibration control legislation for construction and demolition including road construction and maintenance.
 2. Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

Monday to Fridays 08:00 to 18:00
Saturday 08:00 to 13:00
At no time on Sundays or Bank Holidays

- (19) Prior to the occupation of the dwellings the result of the pre-completion tests, undertaken in accordance with Building Regulations Document E 2003, shall be submitted to and approved by the local planning authority.

Reason: To safeguard the amenity of future occupants.

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

1. Limiting the surface water run-off generated by the 1 in 100 year critical storm, taking into account the effects of climate change to the greenfield rate of 37.2l/s, so that it will not increase the risk of flooding off-site.
2. Provision of an appropriate volume of storage on site to attenuated all storm events, up to and including the 1 in 100 year event, taking into account the effects of climate change.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

- (21) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding.

- (22) Notwithstanding the plans hereby submitted and approved the redundant crossover between No. 249 & 253 Ealing Road shall be reinstated to footway at the developer's expense.

Reason: To ensure a satisfactory development that does not prejudice the conditions of safety for pedestrians on the public highway.

- (23) Notwithstanding the plans hereby submitted and approved further details of the provision of 478 secure bicycle parking spaces demonstrating how these stated number of spaces shall be accommodated within a secure shelter within the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure that proposed development provide satisfactory facilities for cyclists in accordance with the Council's Policy TRN11 and standard PS16 of the adopted Unitary Development Plan 2004.

- (24) Details of lighting, baffled so as to avoid glare, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, for
- (a) roads;
 - (b) footpaths;
 - (c) neighbouring properties.

The approved details shall be fully implemented.

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

- (25) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped and a scheme is to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed:-
- (a) prior to occupation of the building(s).
 - (b) within 18 months of commencement of the development hereby approved.

Such scheme shall also indicate:-

- (i) Proposed boundary treatments including walls and fencing, indicating materials and heights.
- (ii) Screen planting on boundary the [north, south, east & west] boundary.
- (iii) Hard Surfaces including details of materials and finishes. These should have a permeable construction.
- (iv) Existing contours and levels and any alteration of the ground levels, such as earth mounding.
- (v) The location of all proposed signage on site.
- (vi) The location and details of all proposed furniture and lighting including but not limited to bollards, litterbins, light columns and up lights.
- (vii) All planting including location, species, size, number and density.
- (viii) A 5 year maintenance plan showing aims and objectives and details for maintenance of hard and soft landscaping.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become

diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory 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.

- (26) A landscape Management Plan for all hard and soft landscape areas is to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. This should comprise a maintenance schedule and any specific management duties and may include any of the following:-
- (i) Regular watering of trees/shrubs, especially during dry periods in the first 2 years of establishment.
 - (ii) Spot weeding and application of appropriate herbicides or fungicides if necessary mu.
 - (iii) Inspection and checking of all plants and for health and/or damage to plants.
 - (iv) Mowing/grass-cutting regimes to amenity lawns, sports turf, rough grass or wildflower grass.
 - (v) Loosening of tree ties, mulching, necessary removal of tree stakes and pruning if necessary.
 - (vi) Necessary pruning, dead heading, trimming, mulching of shrubs.
 - (vii) Removal of litter, debris or any other detrimental material from all hard and soft landscape.
 - (viii) Digging over, aerating, composting, mulching application of fertilizer as appropriate to soils.
 - (ix) Care not to damage any trees or shrubs by mowing/strimming and adding protection as required.
 - (x) Cleaning and necessary repair of hard surfacing or hard landscape element.

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 the survival and ongoing vitality and of all plants and soft landscape. To ensure that the environment for the local community and residents continues to remain pleasant and attractive indefinitely. To prevent any financial loss due to neglect, sickness and/or damage to any plants.

- (27) Details of all play spaces shown on the approved plans are to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed prior to occupation of the building(s).

Such scheme shall also indicate:-

- (i) Any proposed boundary treatments including walls and fencing, indicating materials and heights.

- (ii) Equipment including details of types of equipment to be installed.
- (iii) Surfaces including details of materials and finishes.
- (iv) Existing contours and levels and any alteration of the ground levels, such as earth mounding.
- (v) All planting including location, species, size, number and density.
- (vi) The location of all proposed signage on site.
- (vii) The location and details of all proposed furniture and lighting including but not limited to bollards, litterbins, light columns and up lights.

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

Reason: To ensure a satisfactory appearance and setting of development so that the facilities provide a benefit to the local community and residents.

- (28) Prior to commencement of any demolition/construction work, an ecological survey of the site, or any part thereof identified by the Local Planning Authority, shall be carried out, and details, including an assessment of the impact of the proposed development and any measure to alleviate this, shall be submitted to and approved by the LPA concurrently with the site layout drawings.

Landscape proposals must be shown to increase the biodiversity and enhance the ecology of the proposed site through the use of creation of natural and semi-natural habitats, planting of native flora and implementation of nesting opportunities for native fauna.

Reason(s):

To protect and enhance the site and adjacent land to increase the biodiversity of the borough and to strengthen and support any wildlife pockets within or in the vicinity of the development.

- (29) No development shall commence (excluding the car and coach park) until a detailed phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan.

Reason: In order to ensure that the development is correctly phased in the interests of the proper planning of the area.

- (30) No development shall commence until a detailed phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan.

Reason: In order to ensure that the development is correctly phased in the interests of the proper planning of the area.

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

-Design & Access Statement incorporating Lighting Strategy by Squire and Partners dated August 2009

-Energy Statement by AECOM dated August 2009
-Planning Application Drawings by Squire and Partners dated 26th August 2009, 30th November 2009 & 17 December 2009:

Revised Drawings Received on 17/12/2009

- P_B1_G200_003A - Proposed Masterplan: Proposed Basement Plan dated 13/12/2009
- P_00_G200_003A - Proposed Masterplan: Proposed Ground Floor Plan dated 13/12/2009
- P_01_G200_003A - Proposed Masterplan: Proposed First Floor Plan dated 14/12/2009
- P_31_G200_003A - Proposed Masterplan: Proposed Third Floor dated 14/12/2009
- P_04_G200_003A - Proposed Masterplan: Proposed Fourth Floor Plan dated 13/12/2009
- P_06_G200_003A - Proposed Masterplan: Proposed Sixth Floor Plan dated 14/12/2009
- P_09_G200_003A - Proposed Masterplan: Proposed Ninth Floor Plan dated 14/12/2009
- P_11_G200_003A - Proposed Masterplan: Proposed Eleventh to Thirteenth Floor Plan dated 14/12/2009
- P_RF_G200_003A - Proposed Masterplan: Proposed Roof Plan dated 15/12/2009
- 30223/032AC - Revised Kerbs and Parking Swept Path of Large Refuse Vehicle (9.86) dated 11/12/2009
- B3_P_00_F000_001A Block 3 Ground Floor Plan Area Proof dated 13/12/2009
- B3_P_04_F000_001A Block 3 Typical Plan Floors 02, 04, 06, 08 Area Proof dated 14/12/2009
- 1.7 Green Roofs
- 1.8 Landscape Areas - Design Aim

Revised

-Daylight and Sunlight Report by Gordon Ingram Associates (GIA) dated 27th August 2009
-Planning Statement by Austin Mackie Associates (ama) Ltd dated August 2009
-Transport Assessment by Transport Planning Practice (TPP) dated August 2009
-Archaeological desk-based assessment by Museum of London Archaeology dated August 2009
-Document (containing Ecological Survey of the Site) by AECOM dated 4th August 2009
-Planning Policy Guidance 24 Assessment by AECOM dated August 2009
-Air Quality Assessment by AECOM dated August 2009
-Flood Risk Assessment Report by AECOM dated August 2009
-Sustainability Statement by AECOM dated August 2009
-Phase II Site Investigation by ENVIRON dated 20th August 2009
-Statement of Community Engagement prepared by Green Issues Communication dated August 2009
-Schedule of Gross External Areas by Squire and Partners dated 7th August 2009
-Initial Affordable Housing Statement by Savills dated August 2009
-Report on Existing Utility Services Revision A by Harley Haddow Consulting Engineers
-Initial Site Waste Management Strategy
-Draft Indicative s106 HoT's for Planning Submission

Reason: To ensure a satisfactory development.

INFORMATIVES:

- (1) “The applicant is advised that any discharge of surface water into the waterways requires British Waterway’s written permission before development commences. Please contact Ben Loader in British Waterways London’s Estate Team on 020 7985 7288 for further information.”

“In the event of any balcony overhangs or other encroachments into British Waterway’s airspace, land or water, the applicant must enter into an appropriate commercial agreement with British Waterways before development commences. Please contact Ben Loader in British Waterways London’s Estate Team on 020 7985 7288 for further information.”

“Any access from the towpath, closures of the towpath or scaffolding oversailing British Waterway’s land or water during the construction must be agreed in writing with British Waterways before development commences. Please contact Ben Loader in British Waterways London’s Estate Team on 020 7985 7288 for further information.”

“The applicant/developer is advised to contact British Waterways London’s third party works engineer in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways’ “Code of Practice for Works affecting British Waterways” .

"Any closures of the towpath during the construction must be agreed in writing with Ben Loader in British Waterways London’s Estate Team on 020 7985 7288 before development commences.”

- (2) The applicant is advised that any information submitted in respect of the proposed biomass boiler must be accompanied by details of vehicles associated with fuel deliveries, fuel storage locations, and how this relates to adjacent sensitive land uses. For large schemes, a Zone of Visual Impact map of the chimney, and photomontages of the plant from selected viewpoints will also be required as well as details of air and noise emissions and an assessment of their impact.
- (3)
- Approved Document E (July 2003) of the building regulations shall be complied with.
 - Building Bulletin 93 Acoustic design in Schools
 - Single aspect design (i.e. kitchen/bathrooms used as a buffer between external façade and living area) is encouraged to achieve the required internal noise levels.
 - Courtyard design – consideration should be given to reducing noise from reflections in communal areas.
 - Lighting should be diffuse, downward pointing and low level. Energy usage and saving is a key issue in the promotion of Sustainable Development. Lighting should not exceed the minimum required to reduce both unnecessary energy

- consumption and intrusiveness to local residents and the natural environment.
- Telecommunications -(Planning Policy Guidance note 8:Telecommunications).In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them. It is therefore incumbent upon the applicant to demonstrate that the proposed mast/base station meets the ICNIRP guidelines.
- Electricity Substations - The development should be constructed with regard to current ICNIRP guidelines for limiting exposure to time-varying electric, magnetic and electromagnetic fields.

- (4) "Surface Water Drainage" is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separated and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water recommends that petrol/oil interceptions be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local water courses.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. It is further recommended, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering block drains, sewage flooding and pollution to water courses. Further information on the above is available in a leaflet, "Best Management Practices for Catering Establishments" which can be requested by telephoning 020 8507 4321.

With regards to "Water Supply", this comes within the area covered by the Three Valleys Water Company. For information the address to write to is - Three Valleys Water Company P.O. Box 48, Bishops Rise, Hatfield, Herts, AL10 9AL Tel - (01707) 268111.

- (5) In order to check that any proposed stormwater system meets the Environment Agency's requirements, it is required that the following information be provided:
- a) A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds and soakaways. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
 - b) Confirmation of the critical storm duration.
 - c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be

submitted in accordance with BRE digest 365.

- d) Where on site attenuation is achieved through attenuation ponds or similar, calculations showing the volume of these are also required.
 - e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
 - f) Calculations should demonstrate how the system operates during a 1 in 100 year critical duration storm event. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths.
- (6) 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.
 - (7) Where existing point(s) of access are to be closed, any reinstatement of the crossings proposed or which are deemed necessary by the Local Planning Authority shall be carried out by the Council at the applicant's expense. You are therefore advised to contact the Council's Streetcare Section, Brent House, 349 High Road, Wembley HA9 6BZ Tel 0181 937 5050 for further details as soon as possible.
 - (8) Attention is drawn to the provisions of s151 of the Highways Act 1980, which requires that all construction vehicles leaving the site must be cleansed as necessary to avoid depositing mud and other material onto neighbouring roads.
 - (9) The details required in the above landscape conditions (no. 25 to 28) should relate to and conform with the comments made in the internal memorandum dated 14th December 2009, a copy of which is attached to the planning permission for your information.

REFERENCE DOCUMENTS:

1. Adopted Unitary Development Plan 2004
2. Supplementary Planning Guidance 17 relating to "Design Guide for New Development"
3. 5 letters of objections from neighbouring occupiers surrounding the site.

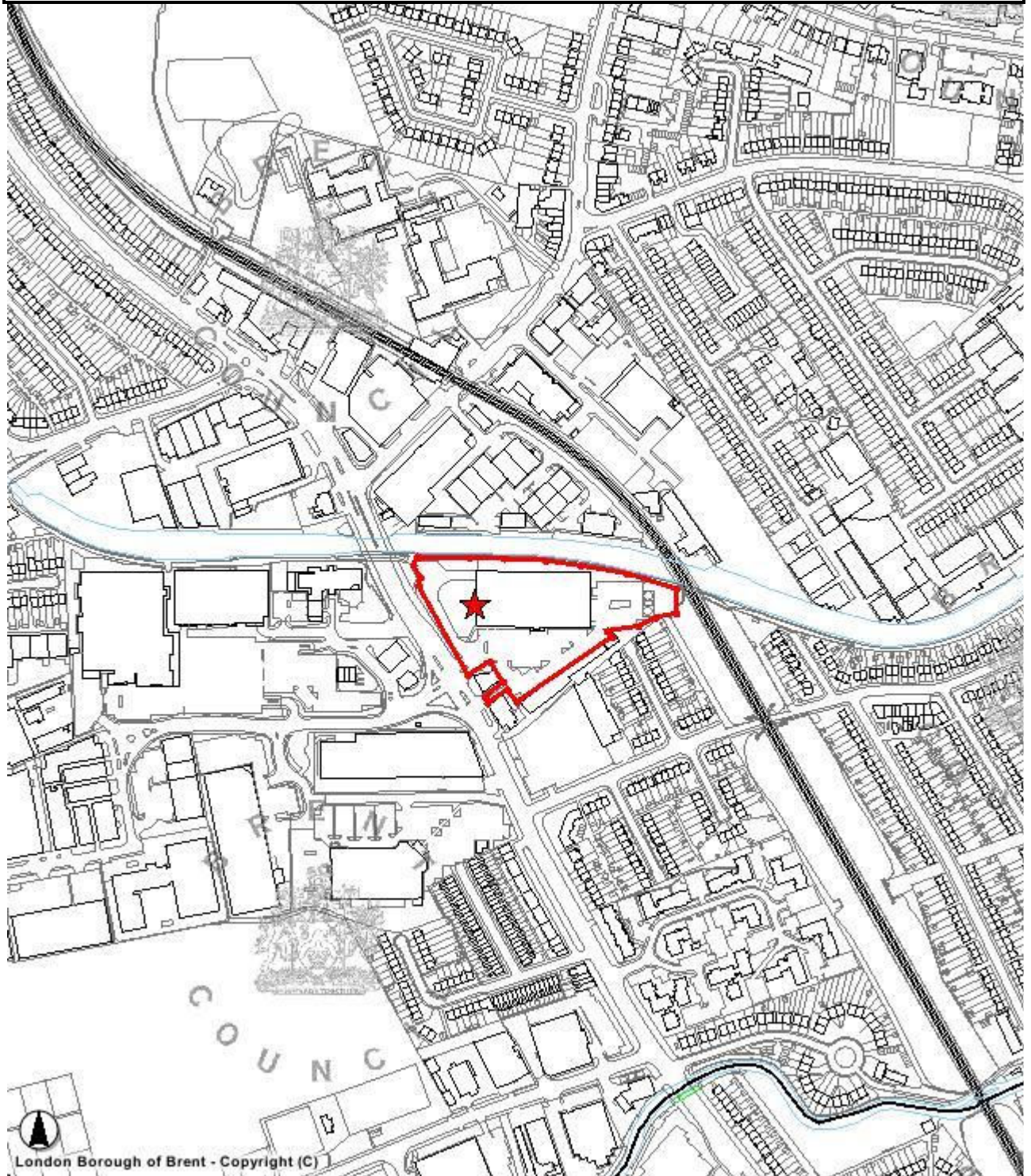
Any person wishing to inspect the above papers should contact Mumtaz Patel, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5244



Planning Committee Map

Site address: 243 Ealing Road, Wembley, HA0 4LF

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This map is indicative only.

Location	243 Ealing Road, Wembley, HA0 4LF
Description	Demolition of existing building, erection of 7 blocks (1 x 14 storeys, 3 x 11 storeys, 1 x 10 storeys & 2 x 6 storeys) comprising 440 flats and commercial and community space at ground-floor level, the erection of a three-storey detached dwellinghouse, the provision of 237 parking spaces including 30 disabled parking spaces at basement and ground-floor level, associated landscaping and provision of private and public amenity space (as amended by revised plans received on 30th November 2009, January 2010).

Agenda Page Number: 93-130

Site Visit

Following the committee site visit members asked for confirmation that the Environment Agency concerns have been properly addressed.

Response

The Environment Agency has confirmed in a letter dated 29/12/2009 that the revised Flood Risk Assessment, Revision B, dated November 2009 submitted by the developers is acceptable subject to conditions requiring the mitigation measures set out in the revised FRA are fully implemented and that a scheme for dealing with surface water drainage based on sustainable drainage principles has been submitted and approved prior to the commencement of the development. Conditions 20 and 21 cover these points.

EIA Screening Opinion

The Council has assessed (under officers' delegated powers) a screening opinion to determine whether this development is EIA development and therefore requires an environmental impact assessment. 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, air quality, and other impacts." If other, or additional, impacts were considered then this wording will need to be altered accordingly.

Conditions

Following advice from the Council's Legal Adviser the following changes to the wording of the conditions:

Condition 5 – delete the words in square brackets.

Condition 6 – substitute "Canal" for "water". Delete the words in square brackets at the end and insert instead "first occupation of the development".

Condition 9 – add at the end of the first sentence and shall be submitted to the Local

Planning Authority”. Then delete the second sentence and insert instead “waterborne transport should be used during the construction of the development and during its occupation in accordance with details provided in writing by the Local Planning Authority, following its consideration of the feasibility study”.

Condition 10 – Delete the second sentence and insert instead “mitigation measures as set out by the Local Planning Authority shall be fully implemented”.

Condition 11 – add at the end of this “the approved construction method and management statement shall be fully implemented”.

Condition 15 – after “ventilated” in line 1 insert “by installation of equipment” and in line 3 after “ducting” insert “and the location of equipment”

Condition 16 – insert as a second sentence “the approved particulars shall be fully implemented”.

Condition 17 – add at the end “if the above internal noise levels are not achieved then further works, in accordance with details specified by the Local Planning Authority, shall be carried out in order to achieve such levels”

Condition 18 – in paragraph 1 add at the end of the first sentence “shall be implemented”. Delete second sentence.

Condition 20 – add after “the following mitigation measures detailed within FRA” the words “shall be implemented”.

Condition 25 – either (a) or (b) should be deleted. Delete (ix) – this is covered by Condition 26.

Condition 26 – add after (x) the words “the approved Management Plan shall be fully implemented”.

Condition 27 – delete the second sentence and insert instead “the approved details shall be fully implemented”.

Condition 28 – add at the end of the 1st paragraph “the approved details shall be fully implemented”.

Condition 30 – delete this already covered by Condition 29

Condition 31 – delete the last bullet point (as there is intended to be a detailed section 106 agreement entered into in any event).

Recommendation: remains Approval subject to Section 106 and referral to the Mayor of London

Committee Report

Planning Committee on 3 February, 2010

Case No.

09/2468

RECEIVED: 30 November, 2009

WARD: Sudbury

PLANNING AREA: Wembley Consultative Forum

LOCATION: 19 Crawford Avenue, Wembley, HA0 2HX

PROPOSAL: Erection of two-storey side and rear extension and new front porch to dwellinghouse

APPLICANT: Star Tours Limited

CONTACT: Mr H Patel

PLAN NO'S: Please see conditions

RECOMMENDATION

Approval, subject to conditions

EXISTING

The subject site contains a two storey semi-detached dwelling situated on the northern side of Crawford Avenue. Although properties within Crawford Avenue vary in style, this section of the avenue consists of 8 semi-detached properties of a similar age and style. Surrounding uses are predominantly residential. The property is not situated within a conservation area nor is it a listed building.

PROPOSAL

Erection of two-storey side and rear extension and new front porch to dwellinghouse

HISTORY

None relevant

POLICY CONSIDERATIONS

Brent's Unitary Development Plan - 2004

BE2 - Townscape: Local Context & Character

BE7 - Public Realm: Streetscape

BE9 - Architectural Quality

TRN23 - Parking Standards - Residential Development

Supplementary Planning Guidance

SPG5 - Altering and Extending Your Home

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Consultation period carried out between 02 December 2009 and 01 January 2010 in which 7 properties were notified. Two objections have been received from neighbouring properties which raise the following concerns:

- Loss of light to garden of 19 Crawford Avenue and rear accommodation requiring increased use of electric lighting. This is worsened by existing extension at number 23 Crawford Avenue
- Loss of privacy of 19 from overlooking
- Loss of outlook from rear elevation of 19
- 8 houses (15-29) all build around the same time. Extension would have a detrimental effect on the character of the area
- Only 8 parking spaces for 8 houses. Extensions would exacerbate existing parking pressures.
- The applicant is a commercial firm and may result in the property being used for commercial or business purposes rather than residential accommodation
- 1m gap between the extension and the boundary is insufficient. If other extensions of a similar nature were permitted it would create more of a terrace look and opening windows in the side elevation would be almost touching
- Loss of light to glazed kitchen door in side wall of number 17 depriving this room of natural light
- Loss of light to rear elevation of number 17 due to the extension extending significantly beyond the current rear property line - suggest a single storey extension at the rear with two storey at the front with the boundary wall of the new property at least 2m from the boundary

REMARKS

The original application has been revised since the original submission securing the following:

- A reduction in the width of the two storey side extension to 3.5m
- An increase in the size of the rear bathroom window to match the remaining fenestration within the rear elevation
- The submission of an annotated site plan showing landscaping and off-street parking on the site frontage

These amendments have been sought in order to ensure the proposal scheme meets the guidelines set out within SPG5.

Impact on neighbouring residential amenity

The main properties to be affected by the proposal are numbers 17 and 21 Crawford Avenue. Number 21 Crawford Avenue is attached to number 19 and is therefore in closest proximity to the extensions. The ground floor extension extends to the boundary shared with number 21 and has a depth of 3m and a flat roof which reaches a height of 3m. This is considered by national legislation to be an acceptable scale for a ground floor rear extension allowing an adequate level of amenity to be retained by neighbours and would be permitted development if no other works were proposed.

Consideration must also be given to the impact of the first floor rear extension on the amenities of number 21. The council's SPG5 which provides guidance for domestic extensions permits a rear extension provided the 1:2 guideline can be complied with. This is the test which determines whether the extension would adversely affect the amenities of neighbouring properties. The proposed extension complies with this test fully maintaining 4.6m from the mid-point of the nearest habitable window at number 21 and proposing a rear extension which extends 2.3m from the original rear wall of the dwelling. As such, no significant overbearing impact is considered to result from the proposal. No new openings are proposed in the facing flank wall of the extension which would provide a direct view into neighbouring gardens. Although new openings are proposed in the new rear elevation at the first floor level, these would not be any more intrusive than existing first floor windows. As such the proposal is considered to have an acceptable relationship with number 21 Crawford Avenue.

The proposed side extension maintains a gap of 1.5 metres from the boundary with the unattached neighbour at 17 Crawford Avenue. Further more this property has its own detached garage to the side separating this house from the proposed extension. The proposal is not considered to have any significant negative impact on the amenities of this neighbour.

Impact on character and appearance

The proposed extensions fully meets SPG 5 requirements. The two storey side extension has a width of 3.5 metres, maintains a set in from the side boundary of 1.5 metres and a set back at first floor of 1.5 metres. the roof over the side extension has an appropriate set down from the main roof. The size and design of the porch is also considered acceptable. Overall the proposed alterations in terms of their size, shape and height are not considered to unbalance the appearance and character of the existing house and are considered to be of a complementary design. A condition is attached requiring that all external materials used on the proposed extensions match those of the existing property.

Parking

The proposed extension replaces an existing garage. An existing parking space located in front of the garage is to be retained providing the extended house with one off street car parking space which is considered sufficient.

Landscaping

The property has an existing attractively landscaped front garden surrounded by a hedge. All existing landscaping features to the front of the house are to be retained. The rear garden is relatively level and will therefore not require a raised terrace. The extended property will still have a rear garden with a length of over 25 metres.

Response to objections

- *Loss of light and outlook to neighbouring houses.* As stated above the proposed extensions fully comply with the Council's SPG5 Guidance in terms of their size and impact on adjoining properties.
- *Loss of privacy.* Two small windows are included in the flank wall of the proposed side extension, one at ground floor the other at first floor. However these are both bathrooms and the windows will be obscurely glazed with restricted opening.
- *Extension would have a detrimental effect on the character of the area.* This is dealt with in the main report.
- Extensions would exacerbate existing parking pressures. *The house will retain an off street parking space.*
- *The applicant is a commercial firm and may result in the property being used for commercial or business purposes rather than residential accommodation.* No application has been received to operate a business from this property. It may be the applicant's intention to rent the property out but provided that this isn't as an HMO planning permission would not be required.
- *If other extensions of a similar nature were permitted it would create more of a terrace look.* The set in and set back requirements in SPG 5 that this proposal more than complies with are specifically designed to avoid a terracing affect.
- *Loss of light to glazed kitchen door in side wall of number 17 depriving this room of natural light.* This is a secondary window to a kitchen that in any case is already obstructed by the objector's own garage which is located between the window and the proposed extension.
- *Loss of light to rear elevation of number 17 due to the extension extending significantly beyond the current rear property line -* The proposed extension does not exceed the Council's SPG5 guidelines which were formulated partly to protect the amenities of neighbouring occupiers.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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

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

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

CONDITIONS/REASONS:

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

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

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

1A/SK01
1A/SK02
216/E01
216/P01A
216/P02A
216/P03A

Reason: To ensure a satisfactory development.

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

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

- (4) The two windows in the flank wall of the building (as extended) shall be glazed with obscure glass and shall open at high level only (not less than 1.8m above floor level) and top hung and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

No further windows or glazed doors (other than any shown in the approved plans) shall be constructed in the side 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.

- (5) 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.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent Unitary Development Plan - 2004
SPG5 - Altering and Extending your Home

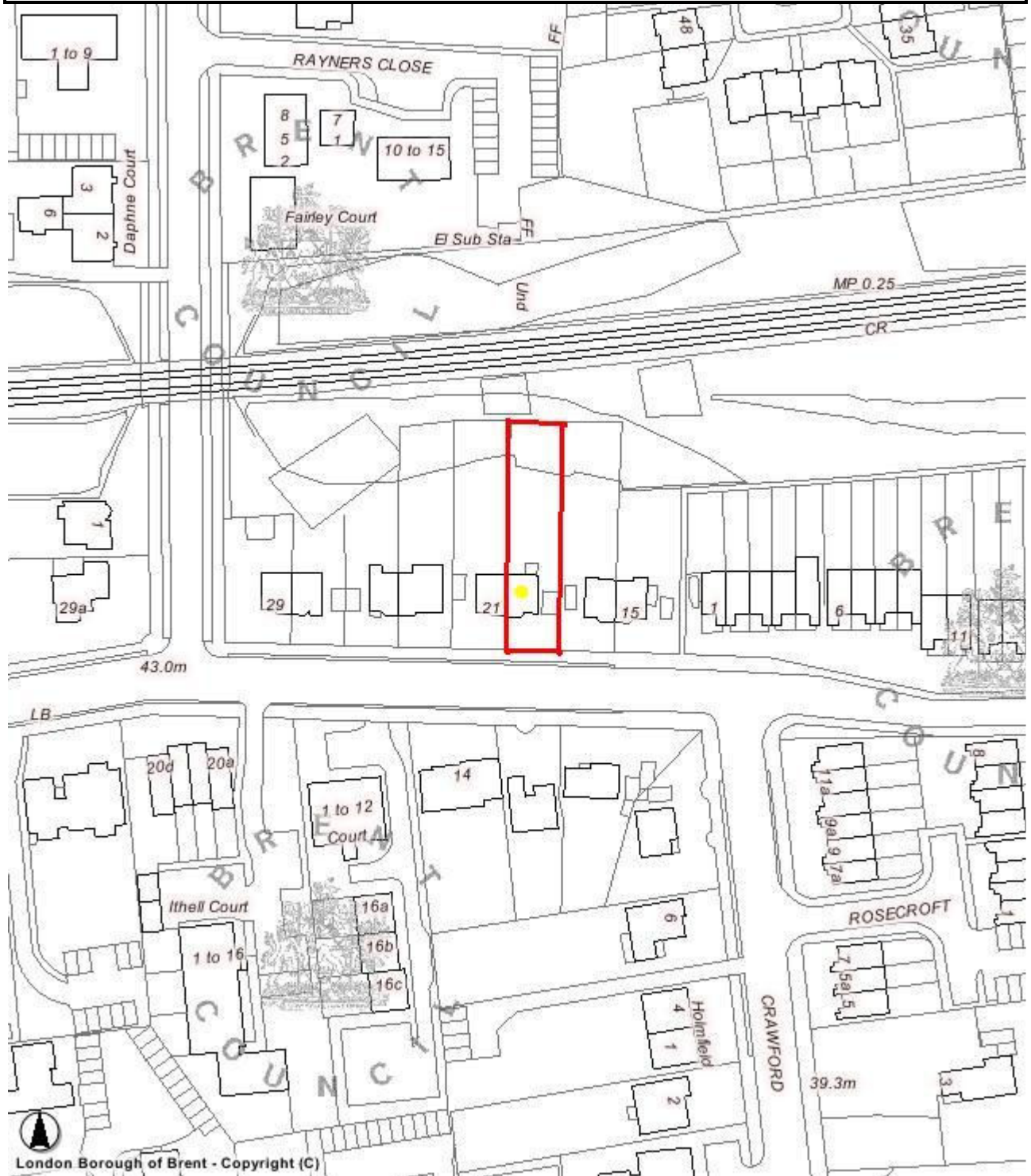
Any person wishing to inspect the above papers should contact Sarah Crew, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: 19 Crawford Avenue, Wembley, HA0 2HX

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**Committee Report
Planning Committee on 3 February, 2010**

Case No. 09/3104

RECEIVED: 18 November, 2009

WARD: Sudbury

PLANNING AREA: Wembley Consultative Forum

LOCATION: 3 Crawford Avenue & St Johns Hall, High Road, Wembley, HA0 2AF

PROPOSAL: Demolition of existing church hall and vicarage and erection of a new two storey vicarage, a two storey building comprising church hall and 4 self contained flats, a three storey building comprising 8 self contained flats, 8 two storey terrace dwellinghouses, provision of 21 parking spaces and associated landscaping to site.

APPLICANT: Father Francis Adu-Boachie

CONTACT: CgMs Consulting

PLAN NO'S:

-P010 Revision B -P100 -P101 Revision S -P120 First Floor Plans -P121 -P122 -P123 -P123 -P130 Revision F -P140 Revision B Sections -P141 -P142 Revision E -P150 Revision A -P160 -P161 -P175 -TD452_01 -531/1/1A Church Hall -531/1/2 -1856 -8116.1 -3 Sheets Document Grounds Calfordseaden K02 5000 5001 5002 5003 5003	Location Plan Proposed Site Plan Showing Vehicle Turning Proposed Site Plan Scheme 16 Block A - Church Hall & Flats - Ground and First Floor Plans Block A - Church Hall & Flats Sections Block A - Church Hall & Flats Elevations Block A - Church Hall & Flats Elevations Block A - Church Hall & Flats Roof Plan Block B - Vicarage - Plans & Elevations Block C - Houses Typical House Plans and Sections Block C - Houses Building Plans Block C - Houses Elevations Block D - Floor & Roof Plans & Elevations Site Overview 3D Site Detail View 3D Street Scenes Planting Plan Existing Floor, Elevation and Section Plans for Existing Site Plan Plans showing Site Ground Levels Floor Plans and Sections of Church Labelled External Finishes - St Johns Church 048FS001 Rev 1 - October 2009 Coloured Elevations of Block A, Hall and Flats Coloured Elevations of Block B, and Vicarage Coloured Elevations of Block C, Houses Coloured Elevations Alternative Block D, Flats Coloured Elevations Block D, Flats
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-Report on Sunlight, Daylight & Overshadowing dated 9 November 2009 produced by BLDA Consultancy
-BS5837 Compliance Report (90371) ARBTECH - ENVIRONMENTAL SERVICES
-Environmental Noise Survey and Assessment Report 1027/PPG24/R1 Issue date 23/10/2009 by admitt acoustics
-Transport Statement dated November 2009 by tpc
-ARCHAEOLOGICAL DESK BASED ASSESSMENT by RICHARD MEAGER BA MA MIFA August 2009
-SUPPORTING STATEMENT dated November 2009 by CgMs Ref: IF/TB/10898
-STATEMENT IN SUPPORT OF PLANNING APPLICATION dated November by CgMs Ref: AE/10898
-Phase 1 and Ecological Scoping Report by RPS dated 16th October 2009
-Energy Demand and Sustainability Assessment for 20% Renewable Target by Calfordseaden dated October 2009 Ref: K090 Rev A
-Energy Demand and Sustainability Assessment by calfordseaden dated October 2009 Ref: K090
-Design and Access Statement November 2009 K02/0483/B2/005

RECOMMENDATION

Grant planning permission subject to referral under the Mayor of London Order 2000 and to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Planning 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
- (b) 100% Affordable Housing .
- (c) A contribution £136,800, due on material start and, indexed from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area, including but not limited to Barham Park, Wembley Central Station and Wembley Primary.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 6 on the Vicarage and 4 on the remainder of the site, 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 it's 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.
- (g) Removal of the rights of residents to apply for parking permits.

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 application relates to a roughly L-shaped parcel of land of 0.62 hectares adjoining the churchyard of St John's Church. The site lies to the north of Harrow Road and has a frontage to Crawford Avenue. The eastern boundary is formed by the church yard, and to the north it is bounded by the plots/property boundaries of the houses along Crawford Avenue and Lantern Close.

The only standing buildings on the site are a vicarage in the north-western corner, dating to the c. mid 20th Century, and St John's Hall which lies immediately adjacent to the west of the church and fronts onto Crawford Avenue. The hall was built in C.1958; it is a utilitarian post-war building of precast concrete panels and of very little architectural interest or merit. It comprises a central east-west range with a curved roof (single storey, but effectively rising up to two storeys), and a single storey flat roofed block at each end. The area of the site in between the church and the hall comprises hardstanding, which is apparently used as a car park.

The area faces the northwest elevation of the church - a sparsely detailed and uninspiring extension, comprising a flat roofed abutment dating from 1935.

The Church Hall is currently separated from the Church by a low (1.3m) timber fence replaced in places by railings and by a line of mature trees (principally horse chestnut and hawthorn) which when in leaf, provide a significant visual break between the two existing buildings. The remainder of the site, to the north of the church is currently screened from the church itself by overgrown vegetation (including some mature chestnut trees). Two smaller buildings occupy the space to the north of the church, beyond which lie the garages and amenity area of the three storey properties on Lantern Close and the two storey properties at Rosecroft Walk. A 1.5m timber fence lines the perimeter of the Church Hall site along the two road frontages, behind which are line of mature (12m. plus) principally Chestnut trees. In places, some of the trees have died and have become covered in ivy. Additional street trees are located in the footway along the site frontage to Crawford Avenue.

The existing Church hall building is located some 7 metres back from the Crawford Avenue frontage and extends 30 m towards the church, stopping 6m from the eastern site boundary. The building is approximately 10m wide and approximately 6.5m high.

The area surrounding the hall to the south and west (except for a perimeter path and the hall entrance is laid to grass. To the north of the building is a tarmac car parking area with access from Crawford Avenue. The enclosed space to the north of the church is not visible from the surrounding streets and is currently accessed from the existing consecrated church yard to the south and east. Properties to the north will however have limited views from upper stories of this part of the site. The front and side garden to the vicarage forming part of the site is visible from Crawford Avenue (and is currently overgrown). The rear garden area is separated from the land beyond by a boundary wall and is largely invisible from external viewpoints.

The Grade II Listed church was designed by Sir George Gilbert Scott and constructed in 1846. Two additional aisles (to the north and south were added later in 1859 and 1900. The flint faced building consequently has three steeply pitched ridge roofs over the nave and aisles. A single storey flat roof extension (from 1935) has been constructed to the rear of the building (towards the application suite) with an ashlar stone finish, leaded windows and parapet. Along Wembley High Road frontage, a timber and brick Lych gate and railings line the boundary to the church yard. This is also Listed. The Lych Gate and one other opening provide a route into the site and some of the principal views of the church in summer, across the consecrated church yard. A footway around the southern side of the church and into the car park on the application site is used as a pedestrian shortcut between Crawford Avenue and the High Road.

The site slopes down reasonably significantly from west to east, dropping almost 2m across the width of the church hall and churchyard.

The setting of the Listed building is accordingly defined by a number of elements; the set back from the High Road; the substantial tree cover and boundary along the road frontages and to the immediate rear; the mature trees and boundary between the Church and the church hall site; the open views of the church across the churchyard to the south and east and through the Lych Gate and opening on the High Road and from views to the rear of properties on Thurlow Gardens. Views of the church in the summer, from Crawford Avenue and the Church hall site are more limited. In winter, with reduced leaf screens, the views of the Church from this direction principally comprise glimpses of the roof and the single storey rear extension to the building.

PROPOSAL

The proposal involves demolition of the existing church hall and vicarage and the redevelopment of the site in the form of a new two-storey building incorporating a replacement church hall, meeting rooms and ancillary facilities together with 4 x 2-bedroom flats. The existing vicarage will be replaced with a new detached two-storey vicarage located closer to the Crawford Avenue frontage. A terrace of 8 x 2-storey 4-bedroom houses is and a three-storey block of 8 x 1-, 2- and 3-bedroom flats are also proposed together with provision for 21 parking spaces and associated landscaping on the site.

The new church hall would be located on the Crawford Avenue frontage, whilst the residential block would have its principal elevation facing north towards the new internal access road which also allows the formation of an entrance plaza to the church.

The scheme proposes 100% affordable housing in the form 2 x 1-bedroom flats, 9 x 2-bedroom flats, 1 x 3-bedroom flat and 8 x 4-bedroom dwellinghouses.

HISTORY

The application site has long planning history. However, the following is most relevant to the proposal:

- 26/03/2001 Demolition of church hall and erection of 3-storey YNCA hostel, comprising 25 studio flats, 6 no. 1-bedroom flats, 4 nos. disabled-person units, nursery, meeting rooms and offices and replacement church hall, together with the construction of 8 affordable-housing units and 19 car-parking spaces - Awating Legal Agreement (ref: 01/0741).
- 05/04/2000 Demolition of church hall and erection of a 3-storey YMCA hostel comprising 46 bedrooms, 4 "mother and baby" suites, shared bathrooms and laundry rooms with ancillary meeting/ activity rooms, offices, interview rooms, kitchen and cafe; erection of a 2-storey church hall as an extension to the rear of the proposed hostel; erection of a pair of semi-detached two-storey dwellings (fronting Crawford Avenue) and a terrace of 7 two-storey dwellings to the rear of the site; layout of pedestrian and vehicular accesses, car-parking spaces, means of enclosure and landscaping - Application Withdrawn (ref: 99/2331).

It should be noted that this application has been screened under Environmental Assessment regulations and the Council have provided written confirmation that an Environmental Impact Assessment is not required as part of the application submission.

POLICY CONSIDERATIONS

Adopted Unitary Development Plan 2004 Policies

Built Environment

<i>BE2</i>	<i>Townscape: Local Context & Character</i>
<i>BE3</i>	<i>Urban Structure: Space and Movement</i>
<i>BE4</i>	<i>Access for Disabled People</i>
<i>BE5</i>	<i>Urban Clarity & Safety</i>
<i>BE6</i>	<i>Public Realm: Landscape Design</i>
<i>BE7</i>	<i>Public Realm: Streetscape</i>
<i>BE9</i>	<i>Architectural Quality</i>
<i>BE11</i>	<i>Intensive and Mixed -Use Developments</i>
<i>BE12</i>	<i>Sustainable Design Principles</i>
<i>BE31</i>	<i>Sites of Archaeological Interest</i>
<i>BE32</i>	<i>Tree Preservation Orders</i>

Environmental Protection

<i>EP2</i>	<i>Noise & Vibration</i>
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Housing

<i>H8</i>	<i>Resisting Loss of Housing</i>
<i>H9</i>	<i>Dwelling Mix</i>
<i>H11</i>	<i>Housing on Brownfield Sites</i>
<i>H12</i>	<i>Residential Quality - Layout Considerations</i>
<i>H13</i>	<i>Residential Density</i>

Transportation

<i>TRN1</i>	<i>Transport Assessment</i>
<i>TRN3</i>	<i>Environmental Impact of Traffic</i>
<i>TRN4</i>	<i>Measures to Make Transport Impact Acceptable</i>
<i>TRN10</i>	<i>Walkable Environments</i>
<i>TRN11</i>	<i>The London Cycle Network</i>
<i>TRN14</i>	<i>Highway Design</i>
<i>TRN15</i>	<i>Forming an Access to a Road</i>
<i>TRN17</i>	<i>Restrictions on New Roads</i>
<i>TRN22</i>	<i>Parking Standards - Non Residential Developments</i>
<i>TRN23</i>	<i>Parking Standards - Residential Developments</i>
<i>TRN34</i>	<i>Servicing in New Development</i>
<i>TRN35</i>	<i>Transport Access for Disabled People & Others With Mobility Difficulties</i>

Community Facilities

<i>CF2</i>	<i>Location of Small Scale Community Facilities</i>
<i>CF3</i>	<i>Protection of Community Facilities</i>
<i>CF11</i>	<i>Day Nurseries</i>

Open Space

<i>OS13</i>	<i>Development of Sites of Borough (Gradell) and Local Nature Conservation Importance</i>
<i>OS18</i>	<i>Children's Play Areas</i>

Supplementary Planning Guidance 17 relating to "Design Guide for New Development" - provides comprehensive and detailed design guidance for new development within the borough. The guidance specifically set out advice relating to siting, landscaping, parking, design, scale, density and layout.

SUSTAINABILITY ASSESSMENT

The application is proposing that Block A, C, & D would be constructed to Code for Sustainable Homes level 4 (CSH4) and 20% renewables and Block B would be constructed to Code for Sustainable Homes level 6 (CSH6) and 20% renewables.

Although, the applicants rated their sustainability measures at 64% ("Very Positive"), the scheme assessed by the Council's Sustainability Officer is found to be well below the Council's Sustainability standard of at least 50%. However, the applicant's agent has agreed to a Section 106 Agreement requiring additional sustainability measures that will achieve a minimum of 50% score and Code for Sustainable Homes level 6 on the Vicarage and 4 on the remainder of the site, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.

The Heads of Terms under the Section 106 Agreement would also require that 20% of the site's carbon emissions be offset through on site renewable generation. If proven to the Council's satisfaction that it's unfeasible the applicants provide an in-lieu payment to the Council provision of off site renewable generation.

The proposal subject to Section 106 Agreement is considered to be acceptable.

CONSULTATION

The following have been consulted on the proposal:

- Nos. 1 to 19 Willow Tree Court, 1 to 9 Oak Lodge, 1 to 4 Homefield, 2, 3, 5, 5a, 6, 7, 7a, 8, 9, 9a, 10, 11, 11A, 13, 15 & 17 Crawford Avenue, Wembley
- Nos. 1 to 16 Morrill House, Harrow Road, Wembley
- Nos. 551, (Flat 1 to 4) at 551A, 553, 553A, 555 557, 559, 559a, 561, 561A, 563, 565, 567A, 567-569, 1 to 28 Charles Goddard House, 573, 575, 577, 579, 606A, 606B, 608, 608A, 608B, 610-612, 610A, St Johns Brigade Hall, 612A, St Johns Wembley Parish Church, St Johns Hall, 1 to 7 Crawford House, High Road Wembley
- Nos. 1 to 60 Lantern Close
- Nos. 1 to 8 Rosecroft Walk
- Nos. 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, & 33 St Annes Road
- Nos. 2 to 46 (even Nos.), Thurlow Gardens
- Ward Councillors

In total 2 letter of objections (i.e. from Councillor Robert Wharton and a local resident from 17 Crawford Avenue) have been received.

Councillor Wharton - raises objections to the proposal on the grounds that part of the site has been designated as a site of local nature conservation importance and the application for housing does conflict with this. It is important that planning conditions and Section 106 are used to protect existing trees during construction works and to secure extensive use of planting on the finished scheme. More planting should be done around the block of flats behind the church because this is the area which is designated as a site of nature conservation importance.

17 Crawford Avenue - raises objections to the proposal on the grounds of increased noise, traffic and congestion, loss of outlook, number and size of buildings, loss of trees and other natural features, effect on the character of the area and on parking.

Design

- It is unclear, why the proposed vicarage does not keep with the predominantly 2-storey high buildings of the scheme. It would be useful to see some contextual plans showing the proposed vicarage in relation to 616 Harrow Road and the rest of the streetscape. Additional plan to this effect will be required.

- There are some inconsistencies in regards to elevation design, as massing illustrations show different details than elevations plans. Clear illustrations, including better quality 3D illustration will be required.
- Coloured elevational plans, indicating the use of different building materials would be helpful.
- There is lack of details in relation to use of building materials within the submission. Additional details of external appearance and surface treatment would be helpful.
- Revised Plans to address the above "Design" issues are been sought.

Landscape - There are no objections to the proposal subject to the following:

- *Play* - There is no provision for play space in the proposal. According to the London Plan 10m² per child of play space is required to be provided for any development. This needs to be addressed. It appears that due to the layout of the site, possible areas for play are strictly limited. However, there is an area of cemetery to the east of the church which is in Brent ownership. If the developers were to provide a contribution, an informal play area could be incorporated on the Brent Land that would compensate for the lack of play area within the development.
- More information is required on the design and layout of the Church Hall Garden and play area for the crèche. This is to include a full layout and an indication of equipment to be installed.
- *Planting Species* - The most of the development is Grade II listed open space and therefore the planting in the development should respect this designation. The current species list is not acceptable. We would expect 70% of species planted on site to be native.
- It is also suggested that 4 of the "Malus Evereste" along the northern side of the access road are replaced with a large tree species for example *Alnus glutinosa*.
- It is also suggested that the ecological report recommendations are taken into consideration for example the addition of wildflower areas and bird and bat boxes are installed on existing trees. The issues regarding "Planting Species" would be dealt by way of attached conditions to the planning permission.
- *Cycle Parking* - The cycle spaces indicated on Calford Seadens drawings are not shown on the Floyd Matcham Planting Plan, this can be clarified.
- *Rubbish Bin Storage* - The bin stores do not appear to be fully screened from the new access road and street. Bins would have to be screened from the street through timber panelling or shrub planting. More information would need to be provided to ensure that this occurs. This issue can be dealt by condition attached to the planning permission.

Transportation - There would be no objections on transportation grounds to this proposal subject to a Section 106 Agreement to secure: (i) financial contribution of £24,500 towards non-car access improvements and (ii) a car-free agreement for the residential properties, together with further details of residential bicycle parking provision for the flats and the reinstatement of the existing site access to footway at the developer's expense.

English Heritage - A response received from Historic Buildings and Historic Areas Advisors states that "This application should be determined in accordance with national and local policy guidance, and on the basis of our specialist conservation advice".

However, a response received from Archaeology Advisor says that the site is bordered by and includes structures and buildings associated with the 19th century church and churchyard. There is some uncertainty over the exact boundaries of the churchyard cemetery (which is separate from the Council burial ground to the east), and although it is unlikely that human remains will be present in the area outside of the 1913 plan of the church and its grounds, groundwork in areas close to the boundaries should be archaeologically monitored.

It is not considered that any further work need be undertaken prior to determination of this planning application but that the archaeological position should be reserved by attaching a condition to any consent granted under this application. A suggestive condition therefore to this effect is attached.

Thames Water - has no objection to the proposal. However, an informative is attached in respect of "Surface Water Drainage".

REMARKS

Background

This application has been the subject of significant consultation with the Council and members of the public which has resulted in the evolution of the scheme hereby submitted.

At pre-application stage it was concluded that the application site is acceptable for a mixed residential and community use development in principle, and numerous details were discussed concerning the most appropriate development response.

This application has been screened under the Environmental Assessment regulations and the Council have provided written confirmation that an Environmental Impact Assessment is not required as part of the application submission.

The Proposal

The application site is part of the St John's Church complex that includes the Church Hall and the Church itself is a Grade II Listed Building. The proposal is for the demolition of the existing Church Hall and Vicarage and for a mixed community and housing development.

The development would take in a form of 4 Blocks (Block A, B, C & D) of which three of the blocks (A, B & C) would be two storey and one (Block D) would be three storey in height. The blocks would provide a total of 12 flats (2 x 1-bedroom, 9 x 2-bedroom, and 1 x 3-bedroom flats) and 8 x 4-bedroom dwellinghouses (which would all be affordable thus providing 100% affordable housing), a replacement vicarage house and Church Hall with ancillary facilities. The proposal would also involve formation of new mews style residential street between Block A and B off Crawford Avenue that would extend towards the east end of the site to provide both pedestrian and vehicular access for all the residential units of the development located on this new street. The proposal in total would provide 20 car parking spaces on the site. This comprises one for each house, two to be shared between the 12 flats and 10 spaces for the use of the church and visitors to the church hall. The vicarage would have its own separate single garage, with a potential for another parking space in front of the garage. The ground floor of the block of the flats includes secure cycle parking facilities close to the main entrance onto Crawford Avenue. The new dwellinghouses would each have their own small front and rear garden which would provide their own private amenity space. The proposal also makes provision for refuse and recycling store, located close to the access from Crawford Avenue. The proposal would also replace existing boundary treatments to Crawford Avenue with new railings on a dwarf brick wall, similar to the existing railings on part of the High Road frontage. It is proposed that the access road and parking areas would be lit during the hours of darkness in a manner to avoid light pollution and intrusion. Doorways into the block of flats will be controlled by access control systems and will be bright spots in the site by light spilling from glazed staircase.

The proposed Block A provides a replacement Community Centre facing onto Crawford Avenue where the existing Community Centre stands. The Community Centre comprises a two-storey building, largely rectangular in shape with a southerly extension facing towards Harrow Road. The replacement centre will extend the opportunity for community facilities at this location, mindful that the existing facility is outdated and has reached the end of its working life. The proposed replacement community centre will provide 195m² floorspace within the principal multi-purpose hall, with ancillary facilities and amenity space. The church hall and ancillary meeting rooms and

facilities amount to 642m² of floorspace a significant increase over the existing community hall which has a floor area of 372m². Ten dedicated car parking spaces are provided within the site for vehicle parking, whilst four cycle spaces are provided for this use.

Four 2-bedroom flats are also proposed within this building; on the ground and first floors. These flats are orientated in an east-west manner and are parallel to the internal access road. These flats are intended to be “car free” units.

Play facilities to serve the site are proposed to the south of the community Centre. This building is of a modern design and forms a varied fenestration, picking up ecclesiastical design references where appropriate. A vaulted roof is proposed to dissect the residential and community aspect of the Community Hall building, providing pedestrian access to the Church.

The proposed Block B providing replacement vicarage is to be located at the north-west corner of the site. A two-storey, south facing principal dwelling with a pitched roof to maximise the southerly aspect is proposed. The bulk of the dwelling sits perpendicular to Crawford Avenue, facing the proposed access road within the site. A single-storey dog-leg to the western elevation of the proposed dwelling ensures that it addresses the Crawford Avenue frontage however, and incorporates an integral garage.

The Vicarage proposed is of a design and scale in keeping with the other residential properties on Crawford Avenue and is finished in a render. The building's principal elevation is south-facing in order to assist in achieving Code of sustainable Homes level of “6”. This represents a “carbon-neutral” dwelling. The dwelling comprises of 4 bedrooms, a kitchen/breakfast area, and a dining room. A study and lobby are also proposed, these facilities are located on the ground floor with a separate access on to Crawford Avenue to ensure the future occupier can attend to their pastoral duties.

The proposed Block C on the north side of the site would provide two separate truncated terraces comprising a two-storey 8 x 4-bedroom dwellinghouses. The dwellings face south along the internal access road. Each of the dwellings will have a parking space, cycle storage and private amenity space at the rear.

The proposed Block D, a three-storey residential block providing 8 flats (comprising 2 x 1-bedroom, 5 x 2-bedroom and 1 x 3-bedroom) would be located on the east side of the site.

The Proposed Uses

The application proposes mixed residential and community use on the site with the residential element being 100% affordable.

The provision of a replacement community centre and ancillary housing are entirely appropriate for development within this site. The majority of the development site comprises “previously developed land”, by virtue of its location within the curtilage of the current vicarage and the footprint of the existing community centre. This meets the definition of “previously developed land” as defined in Annex B of PPS3 and as such represents the preferred location in principle for new residential development.

Mindful of the above, the proposed redevelopment comprising housing and the replacement community centre is acceptable and complies with the relevant Government Guidance and Council's policy H11 in the adopted UDP 2004 relating to “Housing on Brownfield Sites”.

Government Guidance within PPS3 and Strategic Planning Policy within the London Plan states that the provision of affordable housing is a key requirement and the Local Authorities should make adequate provision in order to ensure that this is achieved. Council policy H2 of the adopted UDP 2004 also refers to the need for additional housing of all tenures throughout the borough. There is

thus a pressing need for more housing (including the application area) in the borough and in particular affordable housing.

It is therefore clear that the provision for further housing will meet the strategic objective – particularly for affordable housing and therefore the proposed development complies with the London Plan in this regard. The scheme will also contribute to meeting the identified local need for housing and community facilities.

The site in the Council's adopted UDP 2004 is currently allocated through proposal HP28 for "Foyer/Housing" use. This designation is reaffirmed through various versions of the emerging Site Allocations document. The Site Specific Allocations – Proposed Submission Version (June 2009) states the site's allocations as:

"Residential development, amenity/open space and community facility that does not detract from the setting of the church and views from Harrow Road. Proposals will entail sensitive boundary treatment and must include retention of trees and provision of railings to Harrow Road frontage of site."

It also states that the indicative development capacity is for 43 residential units and it highlights the justification as *"increasing the supply of affordable housing while enhancing and not detracting from the setting of the listed building"*

The proposal for residential development incorporating the re-provision of the community facility on this site reflects the borough's aspiration for this site as outlined in the adopted UDP 2004 and the emerging Site Specific Allocations DPD. The scheme therefore complies with this aspect of the development Plan.

Whilst it is clearly demonstrated that the principle of the scheme is acceptable, the proposal also need to be assessed to ensure that it also complies with the other requirements of the adopted UDP 2004.

Policy Consideration

The principal issues for consideration relates to the impact upon the special character of the setting of the listed building along with planning policy, design considerations, parking and traffic, the impact on trees, the impact upon amenity of the adjacent properties and responses received as a result of the consultation exercise.

The Council's adopted Unitary Development Plan 2004 is the "Development Plan" for the purpose of S54A of the Town and Country Planning Act 1990. In this case the proposal need to be considered against the provisions of Council's housing and community facilities policies STR37, CF2, CF3, and H8, H9, H11, H12 & H13, and site specific proposal HP28 of the adopted Unitary Development Plan 2004. The proposal also need to be considered against the Council adopted Supplementary Planning Guidance 17 (SPG17) relating to "Design Guide for New Development" which provide comprehensive and detailed design guidance for new development within the borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

The application proposes to demolish the existing Church Hall and ancillary facilities serving the local community, located adjacent to Wembley Town Centre and to the reinstate these community facilities within the new development would comply with the Council's policies STR37 (seeking to protect the existing community and encouraging to provide new facilities to meet community needs), CF2 (seeking community facilities serving neighbourhood or district function to be located in or adjoining a town or local centre) and CF3 (resisting loss of a community use unless the facility is appropriately replaced).

The application site within the Council's adopted UDP 2004 has a Specific Planning Proposal

(HP28), which sets out that the proposal for site as being suitable for Foyer/Housing use. It also requires the retention of existing community use but not necessarily in existing building.

The proposal to redevelop the site for mixed community use and housing is considered in principal to be acceptable in accordance with policy HP28 mentioned above. However, the development would be subject to meeting further requirements of policy HP28 requiring specialist conservation architect to maintain the picturesque setting of (St John's Church) the Grade II Listed building, boundary treatment, retention of trees and provision of railings to front of the site.

The Council's generic development policies listed above, seek to ensure that the design makes a positive contribution to the character of the area and respect the setting of the Listed Buildings are considered in more detail below. The application would also be subject to the provisions of the remaining policies of the adopted UDP 2004 which relates to the impact on traffic and highway safety, upon residential amenity, on trees and the natural environment and on the setting of the listed building which would be considered in detail below.

The site is also designated as a site of Borough (Grade II) Nature Conservation Importance and Local Nature Conservation Importance where Policy OS13 applies. Development is not permitted unless it is demonstrated that there will be no adverse effect on nature conservation.

The Setting of the Listed Building

It was recognised from the outset that any new development on the site would need to respect the setting of St John's Church (the Grade II Listed Building). The application is therefore accompanied by a report "Supporting Statement - by CgMs Ref: IF/TB/10898 dated November 2009" which presents the analysis of the existing setting of St John's Church including its constituent parts and their relative levels of significance. The analysis demonstrates what is most significant in terms of the listed building and its setting and the potential effect of the proposed development on the setting of St John's Church while regards to the government guidance on development affecting the historic environment in Planning Policy Guidance Note 15 (PPG15) 1994 and the Council's relevant planning policies within adopted Unitary Development Plan 2004.. The report demonstrates that the church forms the dominant and principal structure on the site. While the listed boundary wall and Lych gate due to their limited settings, are described as closely related and ancillary to the church and therefore it has been concluded that any development on the site which respects its setting would similarly respect the settings of these ancillary structures.

The overall design principal of the proposed development has therefore been designed to reflect its context, although the approach is modern. The contextual approach centres on the listed church, and can be appreciated in the overall architectural treatment of the scheme. In particular the layout, scale, height, bulk, materials, elevational treatment and landscaping which have been directly influenced by the scheme's relation with the church.

This report examines as set out below how the buildings are designed within the application site to ensure the setting of the listed building (The Church) is maintained:

Block A –This block is located towards the south-west side of the St John's Church and is positioned between Harrow Road, Crawford Avenue and new access road of the site. The block as described above would be a two-storey distinctively modern building and would be divided into two distinct sections but linked via 2.8m wide corridor. The section located towards the north facing the new access road would provide 4 x 2-bedroom self contained flats and the section towards the south of this would provide a replacement church hall and ancillary facilities. The north side of the block providing residential flats with a frontage to the new access road would be 25.8m wide with a set-back of 5.4m from the new access road. The west side of the block facing Crawford Avenue would be 33.5m wide with a set-back of 6m from Crawford Avenue. The south side of the block facing Harrow Road would 25.8m wide (which comprising of 5.6m wide meeting hall and 15.2m wide ancillary facilities). However, the meeting hall being the most projecting part of the building would be set-back between 19m to 20m from Harrow Road boundary and the recessed part of the

building providing ancillary facilities would be set-back 27.6m from Harrow Road boundary. The east side of the block facing the St John's Church would be 33.5m wide. However, part of the building providing church hall would be recessed and therefore would be set-back 37m from the Church building while the rest of the building on this side would be set-back between 16m to 23.4m.

It is suggested that the layout and design of this building has been influenced by its relation with, and proximity to, the listed building. The block taking this into consideration is designed to have an L-shape. It is proposed that the widest part of the building would be positioned towards Crawford Avenue (i.e. west boundary of the site). This part of the building therefore would have a width of 33.5m and would be set-back 6m from Crawford Avenue boundary to ensure that trees (served with Trees Preservation Order) on Crawford Avenue are not damaged during the period of construction, as they represent an import visual amenity and which according to the site specific proposal HP28 should be retained, substantially maintained and kept in good condition. The Council's landscape officer considers the proposed set-back from Crawford Avenue frontage to be adequate to protect and maintain the trees. The building facing Harrow Road (i.e. the south boundary of the site) with the most projecting part set-back between 19m to 20m from Harrow Road boundary would allow glimpsed views of the church between the trees from south westerly directions. However, the recessed part with a set-back of 27.6m from Harrow Road boundary would allow more scope for oblique views of the church from north westerly direction.

The existing Church hall is set-away approximately 10m to 16m from the existing Church. However, the most projecting part of Block A on the east side would maintain a distance of between 16m to 23m to the existing St John's Church which represents a significant increase. The increase in distance has been influenced by site constraints, as well as design requirements to retain the functional dialogue between the two buildings by not moving the hall to far away from its "parent" building, the church.

The proposed new church hall is orientated to face the church, with this entrance expressed by a cross as a symbolical signpost and a tangible reminder of its function relation with the church.

The residential units (necessary to make the new hall viable) are contained separately in the northern part of the Block A. These are physically and visually separated from the church hall by an internal street, and externally on the elevation by the internal street and difference in fenestration.

The building features flat roofs with a height of 6.5m (except part of the roof over the internal street that would be 8.5m high) designed to reduce its visual presence and to remain subordinate to the listed building. The roof height has been determined by internal requirements.

The fenestration rhythm and the vertical emphasis of the windows particularly on the elevation facing the church, is a subtle reference to the church.

The proposal to use flint panels and stone windows surrounds, albeit in a modern way, reflects that of the church and creates an interplay between the historic church and the modern building without restoring the pastiche.

A church hall has been a feature on the site for over a century (although the present building dates to the c. mid 20th century). The clean lines and simplicity of the new building will mark it as a contemporary addition to the ongoing evolution of the church's context. The new building is not designed to dominate, imitate or blatantly copy the church. However, it is designed to allow the building to fit confidently into its contexts, whilst architecturally referencing subtle details of the listed building.

The residential element of the Block A would have a distance of 17m between Block B. However, as these two blocks are separated by a new access road in between and that there are do not

directly facing habitable room windows between these blocks, the proposed separation is not considered to have any detrimental impact upon the future occupiers of these buildings and is therefore considered to be acceptable.

Block B – This block replacing the vicarage is a two-storey 4-bedroom building with an attached side garage located on the north-east side of the site. The vicarage on the west side (i.e. Crawford Avenue) would be 16m wide with a set-back 5.8m from the plot boundary, on the south side (i.e. new access road) would be 17.8m wide with a 3.6m from the plot boundary and on the north side the most projecting part would be 6m wide with a set-back of 2.24m from the plot boundary. However, the recessed part forming two-storey element would be 11.7m wide with a set-back of 11.2m from the plot boundary. The most projecting part of the vicarage on the east side would be 7m wide and would maintain 2m between the Block C providing terraces of new houses. However, the recessed part on this east side would be 9m wide and would be set-away 13.7m from the proposed Block C.

The vicarage with a set-back of 5.8m from the west plot boundary (i.e. Crawford Avenue) allows it to follow the building line of the front most projecting part of the existing houses on the north side of the site (i.e. 5 to 7 Rosecroft Walk) and the building line of the proposed Block A on the site. The vicarage on the north side of the boundary would have a garage with no side windows and therefore this part of the building set-away 2m gap from the plot boundary is considered to be in compliance with the Council's "Privacy and Outlook" standards set out in the SPG 17 relating to "Design Guide for New Development". Similarly the most projecting part of the building on the east side would maintain a distance 2m from the side of Block C and this is also considered to be acceptable as there are no windows to these elevations of the buildings. The vicarage on the south side is set-way 4.2 and 3.6m from the plot boundary on the south side. In this instance, the proposed set-back fails to comply with the required 5m distance as set out "Privacy and Outlook" standards of SPG 17. However, the windows on the south elevation of the vicarage are either non-habitable or providing secondary source of light and are also separated from neighbouring Block A by a new access road and therefore it is not considered that occupants of the vicarage would have detrimental impact on their amenities in terms of loss of privacy and outlook and therefore the proposed set back is considered to be acceptable as a departure from the "Privacy and Outlook" standards in SPG 17.

The Vicarage, like the rest of the proposed development on the site would be in a form of a modern building. However, it is designed to achieve a high sustainability rating (Code of sustainable homes Level 6) which requires it to have photovoltaic panels on the south facing roof slope. The building would have the same underlying architectural theme and stylistic reference applied elsewhere in the scheme to tie the different elements together and give a sense of coherency. These includes the use of materials, particular elements of detailing also includes fenestration treatment.

Block C

The proposed Block C in the revised scheme is moved away from the vicarage building (Block B) by over 4m to create adequate break between the buildings and to create opportunity for some tree planting in the gap to ensure that it would be consistent with its surrounding context which comprising number of trees. The proposed Block C (48.4m wide x 10.8m deep x 8.4m high) is broken up in the middle by 1.2m gap to sub-divide the block that would provide two short terraces providing in total 8 x two-storey four bedroom dwellinghouses with shallow pitched roof. The proposed terrace of houses are designed as distinctly modern, rather than pastiche Victorian. However, they can nevertheless be interpreted as a modern version of the Victorian terrace which, as with the church hall, represents contemporary architecture that reflects the ongoing development and evolution of the site. The height of this block has been kept to a minimum insofar as possible and practical; that can be seen in the relatively shallow pitch of the roofs. The terraces display a similar architectural theme as elsewhere in the scheme, although it has its own character, and detailing of the other buildings were not blatantly replicated. As with the Vicarage, photovoltaic panels will be located on the south face of the roofs.

Block D

The proposed Block D in the revised scheme has been set away from its south boundary comprising the grounds of the existing church to improve the distance that was originally proposed. The block, as a result is also moved closer to its east boundary and its shape has been slightly altered since its original submission. Block D is a 3-storey, flat roofed block of flats and is perhaps the most modern element of the scheme. The block being set back furthest from the public roads, it will only ever be partially visible in public views behind the other buildings of the proposed development, or the church itself (if not wholly obscured by trees and vegetation). The building although being a 3-storey in height, the flat roof reduces the building height, whilst also echoing that of the church hall along the west. The depth that Block D is set back into the site also means that it will appear visually recessive (i.e. in the background) rather than as a prominent range. As with the remainder of the scheme, the detailing and fenestration treatment reinforces the underlying architectural theme as stylistic references applied elsewhere to give the scheme a sense of coherency.

According to the Council's adopted Unitary Development Plan 2004, the site is allocated for housing. The plan states that "...*Picturesque setting of the church to be maintained. Retention of community use but not necessarily in existing building (i.e. Church hall), requires boundary treatment – retention of trees and provision of railings to front of site.*" It is relevant that any viable development on this site would inevitably bring about a change to the setting of St. John's Church from its present state. The proposed scheme represents a sensitive, contextual and appropriate response that will complement the setting of the listed building.

It is accepted that the proposed development will result in a change to the setting of St John's Church. However, the proposed change as a result of this scheme in terms of its quality and contextual development is considered not to harm but improve the setting of the church (the new Vicarage and the Church hall in particular) and in time will blend in to complement it. The change to the building's setting will not detract from, or compromise, the church's special interest, its character, economic viability or its contribution to the townscape.

In the event, if St John's Church was to be reviewed anew for listing in the future after construction of the proposed scheme, it would still be found to be of similar special interest, regardless of this proposed development on its adjacent land. The proposed development would therefore not compromise the significance of the listed building.

It should be noted that at present, the application site (part of Church ancillary land) does not significantly contribute to the setting of St. John's Church, even though it is relatively close to the listed building due to its physical separation, and also the limited inter-visibility between the site and the church. The site in the adopted UDP 2004 is allocated for housing development, which implies an acceptance that the setting of the church will be altered. The effect of the existing application site comprising rather lacklustre and somewhat dilapidated existing church hall on the setting of the listed building should also be compared with the proposed development.

The density of the proposed development (as discussed under the "density" heading of this report) is very modest in relation to the capacity of the site as identified by the council. Long views of the listed building are not considered to be materially affected. However, there may be changes in certain long views of the building, perhaps most appreciable during leafless months but the changes would not materially effect one's appreciation of the building and certainly not to such extent that its special interest would be diminished, harmed or compromised. The relative prominence of the listed building in the street is not considered to be materially affected.

Overall, the height and massing (as described in the appropriate sections of this report) of the proposed scheme can not be described as dominating. In particular, the height and massing of Block A, C and D (evolved over the years in discussion with the planning officers) has been

carefully considered so as not to compete with or otherwise detract from the listed building. The primacy of the church will be retained, particularly in views from the south and west.

In this instance, the proposal is considered to comply with the Council policy BE23 of the adopted UDP 2004 relevant to the scheme in that it has as discussed above has successfully demonstrated that it will not have material adverse effect on the setting of the listed building and therefore is considered to be acceptable.

Affordable Housing and Tenure

The London Plan seeks a strategic target of 50% provision affordable housing across London and notes that individual Boroughs should look to achieve a similar borough target, although planning authorities should take a flexible approach and seek to maximise the affordable housing potential of individual sites. This is reflected within the Council's Affordable Housing SPG. The proposed development makes a significant contribution to the strategic affordable housing target with 20 (100%) of the units comprising social rented and intermediate (shared ownership) dwellings. This figure accounts for net additional dwellings and does not take account of the replacement vicarage.

Planning Policy Statement (PPS) 3 and the London Plan are focused on delivering housing. It is expected that ASRA will attract Social Housing Grant in early 2010 in order to fund the scheme, upon the allocation of funding and the grant of permission, the development would commence in early 2010. Therefore this development represents a significant and deliverable contribution to the Council's housing and affordable housing targets. This is particularly important within the current residential market.

The tenure proposed is 70% social rented to 30% intermediate housing. This is in line with the London Plan requirement and ensures the scheme complies with the development plan in this regard whilst also catering for identified local housing need. It should be noted that the scheme has been prepared in consultation with the Council's Housing department, in order to ensure that local housing need is addressed.

Density

Government Guidance and the Council's adopted UDP Plan 2004 emphasise the need to ensure that efficient re-use of previously developed land is made. As referred to above, the application site comprises developed land and therefore complies with the relevant development plan policy.

The proposed development, also complies with PPS3 which refers to more intensive development at Paragraph 49, stating when well designed and built in the right location such development can enhance the character and quality of the area. It is clear that the proposed redevelopment will enhance the character of the area improving the setting of a Grade II listed building, the replacement of an outdated vicarage and community centre and additional residential development with associated landscaping.

The proposed development comprises a residential density of 134 Habitable Room Per Hectare which is considered at the lower end of the scale detailed in London Plan policy 3a.3, given the accessible nature of the application site to a variety of public transport modes (to be discussed in Transport section of this report). Table 3a.2 of the London Plan notes that sites in the "urban" area with a PTAL rating of 4-6, densities of between 200 to 700 habitable room per hectare. It is therefore clear that the scheme complies with relevant strategic development plan policy; the densities proposed are at a lower end of the scale in order to preserve and enhance the setting of the Grade II Listed Building. This low-density approach was conceived in order to respect the local setting, in particular the setting of St John's Church and has been rectified by the Council during pre-application stage.

It is thus demonstrated that the proposed development complies with the key aspects of relevant planning policy and guidance in terms of a residential density figure, and that the application site

comprises previously developed land within an accessible location. This ensures that the most efficient re-use of the site is made given due consideration to its location adjacent to St John's Church, again in compliance with relevant government guidance and development plan policy.

It is accepted that Density should not simply be viewed as a numerical calculation. Adopted UDP 2004 policy BE3 and the Council's SPG 17 relating to "Design Guide for New Development" seek to ensure that the proposal provide a high quality design response compatible with the existing urban grain and do not represent an overdevelopment of a site. Accordingly, the proposed scheme density is lesser than the "minimum" density matrix in order to protect the setting of the Church and to respect the character of the area, as required by the Council policy BE3 of the adopted UDP 2004. This approach is ratified by the proposal providing good quality public and private amenity space, circulation area, ancillary landscaping and facilities that are provided within the site.

Trees

With respect to trees on the application and surrounding land, they have been assessed by the Council's Tree Protection Officer following a recent visit to the above site and the officer has also studied the Arboricultural report (from Arbtch Environmental Services) submitted with the application. The Council's Tree Protection Officer, has comments on the trees and submitted report as follows:

Tree removal and replacement.

A total of 40 trees plus 7 groups of trees have been listed for removal on this site. Only one of the trees listed for removal (T27), a Horse chestnut is protected by the Barham No.1 Tree Preservation Order, and one other (T28) Lime is a street tree. It is noted that on page 11 paragraph 35 of the report, the authors suggest that 'the ratio of trees removed to trees replanted should not be fixed (ie 1:1)'. This is not agreeable and therefore a result a condition is attached requiring 1:1 replacement for all single trees lost and a total of 14 new trees to replace the possible loss of 7 groups of trees including all replacement trees should be of a size and species agreed by the Council.

T27 Horse chestnut is listed as part of G4 (a group of mature Horse chestnut trees on the attached TPO plan) The Council's Tree Protection Officers agree with the authors BS 5837 rating of catB2 and that the tree has basal cavities in the main trunk and that Horse chestnut trees are currently suffering from the effects of 'chestnut leaf miner' and 'bleeding canker'. For this reason, It has been agreed that there is a requirement for an extra heavy standard replacement *Aesculus Indica* (Indian Horse Chestnut) which has been shown to exhibit a good degree of pest and disease resistance but will retain the character and form of the remaining trees. A condition to this effect is attached

T28 Lime is a street tree in moderate condition, and therefore require an extra heavy standard replacement Lime in the vicinity of the removed tree.

12 trees are listed for removal on the northern boundary of the site, to mitigate the loss in this area, the planting of a fruit tree in each of the 8 rear gardens of the proposed dwellinghouses would be sought as part of their landscaping proposal that would be considered in detail at a later date. It is suggested that the trees should have a stem girth of at least 6-8 cm and be either self fertile or reliant on the remaining fruit trees to be planted as pollination partners. Simple and easily cultivated trees should be chosen such as Plum Apple and Pear.

T63 and T64 are large multi stemmed Ash, both trees make a valuable contribution to the site both in terms of visual amenity and ecological value, unfortunately the poor structural condition of T64 does not allow for long term retention. Loss of T64 would invariably lead to the loss of the adjacent T63 Ash due to the inter relationship of the trees canopies. Therefore, T63 and 64 should be replaced with semi mature forest type specimens. A condition to this effect is attached.

Tree protection measures.

The Council's Tree Protection Officer is satisfied that tree protection measures on this site are adequate and accord with standards set out in BS 5837: 2005, Trees in relation to construction recommendations, however, page 8, paragraph 24 of the tree report mentions the installation of a new boundary wall in close proximity to trees protected by the Tree Preservation Order. A pile and beam solution is suggested but no further detail is given in the arboricultural method statement (AMS). A condition requiring a full design and construction statement for this wall is attached.

A further condition requiring an arboricultural consultant or similar approved person to be present on site during all works that encroach within or have an impact on a tree's root protection area (RPA). is also attached.

Pruning works to retained trees.

It is imperative that all works to retained trees are carried out by a competent contractor in accordance with BS 3998: 1989 Recommendations for tree works. All works to retained trees are to be agreed in advance with the LPA.

To conclude, in addition to our standard conditions, further conditions relating all works to trees to be carried out in accordance with works specifications laid out in Arbtech Environmental Services 'BS 5837 Compliance Report (90371) is attached. In addition further condition requiring details of the construction of the boundary wall and condition ensuring the retention of a suitably qualified arboricultural consultant to be present during all works which encroach within a tree's RPA are also attached..

Amenity Space

The proposal provides 210m² of dedicated amenity space. This exceeds the standards outlined in the SPG 17 relating to "Design Guide for New Development" which states that for "Family Housing: a minimum of 50m² will normally be provided for a ground floor flat or house suitable for a family, and for Flats: a minimum of 20m² will normally be provided for each unit in a block of flats. Each dwelling unit meets the standards set out above. Each of the houses has a private garden to the rear providing adequate amenity space. The standards for flatted development of 20m² per unit has been met on a cumulative basis through the provision of private balconies within particular flats and communal recreation space to the rear of Block D – 258m² is provided for this purpose. Residents will also have access to the area to the south of the proposed community centre which is well in excess of 20m² required for the flatted units in Block A.

The amenity space proposed will also, through the use of tree retention and planting and communal landscaping, would create usable and attractive external amenity space in line with amenity space standards set out in the SPG 17 and policy BE6 relating to "Public Realm: Landscape Design" of the adopted UDP 2004. This represents a significant improvement upon the existing situation where the current open space attracts considerable anti-social activity. Specific detail in respect of the tree removal and retention is provided within the accompanying Arboriculture Assessment which demonstrates that those trees identified for removal possess limited or no material value and that replacement planting will appropriately mitigate against any removal. This is compliant with policy BE6 (d) of the adopted UDP 2004.

Play Space

According to the Council's adopted UDP 2004 policy OS18 – Children's play area requires the provision of suitable play area for pre-school and junior children to NPFA standards in residential developments over 16 units (or 0.5ha) or in a large scaled mixed use schemes.

The proposal includes 580m² of secure play areas associated with the Church hall. In addition to this there is a further secure play area proposed to the south of the site for both residents and users of the Community Centre.

Mindful of the above and that the significant element of child yield of this scheme will be from the 8x4-bed houses which each possess individual, private rear gardens (minimum 50sq.m) and taking into consideration the amount of intermediate housing proposed, the proposal's any residual requirement for the dedicated playspace facilities would be satisfied within the play area proposed to the south of the site. The proposal is therefore considered to comply with relevant amenity and play space guidelines outlined within national policy, the London Plan, the adopted UDP and the SPG 17.

Height, Scale and Massing

The height, scale and massing of the proposed development are in keeping with the setting of the Church and with the local area. The proposed community centre possesses an additional storey from the existing, however the height increase is mitigated by the fact that the existing building possesses a barrel vaulted roof, thus giving an increased building envelop. The proposal will maintain a view of St John's Church through the site, from Crawford Avenue. The single storey element of the Vicarage fronts onto Crawford Avenue, which ensure an appropriate scale of development, is proposed at this location, in accordance with the Council's policy BE9 which states that new buildings should be of a scale, massing and height appropriate to their setting and context.

The proposed two-storey terrace of dwellinghouses positioned parallel to the northern boundary of the site are considered to be of an appropriate scale mindful of the Church and the residential dwelling comprising Rosecroft Walk. These are proposed as two-storey dwellings with pitched roofs which compliment the existing residential dwellings and thus reflect the character of the area. Similarly, the proposed three-storey block of flats, located on the north-eastern corner of the site, reflect the scale and proportion of the existing flatted dwellinghouses located north of the development site, Lantern Close. This ensures the proposed development complies with relevant development plan policy, in particular Council's policy BE9 of the adopted UDP 2004.

The proposed flatted block of dwellings is located 16m from St John's Church, with significant areas of mature vegetation and trees to be retained between. This ensures that the setting of the Church is preserved, in accordance with PPG15 and with the development plan.

The proposed Community Centre is designed to relate to the existing built footprint. However, the distance between the existing church and the proposed building is increased from 10m -16m, thus mitigating the small increase in height and significantly improving the setting of the church, thereby compliant with PPG15 and the Council's policy BE2 and BE9 in the adopted UDP 2004.

The proposed layout of the development has evolved to ensure that the proposal preserves and enhances the setting of the church in line with paragraph 2.16 – 2.17 of PPG15. The principal layout of the proposed buildings therefore reflects the orientation of the Church and in addition, takes account of the existing urban grain. In particular, the Vicarage and the proposed community centre maintain the established building line at this part of Crawford Avenue. This element of the scheme therefore complies with the Council's policy BE3 of the adopted UDP 2004 and SPG 17. The proposed community centre is located in excess of 19m from the boundary with Harrow Road, thus maintaining the verdant and open nature of the site when viewed from this perspective, accordingly the setting of the Church is preserved.

The Council's SPG17 outlines acceptable development distances between new and existing development. In particular, it states a minimum 10m between the main rear elevation and the boundary wall is normally required in order to ensure adequate privacy between rear facing habitable rooms. The development of terraced dwelling possesses garden depth of between 9.5m -10m, with the exception of the east most dwelling which has a minimum of 8m (extending to 9m). Despite the guidance within SPG17, it is considered that the proposed garden depth is acceptable. This is because the new houses back on to largely the garages of its neighbouring properties in Rosecroft Walk and Lantern Close. Also the position of the dwellings is driven by the need to ensure the setting of the Church is maintained and enhanced, as required by the Government

Guidance in PPG15 and with the development plan.

The distance between the front windows on the Vicarage and the Flats in Block A are a minimum of 17m apart. This complies with SPG17 which states that front elevation distances should reflect road width and the existing residential character of the area.

Design

Paragraph 4.2.8 -4.2.13 of the Supporting Historic Buildings Assessment and the Design & Access Statement both set out the detailed design rationale for the proposed development, the key requirement and design objectives is to ensure the setting of the grade II Listed Building (St John's Church) is maintained or enhanced by the proposal, in accordance with PPG15 and policies BE2, BE3, BE9 of the adopted UDP 2004.

In assessing the proposed design characteristics, it is considered appropriate to refer to both documents mentioned above which demonstrate that the development responds appropriately to the site context and preserves and enhances the setting of the Church. It is further demonstrated that by providing an appropriate scale, layout and density, the proposed development responds positively to the wider urban context.

Quality of Accommodation

The Council's SPG 17 provides guidelines for minimum dwelling sizes in sq.m. Mindful that the scheme comprises 100% affordable housing, ASRA Housing association have sought to ensure that each unit meets the HQI standards for dwelling sizes, which largely correspond with the guidelines set out in the SPG17. This is demonstrated in the table below:

Format	Person	HQI	SPG17 (m2)	Proposed Minimum
1-bed unit	<u>2</u>	45-50	45 (flat)	50
2-bed unit	<u>4</u>	67-75	65 (f) -70 (M) -75 (H)	75
3-bed unit	<u>5/6</u>	75 (1-storey)- 95 (3 storey)	80 (E)-82 (M) -85 (H)	116 (Wheelchair Unit)9
4-bed unit	<u>6</u>	95-100 (2 storey)	90(F)-92(M)- 105(H)	110

The table above demonstrates that the proposed development complies with the Council's minimum unit sizes standards set out in the SPG17 and that adequate dwelling sizes are provided which will result in a good standard of amenity for prospective residents. It further demonstrates that the scheme does not comprise an overdevelopment of the site.

The planning application is submitted with a supporting daylight and sunlight analysis in order to demonstrate that the proposed development complies with the relevant guidance and development plan policies in this regard.

SPG 17 seeks to ensure that new development mitigate any impact upon daylight/sunlight achievable to existing development and also to ensure that adequate levels are achieved in new development. The BRE assessment criteria have been used to measure the impact of the proposed development.

The daylight report demonstrates that overall both the levels of daylight and sunlight to the proposed dwellings will be satisfactory and that no material impact upon amenity of future residents will be had. This issue is further expanded upon in the daylight/sunlight report. It is clearly demonstrated that the proposal complies with Council's policy BE9 in the adopted UDP 2004.

It is further demonstrated that no material impact upon existing properties will be had, as a result of the proposed development.

Given the nature of this urban development, it is considered that the impact upon daylight and sunlight achievable to both existing properties and within the application proposal is appropriate and through the design response, has been adequately mitigated. This therefore complies with relevant development plan policy in particular BE9 (e) of the adopted UDP 2004.

The application is accompanied by Acoustic Assessment which demonstrates that the site can appropriately accommodate residential development without detrimental to the amenity of prospective occupiers. Mindful of the site's location within Noise Exposure Categories (NEC) B & C it considers relevant design features can be incorporated within the scheme in order to ensure that an appropriate level of amenity is achieved. Mindful of this Assessment, it is demonstrated that this aspect of the development proposal would comply with the Council's policy EP2 and SPG19.

Transportation

This proposal involves the redevelopment of the church hall site and land to the rear of the church building, as well as the existing vicarage. A two-storey building, comprising a replacement church hall (main hall 195m², two meeting rooms (72m² & 89m² respectively) and ancillary offices, kitchens and toilets) and four two-bedroom flats is now proposed along the western side of the site fronting Crawford Avenue, with public access directly from Crawford Avenue and residential access from a new access road to the north. That new access road will directly serve eight 4-bedroom houses and a block of eight flats (2 x 1-bed, 5 x 2-bed & 1 x 3-bed) along the northern side of the site and has been designed with a general block paved carriageway width of 4.8m, plus 2m wide parallel parking bays along each side and 1.2m wide footways. It is intended to remain private and may also be provided with gates, although no details have been provided at the current time. Of the new properties, fourteen (5 x 2-bed, 1 x 3-bed and 8 x 4-bed) are proposed for social rented housing.

A replacement 4-bedroom vicarage with an integral garage (3m x 6.5m) set 5.6m from the highway boundary is also proposed in the north-western corner of the site, accessed via its existing 3.6m wide crossover onto Crawford Avenue.

A total of 20 car parking spaces (incl. two disabled) are indicated alongside the new access road, with ten of these to be allocated to the church hall and eight to the houses (although the means by which these will be enforced remains unclear). Eight bicycle parking spaces are also shown alongside the church hall entrance.

Crawford Avenue is in Wembley Controlled Parking Zone "C", operational between 8am and 6.30pm Mondays to Saturdays and is generally lightly parked during the day and night. Public transport access to the site is very good (PTAL 5), with Wembley Central station (Bakerloo, London Overground and Southern lines) and ten bus services within 640 metres (8 minutes' walk).

Car Parking

Car parking allowances for residential and community uses are set out in standards PS14 and PS12 of the adopted UDP 2004 respectively. As the site has very good access to public transport services and is located within a CPZ, a reduced allowance of 0.7 spaces per 1-/2-bed flat and 1.2 spaces per 3-/4-bed property applies.

As such, up to 18.5 spaces would be permitted for the 20 new properties, plus two for the replacement church hall. The vicarage would be permitted 1.2 spaces. The overall provision of 18 standard width spaces alongside the new access road would therefore accord with standards.

However, it is proposed to allocate ten of these spaces to the church hall, which would exceed standards for this use. The preference would therefore be to keep the parking within the site primarily for the use of the residential properties, with church hall visitors able to make use of the on-street pay and display parking space in Crawford Avenue. However, it is recognised that the existing church hall has considerably more than ten spaces, so this development would

nevertheless reduce the existing overprovision of church parking on the site.

With just eight spaces (plus two disabled) to be allocated to the 20 new residential units, the applicant has expressed a willingness to enter into a car-free agreement for the residential units, such that future residents would have their right to an on-street parking permit withdrawn. Given the very good PTAL rating and the presence of a CPZ, this approach is acceptable and will overcome problems of overspill parking in Crawford Avenue by residents.

The provision of both a garage and a hardstanding space for the vicarage is fine, as garages often tend to be used for storage rather than car parking.

The provision of two disabled spaces is sufficient to satisfy standard PS15.

Cycle Parking

Standard PS16 requires the provision of one secure bicycle parking space for each dwelling. Whilst the houses each have private garden sheds within which bicycles can be stored, there is no specific provision shown for the flats, particularly the block of eight units in the north-eastern corner of the site (although the application form does claim that 28 cycle parking spaces will be provided). Further details of secure bicycle parking for the 12 flats are therefore required as a condition of any approval. The proposed provision of eight spaces alongside the church hall entrance is deemed sufficient for public use.

Access

With regard to access, the width shown for the access road is sufficient for service vehicles and cars to pass one another so is satisfactory to serve the number of units proposed. An AUTOTRACK run has been provided to show that the turning head can accommodate refuse vehicles and this should be satisfactory for the occasional pantechnicon too, albeit they may need to manoeuvre in a 5-point turn rather than 3-point turn. The provision of bin stores to the front of the units will allow easy collection by the Council's contractors, whilst fire appliances would also be able to make use of the turning head to get to within 45m of each dwelling.

The widths shown for the footways are a little restricted though and should be increased to 1.35m, to provide sufficient space to site lighting columns and still allow room for wheelchairs and pushchairs to pass. However, the surfacing of the road in block paving makes it suitable for use as a shared surface and so this offers an alternative to a wider footway.

The proposed provision of a raised crossover access with 6m kerb radii from Crawford Avenue is fine and indeed, the radii could be reduced to 4m if desired, whilst sightlines at the access onto Crawford Avenue would meet standards. Although it is not to be adopted, the road is nevertheless to be constructed to adoptable standards.

The existing car park access will need to be reinstated to footway at the applicant's expense as a condition of any approval.

Finally, a standard financial contribution of £1,000 per 1-/2-bed flat and £1,500 per 3-/4-bed property is sought towards non-car access/highway safety improvements and/or car parking controls in the vicinity of the site, giving a total sum of £24,500 and this would be included in the sum of standard contribution that would be sought for affordable housing on this site under Section 106 Agreement.

Summary - Transportation has no objection to the proposal Subject to a Section 106 Agreement to secure:- (i) financial contribution of £24,500 towards non-car access improvements and (ii) a car-free agreement for the residential properties, together with further details of residential bicycle parking provision for the flats and the reinstatement of the existing site access to footway at the developer's expense, there would be no objections on transportation grounds to this proposal.

Section 106 and Viability of the Scheme

The scheme proposes a total of 20 affordable housing units and all of which would be affordable. Therefore the proposed scheme represents 100% of the gross increase in dwelling units as affordable units. This exceeds the requirements set out in the Council's S106 Planning Obligation SPD.

The section 106 Planning Obligations SPD outlines a standard charge of £3,000 for each bedroom in each additional dwelling. The Council's Housing Department confirm a 20% reduction for the affordable housing units to 2,400 per bedroom. This equates to 127,200 for the proposed development.

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

Central Government Guidance

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

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

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

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

Transport: in terms of sustainability, safety and servicing needs

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

Design and Regeneration: in terms of guiding new development and Extensions

Site-Specific Policies

CONDITIONS/REASONS:

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

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

- (2) No development shall commence until samples/details of all materials for all external work to the Community Centre and affordable housing units, including windows and rainwater goods shall be submitted to and approved by the Local Planning Authority. Thereafter, the development shall be built in accordance with the agreed materials

Reason: To ensure a satisfactory development which complements the design and materials of the listed church and the visual amenity of the area and satisfies the objectives of policies BE2 and BE9 of the adopted Unitary Development Plan 2004.

- (3) No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of

investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To ensure that the development comply with the requirements set out in the Council's policy BE31 of the adopted Unitary Development Plan 2004.

- (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 in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed:-

(a) prior to occupation of the building(s).

Such scheme shall also indicate:-

(i) Walls and fences

Proposed walls and fencing, indicating materials and heights.

(ii) Screen planting on boundary

Screen planting along the all boundaries of the proposed development.

(iii) Physical separation

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

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

(v) Signboards and seating

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

(vi) Maintenance details

Details of the proposed arrangements for maintenance of the landscaping.

(vii) Details of all species of plants and trees of which no less than 70% shall be native species

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) Details of the means by which existing trees on the site are to be protected from damage by vehicles, stored or stacked building materials, and building plant or other equipment shall be submitted to and approved, in writing by the Local planning Authority before any demolition/construction work commences on site, and such protection shall be installed prior to commencement of any work and thereafter retained, as approved, throughout the period of the work and only removed on completion. Details to include drawings and construction method statement are to be submitted and approved by the Local Planning Authority in relation to the

construction of a boundary wall within the root protection areas of trees along Harrow Road/Crawford Avenue boundary.

All works within the root protection areas of trees to be retained to be carried out in accordance with works specifications set out in Arbtech Environmental Services 'BS 5837' Compliance Report (90371)

No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by the Local Planning Authority to include (a) induction and personnel awareness of arboricultural matters (b) identification of individual responsibilities and key personnel and (c) timing and methods of site visiting and record keeping, including dates

Reason: To ensure that trees which are to be retained as part of the development are not damaged by construction works in the interests of the local environment and the visual amenity of the area.

- (6) No development shall commence until details of the boundary wall to be erected adjacent to the 8 social housing units and associated car parking and adjacent to the access into the site have been submitted to and approved in writing by the Local Planning Authority. Once approved, the boundary walls shall be erected prior to occupation of the housing units and shall not thereafter be altered, replaced or removed except with the prior permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory standard of separation from the existing churchyard and new housing and in order to preserve the setting of the listed church and proposed housing in accordance with the objectives of policies BE2 & BE9 of the Brent adopted Unitary Development Plan 2004.

- (7) No development shall commence until details of the boundary fencing to be erected between the rear amenity areas of the 8 social housing units have been submitted to and approved in writing by the Local Planning Authority. Once approved, the boundary fencing shall be erected prior to occupation of the houses.

Reason: To ensure a satisfactory standard of separation from adjacent properties to maintain privacy in accordance with the objectives of policies BE2 and BE9 of the Brent adopted Unitary Development Plan 2004.

- (8) No development shall commence until details of the boundary enclosures and accesses to be erected along the Crawford Avenue and High Road frontages have been submitted to and approved in writing by the Local Planning Authority. Once approved, the boundary enclosure shall be erected prior to occupation of the Community Centre and Vicarage building and shall not be altered, replaced or removed except with the prior permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory standard of external appearance within the streetscene and to preserve the setting of the listed church in accordance with the objectives of policies BE2 and BE9 of the adopted Brent Unitary Development Plan 2004.

- (9) The windows to be used in the social housing units hereby permitted shall be constructed from timber and painted white and so maintained.

Reason: To ensure a satisfactory standard of external appearance within the

streetscene and to preserve the setting of the listed church in accordance with the objectives of polices BE2, BE9 and BE22A of the adopted Brent Unitary Development Plan 2004.

- (10) Notwithstanding the provisions of Class A, B C and D of Part 1 Schedule 2 of the Town & Country Planning General Permitted Development Order 1995, (or any order revoking and re-enacting that order with or without modification), no further extensions or alterations shall be erected or made to the 8 dwelling houses unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: In order to control the size, design and appearance of extensions and alterations given the limited size of the rear garden areas, to maintain the integrity of the terrace and to preserve the setting of the listed church in accordance with the objectives of polices BE2 & BE9 of the adopted Brent Unitary Development Plan 2004.

- (11) Notwithstanding the details shown on the approved drawings, further details of the surfacing to the proposed new access road and pedestrian footways shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the surfacing shall be constructed and subsequently maintained in the agreed form.

Reason: To ensure a satisfactory standard of external appearance in accordance with the objectives of polices BE2 and BE9 of the Adopted Brent Unitary Development Plan 2004.

- (12) The hours of use of the replacement church hall shall be limited to 08.00hrs to 22.30hrs Monday to Friday, and 08.30hrs to 22.00hrs on weekends and Bank Holidays.

Reason: In order to safeguard the amenities of the future occupants and surrounding neighbours in accordance with the objectives of polices Polices EP2 of the Adopted Brent Unitary Development Plan 2004.

- (13) No development shall commence until details of the boundary enclosures to be erected adjacent to the nursery areas have been submitted to and approved in writing by the Local Planning Authority. Once approved, the boundary enclosures shall be erected prior to occupation of the Community Centre building and not altered, replaced or removed except with the prior permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory standard of external appearance and to preserve the setting of the listed church in accordance with the objectives of polices BE2 & BE9 of the Adopted Brent Unitary Development Plan 2004.

- (14) No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of refuse and bin storage facilities for the proposed community building and affordable housing units. Once approved, the refuse facilities and bin stores shall be installed prior to the occupation of any dwellings or the completed community building.

Reason: To ensure a satisfactory standard of external appearance and to preserve the setting of the listed church in accordance with the objectives of Polices BE2 & BE9 of the Adopted Unitary Development Plan 2004.

- (15) No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of either signage or demarcation of the parking spaces indicating ownership and use of the parking spaces. Once approved, the signage or demarcation shall be completed, prior to first occupation of the development.

Reason: To ensure the satisfactory management of the parking spaces in accordance with the objectives of Policies TRN23 and PS13 of the adopted Brent Unitary Development Plan 2004.

- (16) No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of a scheme for external lighting to the proposed buildings and external areas. Once approved, the lighting shall be fully operational prior to the occupation of the building.

Reason: To ensure an adequate level of security within the site in accordance with the objectives of policy BE5 of the adopted Brent Unitary Development Plan 2004.

- (17) No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority of a scheme for the soundproofing to the replacement church hall hereby permitted. Once approved, the soundproofing shall be installed prior to the occupation of the building.

Reason: To ensure an adequate level of soundproofing within the site in order to protect the amenity of its future residential occupants and surrounding residential properties in accordance with the objectives of Policy EP2 of the Adopted Brent Unitary Development Plan 2000-2010.

- (18) The car parking, including disabled spaces, access road, vehicle turning area and footpaths shall be formed and surfaced prior to the first occupation of any of the buildings hereby permitted and thereafter the parking spaces, access road and vehicle turning area shall not be obstructed or used for any other purpose.

Reason: To ensure adequate vehicle parking, access and servicing and pedestrian access is provided and retained in conjunction with this development in the interests of general highway and pedestrian safety, the free flow of traffic on the neighbouring highways and the general amenities of the locality

- (19) Details of the cycle parking facilities shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development and shall be completed and available for use prior to the first occupation of the proposed development and shall thereafter be retained for use for cycle parking only except with the prior permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure adequate cycle parking is provided and retained in pursuance of the Council's policies within the Unitary Development Plan seeking the use of alternative modes of transport to private motor vehicle.

- (20) Details of the outdoor play area for the proposed nursery and play space for the residential development within the application site, surface treatment and any equipment or other features to be installed or erected shall be submitted to and approved by the Local Planning Authority prior to commencement of development and shall be completed in accordance with the approved details and shall not thereafter be extended, altered or new equipment installed or erected except with the prior permission of the Local Planning Authority obtained through the submission of a

planning application.

Reason: In the interests of the amenities of the residents, the general amenities of the locality and to ensure a satisfactory standard of external appearance within the streetscene and to preserve the setting of the listed church in accordance with the objectives of Policies BE2 and BE9 of the adopted Brent Unitary Development Plan 2004.

- (21) The ancillary office accommodation and meeting rooms to the proposed Community Centre shall only be occupied and operated by the Community Centre and shall not be used for any other purpose other than for the Community Centre except with the prior permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To accord with the terms of the application and to enable the Local Planning Authority to maintain control over the use of the ground and first floor of this building in the interests of the amenities of residents within the building and vicinity of the site, conditions of general highway safety and in pursuance of the Council's employment, town centre, transportation and community facilities policies contained within the Brent Unitary Development Plan 2004.

- (22) The nursery shall only be used for such purposes and for no other purpose within Class D1 within the Schedule attached to the Town and Country Planning (Use Classes) Order 1987 and the church hall shall only be used for such purposes and for no other purpose within class D2 in the aforementioned Schedule and Order except with the prior permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To accord with the terms of the application and to enable the Local Planning Authority to maintain control over the use of the ground floor of this building in the interests of the amenities of residents within the building and vicinity of the site, conditions of general highway safety and in pursuance of the Council's employment, town centre, transportation and community facilities policies contained within the Brent adopted Unitary Development Plan 2004.

- (23) Detailed drawings and a construction method statement are to be

INFORMATIVES:

- (1) With regards to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason to ensure that surface water discharge from the site shall not be detrimental to the existing sewerage system.
- (2) The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

- (3) The applicant's attention is drawn to the need to comply with (among other regulations) the requirements of the following legislation:
 - (i) Food Hygiene (General) Regulations 1970
 - (ii) Health and Safety at Work etc. Act 1974
 - (iii) Offices Shops and Railway Premises Act 1963
 - (iv) Control of Pollution Act 1974
 - (v) Factories Act 1961 and Sanitary Accommodations Regulations 1938
 - (vi) Environmental Protection Act 1990
 - (ix) London Local Authorities Act 1990
 - (x) Clean Air Acts 1956 & 1968
- (4) Where existing point(s) of access are to be closed, any reinstatement of the crossings proposed or which are deemed necessary by the Local Planning Authority shall be carried out by the Council at the applicant's expense. You are therefore advised to contact the Council's Streetcare Section, Brent House, 349 High Road, Wembley HA9 6BZ Tel 0181 937 5050 for further details as soon as possible.
- (5) Attention is drawn to the provisions of s151 of the Highways Act 1980, which requires that all construction vehicles leaving the site must be cleansed as necessary to avoid depositing mud and other material onto neighbouring roads.
- (6) Detailed design of the building should take appropriate account of the British Standard Code of Practice on Access for the Disabled to Buildings (B.S.5810:1979) and schedule 2 of the Building Regulations 1985. Consideration should also be given to the needs of ambulant people having other disabilities and to those with sight or hearing problems, as well as those of wheelchair users.
- (7) If the development is carried out it will be necessary for a crossing to be formed over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Application for such works should be made to the Council's Streetcare Section, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 0181 937 5050.

REFERENCE DOCUMENTS:

1. Adopted Unitary Development Plan 2004
2. Supplementary Planning Guidance 17 relating to "Design Guide for New Development"
3. Planning Policy Statement (PPS) 15 relating to Planning and the Historic Environment
4. Planning Policy Statement (PPS) 1 relating to Delivering Sustainable Development
5. 2 letter of objections (i.e. from Councillor Robert Wharton and a local resident from 17 Crawford Avenue)

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: 3 Crawford Avenue & St Johns Hall, High Road, Wembley, HA0 2AF

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**Supplementary Information
Planning Committee on 3 February,
2010**

Item No.
Case No.

16
09/3104

Location 3 Crawford Avenue & St Johns Hall, High Road, Wembley, HA0 2AF
Description Demolition of existing church hall and vicarage and erection of a new two storey vicarage, a two storey building comprising church hall and 4 self contained flats, a three storey building comprising 8 self contained flats, 8 two storey terrace dwellinghouses, provision of 21 parking spaces and associated landscaping to site.

Agenda Page Number: 137-166

Site Visit

Following the committee site visit members asked for clarification of the proposed boundary treatment to the High Road and Crawford Avenue frontages and how this would relate to the existing boundary treatment to the Church. Members also wanted confirmation that the scheme would not involve any disruption to graves and that the public access through the church grounds would be retained.

Response

The submitted plans indicate that the existing wooden fence along the site frontage will be replaced with a low level brick wall and railing to match the existing boundary treatment in front of St John's Church. A condition is attached requiring full details of the boundary treatment be submitted for approval.

There will be no disruption to the burial ground. The archaeological assessment submitted with the application confirms that it is highly unlikely that there are any human remains within the application site.

With regards to access through the church grounds, the proposal allows for full public access to the church. The vicar confirmed on site that the church is happy for public access to be maintained.

Amendments to "Section 106 Details" in the Committee Report

The revised scheme has reduced the number of bedrooms being provided to 55. The total contribution payable on material start as indicated in clause (c) of the agreed head of terms therefore needs to be reduced from £136,800 to £132,000.

The applicants have agreed to meet the Council's requirement to achieve a level 4 rating in respect of the Code for Sustainable Homes across the whole site, but are actually seeking to achieve a level 6 rating in respect of the replacement vicarage. However the applicants will not be penalised for failing to achieve level 6. Clause (d) of the agreed head of terms therefore needs to be amended to state the following:

(d) Compensation for achieving Code for Sustainable Homes will only apply to seeking Code Level 4.

Amendment to "Recommendation" in the Committee Report

The recommendation in the committee report should read “*Grant Content subject to Legal agreement*” and not as “*Grant planning permission subject to referral under the Mayor of London Order 2000*”. Also authority to complete the Section 106 is delegated to the Director of Environment & Culture rather than the Director of Planning.

EIA Screening Opinion

Following the advice of the Council's legal adviser the wording to the paragraph at the bottom of page 140 of the report has been amended as follows:

"The Council has assessed (under officers' delegated powers) a screening opinion to determine whether this development is EIA development and therefore requires an environmental impact assessment. 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, air quality, and other impacts."

Amendments to Conditions

Condition 4: Following advice from legal the following changes to the wording are suggested: – add after part (vii) the words “the approved maintenance details shall be fully implemented”.

Condition 5: –Again following the advice of legal it is suggested that at the end of the first paragraph the words “the approved details shall be fully implemented.” be added and at the end of the third paragraph the words “the approved scheme shall be fully implemented” be added.

Condition 12: It is suggested that this condition restricting the hours of use of the community hall be amended to bring the hours of use in line with PPG 24 advice on the appropriate operating times for community uses such as this – i.e. hours of operation should be restricted to between 07.00-23:00 (rather than 7:30-22:30 as indicated in the report). The proposed extension of 30 minutes in the morning and 30 minutes at night is considered to be acceptable. The existing community centre has no planning restrictions on its hours of use.

Condition 22 –This condition erroneously refers to the use of the community hall as being a D2 use rather than D1 use and the wording of this condition should be amended accordingly.

Members should also note that the partially written condition 23 was added in error and should be deleted.

Recommendation: Approval subject to Section 106 Agreement, with amended conditions.

Committee Report Planning Committee on 3 February, 2010

Case No. 09/2340

RECEIVED: 16 November, 2009

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 75 Llanover Road, Wembley, HA9 7LW

PROPOSAL: Demolition of existing rear extension and erection of a reduced single-storey rear extension to dwellinghouse

APPLICANT: Mr Massey

CONTACT: D. T. Designs

PLAN NO'S: Please see conditions

RECOMMENDATION

Approval

EXISTING

The application site is a mid-terraced residential property located on Llanover Road, Wembley. There is an existing single storey extension to the rear with a depth of over 5.0 metres.

The existing property has been divided into 7 separate residential units, without planning permission

PROPOSAL

Demolition of existing rear extension and erection of a reduced single-storey rear extension to dwellinghouse.

HISTORY

09/3175 – Certificate of lawfulness for proposed demolition of existing rear extension and erection of single-storey rear extension to dwellinghouse. Refused

08/0159 – Erection of 1 rear dormer window and conversion into 2 self-contained flats. Application withdrawn.

E/05/0794 – Without planning permission, the material change of use of the premises into 7 residential units of accommodation comprising 6 x self contained and 1 x non self contained units and the erection of a single storey rear extension to premises. *Current enforcement case. Enforcement notice not complied with, and case is due to be heard in court November 2009.*

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Townscape: Local Context & Character

SPG/SPD

SPG 5 – Altering and extending your home (Adopted 2002 following public consultation)

- *Supplementary Planning Document 5: is to supercede SPG5. This is currently undergoing a consultation process and has yet to be adopted. However, the Planning Committee has endorsed the review of SPG5 and agreed that the current review should reflect the changes to the Town and Country (General Permitted Development) Order 1995 (as amended) made in October 2008.*
- 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

2 neighbouring properties were notified.

2 letters of objection have been received for the application. Both objections are in relation to the unauthorised conversion of the property into separate dwelling units, and the subsequent impact this has had on parking conditions on Llanover Road and the noise and disturbance as a result of the increased number of people living in the property. There is also an objection to the application even being considered whilst the property remains divided. Other objections include drainage problems encountered by the neighbouring property, considered to be due to the increased number of residents at the property.

REMARKS

The subject site is a 2-storey mid-terrace property located on Llanover Road, Wembley. The property is the subject of a current enforcement case, as it has been divided into 7 separate dwelling units.

An enforcement notice was issued for the unauthorised use of the property as 7 separate dwellings and for an unauthorised extension to the property, on 20 February 2008. The enforcement notice came into effect on 31 March, due to be complied with by 30 September 2008

An appeal against the enforcement notice was lodged by the applicants but was not accepted by the Inspectorate as it was made after the enforcement notice had come into effect

A site visit made in July 2009 confirmed the unauthorised use of the building as 7 separate dwelling units. The owner pleaded guilty to a charge against him in relation to the non-compliance of the enforcement notice. He was fined £4,000 and ordered to pay the Council's costs on 24th November 2009.

The submitted plans confirm that the existing property is divided into several separate self-contained flats or bedsits. The property has an existing rear extension which has a depth of 5.8m. This application proposes to demolish part of this extension, and reduce the depth to 3.0 metres. Whilst the current SPG5 states that for a terraced property the depth should not exceed 2.5 metres, as of October 2008, single storey rear extensions to terraced dwelling houses are permitted to a depth of 3.0 metres (policy considerations taken into account changes to the Town and Country (General Permitted Development) Order 1995 (as amended) made in October 2008.) The extension is to have a flat roof to a height of 2.5 metres. The extension will contain the new family kitchen.

The property is to be converted back into a single dwellinghouse, and the revised plans submitted by the applicants show that all existing kitchens within the separate rooms are to be removed; and three of the en-suite bathroom or shower rooms are to be removed. The property would be a 4-bedroom single dwellinghouse with only one open plan kitchen and dining room on the ground floor; no bathrooms on the ground floor; and a family bathroom on the first floor. One of the bedrooms on the first floor and the sole bedroom on the second floor would have en-suite bathrooms. This is considered acceptable within a large family single dwellinghouse.

As the current extensions and use of property as several separate dwelling units is unauthorised, an informative will be attached to any approval reminding the applicants the requirements of the current enforcement notice, which is to carry out all works that are the subject of this planning application, including the removal of existing kitchens and bathrooms within the separate bedrooms, within 3 months of the date of this decision. The Planning Enforcement Team will therefore pursue the matter if the enforcement notice has not been complied with.

The objections to this planning application are on the basis that the property is currently divided into separate flats. This application is only recommended for approval on the basis that the property is to be converted back to a single dwellinghouse. Provided the property is converted back to a single dwellinghouse as is required by the enforcement notice in any case, the objections raised to this planning application should be alleviated.

With reference to the Council's policies BE2, BE7 and BE9 of Brent Unitary Development Plan 2004, the development is considered to be within the scale and character with this and adjacent properties. It is accordingly recommended for planning approval subject to the 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) The development hereby permitted shall be carried out in accordance with the following approved drawings:

Site location plan

DJT075/01A
DJT075/02

Reason: To ensure a satisfactory development.

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

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

- (4) No windows or glazed doors (other than any shown in the approved plans) shall be constructed in the side 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.

- (5) 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.

INFORMATIVES:

- (1) Notwithstanding the timescale set out in condition 1 of the above schedule, the applicant is advised to fully implement the proposal within three months. A failure to do so may result in further enforcement action, including prosecution and/or direct action.

REFERENCE DOCUMENTS:

Planning application papers ref 09/2340

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: 75 Llanover Road, Wembley, HA9 7LW

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Committee Report

Planning Committee on 3 February, 2010

Case No.

09/2350

RECEIVED: 16 November, 2009

WARD: Sudbury

PLANNING AREA: Wembley Consultative Forum

LOCATION: Barham Park Estate, Wembley, HA0 2NE

PROPOSAL: Hybrid planning application for the demolition and redevelopment of the entire Barham Park Estate, comprising: Full planning permission for the erection of 1 part four-/part five-storey block and 2 part six-/part eight-storey blocks, comprising in total 119 residential units, 422m² of (Use Class A1/A2) floorspace and a 121m² community facility (Use D1), with associated parking, landscaping, amenity space and including the diversion of the public footpath connecting Central Road and railway footbridge; and Outline planning permission for the erection of a further 216 residential units (matters to be approved: land use, quantum of development and means of access, with layout, scale, appearance and landscaping reserved)

APPLICANT: Notting Hill Housing Trust

CONTACT: PRP Planning

PLAN NO'S: Refer to condition 2 for all approved plans and/or documents

RECOMMENDATION

Approve subject to completion of satisfactory s106 legal agreement, and referral to the Mayor for his Stage 2 response.

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) Affordable Housing - 56% - unless otherwise agreed by the Council's affordable housing officer.
- (c) A contribution of £96,600 for phase 1A
 - £165,000 for phase 1B
 - £194,400 for phase 2
 - £315,600 for phase 3

(£3,000 per additional private bedroom and £2,400 per additional AH bedroom), due on material start of each phase, index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area, including but not

limited new play provision adjoining the site

- (a) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level Sustainability 3 for phases 1a and 1b and Level 4 for phases 2 and 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (b) Offset 20% of the site's carbon emissions through onsite site wide energy network and high performance building fabric as approved in the Energy Statement, with compensation should it not be delivered.
- (c) Prior to occupation on any phase, submit, gain approval and adherence to a Travel Plan covering that phase with consideration for the overall travel plan.
- (d) Prior to first occupation the provision of a community centre of not less than 140 sqm
- (e) To work with Brent in 2 Work to support existing residents of the estate in gaining the skills and opportunities to apply for the on site construction and retail jobs.
- (f) Prior to first occupation of phase 1 (a) or 2 provide the Maybank Open Space.
- (g) Prior to first occupation provide the agreed Highways works for each phase.
- (h) Prior to any occupation of 1a re-provide the footway to the railway bridge marked on Plans 2
 - (l) Join and adhere to the Considerate Contractors scheme.
- (j) Offer for adoption the roads and footways, for which the Council will consider adoption of if there is a CPZ in place.
- (k) Prior to Occupation, submit gain approval for and adhere to a Car Parking Management Plan, which will prioritise residents of the original estate in the allocation of parking spaces.
- (l) In the event a CPZ is established within the subject site, District Road and Central Road the units as identified within the application drawings will not be allowed to be eligible for on street parking permits,

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.

(b) If the legal agreement has not been entered into by the application's statutory expiry date of the 15th February 2010, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and

(c) If the application is refused for the reason in (b) above to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that a satisfactory Section 106 has been entered into.

EXISTING

Barham Park Estate is located in Sudbury, the existing estate was constructed in the 1970's. The site is 2.82 hectares and is bound to the east by Harrow Road, to the north by the railway line, and to the east by Maybank open space. Immediately south of the site are the backs of rear gardens to terraced housing along Central Road.

The site currently comprises residential buildings, 214 dwellings in total which include one and two bedroom flats and 3-bedroom maisonettes. These units are arranged in 19 separate 3-storey blocks, these pre-fabricated blocks are in a poor state of repair and in much need of regeneration. Along the eastern side of the site are an existing car show room and MoT garage, and these uses will make way for the redevelopment.

Vehicular access to the site is limited to a single access point on Harrow Road, and the two roads within the site, Roundtree Road adjacent to the northern boundary and Saunderton Road adjacent to the southern boundary, end in cul-de-sacs.

A public footpath (Public Right of Way) also runs north-south across the site linking the public footbridge crossing over the railway tracks to the north with the footpath access towards Maybank Open Space and Central Road.

The existing estate is currently managed by Brent Housing Partnership. The Council embarked on an options appraisal exercise in 2003 and concluded, with residents, that estate redevelopment was the best option. The Council undertook a selection process for an RSL partner. This resulted in the Council selecting Notting Hill Housing Trust and Countryside Properties as its preferred partner.

PROPOSAL

The proposals seek planning permission for a 'hybrid' planning application for the demolition of the existing buildings redevelopment of the entire Barham Park Estate, comprising the construction of 335 residential units, including 56% affordable as follows;

- i. A full planning application for Phase 1A, a part four-/part five-storey block and Phase 1B, a part six-/eight storey block, comprising in total 119 residential units, 422 sq m of (Use Class A1/A2) floorspace and 121 sq m community facility (Use Class B1 and D1), with associated parking, landscaping and amenity space, and including the diversion of the public footpath connecting Central road and the railway footbridge; and
- ii. Outline planning permission for the erection of a further 216 residential units (known as phases 2 & 3 of the development) with matters of land use, quantum of development and means of access to be approved, with Layout, Scale, Appearance and Landscaping reserved.

Key elements of the estate regeneration;

- 335 new homes (187 affordable and 148 private sale)
- A total of 56% of the residential units will be affordable comprising a mix of 1-bed, 2-bed and 3-bed flats, 3-bed maisonettes, 3-bed houses, 4-bed houses and 4-bed maisonettes.
- Of the 187 affordable units, 122 units will be for social rent and 65 for intermediate housing.
- 27% of all new dwellings (91 in total) shall be provided as family accommodation (i.e. having 3 bedrooms or more).
- A minimum 10% of units designed to be wheelchair accessible.
- A total of 162 car parking spaces for the residential development, with a further 2 spaces and 1 loading/serving bay for the proposed retail/community uses. A total of 19 disabled parking bays will be provided as part of the overall provision.
- A new community facility.
- A new retail/commercial space.
- Better quality and enhanced open space and amenity space.

HISTORY

No directly relevant planning history

POLICY CONSIDERATIONS

Brent UDP 2004

- BE1** Urban Design Statements
 - BE2** Local Context
 - BE3** Urban Structure: Space & Movement
 - BE4** Access for disabled people
 - BE5** Urban clarity and safety
 - BE6** Landscape design
 - BE7** Streetscene
 - BE8** Lighting and light pollution
 - BE9** Architectural Quality
 - BE10** High Buildings
 - BE12** Sustainable Design Principles
 - BE17** Building Services Equipment
-
- EP2** Noise and Vibration
 - EP3** Local air quality management
 - EP4** Potentially polluting development
 - EP6** Contaminated land
 - EP12** Flood protection
-
- H6** Protection of Existing Affordable Housing (including HMO's)
 - H7** Major Estate Regeneration Areas
 - H8** Resisting Loss of Housing
 - H9** Dwelling mix
 - H11** Housing on Brownfield Sites
 - H12** Residential Quality – Layout Considerations
 - H13** Residential Density
 - H14** Minimum Residential Density
-
- TRN1** Transport assessment
 - TRN2** Public transport integration
 - TRN3** Environmental Impact of Traffic
 - TRN4** Measures to make transport impact acceptable
 - TRN10** Walkable environments
 - TRN11** The London Cycle Network
 - TRN12** Road safety and traffic management
 - TRN13** Traffic calming
 - TRN14** Highway design
 - TRN15** Forming an access to a road
 - TRN16** The London Road Network
 - TRN20** London Distributor Roads
 - TRN22** Parking Standards – non-residential developments
 - TRN23** Parking Standards – Residential Developments
 - TRN24** On-street parking
 - TRN34** Servicing in new developments
 - TRN35** Transport access for disabled people & others with mobility difficulties
-
- PS1** Parking standards – Operation of these parking Standards
 - PS3** Regeneration Exception
 - PS7** Shops (Use Class A1) less than 200m²
 - PS12** Parking standards – Non-residential institutions (Use Class D1) and Hospitals (Use Class C2)
 - PS14** Parking Standards – Residential Developments
 - PS15** Parking for disabled people
 - PS16** Cycle parking standards

PS17 Servicing for shop units less than 2000m²

OS18 Children's play areas

CF5 Community Facilities in Large Scale Developments

CF6 School Places

Brent Council Supplementary Planning Guidance and Documents

SPG12 Access for disabled people

SPG13 Layout standards for access roads

SPG17 Design Guide for New Development

SPG19 Sustainable design, construction and pollution control

SPD Section 106 Planning Obligations

Mayor of London

The London Plan Consolidated with Alterations since 2004

Mayor of London Supplementary Planning Guidance

- Providing for Children and Young People's Play and Informal Recreation (March 2008)
- Sustainable Design and Construction (May 2006)
- Housing (November 2005)
- Accessible London; Achieving an Inclusive Environment
- The Mayor's Energy Strategy; Green Light to Clean Power (2004)
- Draft Mayor of London Housing Design Guide (2009)

Planning Policy Guidance and Statements

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS9 Biodiversity and Conservation

PPG13 Transport

PPS23 Planning and Pollution Control

PPG24 Planning and Noise

PPS25 Development and Flood Risk

SUSTAINABILITY ASSESSMENT

Sustainability and energy strategy

Policy 4A.1 of the London Plan specifies that the following hierarchy should be used to minimise CO₂ emissions associated with new development:

- using less energy, in particular by adopting sustainable design and construction measures;
- supplying energy efficiently, in particular by prioritising decentralised energy generation, and
- using renewable energy.

The applicants have submitted an energy strategy which commits to the following details and measures:

- To improve energy efficiency of the new dwellings measures such as mechanical ventilation with heat recovery, well insulated building fabric, and dedicated low energy light fittings have been proposed. These result in a CO₂ emissions reduction over 2006 Building Regulations of approximately 20.3% for the dwellings and 15.7% for the retail and community facilities.
- To supply energy efficiently and to meet the intentions of London Plan policy 4A.5 'Provision of Heating and Cooling Networks' a thermal network has been proposed. As this is a high density site with stable year round heat load, Barham Park Estate is considered to be a prime candidate for communal heating network served by a combined heat and power unit (CHP).
- Because of the phased nature of the development it is not possible to provide a full site

wide heating infrastructure from the outset. It is therefore proposed to install communal gas boilers in Phases 1A and 1B. Upon completion of phase 2 and 3 the site wide heating network will come on board, and this will be connected to the energy centre in Block G, H.

- A 100kWe CHP unit will be installed in the Harrow Road Energy Centre. This unit will be designed to supply 100% of the year round domestic hot water requirements.
- The energy strategy proposes the use of solar PV panels to meet London Plan policy 4A.6 'Renewable Energy'. This policy requires that all new developments achieve a reduction in CO2 emissions of 20% from on-site renewable generation.
- Due to the commitment to deliver site wide infrastructure, the applicants state it is not possible to meet the full 20% renewable energy target. Across the entire site the PV installation will meet 1.6% of the renewable target. The applicants have since revised this figure, stating the site wide renewable contribution amounts to 2.4%.
- The CHP and PV option was preferred to an all-PV option due to the limitations in terms of useable roof area. Though CHP does not meet the definition of a renewable energy source, its use in tandem with a PV array achieves CO2 emissions reductions over and above the GLA target and the applicants believe this provides the best way forward for Barham Park.

The GLA Stage 1 response requests further information on the district heating elements, the proposed CHP, cooling of commercial and renewable options of the proposal. The applicants have responded to the GLA on the above points (under cover of letter dated 20th January 2010) and this will be discussed in further detail within the Supplementary Report.

A TP6 "Sustainability Checklist" has been submitted for this application, this scores a rating of 51% (applicant's score). Compliance with the measures set out in the checklist will be secured as part of the s106 agreement, along with achieving Code for Sustainable Homes Level 3 for phases 1A and 1B, and Level 4 for phases 2 and 3. The applicants commit to these measures in the supporting energy documents. Further scrutiny of these and comments from your Sustainability Officer will be reported in the Supplementary Report, if necessary.

A BREEAM assessment has been undertaken for the community and retail areas in Phase 1B. These areas will meet BREEAM 'Very Good'.

CONSULTATION

Date site notices erected: 17th December 2009

Date advertised in local press: 17th December 2009

Public

460 letters were sent to adjoining and nearby residents on 26th Nov 2009, and again on 14th Dec as the description of development was revised to include the footpath diversion. In addition to this a large number of statutory consultees were notified of the application.

7 individual letters of objection were received, with the following raised as grounds for objection;

- The demolition of 89 Central Road to create an access is unacceptable.
- Will there be assurances that the proposed emergency access will not be used in the future as an access road for the estate?
- The proposal will have a negative effect on the value of properties on Central Road (property values are not a material planning consideration).
- The provision of retail will have a negative impact on existing businesses on Harrow Road, Sudbury.
- The proposals will result in a loss of light, privacy and outlook to properties which are north of the site on the opposite side of the railway.
- The proposal will have a detrimental effect on the quality of residents of Perkin Close.
- The number, size and design of the buildings is unacceptable. The increase in population will have an impact on local traffic.

- The increased population will lead to increased noise in noise.
- Lincoln Harford Solicitors, representing some 50 existing residents write to register residents objections in respect of Notting Hill Housing Trusts proposal to purchase their properties. Residents are unhappy with the purchase offer made [this is not considered to a material planning consideration]
- The proposal fails to improve or enhance the character of the area.
- The increase in population would lead to traffic congestion.
- Public transport in the area is already inadequate.

The Barham Park Resident's Association

As residents the principle of estate regeneration is welcomed but there are concerns they would like to see addressed, as listed below;.

- It is considered the appearance of the buildings are uninspiring and residents feel it to be 'monolithic' in terms of its design and appearance. A 'softer' design that is not so blocky with a finish that is more traditional as opposed to the use of render is preferred.
- There is a concern that the use of render is open to vandalism.
- Residents are concerned with the proposed height (8-storeys) and density.
- It is unclear where all of the disabled units will be located.
- Residents feel the proposal does not adhere to the concept of designing out crime, particularly in relation to the location of car parking spaces in the south western corner of the site.
- There are concerns with the tenure distribution, as it appears private ownership properties have not been integrated with the affordable units.
- There is concern with the undercroft car parking spaces and how spaces will be allocated.
- Residents request that all existing residents have the right to park on the estate protected within the s106 agreement.
- The number of parking spaces is insufficient.
- Access is a concern. Residents would like to see highways works to improve the access from Harrow Road (either through traffic lights or a box junction), and for such works to be secured through the s106.
- It is suggested the bus lane is moved on Harrow Road so that it starts after the entrance to the estate.
- Potential overlooking and loss of privacy of amenity spaces is a concern.
- The proposed layout, including internal kitchen and bathrooms is not supported.
- Residents ask that a construction management plan be submitted up front rather than leave this to condition.
- It is requested the community facility be redesigned. Residents feel that due to its size it is nothing more than a token gesture, and would welcome a larger facility as indicated at consultation stage.

The applicants PRP, Notting Hill Housing and Countryside Properties also undertook lengthy pre-consultation over a long period which involved meetings with the local residents and other interested parties. This took the form of meeting a resident's focus group, staging of public exhibitions, meeting the Barham Park Tenants and Residents Association, distribution of newsletters to estate residents and staging of 'drop-in' sessions. The detailed designs and estate layout has been arrived at with residents concerns taken on board where possible. Further details of the level of public consultation are set out in full in the Statement of Community Involvement.

Internal

Landscape: The Landscape Design officers have no objection to the proposal in principle. Minor amendments are requested to Phase 1A and 1B which relate to mostly to tree sizes at planting stage, layout of communal areas and hard surfacing materials. But generally the detailed landscaping proposal which form part of phase 1A and phase 1B are acceptable to Brent's Landscape Officer's Conditions are recommended in the event of consent being granted.

Environmental Health; Conditions are recommended which relate to contaminated land. Officers have requested the air quality assessment undertaken be amended using up-to-date emissions data. Further conditions are recommended, these require a Construction Management Strategy, post completion testing for noise and details of a site waste management plan.

Transportation: (see remarks section)

Housing; Brent's Housing department fully support the proposed development. With respect to the proposed affordable tenure mix of a social rented to intermediate tenure ratio of 65:35 Housing consider this is broadly in line with London Plan policy 3A.9. With respect to this tenure mix, part of the overall strategy for the Barham Park Estate is to move away from the current mono-tenure housing provision to a more mixed neighbourhood that meets a more varied range of housing needs and residents aspirations. Housing consider that the proposed tenure will deliver this strategy.

The regeneration introduces a stronger element of private and intermediate housing, whilst the amount of affordable increase from 185 to 187 units. A consequence in this is a reduction in the amount of units for social rent. Housing consider this reduction acceptable in terms of meeting the overall ambition of delivering a mixed tenure development and meeting residents aspirations for intermediate housing. Housing provide data which demonstrate that demand for intermediate housing in the borough is both strong and not met by current supply. Also the introduction of more private and intermediate housing is needed for the scheme to be financially viable.

Housing confirm a number of off-site affordable housing initiatives are being delivered to assist in the decant of the estate, that are increasing the supply of social rented accommodation in the borough. Brent Housing has worked closely with Notting Hill Housing on the decant of existing resident's. For Phase 1, Notting Hill have transferred an HCA funding allocation of £5.56m for the purchase and repair and conversion of 28 properties to permanent social rented accommodation. Further funding is to be applied for purchase and repair of properties to assist with later phases of the development.

Housing supports the proposed unit mix and welcome the introduction of much needed 4-bedroom family accommodation.

Urban Design: The overall scale and height of the proposal is acceptable and respects the existing surrounding environment and the proposed mass of the development appears to be acceptable. In terms of elevational design treatment the ground floor of Phase 1B facing Harrow Road should be more identifiable from the rest of the block to distinguish the ground floor retail units.

The proposed entrances to Block AB appear to lack appropriate details and articulation that would make them stand out.

There is little detail with regards to proposed materials (this is to be secured though condition).

External

Network Rail

Network Rail have no objection in principle but due to its proximity to the operational railway they request conditions/informative be attached. They request that in the event of planning permission being granted that at least 6 weeks prior to works commencing on site that an Outside Parties Engineer must be contacted.

Thames Water

No objection subject to informatives.

Environment Agency

An objection has been raised, this is in the absence of an acceptable Flood Risk Assessment

(FRA). In particular the submitted FRA fails to be supported by appropriate data and information showing how Sustainable Drainage Systems (SUDS) such as; green roofs, tanked permeable pavements, detention basins and ponds, filter drains and strips, swales, ponds have been maximised on this site with barriers to their implementation clearly justified.

Further information has been submitted by Brand Leonard to the EA, which sets out measures and justification to address the above objection. The EA's response (dated 19th Jan 2010) is to remove their initial objection, subject to attaching a planning condition requiring further details of drainage.

The Greater London Authority (GLA) and Transport for London

A stage 1 response has been received from the GLA which provides the following comment on the proposal:

- The principle of the estates re-development is supported in strategic planning terms. However, further information is required on affordable housing, children's playspace, urban design, access and inclusion and further clarification is sought in relation to transport and climate change matters before the application is reported back to the Mayor at Stage II.

Their stage 1 report is summarised as follows:

Affordable housing:

- The proposal is for the demolition of the 214 existing properties and their replacement with 335 new residential units. Of the replacement units, 56% by unit will be affordable, although this does not include a like-for-like re-provision of existing social rented properties, with a tenure split of 65:35 between the social rented and intermediate elements.
- There is no intermediate housing on the estate at present, whilst the proposal will introduce an element of intermediate accommodation (19%). The Mayor's Housing SPG notes that *"replacement of social rented units by intermediate provision may be acceptable where this can be justified by a requirement to achieve a wider range of types of provision in a neighbourhood"*.
- The applicants have noted that this comparatively higher intermediate offer is justified due to viability constraints and has been provided to meet the aspirations of local residents wishing to move from social rented to intermediate accommodation.
- The GLA acknowledge the proposals justification in the context of local housing need, but Brent Council's housing team should provide confirmation that the proposed tenure and unit mix are acceptable in terms of local housing circumstances.
- The proposed proportion of family sized units does not represent an overall increase in the proportion of family housing from the current offer (33% existing vs. 27% proposed). Current strategic guidance is that 30% of all units should have 4-bedrooms or more.
- The GLA note the off-site solution to meet the housing needs of existing resident's but state it is not clear how these sites are to be linked to the estate regeneration.
- The GLA request further information from the applicant's on viability.

Children's play space:

- Using the methodology within the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation' it is anticipated that the child yield of the development will be 175. Applying the guidance benchmark of 10m² of playspace per child, with under-5 child provision provided on-site the development should make provision for 1750m² of playspace.
- The GLA ask the applicant to confirm the size of the proposed doorstep play area, and confirm that the adjacent play areas of the Maybank public open space are suitable to meet the needs of the older children of the development.

Urban Design:

- The master plan concept for the site generally responds appropriately to the surrounding residential environment. The increased scale of development along the Harrow Road

frontage will create a prominent feature for the site, while the inclusion of the community centre and retail uses at ground floor level in this block will encourage activity along this important frontage.

- The approach to Block AB at the western end of the site is considered appropriate. The quality of public and private amenity space to the residents of this block is good.
- There is concern over the parking provision on the southern corner of the site and whether the parking in this location will function effectively within the wider public realm strategy.
- The GLA support the rationale of applying varying elevational treatments to break down the mass of Block GH, but express a concern with the amount of white render proposed at ground floor level, facing Harrow Road.
- It is appropriate to include taller elements along the Harrow Road frontage and the rationale of including an 8-storey block along Harrow Road is supported.
- The arrangement of blocks C, D, E and F creates a hierarchy of buildings and open spaces which provides interest along the street.
- The GLA note the siting of blocks C and E, which are set back and there is some concern as these are considered to be too close to the railway to the north. The applicant is asked to create a greater set back from the railway to guard against any potential amenity issues.
- The drawings fail to illustrate whether units within these blocks will be single aspect north facing.
- The GLA support the rationale behind terraced housing with flatted blocks forming bookends, as provided for within blocks K, L, M, W, N, J and P, Q, S, T, R, U. Again there is a concern with the excessive use of white render.

Access and Inclusion:

- Given the level change across the site and the proposed outline nature of future phases of the development the landscaping proposals should be developed in consultation with an access consultant, and this should be secured through the use of a planning condition or through s106.

Transport;

- The GLA support the proposed access arrangements and the level of parking (162 spaces / 0.5 spaces per unit) is acceptable given the sites good public transport accessibility.
- Electric charging points should be provided for 20% of the total provision to meet targets within the draft replacement London Plan Policy 6.13.
- It is requested that a PERS Audit be undertaken to identify any deficiencies in the pedestrian environment within the vicinity of the site.
- A plan detailing the local cycle routes will be necessary.
- The draft Travel Plan should be amended to include the provision of car club.
- In summary TfL does not have any objection to the proposal.

Climate Change:

- The GLA request further information on the district heating networks and the commitment to develop a heat network across the site should be secured through s106.
- The applicant is asked to clarify how the 23 individual houses will be heated.
- Further detail is requested demonstrating that the Harrow Road Energy Centre is large enough in size to accommodate the CHP, boilers and associated plant.
- Further details of the approach to minimise cooling demand of the non-domestic buildings should be provided.
- The applicant is asked to consider whether there is further scope to install more PV within the development.

Summary of Response from PRP to the Mayor's Stage 1 report;

1. In response to the GLA's comment that the regeneration does not represent an overall increase in the proportion family housing from the current offer PRP confirm that on a floor space basis the proposal actually offers more 3/4-bedroom accommodation than existing (8949 sqm compared to 4653 sq m). This equates to 36% 3/4 bedroom units compared to 30% 3-bed units

as existing.

2. PRP accept that the proposal does not fully comply with the Mayors requirement for 30% of units to be 4-bedrooms, however there is a generous offer of family units and this will deliver a balanced community. This housing mix has been partly driven by housing needs of existing residents.
3. It is not appropriate to secure the off-site affordable housing through s106. At present 23 units have been secured through HCA social housing grant.
4. Further clarification has been provided on matters of viability.
5. PRP confirm that the proposal has been revised to meet the on site play space needs of older children. The revised proposal provides a total of 1949 sq m of play space on site, which considerably exceeds the London plan requirement of at least 1750 sq m.
6. The issue of railway noise is reflected in the internal layout, where primarily corridors face the railway. other measures are set out in the accompanying noise and vibration report.
7. PRP consider that parking in the south western corner will be well overlooked and this was supported by the Crime Prevention Officer.
8. PRP are currently looking at the amount of render to be used. Revised plans which show greater use of brick on the ground floor are to be submitted.
9. The siting of blocks C and E have been based on the overall urban design principles of the masterplan. Block C is paramount to creating a sense of arrival to the landing area around the footbridge. Block E has been deliberately set back by the architects to create relief along this frontage. Internally both blocks are either dual aspect or south/east/west facing. Any movement of these blocks would have consequences in terms of layout, overlooking distances would be compromised as well as the road layout.
10. It is confirmed there are no north facing single aspect units within blocks C, D, E and F.
11. PRP do not consider the use of an access consultant to be necessary for the later phases of the estate regeneration.
12. The applicant comits to providing 2 electric charging points, as opposed to the GLA's request for 20 points.
13. PRP do not believe there to be a policy basis for the GLA's request for a PERS Audit. The submitted transport assessment follows TfL's own guidance on this.
14. The requirement for a Construction Management Plan and signing up to a residential car club are agreed by the applicants.
15. Originally the contribution of PV resulted in renewable provision of 1.6%. Further calculations show this will in fact result in a provision of 2.4% and that there is no more roof space in phase 1 because of the proposed green roofs. The proposed energy strategy to combine CHP and PV will provide greater CO2 emissions overall.
16. The potential of PV in the later phases can be explored.

REMARKS

The proposed redevelopment of the Barham Park Estate will help to regenerate the estate through the provision of high quality new homes of varied tenure. The existing poor housing conditions and high levels of deprivation within the estate make it a key priority for housing renewal within the Borough. The need to regenerate the estate is also identified in the Brent Unitary Development Plan (2004).

The existing housing tenure and mix on the estate is set out in the following table;

	Rented	Owned leasehold	Total
1-bed flats	78	5	83
2-bed flats	52	8	60
3-bed maisonettes	55	16	71
Total	185	29	214

Masterplan approach

The resulting Masterplan is a response to a wide range of specific issues, brief requirements and consultations pre-planning and is driven by the need to maximise the potential of the site as well as enhancing the public realm and respecting the local context.

19 blocks are proposed which are to be built in 3 phases. Detailed plans are submitted for Phase 1 (Blocks 1A and 1B), with the remainder of the Masterplan area (Phases 2 and 3) submitted in outline form only with appearance, landscape, scale and layout reserved.

	No. of affordable units	No. of private units	Total
PHASE 1	82	37	119
PHASE 2	47	47	94
PHASE 3	58	64	122
Total	187	148	335

The proposed Masterplan layout introduces an urban block structure with perimeter blocks forming edges to streets. A series of four key blocks are located along the northern boundary these taller blocks will give this edge a stronger identity. Blocks C and E along this edge are identified as two taller 6-storey elements.

Block A, B at the western end is to create a landmark edge along the northern boundary. Block G, H is located at the main entrance to the site forming the Harrow Road frontage and will form a landmark edge along the northern boundary. The scale of this block increases from 6 to 8 storeys in height.

Two perimeter blocks (K, L, M, W, N, J and P, Q, S, T, R, U) are located in the centre of the development. Each perimeter block consists of blocks of flats and houses, with the flat blocks to act as bookends and back-to-back terraced housing.

A new loop road will improve vehicular movement within the site and this has been designed to include traffic calming features through its geometry and changes in material.

This Masterplan approach for the site which is to include taller elements, to act as landmarks and the general estate layout is supported by the GLA, as set out in their Stage 1 response.

The Masterplan approach intends to retain a number of trees which are located towards the western site boundary. The public realm strategy for the estate is to introduce street trees in order to create a high quality streetscene. A total of 42 trees will be removed from the site, whilst this number may be considered to be high the proposal seeks to replace these with over 140 new semi-mature trees. A detailed landscaping plan has been submitted for phase 1 of the development and this has been arrived at through consultation with Brent's Landscape Team and Tree Protection Officer. As landscaping is a reserved matter for phases 2 and 3 of the development then further details of landscaping and replacement tree planting will be submitted for approval.

Density

The overall density of the proposed development equates to 119 dwellings per hectare, or 391 habitable rooms per hectare (hrh). This represents an increase from the current density of the estate of 76 dwellings per hectare. The increased residential density is consistent with Government guidance set out nationally through *PPS1; Delivering Sustainable Development*.

A proposed density of 391 hrh is consistent with local density ranges, set out in Supplementary Planning Guidance 17 '*Design Guide for New Development*'. This guidance sets appropriate development for sites within 600m all tube and rail stations and district town centres at a density range of 240 – 450 hrh.

The London Plan density matrix indicates that the site is within an 'urban' setting, and therefore with a PTAL of level 4 the site is capable of accommodating development within a density range of between 200 and 700 hrh. The development is therefore consistent with local Brent and London Plan density requirements.

Affordable Housing provision

The estate regeneration will deliver 335 new residential units, which represents a net increase of 121 units. When considered on a floorspace basis, the proposal results in a comparatively larger amount of residential floorspace, when compared to existing (as indicated in the table below). In this regard the proposal meets with London Plan policy 3A. 15 which seeks to prevent the loss of housing, including affordable housing, without its planned replacement at existing or higher densities.

	Existing		Proposed	
	Num of Units	Floorspace (sq m)	Num of Units	Floorspace (sq m)
Studios			0	0
1 bed	83 (39%)	3548 (30%)	109 (33%)	5604 (23%)
2 bed	60 (28%)	3692 (31%)	135 (40%)	10077 (41%)
3 bed	71 (33%)	4653 (39%)	60 (18%)	5626 (23%)
4 + bed	0	0	31 (9%)	3323 (13%)
Total	214	11893	335	24630

Of the proposed new units 187 will be affordable (representing 56% of the total housing provision on a unit basis). The starting point in formulating the housing tenure has been to ensure there is no net loss on affordable housing provision. Which there isn't because of the existing 214 units in the estate, a total of 185 are affordable, versus 187 proposed.

All 185 units that are existing are for social rent. The estate regeneration proposes a reduced number of 122 for social rent and 65 for intermediate, thus representing 65:35 tenure split which is broadly in accordance with London Plan policy to achieve a tenure ratio of 70:30. This tenure mix and lower provision of units for social rent has been questioned by the GLA, who would like the proposals justified in the context of local housing need.

More detailed comments on the housing offer can be found in the 'consultation' section, however Brent Housing Officer's fully supports the estate regeneration and the offer in terms of tenure mix. Part of the overall strategy for the Barham Park Estate is to move away from the current mono-tenure housing provision to a more mixed neighbourhood that meets a more varied range of housing needs and meets residents aspirations to move from social housing to intermediate housing. The GLA have raised the tenure mix as a concern as it does not deliver a 70:30 split, but the ratio on offer of 65:35 has been justified in terms of local housing need by Brent Housing Officer's.

Housing consider this reduction of social rented units acceptable in terms of meeting the overall ambition of delivering a mixed tenure development and meet the demand for intermediate housing. Notably the proposal introduces much needed 4-bedroom accommodation to meet the need for more larger family accommodation. Also the introduction of more private and intermediate housing is needed for the scheme to be financially viable.

The proposal to provide 187 affordable units will ensure that appropriate replacement provision is made for existing tenants on site. Where residents requiring social rent accommodation cannot be met on site, their needs will be met through off site social rent provision. Notting Hill Housing Trust have purchased a number of additional properties for social rent off site, this is an intrinsic part of the decant strategy for the estate.

FULL APPLICATION –

Phase 1A, Block A, B

Design approach – layout and height

The proposal is for a part 4-/5-storey block configured in a U-shape with central courtyard providing communal amenity space. The height of the block is considered to be appropriate and in keeping with the wider Masterplan approach. The 5-storey element of this block will address Maybank Open Space and is to feature a 'wrap around' element to the top three floors. This will create an interesting architectural feature to the building. The facade facing Maybank Open Space, takes advantage of the views by incorporating balconies and larger windows. The ground floor maisonettes are expressed in two storey recesses and through the use of different materials.

The block will house 51 units all for social rent including a mix of 19 x 1-bed, 15 x 2-bed, 13 x 3-bed and 4 x 4-bed. The approach in terms of layout is to locate the majority of larger family units on the lower levels so that they benefit from direct access to private outside space. These 3 and 4-bedroom units are maisonettes with their own private entrances off the street. One 4-bedroom flat is located on the fifth floor with direct access to a large south facing roof terrace.

The units which previously included internal kitchens have been re-designed so that this has now been eradicated. All habitable rooms within Phase 1A and 1B will be afforded good quality outlook, daylight and sunlight. The majority of units are dual aspect, where single aspect are included north facing units have been avoided.

All the units within the block meet and in some places exceed minimum internal unit size standards as set out in Supplementary Planning Guidance Note 17 'Design Guide for New Development'. The direct back-to-back distances across the internal courtyard are 20m, this is in accordance with SPG17. As result your officers consider the proposed block layout to be acceptable, having regard to overlooking and loss of privacy for future occupiers. All dwellings within this block have been designed to Lifetime Homes standards.

Amenity and landscape

The maisonettes distributed across ground and first floor all benefit from direct access to private gardens or patio's ranging in size between 15m² and 25m², whilst all the flats on the upper floors have direct access to balconies, or in some cases generous roof terraces. In addition all of the units in the block will share the communal amenity space (456m²), which is to be provided in the form of a well landscaped courtyard. In front of the dwellings there will also be areas of defensible space with planting, this offsets the pedestrian footpath from the front of ground floor units.

In addition to the proposed outdoor space within the site it is important to recognise the proximity of Maybank Open Space which provides additional outside space, including sports pitches and a play area for children. Barham Park is also close by being situated on the other side of Harrow Road.

Car Parking

162 spaces are to be provided as a total, of this 22 car parking spaces have been provided in two locations to serve Block A, B. 10 spaces have been sited in the north western corner of the site, close to the railway footbridge landing point. The remainder of the spaces are to be situated in the south eastern corner of the site and will be distributed around the emergency access route. Of these 22 spaces, 2 will be provided as disabled parking bays.

Confirmation of how the parking spaces will be allocated to future residents of this block will be secured through the submission and approval of a parking management plan, and this is to be secured through the s106 legal agreement.

Public Right of Way diversion

The proposed development of Phase 1 will require the diversion of an existing public footpath

running north-south within the western area of the site, connecting Central Road and the railway footbridge. The proposed layout retains the connection and proposes to re-route this footpath around the perimeter of Block A, B, this solution maintain pedestrian links through the site. The development will also result in a safer, more overlooked footpath compared to what is existing.

Phase 1B, Block GH

Design approach – layout and height

With its primary location fronting Harrow Road the Masterplan identifies this as the appropriate location for the tallest building within the development. The height of the block is a maximum 26m high from ground level along the Harrow Road frontage. A linear block, 6 and 8 storeys high is proposed, the ground floor is for commercial retail uses and community uses. Given the pronounced level difference, the ground floor of this building will be restricted to a single aspect onto Harrow Road.

The GLA have expressed their support for this block commenting that it is appropriate to include taller elements along the Harrow Road frontage to emphasise the importance of this built edge, and an 8-storey block is supported as it is adjacent to the elevated railway and opposite Barham Park.

68 residential units are proposed on the upper floors and these are a mixture of intermediate (31 units) and private (36 units). This breaks down as 64 x 2-bed, 3 x 3-bed and 1 x 4-bed. Given the lack of opportunity to provide private outdoor space, the larger 3 and 4-bed units are located on the top floors where they can be provided with generous sized roof terraces. All other units within the block are provided with balconies or private patio/garden areas. From the floor plans submitted of the internal layout of this block it is demonstrated that the majority of units are dual aspect with views towards Barham Park.

The main entrance to the retail unit will be at the junction of Harrow Road and Saunderton Road, forming the gateway entrance to the site. The residential units located on the upper floors and will be accessed via communal stair cores at various levels from Roundtree Road. The block is served by lifts.

The Harrow Road facade is split into two main elements. The lower 6-storey element will have a setback top floor, this helps reduce the massing. From the Harrow Road side, the 8-storey element is articulated by staggered balconies, and rythm of vertically proportioned openings. Colour variations and recessed vertical elements are used to break up the elevation. The 6-storey element uses a variation in the roof and recessed balconies to create a corner emphasis. A similiar approach is repeated on the Roundtree Road elevation.

A similiar palette of materials is proposed for Phases 1A and 1B, this creates a dialogue between these blocks. Further details of materials will be confirmed through condition.

All the units within the block meet and in some places exceed minimum internal unit size standards as set out in Supplementary Planning Guidance Note 17 'Design Guide for New Development'. The direct distances from the rear of the block to front elevation of Block K, L is 20m, this is in accordance with SPG17, and as result there are no concerns regarding overlooking or loss of privacy.

Commercial / community uses

This block incorporates retail floorspace (422 m²) and a community facility (122 m²) on the ground floor. The retail unit will meet the needs of future occupiers of the estate, will provide an active frontage from the 'face' of the development onto Harrow Road, and will provide a continuous frontage in response to existing retail/commercial units to the north and south of the site. The GLA also welcomes the rationale of providing retail facilities along Harrow Road.

The community facility has been designed to be a flexible space, consisting of office space, meeting rooms and facilities. This space is likely to be used for resident meetings and housing management surgeries.

Amenity and landscape

The block is restricted in its ability to provide any kind of communal outdoor space, however, the residents will be able to use Barham Park which is on the opposite side of Harrow Road. All residential units will have private outdoor space in the form of a roof terrace or balcony, with the exception of one 2-bedroom flat on the first floor. The balconies typically range from 6 – 10m², with larger terraces provided on the upper floors approximately 22m².

Car parking

This block is to be “car free”, and the ability of residents to apply for parking permits is to be removed, this measure will be secured through the s106 agreement and will apply to all 68 units within this proposed block. This is dependant on a site wide CPZ being implemented and the roads being adopted by the Council. Should either the road adoption or the CPZ come forward then a requirement of the s106 will be for the submission and approval of a parking management plan, this shall include a plan showing how spaces will be allocated, with a control mechanism written into the lease arrangements of units in Block G, H to prevent occupiers from having a parking space allocated on the estate. Notting Hill Housing Trust will then need to manage this. The site is suitable for part of it to car free as the PTAL rating in this location is 4 which is classified as ‘good’, but this is subject to the implementation of a CPZ.

OUTLINE APPLICATION –

Phases 2 & 3

Outline consent is sought for phases 2 (Blocks C, D, E, Q, R, S, T) and 3 (Blocks F, J, K, L, M, N, W, P, U) of the regeneration, comprising 216 residential units. Matters to be approved are: land use, quantum of development and means of access, **with layout, scale, appearance and landscaping matters reserved.**

Access

The only matter for which permission is sought at this stage to these phases is the means of access.

The main site access is proposed via the existing access onto Harrow Road. Within the site the internal road layout will be re-configured and a new street layout introduced which proposes a loop road serving all properties within the estate. This road layout is considered necessary in order to support the higher densities and will significantly improve vehicular movement around the estate. Roundtree Road is to be relocated further south to allow for the new arrangement of blocks along the northern edge. Along the southern boundary, Saunderton Road will remain at its current location.

This new loop road will improve vehicular movement within the site and the new road has been designed with a varied geometry that incorporates landscaping and changes in material to provide traffic calming measures.

A secondary ‘emergency only’ access is to be provided off Central Road in the south-western corner of the site. Vehicular access via this point will be restricted solely to emergency vehicles and will take the form of a shared surface.

On-street parking is distributed around the site with soft planting and landscaping to avoid the impression of a car dominated environment. An area of undercroft parking is also proposed, and this is to be accessed off Saunderton Road.

The new configuration of the blocks allows for an improved pedestrian arrival point which has clear visibility to the Public Right of Way. This arrival point will be well overlooked by residential units and the buildings active frontages that include private and communal entrances at ground floor. Planting and landscaping are also proposed to enhance this as a pedestrian arrival point.

Phase 2

Phase 2 of the regeneration is to deliver 94 units. The dwelling mix comprises of family sized maisonettes located on the ground and first floors, with smaller flats on the upper floors above.

Based on the proposed Masterplan blocks C (22 units) for private sale, D (15 units), for intermediate and E (16 units), for private sale are to be situated along the northern edge of the site and to the north of (new) Roundtree Road. These blocks range between 4 and 6 storeys high. Block E (16 units), for private sale is recessed from the street, this helps to create relief along this frontage. The primary frontage of these blocks is to be onto the repositioned Roundtree Road with communal and private gardens located towards the railway side.

Block T (9 units), for private sale and R (8 units), for social rent are to be provided on the opposite side of (new) Roundtree Road, the separation distance from blocks on the northern edge of the site is 20 – 24m, ensuring compliance with SPG17 in terms of privacy.

Blocks S (11 units), for social rent and T at the western end of the access form a book end blocks to their respective frontages. These blocks are proposed at 4-storeys high to address the corner and act as more pronounced features. The units within this block will have access to a secure private communal courtyard at the rear approximately 230m². This use of varying heights will help to break up the scale and massing and introduce visual interest. Adjoining these are Blocks Q (13 units), for social rent and R, these are to step down to 3-storeys in height and provide more traditional terraced back-to-back family housing. All family houses have frontages onto the street and a generous private garden to the rear, approximately 50m² in all cases.

Phase 3

This third phase of the regeneration is to provide 122 units of mixed tenure.

Block F (34 units) is 4-storeys high and continues the linear frontage along the northern edge of the site. The majority of units are for social rent, with a small proportion on the ground floor as intermediate. Space to the rear of the block will be to provide private and communal amenity space. The front elevation of this block is a sufficient distance from Block M on the opposite side of Roundtree Road to ensure no loss of privacy. SPG17 requires a minimum distance of 20m, and the distances proposed range from 21m to 24m.

Blocks U, P (18 units) and W, N (17 units) are proposed to be 4-storey's high with frontages onto the shared amenity space in the centre of the site. These units are for private sale. The same approach in terms of build heights is taken here as with other 'book end' blocks throughout the estate, and that is for these corner blocks to be more pronounced. The residents of these blocks will have the benefit of the use of the secure communal space.

These two 'book end' blocks also take advantage of the site topography, using this as an opportunity to provide undercroft parking located underneath the communal space. The undercroft parking will be accessed from Saunderton Road.

Blocks M (10 units) and J (10 units) will provide back-to-back, 3-bedroom terraced housing, which are split 50:50 for social rent and private sale. The direct distances from the backs of these properties are 20m which is in accordance with SPG17.

Blocks K (19 units) and L (14 units) provide a mix of intermediate and private sale units. This block forms the eastern book end and is prominent at the entrance to the estate. In design terms an

opportunity is taken to make this block more pronounced, and the proposed height increases here to 5-storeys. This block is separated from the rear elevation of Block G, H by a distance of 20m, ensuring compliance with SPG17.

Although only matters of access are to be determined at this stage the proposed Masterplan indicates that the site layout is acceptable, the scale of buildings is acceptable, the overall quantum and quality of landscaping is acceptable (subject to submission of detailed landscaping plans) and that these matters will be reserved along with the detailed appearance of the buildings within phases 2 and 3. It is considered that the built form, layouts and relationships of buildings to one another within the site will result in a high quality development which will be broken down through the use of open and private outside spaces.

Transport - parking and access

The scale of the development is such that a full transport assessment has been submitted by Mayer Brown, and a draft Travel Plan. This identifies that the site has a PTAL of Level 4, which is considered to be 'good'. Sudbury Town Underground and Sudbury and Harrow Rail Station are both within 500m of the site. The nearest bus stop is immediately outside the site on Harrow Road, this is served by 6 frequent bus routes. The existing estate benefits from a single point of access from Harrow Road which takes the form of a left-in / left-out only junction. The development will continue to use the existing access onto Harrow Road and provision is to be made for an emergency access only onto Central Road.

The location of a higher density residential development close to public transport is highly sustainable and very much in line with central, regional and local planning policy. The development proposes a total of 164 car parking spaces, and this parking is to be supported by 531 cycle parking spaces. The proposed parking will consist of 162 for residential (40 in undercroft and 122 on street), 2 for retail (on street), of these a total of 16 will be provided for disabled parking, representing 10% of the total provision. The residential development will operate a Travel Plan to promote sustainable travel, including monitoring and reporting. A draft travel plan has been submitted at this stage, however a full travel plan is to be a requirement of the s106 agreement and details of this will need to be finalised prior to first occupation.

The proposed development lies within a position of 'good' accessibility and thus will provide reduced parking levels. 164 parking spaces are proposed, at both street level and an area of undercroft parking. This level of parking is a ratio of 0.5 spaces per dwelling. The front block G, H is intended to be "car free" and the rights of future residents to apply for parking permits will be restricted, this measure will be secured as part of the s106 agreement and will need to be written into the future lease arrangements for these affected units. This permit restriction will relate to 68 units for intermediate and private sale. Transportation will support this approach on the condition that a resident's Controlled Parking Zone is introduced. In the event of this controlled zone not coming forward it is not the intention of the Council's Highway department to adopt the roads (Saunderton and Roundtree), and a measure which is to be secured through the s106 will be to require the submission and approval of a parking management plan. The approved management plan will need to show a strategy for space allocation and will need to include a clause which restricts the units within Blocks G, H from being eligible for an allocated parking space on the estate. This will need to be written into individual leases where required. Priority will also be given to existing residents in terms of future space allocation, and this is secured within the s106 through an agreed parking management plan.

A survey of existing parking levels has been commissioned, the scope of this survey was agreed with the Council's Transportation department. The survey found that there are currently 70 spaces on Saunderton Road and 92 on Roundtree Road. This is a total of 162 spaces for 214 dwellings, a ratio of 0.75 spaces per dwelling. Of these spaces the maximum surveyed occupancy was 121 spaces (75%), this equates to a ratio of 0.57 occupied spaces per dwelling.

The proposed parking at 162 residential spaces equates to a ratio of 0.48 spaces per dwelling,

which is marginally below the surveyed occupancy levels. However the development will bring forward sustainable transport measures through the approval of a residential travel plan, and part of the development will be “car free” so this will reduce and allow greater control of car parking numbers on the estate. Measures proposed within the travel plan are designed to reduce car use and ownership, and ultimately reduce car parking demand. These measures include;

- public transport information packs
- cycle facilities
- cycle/walking equipment discounts
- cycle routeway/footway information
- a car share database
- a residential travel plan (to include a residential car club)

Brent’s own Highways Engineers have been involved in extensive pre-application discussions and are generally happy with the road layout proposed, and the introduction of a new loop road to serve the estate. It is also understood that the parking numbers proposed will be acceptable from a Transportation point of view, subject to the above parking management measures being secured and the development being part “car free”. Further detailed comment is awaited on the technical aspects of the proposed parking layout and access . This along with other Transportation matters will be reported in more detail through the Supplementary Report.

The GLA / TfL supports the level of parking, considering this to be acceptable given the sites ‘good’ level of public transport accessibility. The 10% level of disabled parking bays is also welcomed. They also consider that in terms of trip generation and transport impact that the proposal will not have a significant impact on the operation of the bus, rail and underground network. It is also considered that the development would not result in a significant impact on the highway network.

Cycle parking

Residential cycle parking is proposed at a rate in excess of 1 space per unit this is in accordance with the UDP and TfL cycle parking standards. Further details of the cycle parking will be required through condition.

A loading bay to serve the retail unit has been located in Roundtree Road, the site layout allows for delivery and servicing vehicles to reverse and turn within the site entrance area. This negates the need for vehicles to travel around the loop road in order to leave the site in forward gear. Two retail customer parking bays are also proposed.

Sunlight and Daylight assessment

PRP have submitted an overshadowing assessment. This investigates the potential impact of the proposal on overshadowing levels compared to that currently experienced. This analysis has been based on BRE guidelines on “site layout planning for daylight and sunlight”. The BRE Guide uses a set of parameters to quantify the potential effect on light levels; the Vertical Sky Component (VSC) and the Probable Sunlight Hours (PSH) for windows. The Guide also uses the Hours of Constant Overshadowing (HCO) to quantify the sunlight levels in open spaces.

The assessment finds that there will be overshadowing on the open spaces within the development and on the gardens of both the proposed and adjacent development. However this is a characteristic of the winter season and is not so much a consequence of the proposed development.

The assessment considers the impact during summer months and finds that a small number of gardens to properties to the south west of the site will experience some additional overshadowing, during the early hours of morning, between 0530 to 0630. During autumn and spring periods the same assessment finds that the proposal will have a minimal impact on the garden of one property to the south west, and that this will occur around 0730 hours.

Solar access to open spaces associated with the proposed development was looked at. Properties to the north are separated by the width of a railway line and were therefore considered to be too far away (42-44m away from the closest block to the nearest garden boundary of properties on the other side of the railway) for the proposal to have an unduly detrimental impact on their daylight or sunlight, and for this reason were not studied. The assessment finds that the Hours of Constant Overshadowing analysis that was conducted on the open spaces of the development does not exceed the maximum recommended value of 40% under the BRE guidelines.

The assessment concludes that there will be no problems associated with overshadowing on the adjacent properties and that the open spaces within the proposed development will receive good levels of sunlight.

Noise and Vibration Assessment

The assessment undertaken by Mayer brown looks at potential noise impacts associated with the development. The assessment considers the existing local noise and vibration environment, the impact of the proposed development on local noise levels and the impact of surrounding noise and vibration on the future occupiers of the estate.

The assessment finds that some locations along the northern edge (i.e. railway line side) are found to fall into noise categories B and C on the Harrow Road frontage, as such it is likely that conditions will need to be imposed to ensure an acceptable residential environment. Environmental Health require conditions for post-completion testing (noise), and further details of glazing/methods of ventilation for affected units to ensure appropriate means of mitigation.

Flood Risk

Brand Leonard were commissioned to carry out flood risk assessment for the development site which is more than a hectare in size and within Flood Risk Zone 1.

The EA did initially raise objection, under cover of their letter dated 16th December 2009. This objection was made in the absence of an acceptable flood risk assessment. In particular the FRA fails to be supported by appropriate data and information showing how sustainable drainage systems (SUDS) have been maximised in this site.

Brand Leonard provided a response to this and submitted a revised FRA. The EA have subsequently removed their objection, subject to a condition being imposed.

Phasing

The estate regeneration is to be carried out in 3 phases. The phasing boundaries have been arrived at following consideration of the existing residents, to ensure the number of off-site decants will be minimised. Phase 1 of the development is split into sub-phases, Phase 1A and 1B. These are at opposite ends of the site and this phasing has been arrived after reviewing the most efficient way of constructing units to enable decant of future phases and to work around the existing infrastructure.

Phase 2 which houses Blocks C, D, E, T, R, S and Q has been determined by the number of new build affordable dwellings that can be constructed in Phase 1.

Phase 3 of the development houses Blocks F, U, P, W, N, M, J, L and K.

A condition is recommended requiring the submission of a more detailed phasing plan in order to ensure a proper form of development.

Summary

The principle of the redevelopment of the site for housing at a higher density than currently found on site is considered to be acceptable in policy terms. The proposed development is considered to provide an interesting series of buildings and would provide

an opportunity to re-house residents into good quality accommodation. This would meet a key housing priority to regenerate the estate, and provide a mixed tenure development which will create a balanced community. The Masterplan is considered to set an appropriate standard of architecture and hierarchy of buildings, and proposes a well thought site layout. The quality of accommodation is also considered to be very good, given the internal dimensions of each unit, as is the treatment of external space and Officers consider this will contribute to the creation of a high quality residential environment. The detailed plans for phases 1A and 1B propose interesting, high quality forms of architecture which will set a marker for the redevelopment of the entire estate, detailed plans of the remainder of the estate are to come forward in phases 2 and 3 of the development.

The proposals are considered to accord with the policies set out within the Brent UDP 2004, and on this basis, it is recommended that planning permission is granted, subject to the legal agreement referred to above.

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
Central Government Guidance
Council's Supplementary Planning Guidance

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
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
Design and Regeneration: in terms of guiding new development and Extensions

CONDITIONS/REASONS:

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

- (i) the expiration of three years from the date of this permission; or
- (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

A6212/2.1/01 (1:1250)	A6212/2.1/22, revA (1:200)
A6212/2.1/48 (1:200)	
A6212/2.1/02 (1:500)	A6212/2.1/27 (1:200)
A6212/2.1/50 (1:200)	
A6212/2.1/03 (1:500)	A6212/2.1/28 (1:200)
A6212/2.1/05 (1:500)	A6212/2.1/30 (1:200)
A6212/2.1/06, revA (1:500)	A6212/2.1/40 (1:200)
A6212/2.1/07 (1:500)	A6212/2.1/41 (1:200)
A6212/2.1/08 (1:500)	A6212/2.1/42 (1:200)
A6212/2.1/10 (1:500)	A6212/2.1/43 (1:200)
A6212/2.1/20, revA (1:250)	A6212/2.1/44 (1:200)
A6212/2.1/21, revA (1:200)	A6212/2.1/47 (1:200)

PRP, Design & Access Statement, Nov 2009
Mayer Brown, Noise & Vibration Assessment, Sep 2006
Mayer Brown, Transport Assessment, Nov 2009
Brand Leonard, Flood Risk Assessment, Sep 2009, RevA, Nov 2009
PRP, Tree Assessment Report, Sep 2009
PRP, Overshadowing Assessment, Nov 2009
PRP, Energy Strategy, Nov 2009
PRP, Environmental & Sustainability Strategy, Nov 2009
PRP, Code for Sustainable Homes pre-assessment, Nov 2009
PRP, BREEAM Retail Pre-Assessment, Nov 2009
PRP, BREEAM for Offices Pre-Assessment, Nov 2009
Brand Leonard, Land Contamination Assessment, Nov 2009
Mayer Brown, Air Quality Assessment, Sep 2006

Reason: To ensure a satisfactory development.

- (3) The relevant parts of the development as hereby permitted (excluding Phase 1A, Block A, B and Phase 1B, Block G, H) shall not commence until layouts, plans/sections and elevations for that part of the development, detailing:

- (a) Appearance
- (b) Landscaping
- (c) Scale
- (d) Layout

otherwise known as the **reserved matters** have been submitted to and approved in writing by the Local Planning Authority. The relevant part of the development shall in all aspects be carried out in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority:

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

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

- (4) The relevant parts of the development as hereby permitted shall not commence until samples of the external materials and finishes to be used for all external surfaces of the buildings (including but not limited to roofs, elevation treatment, glazing and balconies) have been submitted to and approved in writing by the Local Planning

Authority. The relevant part of the development shall in all aspects be carried out in accordance with the approved plans unless otherwise agreed in writing with the Local Planning Authority:

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

- (5) Prior to the commencement of development a detailed Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the different phases of the development shall be implemented in accordance with the approved plan.

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

- (6) The remainder of the undeveloped land within the curtilage of the site, within the relevant parts of the development hereby permitted (excluding Phase 1A Block A, B and Phase 1B Block G, H) shall be suitably treated with hard and soft landscaping, including trees/shrubs/grass (including species, plant sizes and planting densities), in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on the site; such landscaping work shall be completed prior to occupation of the building(s) within these phases, or within six weeks of the commencement of the next planting season, if the commencement of construction of the development takes place outside the planting season, in accordance with a program to be first agreed in writing by the local planning authority. The approved scheme shall be fully implemented.

Such a landscaping scheme shall also indicate:-

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

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

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

- (7) Prior to first occupation of Blocks AB, C, D, E, F, G and H the applicant is required to submit in writing to the Local Planning Authority the results of post-completion testing undertaken in the noise affected dwellings closest to the railway land and Harrow Road.

Reason; to verify that the internal noise levels specified can be met and safeguard the amenity of future occupants of the development.

- (8) Prior to the commencement of development a Site Waste Management Plan detailing all the waste streams and the measures taken to reduce construction waste generated by the development shall be submitted to the Local Planning Authority for approval, and complied with thereafter in accordance with the agreed plan.

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

- (9) Prior to commencement of development a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details.

Reason; to prevent flooding by ensuring satisfactory storage and disposal of surface water from the site

- (10) Further details of secure cycle parking spaces for the relevant parts of the development hereby approved (excluding Phase 1A, Block A, B and Phase 1B, Block G, H) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (11) Prior to the commencement of development a Service Area and Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority (save for demolition works)

Reason ; In the interests of highway safety

- (12) The relevant parts of the development hereby permitted shall not be occupied until further details of lighting, have been submitted to and approved in writing by the Local Planning Authority, such details to include details of lighting to all;

- (a) roads; and
- (b) footpaths;
- (c) open spaces

The approved details shall be fully implemented.

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

- (13) The Use Class B1(a)/D1 floorspace within Phase 1B hereby approved shall be used exclusively for the purpose(s) specified in the application hereby approved and for no other purpose (including any other purpose in Use Class B1(a)/D1 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument

revoking and re-enacting that Order, with or without modification.

Reason: To prevent a number of uses becoming established on the site and to ensure that the standards applied to the consideration of the approved development are maintained in connection with the completed development so approved.

- (14) The relevant parts of the development hereby permitted (excluding Phase 1A, Block A, B and Phase 1B, Block G, H) shall not be commenced on site until details of the following have been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority:

- i) infrastructure, including any roads, parking spaces, servicing areas, footpaths, street furniture, including visitor cycle-parking spaces and planters;
- ii) foul and surface water drainage;
- iii) footpath layout, connections and traffic-management measures, including all surface treatments;
- iv) the internal layout of buildings and layout and detailed design of roof terraces or other areas of external space, including internal circulation areas, refuse-storage areas, cycle-storage areas, any plant room, any other internal area and any areas of external space.

The approved details shall be implemented in full.

Reason: In order to ensure a satisfactory development.

- (15) The relevant phases of the development hereby approved shall not be occupied until all parking spaces, turning areas, loading bays, access roads and footways to be constructed (and associated with that phase of development) have been permanently marked out.

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

- (16) The loading area(s) indicated on the approved plan(s) shall be maintained free from obstruction and not used for storage purposes (whether temporary or permanent) unless prior written approval has been obtained from the Local Planning Authority.

Reason: To ensure that vehicles waiting or being loaded or unloaded are parked in loading areas so as not to interfere with the free passage of vehicles or pedestrians within the site and along the public highway.

- (17) Activities within the Use Class B1(a)/D1 floorspace within Phase 1B shall only be permitted between 0800 - 2230 hours Sundays to Thursdays and 0800 - 2300 hours Fridays and Saturdays, with the premises cleared within 30 minutes after these times.

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

- (18) Prior to commencement of use of the approved Use Class A1 floorspace details of air conditioning, ventilation and flue extraction systems, that may be required including particulars of noise levels shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the use on site. The approved details shall thereafter be fully implemented.

Reason: To safeguard the amenities of the adjoining residential occupiers.

- (19) A fixed wheel-washing facility shall be provided before commencement and be operational during development, the location and details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the environment.

- (20) The quality of imported soil shall be verified through in-situ soil sampling and analysis, at a minimum ratio of 1 sample per every 50 cubic metres. All structures associated with fuel storage shall be removed from the site and this work must be validated to ensure that no residual hydrocarbons remain on site at levels above agreed concentrations. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use.

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

- (21) Prior to commencement of the development the applicant shall submit in writing to the local planning authority, an air quality impact assessment that shall be conducted in accordance with an agreed methodology, must take into account the cumulative effect of all development in the area and detail all mitigation measures. All mitigation measures shall be agreed and approved by the planning authority before implementation and shall be implemented in full.

Reason: To safeguard future and current residents from poor air quality

- (22) Prior to first occupation of Blocks A, B, C, D, E, F, G and H the applicant shall provide a schedule indicating which dwellings will be subject to additional acoustic glazing and the acoustic ventilation or verify that all dwellings will be subject to these measures (meeting BS EN ISO 140-3 and indices derived in accordance with BS EN ISO 717-1 as a minimum).

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

- (23) The applicant shall design all residential premises in accordance with BS8233:1999 'Sound Insulation and Noise Reduction for Buildings-Code of Practice' to attain the following internal noise levels as a minimum:

Criterion	Typical situations	Design range LAeq, T
Reasonable resting conditions	Living rooms	30 – 40 dB (day: T =16 hours 07:00 – 23:00)
Reasonable sleeping conditions	Bedrooms	30 – 35 dB (night: T = 8 hours 23:00 – 07:00) LAmax 45 dB (night 23:00 – 07:00)

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

- (24) In order to mitigate against the possibility of numerous satellite dishes being installed on the buildings hereby approved, details of 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.

- (25) No development shall commence until a detailed phasing plan (to include demolition) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan.

Reason: In order to ensure that the development is correctly phased in the interests of the proper planning of the area.

INFORMATIVES:

- (1) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water, Developer Services will be required. They can be contacted on 08454 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- (2) Network Rail requests that at least 6 weeks prior to commencement of works on site the Outside Parties Engineer must be contacted. Contact details are; Territory Outside Party Engineer, Network Rail (London North Western), 11th Floor, The Mail Box, 100 Wharfside Street, Birmingham, B1 1RT.

The applicant/developer should contact Network Rail in relation to this and other matters they wish to be taken into consideration during the construction phases.

- (3) Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
- (a) illuminated fascia signs
 - (b) projecting box signs
 - (c) advertising signs
 - (d) hoardings

REFERENCE DOCUMENTS:

- Brent Unitary Development Plan 2004 (UDP)
- Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"
- Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"

Mayor's London Plan 2008

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: Barham Park Estate, Wembley, HA0 2NE

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This map is indicative only.

**Supplementary Information
Planning Committee on 3 February,
2010**

Item No.

Case No.

09/2350

Location	Barham Park Estate, Wembley, HA0 2NE
Description	Hybrid planning application for the demolition and redevelopment of the entire Barham Park Estate, comprising: Full planning permission for the erection of 1 part four-/part five-storey block and 2 part six-/part eight-storey blocks, comprising in total 119 residential units, 422m ² of (Use Class A1/A2) floorspace and a 121m ² community facility (Use D1), with associated parking, landscaping, amenity space and including the diversion of the public footpath connecting Central Road and railway footbridge; and Outline planning permission for the erection of a further 216 residential units (matters to be approved: land use, quantum of development and means of access, with layout, scale, appearance and landscaping reserved)

Agenda Page Number: 173 -200

Members visited the site on Jan 30th 2010, and were met by Cllr Wharton, members of the estate Resident's Association. Robert Johnson (Brent Housing) and Rosemary Houseman (Notting Hill Housing).

Members asked if there was any scope for improving the estates junction with Harrow Road, and whether or not full vehicular access could be provided onto Central Road.

A full Transport Assessment has been submitted as part of this application, this tested the junction capacity at Saunderton Road/Harrow Road and found that the junction will continue to operate well within capacity even when accounting for increased flows that might be expected from the development. There is no requirement to upgrade the junction in order for the estates redevelopment to be acceptable on transport grounds. The close proximity of the junction to the roundabout and pelican crossing to the south of the site makes a right-turn movement out of the estate unacceptable on road safety grounds, whilst the amount of traffic entering and leaving the estate is not sufficient to justify the provision of an alternative junction design.

The only alternative would be to provide a vehicular exit from the site onto Central Road. The Transport Assessment does not find that this is necessary and finds the existing single point of access onto Harrow Road as being satisfactory. Furthermore it is envisaged that an access onto Central Road would be met with significant public opposition from Central Road resident's.

Transportation comments;

Detailed comments have been received from Transportation. Within this response it is confirmed that the existing estate roads are unadopted, and the responsibility for parking enforcement lies with Brent Housing. Beyond the estate, on-site parking in Harrow Road is generally prohibited (7am - 7pm, Mon to Sat). Otherwise the majority of nearby residential streets are within a CPZ, the exception to this is Central Road and District Road immediately to the south. Neither of these streets are subject to parking restrictions at the present time.

The existing levels of car ownership, established from the 2001 Census at 0.56 cars/household accord with parking surveys carried out in December 2009, which showed a

maximum accumulation of 121 cars within the estate after midnight.

The estate currently has 214 units so the December car parking survey reveals a ratio of 0.57 vehicles per flat. The proposed redevelopment of the estate will create 335 flats. It has always been the developers intention that 65 of these, the private blocks A & B located along the Harrow Road, would be permanently car free, restricted from parking in surrounding streets or within the rebuilt estate. This leaves 267 units for which 165 parking spaces are to be provided giving a ration of 0.61 parking spaces per dwelling. With other measures including a parking management plan, design measures to prevent unauthorised parking around the estate and the introduction of a car club officer's are satisfied that sufficient parking is being provided.

Revised drawings:

Design;

Members should note the elevations of Block A, B (phase 1A) and Block G, H (phase 1B) have been revised, this changes are in direct response to comments received from the GLA and concerns raised by existing residents on the design, specifically with the amount of white render proposed. The amount of render used on Block G. H has been significantly reduced, the proposal is to use a facing brick (red multi stock brick) and window frames have been amended to timber. The facing brick on the elevations of Block A, B has been amended to a yellow multi stock.

Landscape;

Revised plans for phases 1A and 1B incorporate trees in raised planters, along Saunderton Road. At the request of your Landscape Officer's all intermediate boundaries within the site have all been reduced in height to 1.8m. In addition to this details of bird and bat boxes for use in Phase 1 have been submitted.

A plan demonstrating the provision of play space has been submitted. This confirms there will be 3 areas for formal/informal play space.

Conditions:

Since the completion of the main Committee Report the applicants have submitted a detailed Construction Management Plan (28th Jan 2010), and have requested that condition 5 subsequently be removed. Your Officer's do not consider it appropriate to remove the condition at this stage as we need to consult internally with Environmental Health and Transportation for their comment on the construction management plan.

PRP have submitted a letter (1st Feb 2010) providing comments on the Officer's Committee Report and list of conditions. PRP have suggested re-wording of a number of conditions, especially those which relate to all phases of the development. On further consideration Officers are recommending the re-wording of the following conditions;

Following the submission of revised plans Condition 2 should be amended to refer to the following revised plans received;

A6212/2.1/10, revA

A6212/2.1/20, revB

A6212/2.1/27, revE

A6212/2.1/28, revE

A6212/2.1/30, revA

A6212/2.1/40, revA

A6212/2.1/41, revC

A6212/2.1/42, revC

A6212/2.1/43, revC
 A6212/2.1/47, revE
 A6212/2.1/48, revE
 A6212/2.1/50, revA
 A6212/2.3/300, revB

Condition 8; - As there is a legal requirement for a Site Waste Management Plan it is recommended that this should not be a pre-commencement condition but rather the condition should read;

'Submission of a Site Waste Management Plan detailing all the waste streams and the measures taken to reduce construction waste generated by the development shall be submitted to the Local Planning Authority ,and complied with thereafter in accordance with the submitted plan'.

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

Condition 19; - Officer's recommend that this condition should be deleted as this issue is addressed within the Construction Management Plan, submission of which is required by condition 5.

Condition 20; - This soil remediation condition should be amended to read as;
Soil remediation shall be carried out in accordance with a scheme that shall be submitted to the local planning authority for approval. No phase of the development shall be occupied until a satisfactory verification report has been provided to the local planning authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use.

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

Condition 23; - In the original report the condition is shown blank, this is down to a formatting error and the condition should read as;

The applicant shall design all residential premises in accordance with BS8233:1999 'Sound Insulation and Noise Reduction for Buildings-Code of Practice' to attain the following internal noise levels as a minimum:

<i>Criterion</i>	<i>Typical situations</i>	<i>Design range LAeq, T</i>
<i>Reasonable resting conditions</i>	<i>Living rooms</i>	<i>30 – 40 dB (day: T =16 hours 07:00 – 23:00)</i>
<i>Reasonable sleeping conditions</i>	<i>Bedrooms</i>	<i>30 – 35 dB (night: T = 8 hours 23:00 – 07:00) LAmax 45 dB (night 23:00 – 07:00)</i>

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

Condition 26; - Transportation requests the following condition be added to address concerns relating to the emergency access route from Central Road.

'Notwithstanding the plans hereby approved prior to first occupation of Phase 1A further details shall be submitted to and approved by the Local Planning Authority which show the re-alignment of the public footpath within the south western corner of the site, and a

revised access arrangement for emergency vehicles accessing the site'.

Reason; In the interests of highway safety

Condition 27; - Transportation require a condition to secure details of speed tables along Saunderton Road as rumble strips (proposed) do not achieve sufficient speed reduction. The following condition is recommended;

'Notwithstanding the plans hereby approved further details for the provision of speed tables along Saunderton Road shall be submitted to and agreed in writing by the Local Planning Authority and the road shall be constructed fully in accordance with such details'.

Reason: To ensure a satisfactory design in the interests of the free-flow of traffic and the conditions of general safety along the highway.

s106 Heads of Terms (amended wording):

Part (c) of the s106 agreement should be amended to incorporate delayed payments and should read as follows;

- A contribution of £96, 600 for phase 1A due 6 months after material start of this phase.
- A contribution of £165, 000 for phase 1B due 1 year after material start of this phase.
- A contribution of £194, 400 for phase 2 due 1 year after material start of this phase
- A contribution of £315, 600 for phase 3 due 1 year after material start of this phase

Part (d) of the s106 agreement should be amended so that it reads *'prior to first occupation of Phase 1B, provision of a community centre of not less than 121 sqm'.*

Part (f) should be re-worded to *"a contribution toward play provision on Maybank Open Space of £60, 000 due within 1 year of material start on Phase 3".*

Part (l) should be amended to read as *"In the event a CPZ is established, submit and gain approval for a Car Parking Management Plan, limiting the number of units able to apply for Parking permits".*

Legal advises an additional clause (m) to say *" a requirement not to commence construction of Phase 1B until a development agreement and section 106 agreement has been entered into covering the entire estate".*

Comments from Legal:

Amend the recommendation section to say *"satisfactory section 106 or other legal agreement".*

At the end of paragraph (c) on page 174 after the words *"satisfactory Section 106"* add the words *"or other legal agreement".*

Condition 6 - need to amend the final sentence in the first paragraph to say *"the approved Maintenance arrangement shall be fully implemented".*

Condition 11 - need to add the wording *"and the approved plan shall be fully implemented"* to the end of this condition.

Condition 23 - need to insert the following additional wording *"if the above internal noise levels are not achieved then further works, in accordance with details specified by the Local Planning Authority, shall be carried out in order to achieve such levels".*

Condition 24 - add the end of the first sentence, after the word "*Authority*" add the words "*before commencement of the development*".

Recommendation: Remains approval subject to the completion of a satisfactory section 106 agreement and request that Members delegate authority to the Director of Environment and Culture, or duly authorised person, to agree the exact terms thereof on advice from the Borough Solicitor, having referred the application to the London Mayor under Article 5 of the Town & Country Planning (Mayor of London) Order 2008 in order for him to confirm that the application is in compliance with the London Plan, and subject to the re-wording of conditions 2, 6, 8, 11, 20, 23, 24 (as above), the deleting of condition 19 and the addition of conditions 26 and 27.

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PLANNING & ENFORCEMENT APPEALS

OCTOBER, NOVEMBER & DECEMBER 2009

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

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Received PLANNING Appeals between 1-Oct-2009 and 31-Dec-2009

Planning Committee: 3 February, 2010

Application Number: 09/0556 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 18/11/2009 **Appeal Against:** Refusal of planning permission
Location: 97-101 Willesden Lane, London, NW6 7SD
Proposal:

Installation of three telecommunication antennas on the roof of Prince of Wales public house, cable tray on roof and radio equipment housing at ground floor level, with associated gated fence, to the rear of public house

Application Number: 09/0607 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 02/11/2009 **Appeal Against:** Refusal of planning permission
Location: 26 Summerfield Avenue, London, NW6 6JY
Proposal:

Erection of single-storey extension to side of existing two-storey outrigger of dwellinghouse

Application Number: 09/0662 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 23/11/2009 **Appeal Against:** Refusal of planning permission
Location: 5 Queens Walk, London, NW9 8ES
Proposal:

Demolition of existing two storey dwellinghouse and attached garage and erection of new two storey dwellinghouse with vehicular access and provision of two car parking spaces to front garden and associated landscaping

Application Number: 09/0764 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 08/10/2009 **Appeal Against:** Refusal of planning permission
Location: 26 The Avenue, Wembley, HA9 9QJ
Proposal:

Alterations to and retention of single storey outbuilding in rear garden of dwellinghouse

Application Number: 09/0845 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 20/10/2009 **Appeal Against:** Refusal of planning permission
Location: 93 Goldsmith Lane, London, NW9 9AR
Proposal:

Installation of replacement UPVC double-glazed windows to front and side elevations of dwellinghouse (Article 4)

Application Number: 09/0955 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 26/10/2009 **Appeal Against:** Refusal of planning permission
Location: 31 Stapenhill Road, Wembley, HA0 3JF
Proposal:

Demolition of existing detached garage and erection of single-storey and two-storey side and single-storey rear extension to dwellinghouse, with alterations to front garden to provide part soft-landscaped and part hardstanding area

Application Number: 09/1163 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 04/10/2009 **Appeal Against:** Refusal of planning permission
Location: 805 Harrow Road, London, NW10 5PA
Proposal:

Installation of automated teller machine (ATM) in front elevation of shop

Received PLANNING Appeals between 1-Oct-2009 and 31-Dec-2009

Planning Committee: 3 February, 2010

Application Number: 09/1203 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 18/11/2009 **Appeal Against:** Refusal of planning permission
Location: 54 Wrotesley Road, London, NW10 5YG
Proposal:

Demolition of detached garage and erection of a part one storey and part two storey dwellinghouse with associated parking space, bin storage and courtyard garden to the rear of 54 Wrotesley Road

Application Number: 09/1247 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 28/10/2009 **Appeal Against:** Refusal of planning permission
Location: 39 Hopefield Avenue, London, NW6 6LJ
Proposal:

Erection of single-storey infill extension to dwellinghouse

Application Number: 09/1323 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 06/10/2009 **Appeal Against:** Refusal of planning permission
Location: 143 Beverley Drive, Edgware, HA8 5NH
Proposal:

Erection of first floor side extension to dwellinghouse

Application Number: 09/1345 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 08/10/2009 **Appeal Against:** Refusal of planning permission
Location: 88 Longstone Avenue, London, NW10 3UD
Proposal:

Erection of a part single, part two storey dwellinghouse with roof terrace and associated cycle and refuse storage in rear garden of existing dwellinghouse

Application Number: 09/1419 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 25/11/2009 **Appeal Against:** Refusal of planning permission
Location: 979-981, Harrow Road, Wembley, HA0
Proposal:

Demolition of existing petrol station and erection of part 2- and 4-storey residential block comprising 10 flats (6 three-bedroom, 4 two-bedroom), 14 cycle spaces, 6 parking spaces, bin stores, associated landscaping and alteration of access from Harrow Road

Application Number: 09/1454 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 16/11/2009 **Appeal Against:** Refusal of planning permission
Location: 40A-D, St Julians Road, London, NW6 7LB
Proposal:

Erection of front and rear mansard roof, with 2 dormer windows at front and 2 at rear, to create 1 two-bedroom flat at third-floor level, with associated refuse-storage area to front of flats

Application Number: 09/1592 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 16/11/2009 **Appeal Against:** Refusal of planning permission
Location: 42A-D inc & 43A-C inc, St Julians Road, London, NW6 7LB
Proposal:

Erection of front and rear mansard roof extension with 2 front and 2 rear dormer windows to each property to create 2 x two bedroom self contained flats.

Received PLANNING Appeals between 1-Oct-2009 and 31-Dec-2009

Planning Committee: 3 February, 2010

Application Number: 09/1606 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 14/12/2009 **Appeal Against:** Refusal of planning permission
Location: 99 Rugby Avenue, Wembley, HA0 3DP
Proposal:

Erection of single storey rear extension, first floor rear extension 1 front rooflight and 1 dormer to rear of existing property. Demolition of existing detached garage and erection of a 2 storey dwellinghouse comprising 3 bedroom dwelling with 1 front rooflight and 1 rear dormer window and associated bin-store and car parking spaces

Application Number: 09/1612 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 07/12/2009 **Appeal Against:** Refusal of planning permission
Location: 3 SIDMOUTH PARADE, Sidmouth Road, London, NW2 5HG
Proposal:

Erection of a single-storey rear extension to an office

Application Number: 09/1693 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 23/12/2009 **Appeal Against:** Refusal of planning permission
Location: 86 Stag Lane, Edgware, HA8 5LW
Proposal:

Demolition of existing garage and erection of single storey side and rear extension to dwellinghouse as accompanied by Design and Access Statement (1052-BR 003)

Application Number: 09/1698 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 30/10/2009 **Appeal Against:** Refusal of planning permission
Location: 13 Leigh Gardens, London, NW10 5HN
Proposal:

Demolition of detached garage and fence to rear of dwellinghouse and erection of a single storey rear extension

Application Number: 09/1699 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 13/10/2009 **Appeal Against:** Refusal of planning permission
Location: 149 Chatsworth Road, London, NW2 5QT
Proposal:

Erection of single-storey and two-storey rear extension, rear dormer window with juliet balcony, installation of 4 facing windows at second floor level towards 147 Chatsworth Road and conversion of dwellinghouse into 1 three-bedroom maisonette, 1 two-bedroom flat and 1 studio flat, with formation of vehicular access onto Chatsworth Road and associated landscaping

Application Number: 09/1865 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 17/12/2009 **Appeal Against:** Refusal of planning permission
Location: 7A & 7B, Meyrick Road, London, NW10 2EL
Proposal:

Retention of 1 two-bedroom flat on ground floor and 1 three-bedroom maisonette on first and second floor of building

Application Number: 09/1945 **Team:** Northern Team **Application Type** Other ADV
Appeal Received: 14/10/2009 **Appeal Against:** Refusal of planning permission
Location: Street Record, Edgware Road, Cricklewood, London, NW2
Proposal:

Installation and display of freestanding internally illuminated advertisement hoarding at land on 393 Edgware Road nw2

Received PLANNING Appeals between 1-Oct-2009 and 31-Dec-2009

Planning Committee: 3 February, 2010

Application Number: 09/2037 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 11/11/2009 **Appeal Against:** Refusal of planning permission
Location: 95 Geary Road, London, NW10 1HS
Proposal:

Retention of front and side extension and porch to dwellinghouse

Application Number: 09/2114 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 18/11/2009 **Appeal Against:** Refusal of planning permission
Location: 73A Dudden Hill Lane, London, NW10 1BD
Proposal:

Retrospective application for the erection of a gable end roof and proposed reduction in size of existing rear dormer window to first floor flat

Application Number: 09/3279 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 17/12/2009 **Appeal Against:** Refusal of planning permission
Location: 7A & 7B, Meyrick Road, London, NW10 2EL
Proposal:

Retention of 1 One-bedroom flat on ground floor and 1 two-bedroom maisonette on first and second floor of building

Received ENFORCEMENT Appeals between 1-Oct-2009 and 31-Dec-2009

Planning Committee: 3 February, 2010

Application Number: E/06/0800 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 25/11/2009**Location:** 57 Barn Hill, Wembley, HA9 9LL**Description:**

Without planning permission, the installation of replacement uPVC windows to the front of the premises.

Application Number: E/07/0459 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 15/10/2009**Location:** 46 Oakington Manor Drive, Wembley, HA9 6LZ**Description:**

Without planning permission, the erection of a dwelling in the rear garden of the premises.

Application Number: E/07/0516 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 14/10/2009**Location:** 3 Tudor Close, London, NW9 8SU**Description:**

Without planning permission, the formation of a hardstanding to the front garden of the premises.

Application Number: E/07/0583 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 30/11/2009**Location:** 148 Slough Lane, London, NW9 8XH**Description:**

Without planning permission, the erection of a rear outbuilding and detached garage, and the formation of a hard surface in the back and front gardens within the curtilage of a Grade II Listed Building.

Application Number: E/07/0837 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 14/12/2009**Location:** Ground & First Floor Flats, 24 Cairnfield Avenue, London, NW2 7PE**Description:**

Without planning permission, the change of use of the premises from a dwellinghouse into two self-contained flats and the erection of a dwelling in the rear garden of the premises.

Application Number: E/08/0304 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 30/11/2009**Location:** 148 Slough Lane, London, NW9 8XH**Description:**

The demolition of a detached garage within the curtilage of a Grade II Listed Building.

Received ENFORCEMENT Appeals between 1-Oct-2009 and 31-Dec-2009

Planning Committee: 3 February, 2010

Application Number: E/08/0611 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 27/10/2009

Location: 175 Cricklewood Broadway, London, NW2 3HX

Description:

Without planning permission, the change of use of the premises from a ground floor shop unit into a ground floor shop unit and a 1 bedroom self contained flat and the erection of a single storey rear extension.

Application Number: E/08/0614 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 15/10/2009

Location: 9 Station Crescent, Wembley, HA0 2LB

Description:

Without planning permission, the material change of use of the premises from single family dwellinghouse into 2 self-contained flats.

Application Number: E/08/0675 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 13/10/2009

Location: 19 Tudor Close, London, NW9 8SU

Description:

The installation of a hard surface to the front of the premises, the installation of a white PVCu door to the front elevation of the premises and the installation of a roof light on a roof slope fronting a highway.

Application Number: E/09/0042 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 02/11/2009

Location: Ground Floor Flat & First Floor Flat, 1 St Annes Road, Wembley, HA0 2AW

Description:

Without planning permission, the change of use of the premises from a single dwellinghouse to 2 self-contained flats incorporating the erection of a single storey rear extension.

("The Unauthorised Development")

Application Number: E/09/0054 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 02/11/2009

Location: Flats 1 & 2, 162 Randall Avenue, London, NW2 7SY

Description:

The change of use from a dwellinghouse to 2 self-contained flats and the erection of a single storey rear extension.

("The Unauthorised Development")

Received ENFORCEMENT Appeals between 1-Oct-2009 and 31-Dec-2009

Planning Committee: 3 February, 2010

Application Number: E/09/0248 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 09/11/2009

Location: 7A Buckingham Road, London, NW10 4RP

Description:

The erection of rear dormer window and installation of 2 front roof lights and change of use of the premises to a 2 bedroom dwelling unit.

("The Unauthorised Development")

Application Number: E/09/0249 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 02/10/2009

Location: 9 Chestnut Grove, Wembley, HA0 2LX

Description:

Without permission, the erection of a front porch and the change of use of the premises to 2 self-contained flats.

Application Number: E/09/0269 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 19/11/2009

Location: 17 Shelley Gardens, Wembley, HA0 3QF

Description:

Without planning permission, the material change of use of the premises from residential to mixed use as residential and car repairs including the storage of broken vehicles.

Application Number: E/09/0313 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 24/11/2009

Location: Land adjacent to 63 Beverley Gardens, Wembley, HA9 9RB

Description:

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 unauthorised development")

Application Number: E/09/0445 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 20/10/2009

Location: 470 Church Lane, London, NW9 8UA

Description:

Without planning permission, the material change of use of the ground floor of the premises to a meeting place/religious institution (Use Class D1).

("The Unauthorised Development")

Received ENFORCEMENT Appeals between 1-Oct-2009 and 31-Dec-2009

Planning Committee: 3 February, 2010

Application Number: E/09/0520 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 24/11/2009

Location: 63 Beverley Gardens, Wembley, HA9 9RB

Description:

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 unauthorised development")

Application Number: E/09/0621 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 23/12/2009

Location: 17 Norval Road, Wembley, HA0 3TD

Description:

Without planning permission, the painting of the front and side elevations of the premises.

Decisions on PLANNING Appeals between 1-Oct-2009 and 31-Dec-2009

Planning Committee: 3-Feb-2010

Application Number: 08/2535 **PINSRefNo** X/09/2100225 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 08/12/2009

Location: 82 Wakeman Road, London, NW10 5DH

Proposal:

Certificate of lawfulness for the proposed erection of a single-storey rear extension to the dwellinghouse

Application Number: 08/2698 **PINSRefNo** X/09/2104254 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 20/11/2009

Location: 25 North Way, London, NW9 0RD

Proposal:

Certificate of lawfulness for proposed erection of single-storey rear extension to dwellinghouse

Application Number: 08/3036 **PINSRefNo** A/09/2107422/WF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 15/12/2009

Location: Garages N/T 18, Hoveden Road, London, NW2 3XD

Proposal:

Erection of a two single storey buildings each comprising double garages, new fencing and vehicular crossover on the site next to 18 Hoveden Road

Application Number: 08/3124 **PINSRefNo** A/09/2106232/WF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 08/12/2009

Location: 114 Stag Lane, Edgware, HA8 5LL

Proposal:

Retention of rear dormer window, 2 front rooflights and window in side gable of dwellinghouse

Application Number: 08/3142 **PINSRefNo** A/09/2106234 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 08/12/2009

Location: 114 Stag Lane, Edgware, HA8 5LL

Proposal:

Retention of single-storey outbuilding in rear garden of dwellinghouse

Application Number: 08/3198 **PINSRefNo** X/09/2096882 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 22/11/2009

Location: 541 Kenton Road, Harrow, HA3 0UF

Proposal:

Certificate of lawfulness for a proposed single storey side and rear extension and 1st floor rear extension to dwellinghouse

Application Number: 08/3292 **PINSRefNo** H/09/2109652 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 23/10/2009

Location: Mahaan, 33 High Road, London, NW10 2TE

Proposal:

Retention of fascia signage and projecting box sign and installation of 3 external luminaires

Decisions on PLANNING Appeals between 1-Oct-2009 and 31-Dec-2009

Planning Committee: 3-Feb-2010

Application Number: 08/3297 **PINSRefNo** A/09/2108879/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 23/10/2009

Location: Mahaan, 33 High Road, London, NW10 2TE

Proposal:

Retention of shopfront, awning and external roller shutter

Application Number: 08/3405 **PINSRefNo** A/09/2107038/NWF **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 23/10/2009

Location: 41-43, Mallard Way, London, NW9

Proposal:

Demolition of existing rear garage and erection of part two-storey and part two-and-a-half-storey detached dwelling in rear garden of 41 & 43 Mallard Way, NW9, with formation of new vehicular access from Alington Crescent, 2 off-street parking spaces, bin stores and associated landscaping

Application Number: 08/3425 **PINSRefNo** A/09/216949/WF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 16/12/2009

Location: 8C Plympton Road, London, NW6 7EG

Proposal:

Erection of rear dormer window and 1 front rooflight to second floor flat

Application Number: 09/0016 **PINSRefNo** A/09/2105308 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 14/10/2009

Location: 165, Flats 1-3 inc 165, Kilburn High Road, London, NW6 7HY

Proposal:

Four storey extension to rear of existing building to create 3 additional self contained flats, alterations to existing residential entrance on elevation facing The Terrace, NW6

Application Number: 09/0315 **PINSRefNo** A/09/2105441/WF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 14/12/2009

Location: 34A Village Way, London, NW10 0LL

Proposal:

Erection of a two-storey, two-bedroom, semi-detached maisonette, with associated landscaping and amenities, adjoining 34A Village Way, London, NW10 (revised description).

Application Number: 09/0389 **PINSRefNo** A/09/2104688/NWF **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 21/10/2009

Location: 1 The Leadings, Wembley, HA9 9DT

Proposal:

Erection of a three-storey building attached to side of dwellinghouse at 1 The Leadings, comprising 5 self-contained flats, provision for 1 off-street car-parking space, cycle and bin storage and associated landscaping to land adjacent to 1 The Leadings, HA9

Application Number: 09/0764 **PINSRefNo** A/09/2113678/WF **Team:** Northern Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 27/11/2009

Location: 26 The Avenue, Wembley, HA9 9QJ

Proposal:

Alterations to and retention of single storey outbuilding in rear garden of dwellinghouse

Decisions on PLANNING Appeals between 1-Oct-2009 and 31-Dec-2009

Planning Committee: 3-Feb-2010

Application Number: 09/0981 **PINSRefNo** A/09/2110443/NWF **Team:** Northern Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 07/10/2009

Location: KINGS CAFE, 177 Edgware Road, Kingsbury, London, NW9 6LP

Proposal:

Proposed change of use from restaurant (Use Class A3) to restaurant and take-away (Use Classes A3 & A5)

Application Number: 09/1007 **PINSRefNo** D/09/2112179 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 15/10/2009

Location: 2 Wickliffe Gardens, Wembley, HA9 9LG

Proposal:

Erection of single-storey and two-storey side extension, first-floor rear extension and rear dormer window and installation of one rooflight on the east-facing roof plane of the dwellinghouse

Application Number: 09/1096 **PINSRefNo** X/09/2113192 **Team:** Northern Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 18/11/2009

Location: 214 Princes Avenue, London, NW9 9JH

Proposal:

Certificate of Lawfulness for existing use of outbuilding as a self contained dwelling and accompanied by photocopies of documents

Application Number: 09/1247 **PINSRefNo** D/09/2115465 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 15/12/2009

Location: 39 Hopefield Avenue, London, NW6 6LJ

Proposal:

Erection of single-storey infill extension to dwellinghouse

Application Number: 09/1292 **PINSRefNo** A/09/2110699 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 23/12/2009

Location: 6 Heathfield Park, London, NW2 5JD

Proposal:

Demolition of a two-storey dwellinghouse and erection of a 4-storey building, comprising 2 one-bedroom flats, 2 two-bedroom flats and 4 studio flats (8 flats in total), with associated landscaping

Application Number: 09/1293 **PINSRefNo** A/09/2110699 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 23/12/2009

Location: 6 Heathfield Park, London, NW2 5JD

Proposal:

Conservation Area consent for demolition of two-storey dwellinghouse

Application Number: 09/1323 **PINSRefNo** D/09/2113776 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 26/11/2009

Location: 143 Beverley Drive, Edgware, HA8 5NH

Proposal:

Erection of first floor side extension to dwellinghouse

Decisions on PLANNING Appeals between 1-Oct-2009 and 31-Dec-2009

Planning Committee: 3-Feb-2010

Application Number: 09/1486 **PINSRefNo** D/09/2111176 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 02/10/2009

Location: 24 West Hill, Wembley, HA9 9RS

Proposal:

Retention of single-storey rear conservatory extension to dwellinghouse

Application Number: 09/2037 **PINSRefNo** D/09/2116443 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 16/12/2009

Location: 95 Geary Road, London, NW10 1HS

Proposal:

Retention of front and side extension and porch to dwellinghouse

Decisions on ENFORCEMENT Appeals between 1-Oct-2009 and 31-Dec-2009

Planning Committee: 3 February, 2010

Application Number: E/02/0091 **PINSRefNo** C/09/2101000 **Team:** Southern Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 20/10/2009

Location: 35 Montrose Avenue, London, NW6 6LE (Ground Floor and First Floor Flat)

Proposal:

The formation of a roof terrace involving the erection of metal posts and wire on top of the single storey roof extension and the installation of decking on top of the roof extension.

Application Number: E/06/0216 **PINSRefNo** C/06/2020691 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 02/10/2009

Location: 91 Kendal Road, London, NW10 1JE

Proposal:

The erection of a building to the rear of 91 Kendal Road

Application Number: E/06/0504 **PINSRefNo** C/09/2098172 & App/T5150/C/09/2098174 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 17/11/2009

Location: 39 Barn Hill, Wembley, HA9 9LH

Proposal:

Without planning permission, the erection of a boundary fence fronting on to Midholm (including the return to the side of the house.)

("the unauthorised development")

Application Number: E/07/0228 **PINSRefNo** C/09/2101838 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 02/12/2009

Location: 21 Walrond Avenue, Wembley, HA9 7EL

Proposal:

Without planning permission, the erection of a conservatory type extension at the rear of the premises.

Application Number: E/07/0376 **PINSRefNo** C/09/2109485 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 10/12/2009

Location: 29 Exeter Road, London, NW2 4SJ

Proposal:

Without planning permission, the painting of the front elevation in white, the installation of uPVC windows on the ground and first floor front elevation and alterations to the entrance door and associated features.

Application Number: E/07/0573 **PINSRefNo** C/09/2097381 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 12/11/2009

Location: 32 Evelyn Avenue, London, NW9 0JH

Proposal:

Without planning permission, the erection of a two storey outbuilding in rear garden of the premises.

Decisions on ENFORCEMENT Appeals between 1-Oct-2009 and 31-Dec-2009
 Planning Committee: 3 February, 2010

Application Number: E/07/0751 **PINSRefNo** C/09/2098256

Team: Southern Team

Appeal Decision: Appeal Allowed

Appeal Decision Date: 17/11/2009

Location: 21 Monson Road, London, NW10 5UR

Proposal:

The change of use of the premises from 2 self-contained flats to 9 self-contained studio flats and the erection of a rear extension.

("the unauthorised development")

Application Number: E/07/0935 **PINSRefNo** C/09/2101721

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 20/11/2009

Location: 20 Basing Hill, Wembley, HA9 9QW

Proposal:

Without planning permission, the erection of a rear extension, rear patio, rear dormer window and change of use of the premises from one dwelling to two dwellings

("the unauthorised development")

Application Number: E/08/0383 **PINSRefNo** C/09/2098405

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 21/10/2009

Location: Gatehouses, Evans Business Centre, Brook Road, London, NW2 7BZ

Proposal:

Without planning permission, the change of use of Car Park to a skip storage/waste transfer facility, car repairs and the erection of hoardings, portacabin and canopy extension.

Application Number: E/08/0409 **PINSRefNo** C/09/2106591

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 24/12/2009

Location: 7 Uxendon Crescent, Wembley, HA9 9TW

Proposal:

Without planning permission, the erection of a raised terrace decking to the rear of the premises.

Application Number: E/08/0496 **PINSRefNo** C/09/2101826

Team: Southern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 30/10/2009

Location: 5B Tunley Road, London, NW10

Proposal:

The erection of a roof terrace to the property (involving the installation of decking and railings on top of the two storey outrigger extension, and the installation of an access door).

Application Number: E/08/0643 **PINSRefNo** C/09/2097878

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 22/10/2009

Location: 393 Neasden Lane North, London, NW10 0BD

Proposal:

The construction of a rear extension, formation of a hardstanding and erection of a marquee in rear garden of the premises.

Decisions on ENFORCEMENT Appeals between 1-Oct-2009 and 31-Dec-2009
Planning Committee: 3 February, 2010

Application Number: E/08/0703 **PINSRefNo** C/09/2102763

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 20/11/2009

Location: 9 Tudor Close, London, NW9 8SU

Proposal:

The erection of a roof extension and installation of PVCu windows and PVCu front gable to the front elevation of the premises.

Application Number: E/08/0719 **PINSRefNo** C/09/2101803

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 22/10/2009

Location: 27 Eversley Avenue, Wembley, HA9 9JZ

Proposal:

The erection of a rear extension and the formation of a hard standing, and boundary wall to the front of the premises.

Application Number: E/09/0117 **PINSRefNo** c/09/2102529

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 12/11/2009

Location: 32 Evelyn Avenue, London, NW9 0JH

Proposal:

Without planning permission, the erection of a first floor rear extension to the premises.

Application Number: E/09/0159 **PINSRefNo** C/09/2103161

Team: Northern Team

Appeal Decision: Appeal Allowed

Appeal Decision Date: 20/11/2009

Location: 9 Tudor Close, London, NW9 8SU

Proposal:

The erection of a front porch to the premises

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**PLANNING SELECTED appeal DECISIONS between
1-Oct-2009 and 31-Dec-2009
Planning Committee: 3 February, 2010**

Introduction

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

Our reference:	08/2535	Appeal Decision:	Appeal Allowed	Appeal Decision Date:	08/12/2009
Team:	Southern Team				
Location:	82 Wakeman Road, London, NW10 5DH				
Proposal:	Certificate of lawfulness for the proposed erection of a single-storey rear extension to the dwellinghouse				
Our reference:	08/3405	Appeal Decision:	Appeal Allowed	Appeal Decision Date:	23/10/2009
Team:	Northern Team				
Location:	41-43, Mallard Way, London, NW9				
Proposal:	Demolition of existing rear garage and erection of part two-storey and part two-and-a-half-storey detached dwelling in rear garden of 41 & 43 Mallard Way, NW9, with formation of new vehicular access from Alington Crescent, 2 off-street parking spaces, bin stores and associated landscaping				
Our reference:	09/0389	Appeal Decision:	Appeal Allowed	Appeal Decision Date:	21/10/2009
Team:	Northern Team				
Location:	1 The Leadings, Wembley, HA9 9DT				
Proposal:	Erection of a three-storey building attached to side of dwellinghouse at 1 The Leadings, comprising 5 self-contained flats, provision for 1 off-street car-parking space, cycle and bin storage and associated landscaping to land adjacent to 1 The Leadings, HA9				
Our reference:	09/1247	Appeal Decision:	Appeal Allowed	Appeal Decision Date:	15/12/2009
Team:	Southern Team				
Location:	39 Hopefield Avenue, London, NW6 6LJ				
Proposal:	Erection of single-storey infill extension to dwellinghouse				
Our reference:	09/1292	Appeal Decision:	Appeal Allowed	Appeal Decision Date:	23/12/2009
Team:	Southern Team				
Location:	6 Heathfield Park, London, NW2 5JD				
Proposal:	Demolition of a two-storey dwellinghouse and erection of a 4-storey building, comprising 2 one-bedroom flats, 2 two-bedroom flats and 4 studio flats (8 flats in total), with associated landscaping				
Our reference:	09/1293	Appeal Decision:	Appeal Allowed	Appeal Decision Date:	23/12/2009
Team:	Southern Team				
Location:	6 Heathfield Park, London, NW2 5JD				
Proposal:	Conservation Area consent for demolition of two-storey dwellinghouse				

Background Information

Any persons wishing to inspect an appeal decision not set out in full on the agenda should contact the Area Planning Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or tps@brent.gov.uk.

Chris Walker, Chief Planner

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ENFORCEMENT SELECTED appeal DECISIONS between

1-Oct-2009

and

31-Dec-2009

Planning Committee: 3 February, 2010

Introduction

In order to keep Members fully informed of Enforcement Appeal decisions, copies of Inspector's decision letters concerning those cases where Enforcement action has been initiated and the appeal has been allowed or part allowed, are attached to the agenda. These include the following:

Our reference: E/07/0751	Appeal Decision Date:	17/11/2009
Team: Southern Team	Appeal Decision:	Appeal Allowed

Location: 21 Monson Road, London, NW10 5UR

Proposal:

The change of use of the premises from 2 self-contained flats to 9 self-contained studio flats and the erection of a rear extension.

Our reference: E/09/0159	Appeal Decision Date:	20/11/2009
Team: Northern Team	Appeal Decision:	Appeal Allowed

Location: 9 Tudor Close, London, NW9 8SU

Proposal:

The erection of a front porch to the premises

Background Information

Any persons wishing to inspect appeal decision letters not set out in full on the agenda should contact the Area Planning Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email: tps@brent.gov.uk.

Chris Walker

Director of the Planning Service

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Appeal Decision

Site visit made on 19 November 2009

by **John Whalley** CEng MICE

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

The Planning Inspectorate
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Temple Quay House
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Bristol BS1 6PN

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Decision date:
8 December 2009

Appeal Ref: APP/T5150/X/09/2100225

No. 82 Wakeman Road, Kensal Green, London NW10 5DH

Appeal by Tracy O’Riordan

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development, (LDC).
- The appeal is made by Tracy O’Riordan against the decision of the London Borough of Brent Council.
- The application, No. 08/2535, dated 26 August 2008, was refused by a notice dated 30 October 2008.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is for the proposed erection of a single storey rear extension to the dwellinghouse.

Summary of Decision: The appeal succeeds. A Lawful Development Certificate is issued with this decision

The application

1. The 26 August 2008 LDC application made by Tracy O’Riordan was for the proposed erection of a single storey rear extension to the dwellinghouse at the rear of No. 82 Wakeman Road, Kensal Green. The application was accompanied by drawings EX01, EX02, EX04, EX05, GA01, GA02, GA04 and GA05.
2. Ms O’Riordan said that work was started on the appeal extension in August 2008. The proposed extension was then permissible by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, (GPDO).
3. It was accepted that the extension would not have been permitted by the 2008 amended Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 which came into force on 1 October 2008.

The Council’s reason for refusal

4. The Council said the works carried out on the site of the appeal extension before the coming into force of the amended permitted development order, did not amount to a start of works. Those works, an excavation alongside the party wall with next door at No. 80, did not amount to a real and genuine attempt to make a material start to the development. They also pointed to the application form dated 26 August 2008, submitted as part of the planning application for this extension, which said the works had not started. The Council said it was unlikely

that works would have begun over the next month in a real attempt to build the extension.

Considerations

5. The work Ms O’Riordan said started the appeal extension was carried out in August 2008. That was a reference to the excavation, now infilled, alongside the party wall. The Council’s refusal was not based on a disagreement on when the excavation shown in the submitted photograph was carried out, but whether it was enough, and specific, to be a start of works to the extension shown on the plans attached to the appeal.
6. In the case of *Connaught Quarries v SSETR and East Hants DC; QBD 30.1.01 Elias J (s.289)*, it was decided that in considering whether the construction of an access had amounted to the start of an operation within the meaning of s.56(4)(d) of the Act, the Inspector had not misapplied the tests in *Malvern Hills DC v SSE [1982] JPL 439* and *Thayer v SSE [1992] JPL 264*. The correct approach was to consider whether the work related to the permission, rather than the extent or amount of the works; that could only be considered on a de minimis basis.
7. In the present case, the “permission”, as referred to in *Connaught*, applies to that which would have been granted by virtue of the General Permitted Development Order. The excavation, although small, seems to have been a reasonable exploration as to foundation requirements. Those foundations for the extension, as shown on the submitted drawings, would have required an excavation for foundations to run in that position, but along a length of the party wall boundary.
8. Particularly as the appeal extension was drawn up some time before the change to the Order, and a query about that specific scheme had been raised with the Council about the need for planning permission, this was a definite proposal which was prepared before the claimed start of works. So the appeal application does relate to excavation works to a previously drawn up scheme which Ms O’Riordan was genuinely pursuing. That being so, I consider it reasonable, following earlier decided cases, that the works, whilst modest, did relate to, and amounted to a start of, a development which would have been permitted by Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, at the time it began. It was not said the excavation otherwise related to any other scheme or activity.

Conclusion

9. I conclude that the refusal by the London Borough of Brent Council to issue a Certificate of Lawful Use for the development as applied for was not well founded and that the appeal succeeds. I exercise my powers transferred to me by s.195(2)a) of the 1990 Act as amended accordingly and issue a Certificate of Lawful Use for the development as applied for. That is attached to this decision.

John Whalley

INSPECTOR



Lawful Development Certificate

The Planning Inspectorate
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TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995: ARTICLE 24

IT IS HEREBY CERTIFIED that on 26 August 2008 the operational development described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto, would be lawful within the meaning of section 192(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The construction of an extension to the rear of the house was commenced before 1 October 2008 and would at that time have been permitted by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, (GPDO).

John Whalley

INSPECTOR

Date: 08 December 2009

Reference: **APP/T5150/X/09/2100225**

First Schedule

The erection of a single storey rear extension to the dwellinghouse as shown on drawings EX01, EX02, EX04, EX05, GA01, GA02, GA04, GA05, submitted with the application for a Certificate.

Second Schedule

At the rear of No. 82 Wakeman Road, Kensal Green, London NW10 5DH

IMPORTANT NOTES OVERLEAF

NOTES

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use/operations described in the First Schedule taking place on the land specified in the Second Schedule was/were lawful, on the certified date and, thus, was/were not liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the extent of the use/operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



Appeal Decision

Hearing held on 1 October 2009

by **Michael Say** BA DipTP MRTPI

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

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Decision date:
23 October 2009

Appeal Ref: APP/T5150/A/09/2107038

Land to rear of 41 and 43 Mallard Way, Kingsbury, London, NW9 8JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs E Dixon against the decision of the Council of the London Borough of Brent.
- The application Ref 08/3405, dated 16 December 2008, was refused by notice dated 8 April 2009.
- The development proposed is demolition of single detached garage to rear of back garden of 43 Mallard Way and erection of new detached house.

Decision

1. I allow the appeal, and grant planning permission for demolition of single detached garage to rear of back garden of 43 Mallard Way and erection of new detached house at land to rear of 41 and 43 Mallard Way, Kingsbury, London, NW9 8JJ in accordance with the terms of the application, Ref 08/3405, dated 16 December 2008, and the plans submitted with it, including drawings numbered D/43MW/1003, 1004, 1005 and 1006, submitted during the processing of the planning application, subject to the conditions listed in Annex A.

Preliminary Matter

2. A unilateral undertaking has been submitted by the appellants, which confirms their willingness to make a financial contribution to local services.

Main issue

3. Following the receipt of the unilateral undertaking, the main issue remaining in this case is whether the design and bulk of the proposed building would lead to a cramped form of development, out of character with the local area.

Reasons

4. The appeal site faces Alington Crescent and comprises the rear parts of the combined back gardens of Nos 41 and 43 Mallard Way. The surrounding area appears to have been developed for housing between the wars. It is a pleasant suburban area displaying a traditional style, incorporating the pitched roofs and bay windows characteristic of the era. Although it retains much of its original character, subsequent extensions and outbuildings now contribute to a street scene which is rather less spacious than would originally have been the case.

5. The Council's objection is based on the design and scale of the building, which it considers would conflict with the requirements of policies BE2, BE7 and BE9 of the Council's Unitary Development Plan (UDP), adopted in 2004. Policy BE2 requires that proposals should be designed with regard to their local context, making a positive contribution to the character of the area. Policy BE7(a) seeks to avoid the excessive infilling of space between buildings. Policy BE9 seeks creative and appropriate design solutions specific to the site's shape, size, location and development opportunities.
6. The proposal follows other attempts to gain planning permission, the last of which resulted in a dismissed appeal (Ref APP/T5150/A/08/2072274). That appeal is an important consideration in the determination of the current one. The appellants state that the previous Inspector's comments have "informed the design of this new planning application by reducing the massing, plan form and height of the new building, whilst still maintaining a contemporary design".
7. The resulting design would distinguish the building from the prevailing architectural style in the locality. Whilst this might appear incongruous if it were located within a row of frontage properties, the proposed location, separated from neighbouring houses by the length of their back gardens, provides an opportunity for the construction of a well designed house of distinctive appearance.
8. The dwelling would comprise 3 storeys, but would appear as a 2 storey building when viewed from the front. A lower ground floor would contain a guest bedroom receiving natural light via a sunken patio set into the rear garden which slopes down towards the east. The proposed reduction in the height and bulk of the dwelling compared with the previous scheme has resulted in a building which would fit comfortably within its setting. Its height would be significantly lower than the ridge heights of the neighbouring houses at 43 Mallard Way and 24 Alington Crescent. However, it would exceed the height of an outbuilding close by in the rear garden of the latter. This would allow it to retain an appropriate presence as a separate dwelling.
9. The striking geometrical shapes of the building's modern design would be softened by the curve of the roof. The roof style would reduce the bulk of the top floor. From the rear, the building would present an interesting array of inter-related shapes. The former rear-projecting stairwell, identified as a problem by the previous Inspector, would be replaced by a stairwell integrated within the main building. As a result of these changes, the proposal would achieve an exciting architectural solution in keeping with the scale and residential character of its surroundings.
10. It is not disputed that the scheme is in general compliance with standards relating to size, scale and distance from existing development in the Council's adopted Supplementary Planning Guidance (SPG 17) *Design Guide for New Development*, to which I attribute significant weight. The SPG aims to encourage high quality, carefully implemented contemporary design whilst protecting the character and amenities of existing areas. Compliance with measurable guidelines does not automatically guarantee a building's acceptability. Nevertheless, it lends support to a development which, in my judgement, meets the qualitative guidelines in the SPG.

11. I conclude that the design and bulk of the proposed building would not lead to a cramped form of development, out of character with the local area, and that the development would accord with the relevant requirements of UDP policies BE2, BE7 and BE9.

Other Matters

12. The Council's second reason for refusal referred to the absence of a legal agreement to control contributions towards sustainable transport improvements, school and nursery places, enhancement of open space and improvement of the environment. Notwithstanding this, the appellant had sought to enter into such an agreement and had also paid the full financial contribution sought by the Council by means of a cheque which I understand was cleared prior to the Hearing. This in itself may not guarantee that the payment has been properly secured. However, the appellant produced a unilateral undertaking at the Hearing, dated 14 September, which the Council has stated is acceptable.
13. The weight I have given to the unilateral undertaking in determining the appeal has been influenced by several factors, having particular regard to the tests contained in Circular 05/2005 *Planning Obligations*. The financial contributions sought by the Council are based on a standard charge for residential development of £3000 per bedroom provided. The basis for this is set out in the Council's Supplementary Planning Document (SPD) *S106 Obligations*, adopted in 2007 following public consultation, to which I attribute significant weight. The SPD states that each case is assessed individually, noting that "there may be particular reasons that may result in the level and obligations being reduced or increased".
14. I have seen no evidence of an individual assessment having been undertaken in this case. With regard to the policies and areas of obligation set out in the reason for refusal, the Council has produced no substantive evidence that the proposal would conflict with the requirements of UDP policy TRN3 relating to the environmental impact of traffic. Policy TRN4 provides for mitigation of unacceptable transport impact, including the opportunity to make a financial contribution, but, with no specific conflict identified, it is difficult to see how this policy could be strictly and proportionally applied in relation to the proposal, as required by UDP paragraph 6.6.9. In addition, no evidence has been provided to indicate the impact the proposal would have on the "walkable environment" (policy TRN10) or the London Cycle Network (TRN11) sufficient to require mitigation in these areas.
15. Policy CF6 requires a contribution towards new school classrooms and associated facilities. The SPD explains that this is a borough-wide requirement. However, the policy states that payments will apply to new housing developments of 10 or more units or at least 0.3 hectares site area. Neither of these criteria applies in this case.
16. At the Hearing the Council's representative confirmed that there is no local requirement for open space. In light of my findings on the main issue in this case, combined with the small size of the proposed development, it does not appear that a contribution would be needed to enhance the public realm in accordance with the requirements of policy BE7.

17. Finally, I note that the Council has treated the development as a 3 bedroom house on the basis that a proposed ground floor study has been shown by the appellant to be capable of future conversion into bedroom space for the purposes of demonstrating *Lifetime Homes* adaptability. I acknowledge the Council's need to prevent developers from avoiding payments by minimising the number of rooms allocated for sleeping purposes. However, in this case I am not convinced that it would be reasonable to include the study as a bedroom for the purposes of the calculation.
18. In light of the above I do not consider that the financial contribution required by the Council has been shown to meet the requirements of Circular 05/2005 that it should be directly related to the proposed development and be fair and reasonable in scale and kind. I have therefore attributed limited weight to the unilateral undertaking in the consideration of the appeal.
19. I turn to objections made by local residents on grounds not included in the Council's reasons for refusal. In terms of neighbours' privacy, the distances between the development and neighbours' houses and its orientation at a right angle to adjoining properties would prevent unacceptable overlooking of their windows. Whilst the occupants of the development would be able to overlook parts of the neighbouring rear gardens, this is a common feature of urban residential areas and would not be sufficient to justify the refusal of planning permission.
20. I have seen no evidence to suggest that the development would have a harmful effect on the level of natural light, including sunlight, reaching other properties. In my judgement the effect on the outlook currently enjoyed by the occupants of neighbouring dwellings would not be sufficient to warrant dismissal of the appeal. From what I have seen and heard I do not consider that the development would be likely to cause significant additional on street parking or traffic congestion in the area. The addition of a dwelling in the proposed location would not cause an unacceptable level of night-time light pollution.
21. The grant of permission for this development would not set a precedent for possible future proposals. These would be determined in accordance with the development plan policies and other material considerations applying at the time. An additional dwelling would not be expected to cause a harmful level of disturbance in a residential area. Concerns regarding possible effects on property values in the area would not justify the refusal of planning permission.

Conditions

22. I have considered the conditions put forward by the Council in the light of the advice in Circular 11/95. To safeguard the appearance of the area I shall impose conditions along the lines suggested to control materials, boundary treatments and landscaping. To ensure the development is carried out as approved I shall impose a condition to prevent deviation from the approved plans and particulars submitted therewith. Closure of the existing vehicular access can be addressed under conditions 2 and 5. It would not be reasonable to impose a condition requiring the appellant to undertake works outside the site for the reinstatement of the vehicle crossover leading to this access.

23. I shall restrict permitted development rights in the manner suggested to protect the area's character and neighbours' living conditions. To protect neighbours' living conditions during demolition and construction it is necessary to impose conditions prohibiting the burning of materials on site, requiring dust suppression and controlling noise, including a restriction on the hours when noisy machinery may be used. I have excluded the requested reference to "other nuisance-causing activities", which would not pass the test of precision in the Circular.
24. I have not attempted to regulate the use of the highway by construction vehicles since this is subject to separate legislation. As discussed at the Hearing, I have amended the suggested condition regarding the insertion of doors and windows so that it applies to the top storey rather than the western flank wall.

Conclusions

25. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

M.A.Say

INSPECTOR

Annex A: Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby 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 including the Design and Access Statement, prior to occupation of the building.
- 3) No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of Classes A, B and C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) no extensions or buildings permitted by those Classes shall be constructed within the curtilage of the property subject to this permission without the grant of planning permission by the local planning authority.
- 5) Notwithstanding any details submitted with the planning application, no development shall take place until full details of both hard and soft

landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include species, plant sizes and planting densities, the identification and protection measures for existing trees and shrubs to be retained, proposed walls and fences, indicating materials and heights, and screen planting. All planting, turfing and seeding shall be completed prior to the occupation of the development or in accordance with a programme agreed in writing by the local planning authority. If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place unless the local planning authority gives its written consent to any variation.

- 6) During demolition and construction the best practical means available in accordance with British Standard Code of Practice BS 5228:1984 shall be employed at all times to minimise the emission of noise from the site, and the operation of site equipment generating noise audible at the site boundaries shall be carried out only between 08.00 -17.00hrs on Mondays to Fridays, 08.00 – 13.00hrs on Saturdays and at no time on Sundays and Bank Holidays.
- 7) During demolition and construction no waste or other material shall be burnt on the site and an effective means of suppressing dust must be provided and maintained.
- 8) Other than those shown in the approve plans, no windows or glazed doors shall be inserted in the top storey elevations of the building.

APPEARANCES

FOR THE APPELLANT:

Mr D Kann	David Kann Associates, Chartered Architects and Development Consultants
Mr & Mrs E Dixon	Appellants

FOR THE LOCAL PLANNING AUTHORITY:

Ms A Hirani	Planner, London Borough of Brent
Mr M Smith	Design and Regeneration Team Manager, London Borough of Brent

INTERESTED PERSONS:

Mrs R Amin	Local resident
Mr D Patel	Local resident
Mr J Mullen	Local resident
Mrs J Mullen	Local resident
Mr D Hoffman	Local resident
Mrs E Wilson	Local resident
Mr A Wyspianski	Local resident
Mr S Chita	Local resident
Mr E Kneafsey	Local resident
Mrs B McShane	Local resident
Mr J Wilson	Local resident

DOCUMENTS

- 1 Council's Supplementary Planning Guidance SPG17 *Design Guide for New Development* adopted 2001
- 2 Council's Supplementary Planning Document *S106 Planning Obligations* adopted 2007
- 3 Secretary of State's Direction and Schedule of Saved Policies in the Council's Unitary Development Plan
- 4 Copy of appellants' solicitor's letter of 3 August 2009 regarding S106 Unilateral Undertaking
- 5 Copy of email of signed Unilateral Undertaking and related electronic correspondence from appellants' agent dated 22 and 30 September 2009
- 6 Copies of letters from Council's Senior Planning Lawyer dated 24 August and 8 September 2009 regarding S106 Unilateral Undertaking

PLANS

- A Copy of drawings related to planning application Ref 08/0099, subject of appeal Ref APP/T5150/A/08/2072274



Appeal Decision

Hearing held on 16 September 2009

by **R C Shrimplin**
MA(Cantab) DipArch RIBA FRTPI FCIArb MIL

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

The Planning Inspectorate
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Decision date:
21 October 2009

Appeal Reference: APP/T5150/A/09/2104688 Land at 1 The Leadings, Wembley, Middlesex HA9 9DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs P Patel against the decision of Brent Council.
- The application (reference 09/0389, dated 16 February 2009) was refused by notice dated 30 April 2009
- The development proposed is the formation of a new block of flats containing one three-bedroom flat, three two-bedroom flats, one one-bedroom flat, one off-street car parking space, five secure cycle stores and five refuse stores.

Decision

1. I allow the appeal, and grant planning permission for the construction of a block of five flats, with provision for parking, cycle parking and refuse storage on land at 1 The Leadings, Wembley, Middlesex HA9 9DT, in accordance with the terms of the application, (reference 09/0389, dated 16 February 2009), and the drawings submitted therewith, subject to the following conditions.
 1. The development hereby permitted shall be permitted shall begin before the expiration of three years from the date of this decision.
 2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings and the hard surfaced areas hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details unless variation is otherwise agreed in writing by the local planning authority.
 3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The hard landscaping details shall include means of enclosure; boundary treatment; gates; details of pedestrian and vehicular access and circulation areas; external lighting location, type and nature of operation; refuse and recycling storage areas. The soft landscaping works shall include details of all trees and shrubs to be retained together with details of the species, size, number and position of all new planting. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation of any of the apartments hereby permitted or in accordance with the programme agreed in writing with the local planning authority. The soft landscape works shall thereafter be maintained for a period of 5 years, such maintenance to include

the replacement of plants which die or are removed.

4. No development shall take place until full details of existing and proposed finished ground levels and finished floor levels for the proposed building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details unless variation is otherwise agreed in writing by the local planning authority.
5. No development shall take place until a detailed scheme to provide a barrier railing at high level, to preclude access to the roof from the second floor balcony on the west elevation, has been submitted to and approved in writing by the local planning authority. The barrier railing shall be completed in accordance with the approved scheme, prior to the first occupation of any of the flats hereby permitted.

Procedural Points

2. At the Hearing, an application for an award of costs was made against the London Borough of Brent Council, by the Appellants. This application is the subject of a separate Decision.
3. Notwithstanding the description of the proposed development given in the planning application form, I am convinced that the appeal proposals should more succinctly be described as the construction of a block of five flats, with provision for parking, cycle parking and refuse storage.

Main issues

4. I have concluded that the main issue to be determined in this appeal is the effect of the proposed development on the townscape (including its effect on neighbours' outlook).

Reasons

5. The appeal site is situated in an area which is closely built up and predominantly residential in character. The locality exhibits a wide range of dwelling types and a diversity of styles, however, and while the buildings in The Leadings are rather modern in appearance, others in Chalkhill Road are more traditional in character. The surrounding area is not particularly sensitive in architectural terms and has evidently evolved over the years (and continues to do so).
6. The appeal site is an open plot, bounded by road frontages on three sides, with a modern terrace of dwellings on the fourth. Its principal frontage is to The Leadings and it is set at a somewhat lower level than Chalkhill Road, though it forms an important focal point in views along this road. Planning permission has previously been granted, on appeal, for the erection of a block of flats and some construction work has been carried out to form the foundations of that scheme. Not surprisingly, perhaps, the site has been generally cleared, to facilitate the construction project, but landscaping conditions have been imposed, to ensure that the completed scheme will be well finished.
7. An earlier design for new dwellings on the site proposed the creation of a block of flats designed to reflect the existing terrace frontage to The Leadings. The

scheme for which permission has been granted is much more modern in character, however, providing a distinct contrast to the older work. I have no doubt that the more contemporary approach to the design is desirable and sensible and I agree with the Inspector who previously granted planning permission on appeal that the scheme which has been allowed would make a positive contribution to the streetscene.

8. The scheme which is the subject of this appeal is very similar to that permitted scheme. Indeed, the majority of the differences between the permitted design and the appeal proposals, which were identified at the Hearing, relate to external works of very limited significance. The most important alteration to the permitted design has been the changed height of the proposed building, in relation to the height of the adjoining existing building, though the alignment of window cills was also identified at the Hearing as a matter requiring consideration.
9. I am conscious that the height of the proposed building could be reduced by adapting the construction and altering the internal storey heights of the flats within the building. Nevertheless, I am convinced that the change in height which distinguishes the appeal scheme does not cause material harm to the streetscene or the setting. It is true that the change in height would be noticeable in the streetscene but it would not be awkward or ungainly and would not upset the proportion or balance of buildings along the frontage to The Leadings or on the rear elevation. On the contrary, it could be said to reinforce the distinction drawn between the new and old elevations in a way which is architecturally justifiable. Likewise, variations in the alignment of cills and other features would not be harmful to the townscape, in my view.
10. Although the matter of residential amenity has been raised in the appeal, it is plain that the proposed development would not intrude on particular amenities of neighbours, by overlooking or overshadowing them, for example. Nor would it intrude in the outlook from nearby properties in an unacceptable way, or have an overbearing appearance, in this urban context.
11. National statements of planning policy and Policies set out in the Brent Unitary Development Plan are intended to encourage good design, especially Policies BE2 and BE9 in the Unitary Development Plan, which deal with the need to have regard to local context and the need to achieve high quality design solutions, respectively. In this case, I am convinced that the appeal proposals are worthy of their setting and that they ought to be permitted.
12. The design quality of the proposed block of flats and the contribution that would be made to the provision of residential accommodation in the area weigh in favour of the appeal. The fact that planning permission has already been granted for a development which is very similar to the current proposal (and, moreover, remains capable of implementation in practice) is, itself, an important material consideration in the case.
13. I have also considered all the other matters raised in the representations, including the traffic and drainage issues raised by local residents, for example, but I have found nothing to cause me to alter my decision.

14. I have, however, also considered the proposed conditions discussed at the Hearing in the usual way, without prejudice to the arguments of the main parties in the case, and I have reviewed the justification for the conditions. I have decided that conditions should be imposed, to ensure that good standards are achieved for the development.
15. Even though some work has been started, I believe that conditions imposed by the Inspector in allowing the previous appeal ought to be re-imposed, in consequence of this new decision, and this I have done in most cases, for the sake of consistency and continuity. I am convinced, however, that the layout for cycle storage is satisfactory as now presented and that a condition requiring a further submission in respect of this is no longer necessary, particularly bearing in mind the general landscaping conditions that have been imposed.
16. I have also taken account of the Deed of Covenant made by Mr Pintu Patel, in favour of the London Borough of Brent Council, dated 2 April 2009, which has dealt with the need for funds "to be utilised by the Council towards Education, Sports, Open Space and Sustainable Transport improvements in the local area". This matter was also relevant to the earlier case.
17. It was nevertheless accepted at the Hearing that a further condition is now necessary and proportionate, to require a barrier in a suitable form to be erected at the second floor balcony level, on the front elevation of the proposed building, to obstruct access to the roof by burglars or other trespassers.

R.C Shrimplin

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mrs J Miller BAArch(Hons) MA MRTPI, NoP Limited

Mr P Patel, Appellant

Mr J McDonnell BAArch(Hons), Designer

FOR THE LOCAL PLANNING AUTHORITY

Mrs V McDonagh MCTP MRTPI, Senior Planner, North Area Team
Brent Borough Council

Miss S Crewe, Planning Officer
Brent Borough Council

INTERESTED PERSONS

Mr G Khatri, Local Resident

Mr N Bhukhan, Local Resident

Mr V Vaghela, Local Resident

Mr S Patel, Local Resident

Councillor Mr R Dunwell, Local Resident (Qara Group of Associations)

DOCUMENTS

A Location Plan date stamped 23 February 2009 (scale 1:1250)

B Front Elevation and Site Plan for Refused Scheme
(drawing numbers 3739-P-07-A and 3739-P-02-B)

C Project Drawing date stamped 28 January 2008,
(drawing number 125-121-C)

D Letter from Brent Council Chief Executive to Mrs Joss Miller MRTPI
dated 14 September 2009)

E Deed of Covenant made by Mr Pintu Patel, in favour of the
London Borough of Brent Council, dated 2 April 2009

F Costs Application submitted on behalf of the Appellants



Appeal Decision

Site visit made on 9 December 2009

by **Chris Gossop** BSc MA PhD MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
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Temple Quay
Bristol BS1 6PN

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Decision date:
15 December 2009

Appeal Ref: APP/T5150/D/09/2115465 39 Hopefield Avenue, London NW6 6LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Terry Tanaka against the decision of the Council of the London Borough of Brent.
- The application Ref. 09/1247, dated 22 May 2009, was refused by notice dated 3 August 2009.
- The development proposed is single storey infill extension to dwellinghouse.

Decision

1. I allow the appeal, and grant planning permission for single storey infill extension to dwellinghouse at 39 Hopefield Avenue, London in accordance with the terms of the application, Ref. 09/1247, dated 22 May 2009, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) With the exception of the glazing to the rear doors and sloping roof, which shall be triple glazed as indicated in appeal drawing No. TANAKA/02 Revision A, Sheet A1, the materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main issues

2. I consider there to be two main issues in this case. The first is whether the proposed extension would preserve or enhance the character of the Queen's Park Conservation Area. The second is its effect upon the living conditions of those occupying the adjoining property, in terms of any loss of outlook.

Reasons

3. Hopefield Avenue is one of a number of parallel streets built in the period 1895-1905. It is lined by terraced housing with two storey, 'outrigger' rear extensions. Under the proposed development, the space between the side of No.39's extension and the common boundary with No.41 would be filled by a single storey lean-to extension. This would replace the current extension built under previous permitted development rights, but it would be almost twice as long.

4. The development would be visible only in views from the rear of the existing properties; it would not be seen from the street. It would be subservient in height, width and bulk to the existing two storey extension and the original 'L' form of the present dwelling would be retained. With its glazed, monopitch roof, it would represent a contemporary approach to design, but not one that would be inappropriate in this context, in my view. I consider that this development would be in keeping with the general character of the rear elevations of this terrace.
5. Moreover, in policy terms, the extension would comply with the relevant policies of the Brent Unitary Development Plan 2004 (UDP). In particular, it would meet the aim of Policy BE26, through being sympathetic to the original design of the dwelling, and that of BE2, in terms of local context and character. The preamble to the latter policy makes it clear that the selective adoption of local design characteristics need not preclude the introduction of innovative designs that relate well to their surroundings; I consider that to be the case here. I **conclude** that the proposed extension would preserve the character of the Queen's Park Conservation Area.
6. On the second issue, according to the plans, the side parapet wall to the proposed development would be equivalent in height to the average height of the present extension. That side elevation would be visible from the rear facing ground floor windows to No.41; however, from most potential ground level viewpoints, I think that the sloping roof to the extension would be largely concealed by the new parapet.
7. I believe that the extension now proposed would have a limited impact on an outlook that is already restricted by the original building form and by the presence of the existing ground floor extension. Thus, the view from the rear of the main house is already closed in by the present side wall, and any further restriction of that view would be minimal, in my opinion. In so far as the side facing windows in No.41's rear extension are concerned, views are already severely limited by the opposing two storey wall, by the side wall to the single storey extension and by the boundary fence. My **conclusion** is that there would be minimal additional restriction of the present outlook; in that respect, the development would accord with the aims of UDP Policy BE9.
8. In deciding that this development is acceptable with conditions, I have taken into account all of the other matters raised. These include the Council's guidance set out in SPG5, *Altering and Extending Your Home*. While this non-statutory guidance states that single storey side or infill extensions to terraced houses will not be allowed, in this case there is an existing such extension and its presence has been a significant influence in my decision. In imposing conditions, I attach one on materials to ensure that they are in keeping with those used in the original building. This also provides for the intended use of triple glazing in the rear facing doors and the extension's roof.

Chris Gossop

Inspector



Appeal Decisions

Hearing held on 10 November 2009

Site visit made on 10 November 2009

by **Margaret Jones MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
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Decision date:
23 December 2009

Appeal A: Ref APP/T5150/E/09/2110956

6 Heathfield Park, London NW2 5JD

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Nablodge Ltd against the decision of the Council of the London Borough of Brent.
- The application Ref 09/1293, dated 21 May 2009, was refused by notice dated 20 July 2009.
- The demolition proposed is of existing ruined house.

Appeal B: Ref APP/T5150/A/09/2110699

6 Heathfield Park, London NW2 5JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Nablodge Ltd against the decision of the Council of the London Borough of Brent.
- The application Ref 09/1292, dated 21 May 2009, was refused by notice dated 20 July 2009.
- The development proposed is demolition of existing ruined house and erection of new building comprising 2 No 2 bedroom flats, 2 No 1 bedroom flats and 4 No studio flats with associated amenity space, bicycle and refuse stores.

Decisions

Appeal A: Ref APP/T5150/E/09/2110956

1. I allow the appeal, and grant conservation area consent for demolition of existing ruined house at 6 Heathfield Park, London NW2 5JD in accordance with the terms of the application Ref 09/1293, dated 21 May 2009, and the plans submitted subject to the following conditions:
 - 1) The works hereby authorised shall begin not later than 3 years from the date of this consent.
 - 2) The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

Appeal B: Ref APP/T5150/A/09/2110699.

2. I allow the appeal, and grant planning permission for demolition of existing ruined house and erection of new building comprising 2 No 2 bedroom flats, 2 No 1 bedroom flats and 4 No studio flats with associated amenity space, bicycle

and refuse stores at 6 Heathfield Park, London NW2 5JD in accordance with the terms of the application, Ref 09/1292, dated 21 May 2009, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until details of an obscure glazed privacy screen on the north elevation of balcony serving Flat 8 facing 8 Heathfield Park as shown on drawing No 08005 P[-]100 Revision D has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation of the building.

Procedural matters

3. A completed copy of an Agreement dated 9 November 2009 under S106 of the Town and Country Planning Act 1990 as amended, was provided at the Hearing to address the Council's refusal Reasons 2 and 3. It contains a number of provisions to make a financial contribution relating to educational facilities, sustainable transport and sport and/or open space and undertakings to ensure that the flats within the scheme would be car-free. I have taken it into account as a relevant material consideration.
4. The appeals relate to an application for conservation area consent to demolish the existing two-storey detached house and a planning application to redevelop the site for a part three, part four-storey building comprising 8 self-contained flats with associated landscaping. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with them together in this document, except as otherwise indicated.

Main issues

5. I consider the main issues are whether the proposals would preserve or enhance the character or appearance of the Willesden Conservation Area, and, in respect of Appeal B, the effect on those living at 8 Heathfield Park by reason of privacy and outlook and whether the flats would achieve an appropriate housing mix.
6. Other matters discussed at the Hearing were the parking provision in the light of the S106 Agreement and the justification for the financial provisions of the S106 in the light of the tests in Circular 05/2005. I return to these later.

Reasons

Character and appearance of the Conservation Area

7. The appeal site contains a derelict two-storey detached dwelling which has been unused for over 20 years and is screened by hoardings. The property is set within a generous side and rear garden which is very overgrown with vegetation invading the fabric of the house. The appeal site extends beyond the curtilage of the existing property by the addition of land to the rear of 10 Heathfield Park. The site lies within the Willesden Conservation Area which is focused on the adjacent Victorian commercial centre.
8. Heathfield Park is a crescent of predominantly semi-detached substantial two and three storey late Victorian and Edwardian houses. Originally they would have had a cohesive appearance, with a consistent style, scale and massing but many have undergone considerable change over the years. Nevertheless, they still retain some features, such as the paired swept gables and the overall massing, with the exception of the appeal property, which is in the arts and craft style on a triangular shaped site.
9. The Council argued that the open setting of the appeal site provides an important element of visual relief and introduces a sense of spaciousness in the street scene, which forms an integral part of the character of the Willesden Conservation Area. However, I saw that the existing site had been behind hoardings over 2m high for some years. Although the dense, overgrown trees and shrubs on the site were visible above the hoarding, the site did not have an open aspect. In my opinion the surrounding substantial two and three storey houses were more characteristic of the wider Conservation Area than the appeal property. Indeed, its suburban scale appeared at odds with the higher and denser pattern of development in the remainder of the street. The appeal property appears to me to be a historical accident of later infill development, rather than any planned development reflecting the existing massing or rhythm of buildings in the street.
10. The Council acknowledged that neither the site nor its open aspect was identified in any conservation area appraisal as a particular feature of the Conservation Area which should be retained. The garden to the east has remained free of outbuildings or other structures. The rampant growth of self seeded trees and shrubs has become established over the years that the building has remained vacant. The Council has confirmed that none of this existing vegetation is worthy of retention and can be cleared. I remain

unconvinced that the appeal site, especially in its current state, provides a functional or visually open setting in the street scene that is important to the character or appearance of the Conservation Area.

11. Accordingly I can see no reason why the existing dwelling cannot be demolished provided that an acceptable replacement scheme for development has been agreed. Such a position is consistent with saved Policy BE27 of the Brent Unitary Development Plan (UDP) 2004 and the advice in paragraph 4.27 of Planning Policy Guidance Note (PPG) 15: *Planning and the Historic Environment*. The latter states that where a building makes little or no positive contribution to the character and appearance of the Conservation Area full information is required about what is proposed for the site after demolition. This is to prevent gap sites occurring in conservation areas before planning permission has been granted for an acceptable alternative development.
12. Whilst the proposed part three-storey, and part four-storey building would be larger and higher than the existing derelict building on the site, it would be of a similar height to its immediate neighbour, although on higher ground. The two wings would give the building its dual aspect, similar to the existing house, with the eastern wing stepping down a storey as the site narrows towards the corner. Consequently the proposed building would appear proportionate in the street and its overall size and scale would sit comfortably with the neighbouring properties.
13. The building would step back from the front boundary maintaining the diagonal building line and retaining an open landscaped area to the eastern boundary. The frontage depth would also be comparable to other properties in the street. The building footprint would be greater but it would be proportionate to the increased site area.
14. Although a contemporary design, the proposal takes its design cues from existing buildings in the street. The two swept asymmetric gables would integrate the new building into the streetscape whilst their siting, at right angles to one another, echoes the design of the original dwelling and is an appropriate response to the diagonal site frontage. The choice of materials is in keeping with the character of the Conservation Area although the detailing is modern.
15. I do not agree that the front elevation lacks articulation. The proposed brick elevation to the eastern wing would be set back from the main four storey gable and would be acceptable within the context of the whole scheme. I consider the design of the proposed building is an appropriate response to the unique shape and character of the site whilst reflecting the scale and massing of other houses in the street and the wider Conservation Area.
16. Accordingly I conclude that the proposed demolition of the existing dwelling and the size, siting, scale, bulk and design of the proposed new building would preserve the character and appearance of the Willesden Conservation Area. Both appeal proposals would therefore comply with saved Policies BE2, BE9 BE25, BE27 and BE28 of the UDP. These seek, amongst other things, to ensure that new development in Conservation Areas is of high quality design, appropriate to its local context and protects landscape features where they

form an integral part of the character and appearance of the Conservation Area, and that premature demolition works do not create gap sites.

Living conditions

17. The Council has objected to the proximity and height of the eastern wing of the proposed building in relation to 8 Heathfield Park. However, the Council accepted at the Hearing that the appeal scheme would conform to the advice in adopted Supplementary Planning Guidance (SPG) 17: *Design Guide for New Development*. Paragraph 3.2 of the SPG relating to size and scale requires that where the proposed development adjoins a private amenity or garden area the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. The proposal would meet this criteria and would not have an overdominant or overbearing impact on the neighbouring garden. The Council has also referred to the bulk of the roof when viewed from the rear garden of No 8. I do not consider that it would not appear unduly bulky, as the eaves level would be about 4.8m and the roof would be sloping away from anyone in the rear garden.
18. As regards potential overlooking, the proposed eastern wing would be off-set from the rear of No 8 and anyone standing on the second-floor balcony would only have an oblique view of the rear façade of No 8. SPG 17 encourages the provision of balconies and any potential overlooking of No 8's rear amenity area from this balcony could be addressed by an obscure glazed privacy screen, which could be secured by way of a condition.
19. Accordingly I conclude on this issue that the proposal would provide for a satisfactory level of amenity for those living at 8 Heathfield Park, in terms of privacy and outlook. As such the proposal would not conflict with saved Policy BE9 of the UDP and the advice in SPG17 which aim to ensure that the design of new development is appropriate to its setting and respects the amenity neighbouring properties.

Housing Mix

20. The proposal would not incorporate a replacement 3 bedroom family sized dwelling and half the flats would be studio units. The Council has referred to the emerging Core Strategy (CS) Development Plan Document which provides evidence of demand for family sized units and in particular to Policy CP21 which seeks to prioritise provision of accommodation with three or more bedrooms. This represents a change from adopted UDP policy where two bedroomed units are considered to be family sized accommodation. The CS policy only applies to suitable sites providing 10 or more homes and in house subdivisions or conversion schemes. Neither of these circumstances apply to the appeal site.
21. The appeal scheme includes a variety of accommodation sizes and accords with the adopted UDP with respect to family-sized accommodation. I do not agree with the Council's argument that the appeal proposal is akin to a conversion scheme because it would replace a single family dwelling. The proposal is a redevelopment of the site and it has been demonstrated that the existing dwelling is structurally unsound and beyond viable repair. I therefore do not accept that saved UDP Policy H18, which relates to the quality of flat conversions, or emerging Policy CP21 of the CS apply to the appeal scheme.

Accordingly, I conclude that no relevant evidence has been produced to demonstrate that the proposed housing mix would be unacceptable.

Other Material Considerations

Parking provision

22. The Council's refusal Reason 2 related to increased demand for on-street parking and the absence of a legal agreement to control the matter. It accepts that the appeal site is in a highly sustainable location and is located within an existing Controlled Parking Zone (CPZ) which restricts parking in Heathfield Park between 08.00 and 18.30 Monday to Saturday. The CPZ allows Brent Council to withhold residents parking permits from future occupiers of the development. I am satisfied that the completed S106 Agreement addresses this reason for refusal by incorporating undertakings to ensure that future owners and occupiers would not be entitled to a Residents Parking Permit, unless they are disabled, and accordingly I afford the Agreement significant weight.
23. I have noted the concerns of local residents regarding the demand for on-street parking spaces, the competition for spaces in Heathfield Park and the enforceability of the S106 Agreement. I am satisfied the car-free development provisions of the S106 Agreement would be enforceable and although an application can be made to discharge a planning obligation after 5 years, this is unlikely to be granted if it still serves a useful purpose. Accordingly, I conclude that the proposal would not conflict with saved UDP Policies TRN23 and TRN24 which permit car-free development in areas with good public transport and where increased on-street parking would give rise to highway safety issues.

S106 Financial contributions

24. The submitted S106 Agreement makes financial contributions to address the educational, sustainable transport and open space impacts of the proposed development in accordance with clear formulae set out in the Council's Supplementary Planning Development (SPD): *S106 Planning Obligations* adopted in October 2007. I am satisfied that the evidence relating to local community infrastructure and in particular education capacity, improvements to local public transport routes and local open space deficiency presented at the Hearing met the actual impacts of the proposed development and the tests set out in Circular 05/2005. Accordingly I consider the S106 Agreement would address refusal Reason 3 and accord it significant weight.
25. The proposal would not conflict with saved UDP policies CF6, TRN4, OS7 and the SPD. These seek, amongst other things, to ensure that contributions sought through planning obligations are necessary to make the development acceptable in planning terms. In particular they address the demand created for school places, open space in an open space deficiency area and public transport improvements which arise directly from the proposed development. I did not find that Saved Policy OS18 referred to in Reason 3 was relevant to the appeal scheme as it does not involve development over 15 units.

Conclusion

26. For the reasons given above and having regard to all other matters raised I conclude that both appeals should succeed.

Conditions

27. I have considered the need for conditions in the light of the advice in Circular 11/95: *The use of conditions in planning permissions*, and those put forward by the Council and the appellant. In the interests of the quality of the building and the appearance of the Conservation Area, I agree that the submission of samples of materials and details of landscaping and boundary treatment are required in Appeal B.

28. As stated above, and in the interests of residential amenity I have required the submission of details of an obscure glazed privacy screen on the northern elevation of the balcony to Flat 8 in Appeal B. I also consider that in Appeal A a condition restricting any demolition works until a contract has been let for the redevelopment scheme is necessary to prevent a gap site in the Conservation Area.

Margaret Jones

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Suryakant Badiani	Nablodge Ltd
Mr David Inglis B Arch	Robert O'Hara Architects
Mr Robert O'Hara BA Hons, BA Arch Hons, RIBA	Robert O'Hara Architects
Mr S Badiani	Representing Nablodge Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr Ben Martin MSc, B Eng Hons	London Borough of Brent
Mr Zayd Al-Jawad	London Borough of Brent

INTERESTED PERSONS:

Mr Shaun Lamplough	Local Resident's representative
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DOCUMENTS SUBMITTED AT THE HEARING

- 1 Signed and completed S106 Agreement between Nablodge Limited and the Council of the London Borough of Brent.
- 2 Copy of Officer Report relating to appeal scheme LPA Ref 09/1292.
- 3 Copy of Highway observations dated 30/6/09 referred to in evidence.
- 4 Copy of Policy H18 of the Brent Unitary Development Plan relating to The Quality of Flat Conversions.
- 5 Copy of PS14 Car Parking Standard for Residential Development referred to in Policy TRN23 of the Brent Unitary Development Plan.
- 6 Copy of Map OS1 from Brent Unitary Development Plan showing Local Level Open Space and Open Space Deficiency.



Appeal Decisions

Hearing held on 10 November 2009

Site visit made on 10 November 2009

by **Margaret Jones MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
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Decision date:
23 December 2009

Appeal A: Ref APP/T5150/E/09/2110956

6 Heathfield Park, London NW2 5JD

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Nablodge Ltd against the decision of the Council of the London Borough of Brent.
- The application Ref 09/1293, dated 21 May 2009, was refused by notice dated 20 July 2009.
- The demolition proposed is of existing ruined house.

Appeal B: Ref APP/T5150/A/09/2110699

6 Heathfield Park, London NW2 5JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Nablodge Ltd against the decision of the Council of the London Borough of Brent.
- The application Ref 09/1292, dated 21 May 2009, was refused by notice dated 20 July 2009.
- The development proposed is demolition of existing ruined house and erection of new building comprising 2 No 2 bedroom flats, 2 No 1 bedroom flats and 4 No studio flats with associated amenity space, bicycle and refuse stores.

Decisions

Appeal A: Ref APP/T5150/E/09/2110956

1. I allow the appeal, and grant conservation area consent for demolition of existing ruined house at 6 Heathfield Park, London NW2 5JD in accordance with the terms of the application Ref 09/1293, dated 21 May 2009, and the plans submitted subject to the following conditions:
 - 1) The works hereby authorised shall begin not later than 3 years from the date of this consent.
 - 2) The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

Appeal B: Ref APP/T5150/A/09/2110699.

2. I allow the appeal, and grant planning permission for demolition of existing ruined house and erection of new building comprising 2 No 2 bedroom flats, 2 No 1 bedroom flats and 4 No studio flats with associated amenity space, bicycle

and refuse stores at 6 Heathfield Park, London NW2 5JD in accordance with the terms of the application, Ref 09/1292, dated 21 May 2009, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until details of an obscure glazed privacy screen on the north elevation of balcony serving Flat 8 facing 8 Heathfield Park as shown on drawing No 08005 P[-]100 Revision D has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation of the building.

Procedural matters

3. A completed copy of an Agreement dated 9 November 2009 under S106 of the Town and Country Planning Act 1990 as amended, was provided at the Hearing to address the Council's refusal Reasons 2 and 3. It contains a number of provisions to make a financial contribution relating to educational facilities, sustainable transport and sport and/or open space and undertakings to ensure that the flats within the scheme would be car-free. I have taken it into account as a relevant material consideration.
4. The appeals relate to an application for conservation area consent to demolish the existing two-storey detached house and a planning application to redevelop the site for a part three, part four-storey building comprising 8 self-contained flats with associated landscaping. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with them together in this document, except as otherwise indicated.

Main issues

5. I consider the main issues are whether the proposals would preserve or enhance the character or appearance of the Willesden Conservation Area, and, in respect of Appeal B, the effect on those living at 8 Heathfield Park by reason of privacy and outlook and whether the flats would achieve an appropriate housing mix.
6. Other matters discussed at the Hearing were the parking provision in the light of the S106 Agreement and the justification for the financial provisions of the S106 in the light of the tests in Circular 05/2005. I return to these later.

Reasons

Character and appearance of the Conservation Area

7. The appeal site contains a derelict two-storey detached dwelling which has been unused for over 20 years and is screened by hoardings. The property is set within a generous side and rear garden which is very overgrown with vegetation invading the fabric of the house. The appeal site extends beyond the curtilage of the existing property by the addition of land to the rear of 10 Heathfield Park. The site lies within the Willesden Conservation Area which is focused on the adjacent Victorian commercial centre.
8. Heathfield Park is a crescent of predominantly semi-detached substantial two and three storey late Victorian and Edwardian houses. Originally they would have had a cohesive appearance, with a consistent style, scale and massing but many have undergone considerable change over the years. Nevertheless, they still retain some features, such as the paired swept gables and the overall massing, with the exception of the appeal property, which is in the arts and craft style on a triangular shaped site.
9. The Council argued that the open setting of the appeal site provides an important element of visual relief and introduces a sense of spaciousness in the street scene, which forms an integral part of the character of the Willesden Conservation Area. However, I saw that the existing site had been behind hoardings over 2m high for some years. Although the dense, overgrown trees and shrubs on the site were visible above the hoarding, the site did not have an open aspect. In my opinion the surrounding substantial two and three storey houses were more characteristic of the wider Conservation Area than the appeal property. Indeed, its suburban scale appeared at odds with the higher and denser pattern of development in the remainder of the street. The appeal property appears to me to be a historical accident of later infill development, rather than any planned development reflecting the existing massing or rhythm of buildings in the street.
10. The Council acknowledged that neither the site nor its open aspect was identified in any conservation area appraisal as a particular feature of the Conservation Area which should be retained. The garden to the east has remained free of outbuildings or other structures. The rampant growth of self seeded trees and shrubs has become established over the years that the building has remained vacant. The Council has confirmed that none of this existing vegetation is worthy of retention and can be cleared. I remain

unconvinced that the appeal site, especially in its current state, provides a functional or visually open setting in the street scene that is important to the character or appearance of the Conservation Area.

11. Accordingly I can see no reason why the existing dwelling cannot be demolished provided that an acceptable replacement scheme for development has been agreed. Such a position is consistent with saved Policy BE27 of the Brent Unitary Development Plan (UDP) 2004 and the advice in paragraph 4.27 of Planning Policy Guidance Note (PPG) 15: *Planning and the Historic Environment*. The latter states that where a building makes little or no positive contribution to the character and appearance of the Conservation Area full information is required about what is proposed for the site after demolition. This is to prevent gap sites occurring in conservation areas before planning permission has been granted for an acceptable alternative development.
12. Whilst the proposed part three-storey, and part four-storey building would be larger and higher than the existing derelict building on the site, it would be of a similar height to its immediate neighbour, although on higher ground. The two wings would give the building its dual aspect, similar to the existing house, with the eastern wing stepping down a storey as the site narrows towards the corner. Consequently the proposed building would appear proportionate in the street and its overall size and scale would sit comfortably with the neighbouring properties.
13. The building would step back from the front boundary maintaining the diagonal building line and retaining an open landscaped area to the eastern boundary. The frontage depth would also be comparable to other properties in the street. The building footprint would be greater but it would be proportionate to the increased site area.
14. Although a contemporary design, the proposal takes its design cues from existing buildings in the street. The two swept asymmetric gables would integrate the new building into the streetscape whilst their siting, at right angles to one another, echoes the design of the original dwelling and is an appropriate response to the diagonal site frontage. The choice of materials is in keeping with the character of the Conservation Area although the detailing is modern.
15. I do not agree that the front elevation lacks articulation. The proposed brick elevation to the eastern wing would be set back from the main four storey gable and would be acceptable within the context of the whole scheme. I consider the design of the proposed building is an appropriate response to the unique shape and character of the site whilst reflecting the scale and massing of other houses in the street and the wider Conservation Area.
16. Accordingly I conclude that the proposed demolition of the existing dwelling and the size, siting, scale, bulk and design of the proposed new building would preserve the character and appearance of the Willesden Conservation Area. Both appeal proposals would therefore comply with saved Policies BE2, BE9 BE25, BE27 and BE28 of the UDP. These seek, amongst other things, to ensure that new development in Conservation Areas is of high quality design, appropriate to its local context and protects landscape features where they

form an integral part of the character and appearance of the Conservation Area, and that premature demolition works do not create gap sites.

Living conditions

17. The Council has objected to the proximity and height of the eastern wing of the proposed building in relation to 8 Heathfield Park. However, the Council accepted at the Hearing that the appeal scheme would conform to the advice in adopted Supplementary Planning Guidance (SPG) 17: *Design Guide for New Development*. Paragraph 3.2 of the SPG relating to size and scale requires that where the proposed development adjoins a private amenity or garden area the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. The proposal would meet this criteria and would not have an overdominant or overbearing impact on the neighbouring garden. The Council has also referred to the bulk of the roof when viewed from the rear garden of No 8. I do not consider that it would not appear unduly bulky, as the eaves level would be about 4.8m and the roof would be sloping away from anyone in the rear garden.
18. As regards potential overlooking, the proposed eastern wing would be off-set from the rear of No 8 and anyone standing on the second-floor balcony would only have an oblique view of the rear façade of No 8. SPG 17 encourages the provision of balconies and any potential overlooking of No 8's rear amenity area from this balcony could be addressed by an obscure glazed privacy screen, which could be secured by way of a condition.
19. Accordingly I conclude on this issue that the proposal would provide for a satisfactory level of amenity for those living at 8 Heathfield Park, in terms of privacy and outlook. As such the proposal would not conflict with saved Policy BE9 of the UDP and the advice in SPG17 which aim to ensure that the design of new development is appropriate to its setting and respects the amenity neighbouring properties.

Housing Mix

20. The proposal would not incorporate a replacement 3 bedroom family sized dwelling and half the flats would be studio units. The Council has referred to the emerging Core Strategy (CS) Development Plan Document which provides evidence of demand for family sized units and in particular to Policy CP21 which seeks to prioritise provision of accommodation with three or more bedrooms. This represents a change from adopted UDP policy where two bedroomed units are considered to be family sized accommodation. The CS policy only applies to suitable sites providing 10 or more homes and in house subdivisions or conversion schemes. Neither of these circumstances apply to the appeal site.
21. The appeal scheme includes a variety of accommodation sizes and accords with the adopted UDP with respect to family-sized accommodation. I do not agree with the Council's argument that the appeal proposal is akin to a conversion scheme because it would replace a single family dwelling. The proposal is a redevelopment of the site and it has been demonstrated that the existing dwelling is structurally unsound and beyond viable repair. I therefore do not accept that saved UDP Policy H18, which relates to the quality of flat conversions, or emerging Policy CP21 of the CS apply to the appeal scheme.

Accordingly, I conclude that no relevant evidence has been produced to demonstrate that the proposed housing mix would be unacceptable.

Other Material Considerations

Parking provision

22. The Council's refusal Reason 2 related to increased demand for on-street parking and the absence of a legal agreement to control the matter. It accepts that the appeal site is in a highly sustainable location and is located within an existing Controlled Parking Zone (CPZ) which restricts parking in Heathfield Park between 08.00 and 18.30 Monday to Saturday. The CPZ allows Brent Council to withhold residents parking permits from future occupiers of the development. I am satisfied that the completed S106 Agreement addresses this reason for refusal by incorporating undertakings to ensure that future owners and occupiers would not be entitled to a Residents Parking Permit, unless they are disabled, and accordingly I afford the Agreement significant weight.
23. I have noted the concerns of local residents regarding the demand for on-street parking spaces, the competition for spaces in Heathfield Park and the enforceability of the S106 Agreement. I am satisfied the car-free development provisions of the S106 Agreement would be enforceable and although an application can be made to discharge a planning obligation after 5 years, this is unlikely to be granted if it still serves a useful purpose. Accordingly, I conclude that the proposal would not conflict with saved UDP Policies TRN23 and TRN24 which permit car-free development in areas with good public transport and where increased on-street parking would give rise to highway safety issues.

S106 Financial contributions

24. The submitted S106 Agreement makes financial contributions to address the educational, sustainable transport and open space impacts of the proposed development in accordance with clear formulae set out in the Council's Supplementary Planning Development (SPD): *S106 Planning Obligations* adopted in October 2007. I am satisfied that the evidence relating to local community infrastructure and in particular education capacity, improvements to local public transport routes and local open space deficiency presented at the Hearing met the actual impacts of the proposed development and the tests set out in Circular 05/2005. Accordingly I consider the S106 Agreement would address refusal Reason 3 and accord it significant weight.
25. The proposal would not conflict with saved UDP policies CF6, TRN4, OS7 and the SPD. These seek, amongst other things, to ensure that contributions sought through planning obligations are necessary to make the development acceptable in planning terms. In particular they address the demand created for school places, open space in an open space deficiency area and public transport improvements which arise directly from the proposed development. I did not find that Saved Policy OS18 referred to in Reason 3 was relevant to the appeal scheme as it does not involve development over 15 units.

Conclusion

26. For the reasons given above and having regard to all other matters raised I conclude that both appeals should succeed.

Conditions

27. I have considered the need for conditions in the light of the advice in Circular 11/95: *The use of conditions in planning permissions*, and those put forward by the Council and the appellant. In the interests of the quality of the building and the appearance of the Conservation Area, I agree that the submission of samples of materials and details of landscaping and boundary treatment are required in Appeal B.

28. As stated above, and in the interests of residential amenity I have required the submission of details of an obscure glazed privacy screen on the northern elevation of the balcony to Flat 8 in Appeal B. I also consider that in Appeal A a condition restricting any demolition works until a contract has been let for the redevelopment scheme is necessary to prevent a gap site in the Conservation Area.

Margaret Jones

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Suryakant Badiani	Nablodge Ltd
Mr David Inglis B Arch	Robert O'Hara Architects
Mr Robert O'Hara BA Hons, BA Arch Hons, RIBA	Robert O'Hara Architects
Mr S Badiani	Representing Nablodge Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr Ben Martin MSc, B Eng Hons	London Borough of Brent
Mr Zayd Al-Jawad	London Borough of Brent

INTERESTED PERSONS:

Mr Shaun Lamplough	Local Resident's representative
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DOCUMENTS SUBMITTED AT THE HEARING

- 1 Signed and completed S106 Agreement between Nablodge Limited and the Council of the London Borough of Brent.
- 2 Copy of Officer Report relating to appeal scheme LPA Ref 09/1292.
- 3 Copy of Highway observations dated 30/6/09 referred to in evidence.
- 4 Copy of Policy H18 of the Brent Unitary Development Plan relating to The Quality of Flat Conversions.
- 5 Copy of PS14 Car Parking Standard for Residential Development referred to in Policy TRN23 of the Brent Unitary Development Plan.
- 6 Copy of Map OS1 from Brent Unitary Development Plan showing Local Level Open Space and Open Space Deficiency.



Appeal Decision

Hearing held on 3 November 2009
Associated site visit made on 3
November 2009

by **N P Freeman BA(Hons) Dip TP MRTPI**
DMS

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

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Decision date:
17 November 2009

Appeal Ref: APP/T5150/C/09/2098256 **21 Monson Road, London, NW10 5UR**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by House & Homes Estates Ltd against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/07/0751 and the notice was issued on 14 January 2009.
- The breach of planning control as alleged in the notice is the change of use of the premises from 2 self-contained flats to 9 self-contained studio flats and the erection of a rear extension.
- The requirements of the notice are:
 - 1) Cease the use of the property as 9 self-contained studio flats, and remove all fixtures and fittings associated with this unlawful use;
 - 2) Demolish the rear extension, remove all materials arising from that demolition and remove all materials associated with the unauthorised development from the premises.
- The period for compliance is 6 months after the notice takes effect.
- The appeal was lodged on the grounds set out in section 174(2)(a), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended. Ground (d) has been withdrawn and the appeal is proceeding on the remaining grounds.

Summary of Decision: The appeal is allowed in the terms set out below in the Formal Decision.

Background

1. The appeal property is in use as 9 self-contained (s/c) flats¹. Each flat has a main room used as a bed/living room, containing a kitchenette (with sink, cooker, fridge, washing machine and cupboards), and a separate WC/shower room. Wardrobes are provided and a small table and chairs in most units. The ground floor rear flat has access to, and sole use of, the rear garden.
2. The Council refer to a planning permission for the conversion of the property into 2 s/c flats granted on 25 August 1987 which they contend is the lawful use. I have not been provided with a copy of this decision although it is not disputed that it was granted. What is at issue is whether it was ever implemented. I have no documents to confirm that this happened. The appellant argues that there are no Building Regulation records pertaining to this conversion. I noted that there are two gas meter boxes attached to the front of the property. Only one of these now contains a meter². This may reflect a former use as 2 flats but this is far from conclusive.

¹ 4 on the ground floor, 4 on the first floor and 1 in the roofspace (attic conversion)

² Mr Bhatt - Director of the appellant company - said that only one meter exists now as he pays all the utility bills for the property with the tenants rent including an element for the services provided

3. A statutory declaration (SD) of Anil Kalra, dated 15 May 2003, has been supplied by the appellant who claims that this was required when the property was acquired by the appellant company in June 2003. The SD states that Mr Kalra purchased 21 Monson Road on 26 March 1999 "at which time the use of the Property by the Seller was as a house in multiple occupation" (HMO). He goes on to assert that, to the best of his knowledge it has been continuously used as a HMO having been let as an eight room house to various students of the Royal College of Art in Kensington. A number of documents (letters, tenancy agreements, rent demands and receipts) have been supplied to support the claim. A tenancy agreement dated 1 November 1999 shows Mr Kalra as the landlord and the Royal College of Art as the tenant. My understanding is that the college found students to occupy the property and collected rent and deposits from them which were then forwarded on with a receipt to Mr Kalra. The documents provided cover the period from October 1999 to January 2003.
4. The acquisition of the property by the appellant company was registered with the Land Registry on 27 June 2003. At this time the property was surveyed³ and copies of plans provided showing 6 s/c bedsits (each with its own cooking and washing facilities) and 2 non s/c bedsits with a shared shower/WC on the ground floor. A communal kitchen is shown at the rear of the ground floor behind which is a glazed room (with boiler cupboard in one corner), which is probably the conservatory referred to in the January 1999 sales particulars⁴.
5. An SD of Nokolay Tsanev, dated 14 March 2008, says that he resided at the appeal property from 2 August 2003 to 23 September 2007. Mr Bhatt said that he occupied one of the bedsits on the ground floor. Mr Tsanev says he was a tenant of the appellant company and rented the whole house subletting the parts he was not occupying to other people. He asserts that the property was set out as 8 studios, a shared toilet facility and a kitchen which was never used as "we all had our own facilities".
6. Correspondence from the Council's Housing Services reveal that the property was already registered as a HMO in October 2006 (under a previous local scheme) and a Licence as a HMO, dated 17 October 2006, was issued under the new licensing regime. The Licence is for a maximum of 6 households and 10 persons. However a letter dated 28 March 2008 from Housing Services states that this occupancy level referred to in a letter of 30 March 2006 was in fact incorrect and should have read 8 households and 16 persons. The March 2008 letter also refers to "much needed renovation" "following my recommendations for general upgrading of the facilities in March 2006" and new occupancy levels for a maximum of 9 households and 18 persons.
7. Mr Bhatt said that the conversion works to create 9 s/c flats, including the one in the attic, and the works to the extension at the rear commenced in about October/November 2007. Plans showing the claimed layout in 2007 compared with 2003 have been supplied and others dated February 2009 show the arrangement at that time. The latter plans are in general accordance with what I observed in terms of layout although the kitchenette in one of the first floor units is in a different position.

³ Surveyed by Dominic Boutall Associates (June 2003)

⁴ Homebuyer survey and valuation for Mr Kalra – Date of Inspection 21 January 1999 – (App 12 Appt.)

The Notice

8. Based on my assessment of the history above, I do not consider that there is clear evidence before me to show that the property had been converted into 2 flats and it was certainly not used as such when the notice was served. The 1999 sales particulars do mention 2 kitchens (one on the ground floor and one on the first floor) which may be indicative of 2 units of residential accommodation but I find it surprising that these particulars do not say there were 2 s/c flats existing if that were the case. An alternative explanation is that the house was in multiple occupation at that time and this would be consistent with Mr Kalra's SD.
9. The authority of *Ferris v SSE & Doncaster MBC [1988] JPL 777* is that neither the planning authority nor an inspector on appeal has to identify or state the "base use" for enforcement purposes at any stage. It is helpful to do so but if there is ambiguity, as I find in this case, it is better not to do so. The Council's representative urged me to delete the reference to 2 flats in the allegation and I consider that this is apt in the particular circumstances. I do not consider that this causes any injustice to the appellant as it is the claim that 9 studio flats are lawful which is under consideration having regard to the former use of the property. I will therefore use the powers vested in me under s176(1) of the Act to make the appropriate correction to the allegation.

Ground (c)

The use

10. There is no dispute that the use of the property as 9 s/c flats only came into being after the works started in the autumn of 2007 were completed. For this reason, any claim to lawfulness under ground (d) due to the use being in existence for 4 years (i.e. as 9 single dwelling houses) is not being pursued. The appellant contends that the property became lawful as a HMO under the '10 year rule' or, in the alternative, it has a lawful use as 6 s/c and 2 non s/c units of residential accommodation. It is then asserted that as the primary use was as 6 s/c units prior to the conversion works in 2007 that there has been no material change of use to 9 s/c studio flats.
11. For the Council the claim of lawfulness as a HMO is not accepted and even if it was it is argued that this would not assist the appellant as the creation of 9 studio flats, which amount to 9 separate planning units, is a material change of use for which no planning permission has been granted. Additionally the alternative claim that 6 s/c and 2 non s/c flats may be lawful instead does not assist the appellant as at most it would equate to 6 separate planning units and the present use is materially different.
12. I start with the claim that the use as a HMO may still be lawful notwithstanding the creation of 9 studio units. The evidence I have is sufficient to show that, on the balance of probability, the property was being occupied by students from 1999 to early 2003. However, it is not clear that their occupation amounted to a HMO in planning terms⁵. Mr Kalra said in his SD that it was "let as an eight room house to various students" during that period. This could

⁵ I am aware that the definition of an HMO in planning and housing terms is different and that registration for the latter can be required even when the use in planning terms would not qualify as an HMO

have been as a HMO in planning terms with each student living separately with some shared facilities or as persons living together as "single household" within a dwelling house (as defined by Class C3 of the Town and Country Planning (Use Classes) Order 1987. Paragraph 66 of Circular 03/05, regarding this Order, explains the concept of a single household and refers to persons living together as a family or by no more than 6 persons. However paragraph 76 of the same states "Although the control limit of six persons defines the scope of the C3 dwelling house classes, this does not imply that any excess of that number must constitute a breach of planning control". The question to answer is has the use intensified so as to become of a different character to those living together as a single household.

13. With these guidelines in mind and based on the evidence before me, I am satisfied that there were likely to be over 6 people living there on a normal day-to-day basis. Additionally the high turnover in the number of students during the 4 year period tends to suggest that this was not a group of students living as a single household with a few changing from time to time. On this basis, I am inclined to the view that the property was indeed being used as an HMO in planning terms during that period and not a single dwelling house.
14. Moving forward to period after the appellant company purchased the property, the plans and other evidence indicate 6 s/c and 2 non s/c units of accommodation in existence at that time. This could be argued as still amounting to a HMO with some shared facilities. Whilst 6 of the units were self-contained there was a communal kitchen, albeit said to be little or never used. The alternative scenario, based on the Council's argument, is that there were by then 6 planning units for the 6 s/c flats (and presumably another one for the non s/c parts of the property).
15. I have no details of the occupation prior to March 1999 only that according to Mr Kalra the house was in multiple occupation at that time. It is agreed that after autumn 2007 the use as 9 separate flats began. For a 10 year period to be made out for the HMO it would have had to go back to late 1997. Even if this were the case and there was a period of at least 10 years of use as a HMO, I do not find that this assists the appellant as this would be a materially different use to the 9 studio flats, which by applying the criteria set out in paragraph 71 of C03/05, are separate dwelling houses and planning units.
16. For completeness, I have also considered the alternative claim that the use as 6 s/c and 2 non s/c units has become lawful through the passage of time and that as the primary use is self-contained units there has been no material change of use. Firstly, there is insufficient evidence to conclude that this arrangement existed for the requisite period for lawfulness to arise. Secondly, this argument seems to be at odds with the appellant's own evidence of claims concerning the use as a HMO. Thirdly, I consider 6 s/c units and 2 non s/c units to be materially different from 9 s/c units, the extra one having been added in the roofspace. Fourthly, there is the planning unit argument that what now exist are 9 separate planning units rather than something less.
17. Bringing these points together, I conclude that the use of the property as alleged, namely 9 s/c studio flats, amounts to a breach of planning control for which there is no planning permission. I do not find the appellant's reliance on what is the primary use to be persuasive as this only applies in circumstances

where there is one planning unit which does not change within which the mix of uses may alter. For the reasons given this is not the situation before me as new planning units have been formed. On this basis, the appeal does not succeed on ground (c) in respect of the use alleged.

The extension

18. Photographs have been supplied showing the extension when it was under construction. The appellant asserts that this was simply alterations to the pre-existing conservatory which occupied the same footprint and therefore not 'development' requiring planning permission. For the Council it is argued that the works carried out were extensive and amounted at least to rebuilding or reconstruction. Moreover, even if it were accepted as only amounting to alterations then there are no 'permitted development' rights for such works applying to properties converted to flats. I agree with the latter point on the basis of the definition of a "dwellinghouse" found at Article 1 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) which excludes a building containing one or more flats.
19. S55 of the 1990 Act states that building operations amount to development and include the demolition of buildings, rebuilding, or additions to buildings and other operations normally undertaken by a builder. S55(2)(a) indicates that operations that only affect the interior of a building or do not materially affect the external appearance of the building do not amount to development.
20. Turning to the facts, I don't have any photographs showing the former conservatory structure that existed but from the plans before me it appears to have contained significant amounts of glazing on two elevations. Mr Bhatt confirmed this and said that blockwork was used to replace the glazing with the rear wall being raised by one course to create a shallower pitch to the roof. The photographs during building works also show two types of brickwork. A lower red brick section with a buff stock brick section above. Mr Bhatt said that both pieces of wall were in situ and that the new blockwork was added above. I have my doubts on this as the stock brick section contains a number of white faced or painted bricks spread throughout which are typical of a situation where reclaimed bricks, which formed part of a demolished building, have been used to build a new wall. Also it appears that the brickwork is lacking pointing in some places. For these reasons, I am inclined to the view that the lower red brick wall may have been pre-existing but that new masonry walls (part brickwork, part blockwork) were likely to have been constructed as new work with a window and external door within them.
21. Coming back to s55, I find that the works undertaken would have involved some partial demolition and a significant amount of rebuilding or reconstruction in a different form and appearance to what previously existed. Moreover, I find that work of this nature would normally be undertaken by a builder. It certainly goes well beyond a repair given the material changes to the elevations that have taken place. Even the appellant accepts that it amounted to partial reconstruction. I also conclude that, notwithstanding the fact that the size of the extension has not increased in terms of footprint, it nevertheless has materially affected the external appearance of the building. For these reasons I consider that development has taken place for which there is no planning permission and the ground (c) appeal in this respect fails.

Ground (a)

Main issues

22. The Council's agent made it clear that no objections were raised to the extension on grounds of design or impact in terms of light and outlook for neighbouring occupiers. I am satisfied from my own observations that no material harm has arisen in these respects. The Council's concern with the extension is that it has added to the intensity of the use of the building. So the main issue to consider with both the change of use and the extension is:
- 1) Whether the flats are unacceptable in terms of the standard of living accommodation provided;
 - 2) Whether the number of units and intensity of use is detrimental to the living conditions of neighbouring residents.

Reasons

Standard of accommodation

23. The local policies referred to are Policies H17, H18 and BE9 of the Brent Unitary Development Plan (UDP)⁶. For the Council it was accepted that the requirements of Policy H17 relating to flat conversions in general are met. Their objection relates to claimed failure to meet the criteria concerning the quality of flat conversions in Policy H18, particularly in terms of flat sizes and 'stacking' arrangement, and the supporting advice in the adopted *Supplementary Planning Guidance (SPG) 17 – Design Guide for New Development*.
24. As regards size, SPG 17 includes a table which indicates that studio flats should normally have a minimum size of 33 sq.m. in floor area. The appellant accepted that all of the flats are below this floor area. From my assessment of the plans before me it appears that the smallest flats only have about half this floor area. In terms of 'stacking' it is clear that there are shared living/bedrooms above one another. However, this is to be expected were every unit is a studio or bedsit type flat. This is not a situation where there are separate living rooms and bedrooms in each unit. In terms of the other criteria I am satisfied from my observations that the units have adequate and safe circulation and storage space and that the front garden provides reasonable scope for cycle parking and bin storage. The rear garden has not been subdivided and can only practically be accessed from the rear ground floor flat.
25. The subdivision has not provided a range of unit sizes but given the history of the use of the property and the acceptance of the Council that there is a demand for small units of accommodation to meet housing need in the Borough, I do not consider that this weighs heavily against the development. I have considered the appellant's argument that the units are providing affordable housing but based on the definition contained in the UDP I am not convinced that this is so in the accepted sense⁷. Whilst it was argued that the rents charged would not exceed the level of benefit a resident was entitled to I do not know what proportion the rent would be. No registered social landlord

⁶ All 'saved' by virtue of the Direction of the Secretary of State dated 18 September 2007

⁷ Paras. 5.7.14 – 5.7.18 of the UDP

is involved and only 3 of the existing tenants are on housing benefit. The units appear therefore to be more akin open-market housing albeit aimed at vulnerable groups and ethnic minorities with limited means or incomes⁸.

26. I have had regard to the nature and characteristics of the units in question. I accept that some are small in floor area but the flats have a well-planned and usable arrangement with sufficient space for cooking, sleeping and eating and a well-equipped shower/WC within them. All units receive natural light and the levels of daylight penetrating appeared to be sufficient and particularly good for the front flats at ground and first floor levels (bay windows) and the attic unit.
27. In terms of the extension as this only replaced a former conservatory I do not consider that it can be argued as materially increasing the size of the accommodation.
28. Overall, my conclusion on this issue is that there is conflict with criterion (b) of Policy H18 and the supporting guidance in SPG 17 in terms of rooms sizes. As far as criterion (a) of the same is concerned it seems to me that this may actually be met as the type of room being stacked above another is a studio flat of bedsit which is the same. Set against this harm I consider that there are other material considerations which need to be taken into account. Firstly, the property has been used for many years as a HMO or some form of multiple or self-contained occupation and this has been acknowledged and accepted by the Council's Housing Services. Secondly, I consider that the accommodation provided is of a reasonable standard with adequate facilities for the occupiers. Thirdly, from the plans before me it would appear to be providing a better standard of accommodation than previously existed in some respects. Fourthly, it appears to be meeting the needs of certain vulnerable minority groups who would struggle to find alternative accommodation.

Living conditions of neighbours

29. The Council have cited conflict with Policy BE9 in the reasons for issuing the notice on the basis that the bulk, height and siting, of what I take to be the extension, is unacceptable and detrimental to the amenity of neighbouring residents. However, the Council's agent made it clear at the hearing that objections were not being pursued on this basis. Policy BE9 concerns architectural quality which was also not criticised by the Council. The only criterion that might apply is (e) but I consider that neither the layout of the flats nor the extension at the rear would cause harm in this respect. I therefore conclude that either Policy BE9 is not relevant or that the tests contained within it are satisfied.
30. I have considered the claim that the introduction of 9 flats has caused nuisance in terms of noise and disturbance due to the intensity of the use. Whilst I have received one anonymous letter of objection there are no other letters from local residents complaining on this basis. I am mindful that the house has been used for many years by a large number of occupants, including groups of students, and there is no objective evidence to show that the present

⁸ Letter from Horn Stars (an organisation which provides support services to members of the Black and Ethnic Minority Communities and Refugees – especially Somalians), dated 17 July 2009, refers to 2 residents at the appeal property who use their services and the assistance of the appellant company in providing accommodation for vulnerable service users

accommodation has or is giving rise to nuisance from noise and general activity. So I do not consider that the claim of harm to the living conditions of neighbouring residents is made out.

Conclusions on ground (a)

31. I am required to determine the deemed application in accordance with s38(6) of the 2004 Act⁹ and this requires determination to be made in accordance with the development plan unless material considerations indicate otherwise. I have found there to be some conflict with Policy H18 of the UDP but consider that the other material considerations I have described above are such that a departure is justified in this instance and that, applying the appropriate balancing exercise, planning permission should be granted. I have explained why I come to this view based on the particular circumstances and therefore do not see this as setting an unwelcome precedent.
32. I asked the Council's agent if there were any conditions that were recommended should permission be granted. He did not put any forward although, in response to the appellant's agent's comments and my prompting, he felt that conditions regarding the provision of refuse storage and cycle parking facilities might be appropriate. Based on my observation that the front garden is already used to store refuse bins and there is a significant amount of space left over to park bicycles, I do not consider it is necessary to impose a condition in these respects.

Overall conclusion

33. I will correct the allegation in the notice as described in paragraph 9 above in order to clarify the terms of the deemed application under section 177(5) of the 1990 Act as amended.
34. For the reasons given above I conclude that the appeal should succeed on ground (a) and I will grant planning permission in accordance with the application deemed to have been made under section 177(5) of the 1990 Act as amended, which will now relate to the corrected allegation. The notice as corrected is quashed. On this basis there is no need to consider the ground (f) and (g) arguments.

Formal Decision

35. I direct that the enforcement notice be corrected at Schedule 2 - "The alleged breach of planning control" - by the deletion of the words "from 2 self-contained flats". Subject to this correction I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission, on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the change of use of the premises to 9 self-contained flats and the erection of a rear extension at 21 Monson Road, London, NW10 5UR.

N P Freeman

INSPECTOR

⁹ Planning And Compulsory Purchase Act 2004

APPEARANCES

FOR THE APPELLANT:

Mr N Bhatt	The appellant
Mr P Lucuta	Property manager for the appellant
Mr A S Kassim FRTPI	Ask Planning, agent for the appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr N Wicks MRTPI	Planning consultant and director, Enforcement Services
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DOCUMENTS SUBMITTED AT THE HEARING

- Doc 1 Extracts from the Brent UDP – pages 84-85 & 94-95
- Doc 2 SPG 17 – Design Guidance for New Development
- Doc 3 Letter dated 17 July 2009 from Horn Stars concerning tenants of the appeal property



Appeal Decision

Site visit made on 10 November 2009

by **David Pinner BSc (Hons) DipTP MRTPI**

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

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Decision date:
20 November 2009

Appeal Ref: APP/T5150/C/09/2102763 and 2103161 9 Tudor Close, London NW9 8SU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by T P Mirza and E Mirza against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice was issued on 12 March 2009.
- The breach of planning control as alleged in the notice is the erection of a roof extension and installation of PVCu windows and PVCu front gable to the front elevation of the premises.
- The requirements of the notice are:
STEP 1 Remove the roof extension
STEP 2 Remove the PVCu windows and PVCu front gable
STEP 3 Restore the roof back to its original condition before the unauthorised development took place, as shown on the photograph attached to the enforcement notice
STEP 4 Reinstatement of the wooden windows and wooden "Mock Tudor" gable to the front of the premises so that the front elevation of the premises is restored back to its original condition as shown in the photograph attached to the enforcement notice
- The period for compliance with the requirements is 3 months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
- An application for planning permission is deemed to have been made under section 177(5) of the Act as amended.

Decision

1. I allow the appeal on grounds (f) and (g), and direct that the enforcement notice be varied:
 - 1) by the insertion of the word "front" before "windows" in the alleged breach of control and in STEP 2 of the requirements;
 - 2) by the insertion of the words "cladding to the" before the words "front gable" in the alleged breach of control and in STEP 2 of the requirements;
 - 3) by the insertion of the word "Either" before "restore" and the words "or make the development comply with the terms of the planning permission reference 07/2075 for a rear dormer window with 1 side rooflight, granted by Brent Council on 3 October 2007" to the end of the requirements listed under STEP 3;
 - 4) by the deletion of 3 months and the substitution of 6 months as the period for compliance.
2. Subject to these variations I uphold the enforcement notice.

The notice

3. In response to points made by the appellant, I will vary the notice to make it clear that it refers only to the PVCu cladding to the front gable and not to the gable itself as a structural element of the building. I will also vary the notice to make it absolutely clear that it is only concerned with the PVCu windows on the front elevation of the property.

Ground (a) and the deemed application

4. There is a statutory requirement to have regard to the desirability of preserving or enhancing the character or appearance of conservation areas when considering development proposals within them. This is reflected in policies BE25 and BE26 of the Brent Unitary Development Plan 2004.
5. The appeal property lies in the St. Andrews Conservation Area. This is an area of suburban residential properties constructed in the 1920s and 1930s, typical of the architect designed garden suburbs that were being constructed during that period. The architectural character of the Conservation Area derives from the thought and detailing which has gone into the design of its various dwelling types.
6. Tudor Close comprises detached and semi-detached bungalows of the same basic architectural style. However, the unified character that would have existed when the properties were built has been eroded to some extent by unsympathetic alterations. Replacement windows in particular have had a harmful effect on the character and appearance of the Conservation Area and the Council has therefore made a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO). This has the effect of overriding the permitted development provisions of the GPDO with respect to various things, including alterations or improvements that affect the front elevation of the appeal property. The PVCu windows on the front elevation and the PVCu cladding to the gable represent alterations to the dwelling. Their installation involved building works and they are therefore development that requires an express grant of planning permission. In the absence of such permission, they represent a breach of planning control.
7. The PVCu cladding to the front gable of the property is an obvious change that distinguishes the appeal property from nearly every other property in Tudor Close. It is severely harmful to the character of the streetscene and further erodes the unity of design that was a strong feature of that character. I conclude that it is harmful to the character and appearance of the Conservation Area as a whole and is unacceptable.
8. I accept that most properties in Tudor Close have had their original wooden windows replaced. However, I do not consider that the replacement windows have now become part of the established character of the area that the Conservation Area designation seeks to preserve or enhance. Whilst it is often argued that PVCu windows of the same basic design as the wooden windows they replaced have no material effect on the appearance of a property, that is an argument with which I strongly disagree. It is obvious when looking from the street which windows are plastic or aluminium replacements. It is subtle differences such as the texture of finish, the method of jointing, the thickness of the frames and subdividers, the lack of putty and even in some cases the

reflections off the glass that all conspire to make significant and obvious differences in the appearance of the windows. The fact that most properties have been altered in this way does not justify perpetuating a situation whereby serious harm has been caused to the character of the Conservation Area. Even plastic and aluminium windows will eventually require replacement. Now that the Council has gained planning control over such matters, the likelihood is that the character and appearance of the Conservation Area will be enhanced as more and more replacements are fitted. I conclude that the PVCu front windows are harmful to the character and appearance of the Conservation Area and are unacceptable.

9. The alterations to the roof have had a significant effect on the appearance of the property. It now appears to have a gable-ended main roof that contrasts sharply with the hipped roofs of other properties in Tudor Close. I reject the argument that the roof alterations are insignificant. They cause serious harm to the character and appearance of the Conservation Area and are unacceptable.

Ground (f)

10. The Council has served the enforcement notice to remedy the breach of planning control, which can be achieved by the measures described in s173 (4)(a) of the Act. The breach can only be remedied by removing the unauthorised development and by reinstating the building to its former appearance, or by making it comply with the terms of any planning permission granted in respect of the land. I agree with the appellant that the notice ought to include as an alternative, the requirement to make the development comply with the terms of the planning permission granted in 2007 for the erection of a rear dormer. I shall vary the notice accordingly. I have covered the point made about the front gable already. No other lesser steps than those specified would remedy the breach of planning control.

Ground (g)

11. In making an appeal, the appellant is entitled to believe that their appeal might succeed. The argument that the delay caused by the appeal proceedings has given time for arrangements to be made for compliance with the notice is not one to which I attach much weight. The works involved in complying with the notice are extensive and will involve the use of contractors. I think that 6 months is a more realistic period for engaging contractors and undertaking the work. I have varied the notice accordingly.

David C Pinner
Inspector