



## Planning Committee

**Wednesday, 24 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,  
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**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 Minutes of the meeting held on 3 February 2010 (to follow).		1 - 12
<b>Extract of Planning Code of Practice</b>		
<b>APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING</b>		
3. 7-8 Elmwood Crescent, London NW9 0NL (Ref. 09/1851)	Fryent;	17 - 30
<b>NORTHERN AREA</b>		
4. Jubilee Heights, Shoot up Hill & Cedar Lodge, Exeter Road, London NW2 3UL (Ref. 09/2229)	Mapesbury;	31 - 48
5. 11 Mentmore Close, Harrow Middlesex HA3 0EA (Ref. 09/2562)	Kenton;	49 - 56
6. 4 Aston Avenue, Harrow Middlesex HA3 0DB (Ref. 09/2640)	Kenton;	57 - 62
7. Woodfield School, Wood Lane, London NW9 7LY (Ref. 09/2499)	Welsh Harp;	63 - 68
8. Woodfield School, Wood Lane, London NW9 7LY (Ref. 09/2652)	Welsh Harp;	69 - 74
9. Woodfield School, Wood Lane, London NW9 7LY (Ref. 09/2699)	Welsh Harp;	75 - 80
<b>SOUTHERN AREA</b>		
10. 165-167 High Road, Willesden, London NW10 2SG (Ref. 09/3194)	Willesden Green;	81 - 86
11. 10 Alverstone Road, London NW2 5JT (Ref. 09/1204)	Brondesbury Park;	87 - 94
12. Tennis Courts, Chelmsford Square, London NW10 (Ref. 09/2605)	Brondesbury Park;	95 - 100
13. South Kilburn regeneration roundabout site, Carlton Vale, London NW6 (Ref. 09/2500)	Kilburn;	101 - 122

## WESTERN AREA

- |     |   |              |           |
|-----|---|--------------|-----------|
| 14. | 136 Thirlmere Gardens, Wembley, Middlesex HA9 8RF (Ref. 09/2505)                | Preston;     | 123 - 128 |
| 15. | 32-34 Brook Avenue, Wembley, Middlesex HA9 8PH (Ref. 09/2571)                   | Preston;     | 129 - 142 |
| 16. | Land next to Central Middlesex Hospital, Acton Lane, London NW10 (Ref. 09/2415) | Stonebridge; | 143 - 158 |
| 17. | Dexion House, Empire Way, Wembley HA9 0EF (Ref. 09/2291)                        | Tokynnton;   | 159 - 196 |
| 18. | Land next to Central Middlesex Hospital, Acton Lane, London NW10 (Ref. 10/0140) | Stonebridge; | 197 - 208 |
| 19. | Planning Appeals 1-31 January 2010  |              | 209 - 220 |
| 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 VISITS – SATURDAY 20 FEBRUARY 2010

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
09/2291	Dexion House, Empire Way, Wembley, Middlesex	17	Tokynnton	9:35	147-184
09/2571	32-34 Brook Avenue, Wembley Middlesex	15	Preston	9:50	117-130
09/1851	7-8 Elmwood Crescent, Kingsbury, London NW9 0NL	3	Fryent	10.15	5-118
09/2499	Woodfield School, Wood Lane, Kingsbury London NW9	7	Welsh Harp	10:40	51-56
09/2652	Woodfield School, Wood Lane, Kingsbury London NW9	8	Welsh Harp	10:40	57-62
09/2699	Woodfield School, Wood Lane, Kingsbury London NW9	9	Welsh Harp	10:40	63-68
09/1204	10 Alverstone Road, London NW2 5JT	11	Brondesbury Park	11:30	75-82
09/2500	South Kilburn Regeneration Roundabout Site, Carlton Vale, London NW6	13	Harlesden	12:00	89-110

**Date of the next meeting:            Wednesday, 10 March 2010**

The next meeting will consider reports on planning policy issues and as such there will be no prior site visits on the preceding Saturday.



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



## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE Wednesday, 3 February 2010 at 7.00 pm

PRESENT: Councillors Kansagra (Chair), Powney (Vice-Chair), Anwar, Baker, Cummins, Hashmi, Jackson, R Moher, Steel and Thomas.

ALSO PRESENT: Councillor Robert Wharton.

Apologies for absence were received from Councillors Hirani and HM Patel.

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

Councillor Anwar declared that he was a resident of Crawford Avenue and owned a property in Llanover Road. He therefore did not participate in the voting or discussion on the following applications;

15. 19 Crawford Avenue Wembley (ref. 09/2468)
16. 3 Crawford Avenue/St John's Hall, High Road Wembley (ref. 09/3104)
17. 75 Llanover Road Wembley (ref. 09/2340)

Councillor Jackson declared that he was a resident of Crawford Avenue and therefore did not participate in the voting or discussion on the following applications;

15. 19 Crawford Avenue Wembley (ref. 09/2468)
16. 3 Crawford Avenue/St John's Hall, High Road Wembley (ref. 09/3104)

Councillor R Moher declared a personal interest in the application for 7-8 Elmwood Crescent Kingsbury (ref. 09/1851).

#### 2. **Minutes of the previous meeting held on 13 January 2010**

RESOLVED:-

that the minutes of the previous meeting held on 13 January 2010 be approved as an accurate record subject to the following amendments;

Item 11, paragraph 3 add the following after third sentence: "Councillor R Moher also questioned the efficacy of the Conservation Area Guidelines."

Show Councillor Powney as having voted for the recommendation for refusal and amend figures accordingly.

#### 3. **8A & 8B Keyes Road, London NW2 3XA (Ref. 09/3308)**

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning Steve Weeks submitted the following in response to members' request for additional information in relation to the detailing of the windows and the original upper obscured glazing panels on the main front windows. He stated that whilst it may not be possible to replicate the exact appearance of this obscured glass, the applicant's suggested film treatment was not considered appropriate. The key issue was whether another pattern may be acceptable and whether resisting this may be supported on appeal. He submitted that on balance, it was considered that a currently available obscured glass could adequately reflect the contribution that this part of the glazing would add to the houses and the streetscene. He added that the front doors would remain as existing and that the only doors that were proposed to be replaced were those on the rear of the dwellings.

Mrs Sheelagh Putnam an objector stated that whilst she was pleased that the front door was being retained, she questioned the need for the windows to be replaced. Notwithstanding this view, she confirmed that a condition controlling the materials would be acceptable.

In endorsing the recommendation for approval subject to conditions, members delegated to the Head of Area Planning the responsibility to ensure that the replacement glazing detail was as close to the existing windows as reasonably possible but that a currently available glass should be acceptable.

DECISION: Planning permission granted subject to conditions.

**4. 15A & 15B Keyes Road, London NW2 (Ref. 09/3306)**

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions. See item 3 above for discussion at the meeting.

DECISION: Planning permission granted subject to conditions.

**5. 44A-44C Keyes Road, London NW2 (Ref. 09/3367)**

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).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions. See item 3 above for discussion at the meeting.

DECISION: Planning permission granted subject to conditions.

**6. 32A-32C Keyes Road, London NW2 (Ref. 09/3374)**

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions. See item 3 above for discussion at the meeting.

DECISION: Planning permission granted subject to conditions.

**7. Dollis Hill House, Gladstone Park, Dollis Hill Lane NW2 6HT (Ref. 09/1470)**

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).

OFFICER RECOMMENDATION: Defer the grant of Listed Building Consent.

The Head of Area Planning recommended a deferral of this application to allow for further consideration of the Chinese Welfare Trust's interest in the building to be considered.

DECISION: Deferred to allow for further consideration of matters raised by the Chinese Welfare Trust.

**8. 7-8 Elmwood Crescent London NW9 0NL (Ref. 09/1851)**

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).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Members agreed an amendment proposed by Councillor Powney for a deferral of this application for a site visit to assess the impact of the proposed development. This was put to the vote and declared carried.

DECISION: Deferred for a site visit in order to assess the impact of the proposed development.

Note: Councillor R Moher having declared a personal interest in the application did not take part in the voting and discussion.

**9. 6 Barn Way, Wembley, HA9 9LE (Ref. 09/3265)**

Retention of UPVC windows to front elevation of dwellinghouse.

OFFICER RECOMMENDATION: Refuse planning permission.

This application was reported to Committee under the provisions of Clause 24 of the Planning Code of Practice following the previous meeting of the Planning Committee on 13th January 2010 at which members were 'minded to grant' consent for the retention of UPVC windows to the front elevation of the dwellinghouse, contrary to the recommendation to refuse consent. The Head of Area Planning reiterated the recommendation for refusal on the grounds that the replacement UPVC windows would significantly detract from the appearance and character of the original dwellinghouse and the visual amenity of the locality, and as such, would fail to preserve or enhance the character and appearance of the Barn Hill Conservation Area. In his view the replacement windows would not reasonably reflect the original design and detailing in all practical respects and would have implications for the future of the Conservation Area including setting undesirable precedents. The Head of Area Planning expressed concerns that to grant consent for the retention of the replacement windows which were 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. He then drew members' attention to examples at Nos. 3 and 5 Barn Way and in the Mount Stewart Conservation Area which were considered satisfactory.

Mrs Tugby the applicant referred to discussions she had had with officers about the replacement windows and confirmed her acceptance of the conditions set out in the main report for the grant of planning permission.

During discussion of the application Councillor Baker stated that he observed very little difference between the replacement windows and the previous windows and for that reason he indicated his support for the application. Councillor Powney reiterated the need for consistency in applying the guidelines for Conservation Areas around the Borough. The Chair added that the guidelines required developments to enhance the conservation area status and in his view the replacement windows observed at the site visit were an improvement on the previous windows. Being in keeping with the area, the replacement windows enhanced the Conservation Area status without any likelihood of setting a precedent for future developments in the area. The Committee voted to approve the application for the reasons stated above.

In accordance with the provisions of the Planning Code of Practice, voting on the recommendation for refusal was recorded as follows;

<b>FOR</b>	Councillors Powney, R Moher and Thomas	<b>(3)</b>
<b>AGAINST</b>	Councillors Kansagra, Anwar, Baker, Hashmi Jackson and Steel	<b>(7)</b>



**ABSTENTION**

Councillor Cummins

**(1)**

DECISION: Planning permission granted subject to conditions.

**10. 37 Geary Road London NW10 1HJ (Ref. 09/1962)**

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

This application was deferred at a previous meeting to allow for further investigation of the issues raised at the site visit in relation to the current status of the property and whether it was being used as a single family dwelling, the combined impact of all the proposed extensions and the status of the front gates and boundary treatment.

The Head of Area Planning reported that officers had received verbal confirmation that the property would be for personal use and although there would be more than 6 people resident at the property the relationship between the residents was such that they could be considered to form one household (single family dwelling unit). He continued that the proposed development would result in an increase of 1 bedroom and whilst it would result in a larger building it was not considered to be an overdevelopment of the site. He went on to clarify that by proposing to reduce the height of existing gates and railings from 2.3m to 1.2m with soft landscaping planted behind, the submitted revised application for boundary treatment would result in a significant improvement in the appearance of the property within the streetscene.

DECISION: Planning permission granted subject to conditions.

**11. Workshop 1 rear of 92 Villiers Road NW2 5PJ (Ref. 09/2452)**

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.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

**12. Beulah Apostolic Church, 130 Church Road NW10 9NH (Ref. 09/2588)**

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).

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

Members noted that the applicant had submitted amended plans which revised the layout of the proposed church to orientate the main entrance towards Church Road and confirmed that the access towards Conley Road would be for emergency escape only. In view of that the planning Manager recommended an amendment to condition 2. He added that following discussion with Officers, the applicant had 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. This was generally welcomed as it 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. In order to secure the tree planting he recommended an amendment to condition 4 as set out in the tabled supplementary report. He also drew members' attention to an amendment by the Borough Solicitor to condition 7 for acoustic insulation prior to occupation.

DECISION: Planning permission granted subject to conditions as amended in conditions 2, 4 and 7, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

**13. 8 Brondesbury Park Mansions, 132 Salusbury Road, NW6 6PD (Ref. 09/3377)**

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

**14. 243 Ealing Road, Wembley HA0 4LF (Ref. 09/2116)**

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 30 November 2009 and January 2010).

OFFICER 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.

In response to members' request the Planning Manager Neil McClellan reported that the Environment Agency had confirmed that the revised Flood Risk Assessment (FRA), Revision B, submitted by the developers was acceptable subject to conditions requiring the mitigation measures set out in the revised FRA being fully implemented and a scheme for dealing with surface water drainage based on sustainable drainage principles being submitted and approved prior to the commencement of the development. He added that these points were covered by Conditions 20 and 21. He continued that a screening opinion of the Environmental Impact Assessment (EIA) had concluded that having regard to the characteristics of the development, its location and potential impact, the proposed development would not have significant environmental effects and therefore an EIA was not required. He reiterated the recommendation for approval subject to conditions as amended in conditions 5, 6, 9, 10, 11, 15, 16, 17, 18, 20, 26, 27 and 28, the deletion of condition 25a or 25b, condition 30, as set out in the tabled supplementary report, the completion of a satisfactory Section 106 or other legal agreement and referral to the London Mayor.

Councillor Steel sought clarification on the number of affordable units and was told that there would be 111 out of 440 units. The Planning Manager explained that the development was not grant funded but a private let development.

DECISION: Agreed to grant planning permission 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.

**15. 19 Crawford Avenue, Wembley HA0 2HX (Ref. 09/2468)**

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Mr M Sweeney an objector stated that the full impact of the proposed development had not been assessed. He added the proposal would result in overlooking, loss of light to the garden of No. 19 Crawford Avenue and loss of privacy. He continued that the extension would exacerbate the existing parking problems and result in a detrimental impact on the character of the area. Mr Sweeney urged members to give consideration to a site visit to assess the impact of the proposed development.

The Planning Manager Neil McClellan stated that amendments were sought in order to ensure that the proposal complied with the guidelines set out within Supplementary Planning Guidance Note 5 (SPG5). He added that the revised application had resulted in 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 and the submission of an annotated site plan showing landscaping and off-street parking on the site frontage. He added that the.

During discussions, Councillor Jackson moved an amendment for a site visit which was supported by Councillor Thomas. Prior to voting, the Chair reminded the Committee to note the officer's conclusion that the application complied with the Council's SPG5. Members voted on the amendment which was declared lost.

DECISION: Planning permission granted subject to conditions.

Note: Councillors Anwar and Jackson having declared interests in the above application did not participate in the voting or discussion on the application.

**16. 3 Crawford Avenue & St John's Hall, High Road, Wembley HA0 2AF (Ref. 09/3104)**

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.

OFFICER 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.

Members noted the officer's responses as set out in the tabled supplementary report which clarified the proposed boundary treatment, the public access through the church grounds and confirmed that the scheme would not involve any disruption to the burial grounds. The Planning Manager drew members' attention to the revised heads of terms of the Section 106 total contribution payable on material start from £136,800 to £132,000 and amendments to the following conditions; 4, 5, 12 and 22 and the deletion of condition 23.

DECISION: Planning permission granted subject to conditions as amended in conditions 4, 5, 12 and 22 and the deletion of condition 23 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.

Note: Councillors Anwar and Jackson having declared interests in the above application did not participate in the voting or discussion on the application.

**17. 75 Llanover Road, Wembley HA9 7LW (Ref. 09/2340)**

Demolition of existing rear extension and erection of a reduced single-storey rear extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

Note: Councillors Anwar having declared an interest in the above application did not participate in the voting or discussion on the application.

**18. Barham Park Estate, Wembley HA0 2NE (Ref. 09/2350)**

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<sup>2</sup> of (Use Class A1/A2) floorspace and a 121m<sup>2</sup> 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).

OFFICER RECOMMENDATION: Grant planning permission subject to completion of satisfactory Section 106 or other legal agreement, and referral to the Mayor for his Stage 2 response.

In response to members' enquiry as to whether there was any scope for improving the estates junction of the estate road with Harrow Road, and whether or not full vehicular access could be provided onto Central Road, the Planning Manager Neil McClellan referred to the full Transport Assessment submitted as part of the application. The assessment tested the junction capacity at Saunderton Road/Harrow Road and found that the junction would continue to operate well within capacity even when accounting for increased flows that might be expected from the development. In view of that, there was no requirement to upgrade the junction in order for the redevelopment of the estate to be acceptable on transport grounds. He continued that the close proximity of the junction to the roundabout and pelican crossing to the south of the site would make a right-turn movement out of the estate unacceptable on road safety grounds, whilst the amount of traffic entering and leaving the estate was 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 which according to the Transport Assessment was not necessary and that a single point of access onto Harrow Road was considered satisfactory.

Mrs Angela Tanner, Chair of Barham Park Residents' Focus Group, stated that although the group welcomed the proposed development, she wished to highlight a few of their concerns.

- (i) The height, density and appearance of the proposed development in the Sudbury Town area characterised by low rise low density buildings would be out of character.
- (ii) The plans show that the scheme had not designed out crime particularly the car park in the south west corner of the estate which could attract crime and anti-social behaviour.
- (iii) The development should have mixed tenure within each block instead of a segregation of socially rented and private homes which would create a ghetto atmosphere.
- (iv) As there was a single access/egress point to the estate, this could give rise to health and safety issues for residents and emergency vehicles.

Ms Diana Brown, Secretary of the Tenants and Residents' Association, welcomed the proposed redevelopment as it would improve the living standards of the residents. She however requested the Committee to take the following matters into account;

- (i) The proposed car park in the south west corner which was not a secure car park would encourage anti social behaviour.
- (ii) There were concerns about the allocation of car parking spaces and the management of the underground car park.
- (iii) Residents would not welcome the use of cobblestones for traffic calming as they would make it difficult for the less able to walk on.
- (iv) Residents would request that traffic lights and yellow box junction be provided to facilitate residents' access and that the bus lane restriction be relocated to start from after the main entrance to the estate.
- (v) Improved residential amenity by ensuring that kitchens and bathrooms be provided with windows for sustainability.

Ms Rosemary Houseman, the applicant's agent, in her introduction stated that she would continue to work with the residents on the details of the redevelopment. She continued that the report and the transport assessment did not raise significant issues and that the car parking management plan would be secured via the Section 106 legal agreement. Ms Houseman added that the height of the building the external appearance of which had been revised following comments made by the GLA, would not result in overshadowing. She pointed out that the redevelopment which had been planned to meet demand for family housing units would respond to the acute need for housing and regeneration in the area.

In response to member's queries about tenure and internal layout, Ms Houseman stated that the 3 phases of the development would each have a mixed tenure and that the first phase had been designed in accordance with the wishes of the residents not to live on the Harrow Road frontage. She added that plans for the

development had been revised to provide some of the flats with separate windows for their bathrooms and that cobblestones would not be used in the traffic calming or landscaping scheme for the development.

In accordance with the provisions of the Planning Code of Practice, Councillor Wharton, a ward member, stated that he had had discussions on the development with the applicants and the residents. Whilst welcoming the proposed redevelopment, Councillor Wharton requested that further consideration ought to be given to the road junction with Harrow Road, the bus lane in front of the development and the possible removal of the pay and display bays at Saunderton Road. He however noted that there were no significant objections to the officers' assessment of the traffic implications.

In the discussions that followed, Councillor Moher commented on the congestion at the junction and at the roundabout and questioned the basis of the PTAL rating of 4. Councillor Hashmi suggested the relocation of the terminus for bus route 18 from Sudbury to Northwick Park Hospital grounds. Councillor Anwar suggested the removal of the bus lane restrictions from the entrance to the estate and the provision of a medical centre and a community hall for the residents. Councillor Thomas sought clarifications on the access from and egress into the estate. Councillor Powney enquired as to whether the police had been appraised on the underground car park. In expressing his concerns about possible congestion to the entrance to the estate, the Chair remarked that Transport for London should be asked to review the bus lane restrictions at the entrance to the estate and the Council's Highways and Transportation unit should to consider having a "yellow box" junction to assist with the movement of vehicles.

In responding to the issues raised, the Planning Manager Neil McClellan stated that the Council would lobby TfL about the terminus for bus 18 and that there was scope to review the bus lane restrictions at the entrance to the estate. He added that the emergency access available via central Road was considered acceptable. Although the car park in the south west corner of the estate was slightly remote it met with the criteria for natural surveillance. He continued that due to site constraints, it was not possible to accommodate a medical centre and a community hall adding that some of the contributions under the Section 106 legal agreement could be used to improve similar local facilities including the facilities at Vale Farm sports grounds.

The Head of Area Planning added that the later phases of the detailed scheme could offer scope to reflect some of the preferences expressed by the residents. He added that although the local car sales site would be removed and in its place a Tesco Express built, there would be no servicing designed for Harrow Road and traffic congestion would be reduced to a minimum. He continued that unauthorised parking within the non adopted roads within the estate would have to be enforced by the Housing Association.

In summing up the debate, the Chair pointed out that the mixed tenure scheme would assist with the housing stock of the Borough. He noted the concerns expressed on access into and egress from the estate, parking and congestion but

added that these were not within the remit of the Committee at this stage as further details of the redevelopment would be considered at a later date.

DECISION: Planning permission granted subject to the completion of satisfactory Section 106 or other legal agreement, and referral to the Mayor of London for his Stage 2 response.

#### **19. Planning and Enforcement Appeals Oct to Dec 2009**

The Head of Area Planning drew members' attention to a selection of appeal decisions and explained the reasons why some Inspectors upheld those appeals. Members noted that costs were awarded against the Council in respect of the appeal for 1 The Leadings. He urged members not to change their approach to applications involving lightwells despite the appeal for 29 Hopefield Avenue being upheld.

The Chair requested officers to encourage members to attend planning inquiries in order to put forward the Council's case from a members' perspective.

RESOLVED:

That the planning and enforcement appeals for the period October to December 2009 be noted.

#### **20. Any Other Urgent Business**

None at this meeting.

The meeting ended at 8.50pm

S KANSAGRA  
CHAIR



## **EXTRACT OF THE PLANNING CODE OF PRACTICE**

### **Purpose of this Code**

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

### **Accountability and Interests**

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

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

### **Meetings of the Planning Committee**

24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendation the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.
  
25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the Minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the Minutes of the Meeting.
  
29. The Minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
  - (i) on any resolution of "Minded to Grant or minded to refuse contrary to Officers Recommendation";
  - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.

### **STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE**

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

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

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

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## Committee Report

Planning Committee on 24 February, 2010

Case No.

09/1851

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**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.

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At the Planning Committee meeting on the 3rd of February 2010, Members resolved to defer this application until the 24th of February 2010, in order to allow for a site visit to be undertaken.

### 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:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Prior to any occupation; submission of and compliance with an agreed management plan, which will cover the following, and can be reviewed on an annual basis:

- a) Long term objectives for the facility and residents;
- b) Target client group and admissions policy, including assessment criteria for prospective clients;
- c) Mechanism for giving preference for vacant places within the facility to Brent Mental Health Service for a period of no less than 4 weeks from the date that formal notice of the vacancy is given; and details of the proposed pricing of such places, which must be demonstrated to be comparable and competitive with other similar facilities within Brent and adjoining Boroughs;
- d) Minimum standards for staffing experience and qualifications;
- e) Provision of 24hr, 7 day supervision and support network;
- f) Provision of a point of a contact for local residents, and mechanism for reviewing and addressing any concerns;
- g) Details of client risk and relapse management plan system;
- h) Means of addressing any unacceptable increase in on-street parking that may result from the proposal, including the provision of one additional on-site parking space, and implementation of management measures.

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

### **EXISTING**

The site is 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 Fairfields 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  
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home  
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  
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) Deetails 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 24 February,  
2010**

Item No.                   **3**  
Case No.                   09/1851

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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 rooflights 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: 5**

**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 Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor'. This is to secure the submission of and adherence to a Management Plan 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".

**Site visit:**

The site was visited on the 20th of February, and several issues were raised by residents, Councillors and Members, which will be addressed below:

- Rear and side extensions: Authorised extensions have been made to the property in the past including a 2-storey rear extension (3.8m deep), a single-storey rear extension (1.2m deep), and a rear conservatory (a further 2.4m deep). A single storey side extension adjacent to 9 Elmwood Close has also been previously approved, in addition to a 2-storey extension on the opposite side of the dwelling. These extensions have been previously considered consistent with the intentions of SPG5, as the splayed and spacious nature of the site results in reduced impacts on neighbouring properties. As discussed in the main report, the proposed extensions occupy the exact footprint of both the existing rear conservatory and the demolished side extension (which Members will have viewed on site). The height of the proposed side extension complies with SPG5 guidance. The height of the proposed rear extension is 0.4m higher than the existing conservatory, but due to the distance of the extension from the site boundary, would not have a significant additional impact on neighbouring amenity.
- Existing disturbance from the special school: As discussed in the main report, the proposed use of the premises has been presented as being not significantly different from the use of the properties by two large families (the original use of the properties) in terms of noise and disturbance. It is not therefore considered that the proposal would add significantly to existing problems.
- Difference between the current application and application 06/1398: Application 06/1398 proposed the demolition of the existing building, and the erection of a new building which had a significantly larger footprint, and a 21-storey element approximately twice the

depth of the neighbouring dwelling at 9 Elmwood Crescent. The scale of this development was out of context with the prevailing character of the area, and significantly different to that being proposed by the current application. This application was refused on the basis of the design and scale of the proposed buildings, and the intensity of use resulting from the inclusion of 6a Elmwood Crescent in the proposal.

- Behavioural issues: A local shopkeeper raised the issue of existing behavioural issues relating to residents of a nearby care home. There is an existing mental health in-patient rehabilitation facility nearby. The main report addresses the difference between the client groups, and type of care provided at this facility compared to the proposed facility. A Management Plan is proposed to ensure that this difference is maintained.
- Local buses: The 204 bus stops near the end of Elmwood Crescent, and the 302 runs down Roe Green/ Stag Lane. Also nearby are the 32 and 142 on Edgware Road, and the 183 and 683 on Kingsbury Road.
- Suitability of ground floor front-facing bedrooms: These rooms would provide an acceptable level of accommodation similar to many other residential properties with similar bedroom orientations. Communal rooms with views and access to the rear garden are also proposed.

#### **Consultation:**

The Consultation section of the main report noted that no representations were made by Councillors in respect of the application. Councillor Jim Moher did, however attend a meeting that Officers held with local residents, and a visit to two Mason Moti facilities in Enfield. Councillor Moher expressed various concerns shared by residents, which are addressed in the main report. Subsequently, Councillor Moher has raised issue with the ability of emergency vehicles to access the property. The cul-de-sac layout is an existing situation, which the proposal does not 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.

A petition was received today, the 24th of February, with 139 signatories in objection to the proposal. No new reasons of objections were raised.

#### **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.

## Committee Report

Planning Committee on 24 February, 2010

Case No.

09/2229

**RECEIVED:** 3 December, 2009

**WARD:** Mapesbury

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

**LOCATION:** Jubilee Heights, Shoot Up Hill & Cedar Lodge, Exeter Road, London, NW2 3UL

**PROPOSAL:** Erection of 1 x 10-storey north flank extension and 1 x 7-storey south flank extension to existing building & 1 x 4-storey building over existing car park and vehicular accesses all totalling 21 x 2-bedroom self-contained flats, provision of 10 cycle spaces, raised garden deck and associated works to existing car parking and landscaped amenity spaces as accompanied by Design & Access Statement, Daylight & Sunlight report, SAP Calculations & Compliance with Code for Sustainable Homes Level 3 report, Background Noise Survey

**APPLICANT:** Redab Fulcull Ltd

**CONTACT:** Alton Design Associates

**PLAN NO'S:**

PL/264/02;  
PL/264/03;  
PL/264/04;  
PL/264/06;  
PL/264/07 Rev. A;  
PL/266/01;  
PL/266/02;  
PL/266/03;  
PL/266/04 Rev. D;  
PL/266/05 Rev. A;  
PL/266/06 Rev. A;

PL/266/07 Rev. C;  
PL/266/08;  
PL/266/09 Rev. B;  
PL/266/14;  
PL/266/15;  
PL/266/16;  
PL/266/17;  
PL IMG 01 through 09;  
Sunlight Report from Drivers Jonas;  
Arbocultural Report;  
Background Noise Survey.

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**RECOMMENDATION**

Refuse Consent

**EXISTING**

The subject site is an eight-storey residential block which has been converted and extended over the past 15 years from its original function as offices. It is located on the corner of Shoot Up Hill and Exeter Road adjacent to the Kilburn Underground Railway Station. Shoot Up Hill forms the borough boundary with London Borough of Camden to the east. The building contains 107 residential units, divided as follows: 14 x 1-bed, 85 x 2-bed, 8 x 3-bed. The surrounding uses are predominantly residential although to the south there is a short section of Secondary Shopping Frontage. The property is not a listed building, although its curtilage abuts the Mapesbury Conservation Area (to the rear of Cedar Lodge).

Planning permission (08/1728) was recently granted for the construction of a 6-storey extension to provide six additional 2-bed flats (1 per floor). Work has been undertaken on this permission, although one prior to commencement condition (No. 2 Materials) have not yet been satisfied. The applicant has previously been reminded of the need to satisfy these conditions. It is also noted that landscaping conditions relating to the conversion of the Ground Floor of Jubilee Heights in 2007 (07/2774) have not been discharged. The Planning Enforcement department have been notified of these matters.

The building itself is notable in that the majority of flats above ground floor within Jubilee Heights are accessed by a single central core corridor, this results in them being single aspect and habitable rooms are generally dependent on lighting from one elevation. The northern most units within Jubilee Heights are provided with kitchen and study windows in their flank elevation.

## **PROPOSAL**

The development proposed within the application proposes the erection of three additional blocks of residential accommodation which is described as follows:

1. The erection of a 10-storey extension to the north eastern corner of the existing Jubilee Heights building which would project towards Shootup Hill some 10m forward of the existing building line (this extension is hereafter referred to as the North Block). This element would also extend 8m towards the north eastern boundary of the site. This would provide an additional 10, two bedroom flats with independent entrance onto Shootup Hill. These would be allocated as affordable housing with tenure of socially rented through Metropolitan Housing Association.

The building would present a curved elevation to the north and provide a balcony facing north east at 9th floor level. A communal garden area to the rear would be accessed via a passage along the north eastern boundary of the site. Refuse facilities, storage for 10 cycles and a reduction in parking to 2 vehicles would be provided on the Shootup Hill frontage.

2. The erection of a 7 storey building which would extend the southeastern corner of the existing Jubilee Heights building, (hereafter referred to as the South Block). This would be 1.3m from the Exeter Road bounday at its closest point, would project 8.7m in front of the existing building toward Exeter Road and a further 10m towards the junction of Shootup Hill and Exeter Road.

This element would contain 7 x two bedroom flats with 5.6 square metre balconies provided on the western elevation over floors 1- 6. An entrance lobby with a glazed frontage would be provided on the northern elevation of the extension to provide access to these units.

3. A 4-storey building fronting Exeter Road (hereafter referred to as the Gatehouse Block) over existing car park accesses for Jubilee Heights and Cedar Lodge to provide 4 two bedroom units, this would result in a total height of 5 storeys. This building would be set away from Jubilee Heights by some 16m, and from Cedar Lodge by 1.65m at its closest point. All units within this element would be provided with a balcony of 5.4 cubic Metres on their eastern end (facing the Junction of Shootup Hill and Exeter Road). These units would be accessed via a communal entrance at the western end of the proposed building.

The application also proposes the provision of a garden deck above the existing parking area located to the rear of Jubilee Heights and adjacent to Exeter Road, this would provide an additional 180 sqm of amenity space. No access arrangements have been proposed, however the application indicates that access would be communal.

## **HISTORY**

The Council has recently received a planning application for the siting of photovoltaic cells on the roof of the building. This is currently under consideration.

- **09/0749** Erection of a part six- and part seven-storey rear extension to provide an additional 6 two-bedroom flats to the existing block of flats (revised version of scheme previously approved under ref. 08/1728) has been recommended for approval, subject to legal agreement.
- **09/0042** Alterations to sixth-floor flat approved under application no. 08/1728 (for erection of a six-storey rear extension to provide an additional 6 two-bedroom flats to the existing block of flats) to facilitate creation of and access to a roof terrace and green roof **Refused** on following grounds:
  - 1 *The alterations to the proposed sixth-floor flat would result in the new bedroom window being in close proximity to the existing mansard roof, which would create an overbearing relationship, and therefore constitute a substandard form of residential accommodation, detrimental to the amenity of future occupiers of the development. As such, the proposal does not comply with the Council's adopted policies and standards as set out in policy BE9 of Brent's adopted Unitary Development Plan 200 and Supplementary Planning Guidance 17: "Design Guide for New Development".*
  - 2 *The roof terrace would have a detrimental impact on future occupiers of the proposed sixth-floor flat and existing occupiers of neighbouring flats, by reason of a loss of amenity and privacy due to overlooking, and is thus contrary to policy BE9 of Brent's adopted Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development".*

The other relevant applications on this site are as follows:

- **09/0141** Erection of single storey retail unit (Use Class A1) with basement and mezzanine floor, associated landscaping and roof garden at junction of Exeter Road and Shoot Up Hill, NW2 **Refused** 27/03/2009 – reasons not noted as case not directly relevant to this proposed scheme
- **08/1728** Erection of a six-storey rear extension to provide an additional 6 two-bedroom flats to the existing block of flats, and subject to a Deed of Agreement dated 2nd December 2008 under Section 106 of the Town and Country Planning Act 1990, as amended **Granted** 05/12/2008 subject to S106 (£36,000) and conditions:
  - 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 *Details of materials for the following external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be completed in accordance with the approved details:*
    - (a) *Render*
    - (b) *Windows - manufacturer's literature will suffice*
    - (c) *Roofing material*  
*Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.*
  - 3 *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, prior to occupation of the flats*

*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.*

- 4 *Further details of the following items shall be submitted to and approved by the Local Planning Authority prior to the commencement of any works on site. The works shall be completed in accordance with the approved details.*

*(a) Secure cycle provision for at least 6 cycles*

*Reason: In order to ensure that the development is satisfactory*

- 5 *Notwithstanding the approved plans, further details shall be submitted to and approved in writing by the Local Planning Authority, such details to set out alterations to the parking as necessitated by the location of supporting columns. The approved plans shall be implemented in full.*

*Reason: In the interests of residential amenity*

- **08/0521** Full planning REFUSED for single storey retail unit on the corner of Exeter Road
- **07/2774** Full planning GRANTED for conversion of ground floor offices into 8 self-contained flats (5 x 2-bed, 3 x 1-bed)
- **96/2166** Full planning GRANTED for conversion of 3 floors of offices into 31 self-contained flats (2 x 1-bed, 29 x 2-bed), formation of residents only health club, extension of underground car park
- **94/0033** Full planning GRANTED for change of use of upper 2 floors and part of 1st and 2nd floors and construction of 2 additional storeys to form 46 flats (10 x 1-bed, 31 x 2-bed, 5 x 3-bed) and erection of new five storey residential block of 30 x 2-bed flats and associated parking and landscaping

## **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 - Design should have regard to the local context, making a positive contribution to the character of the area. Account should be taken of existing landform and natural features, the need to improve the quality of existing urban spaces, materials and townscape features that contribute favourably to the area's character and the opportunity for improvement or variety in an area of poor uniform character. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

BE3 - Proposals should have regard for the existing urban grain, development patterns and density and should be designed that spaces between and around buildings should be functional and attractive to their users, layout defined by pedestrian circulation taking the form of urban blocks, particular emphasis on prominent corner sites, entrance points and creating vistas, respect the form of the street by building or responding to the established line of frontages, unless there is clear urban design justification. Development layouts should also make explicit the movement



framework by prioritising movement by foot, cycle and public transport, encourage convenient pedestrian access to important civic areas by retaining existing or providing new routes and linkages which contribute to the permeability of the areas, minimise traffic conflicts between vehicles, pedestrians and cyclists by ensuring clear delineation of routes and unencumbered entrances and circulation and integrate the proposed development with public transport and car parking facilities.

BE4 - Access for disabled people.

BE5 - Development should be understandable, free from physical hazards and to reduce opportunities for crime, with a clear relationship between existing and proposed urban features outside and within the site. Public, semi-private and private spaces are clearly defined in terms of use and control, informal surveillance of public and semi-private spaces through the positioning of fenestration, entrances etc., front elevations should address the street with, where possible, habitable rooms and entrances, with private areas to the rear and significant areas of blank wall and parking should be avoided on back edge of pavement locations, entrances should be overlooked by development with good lighting and visible from the street, rear gardens should not adjoin public space, parking spaces are provided within view and if not made safe in other ways and are not normally accessible via rear gardens of residential properties and accessways are through or adjoining a site are overlooked by development, provided with good lighting, set away from cover, provide clear sightlines and not run next to rear gardens.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, the retention of existing trees, shrubs and hedgerows particularly where they form part of the character of the area, new planting of an appropriate species, size, density of planting with semi-mature or advanced nursery stock, new integrally designed structural landscaping on appropriate larger sites, boundary treatment (fencing, railings ) which complement the development and enhance the streetscene, screening of access roads and obtrusive development from neighbouring residential properties. .

BE7 - High quality of design and materials required for the street environment. In existing residential areas, the excessive infilling of space between buildings and between buildings and the road, the loss of paving, front walls, railings or hedges of character to the street which should be restored or reproduced where practical, the hardsurfacing of more than half of the front garden area and forecourt parking detracting from the streetscene or setting of the property or creates a road/pedestrian safety problem, will be resisted.

BE9 - New buildings should have an appropriate design solution specific to the 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 and landscape 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 have a direct relationship with the street at ground floor 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.

BE12 - Encourages adherence to sustainable design principles in terms of design, construction and pollution control.

BE33 - Provides protection for Statutorily listed trees within the Borough. The policy provides criteria by which trees will be assessed when proposals for removal are submitted.

H12 - Layout and urban design of residential development should reinforce/create an attractive/distinctive identity appropriate to the locality, housing facing streets, have access and internal layout achieving traffic safety with cars subsidiary to cyclists and pedestrians, normally preventing vehicles travelling more than 32 kph (20 mph), with cul-de-sacs only used in parts of development sites that cannot be serviced in any other way, appropriate car parking and cycle parking, where dedicated on-street parking is maximised as opposed to in curtilage parking and avoids excessive tarmac and hard landscaping and provides an amount and quality of open landscaped areas appropriate to the character of the area, local availability of open space and needs of prospective residents.

H13 - The appropriate density will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites and meets the amenity needs of potential residents. The most dense developments will be in areas with good and very good public transport accessibility. Surrounding densities should at least be matched unless it would harm residential amenity. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.

TRN23 - Parking for residential development should not provide more than the levels in standard PS14. Lower standards apply for developments of affordable housing.

TRN34 Servicing in New Developments.

PS14 - Residential parking standards

PS16 - 1 cycle parking space per unit

### **London Borough of Brent's Supplementary Planning Guidance**

#### *Supplementary Planning Guidance Note 17 - Design Guide for New Development*

Provides comprehensive and detailed design guidance for new development and seeks to raise the design quality of buildings, and to protect the character of properties and streets.

#### *Supplementary Planning Guidance Note 19 - Sustainable Design, Construction and Pollution Control*

Provides advice and direction with regard to Sustainable provisions within developments and to ensure that such proposals are built to take into account current and future needs.

### **National Planning Policy Guidance**

#### *Planning Policy Statement 1 – Creating Sustainable Communities*

PPS1 sets out the Government's vision for planning and the key policies and principles which should underpin the planning system. These are built around three themes – sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

#### *Planning Policy Statement 3 – Housing*

PPS3 establishes the Government's objectives for housing and reinforces the commitment to more sustainable patterns of development. PPS3 sets broad guidelines for the provision of affordable housing, placing emphasis on the importance of high quality design and creating mixed, balanced and integrated communities with wider opportunities for home ownership and improved affordability through an increase in supply of housing. The guidance also requires Local Authorities to deliver sustainable development objectives.

## *Planning Policy Guidance 13 - Transport*

PPG13 sets out the Governments objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

### **SUSTAINABILITY ASSESSMENT**

The application provides a sustainability assessment which concludes that it would form a compliant scheme. Members are asked to note however that as the proposal fails to provide a TP6 Sustainability Checklist, this cannot be compared or critiqued against Council Benchmarks. Given this failure, officers cannot be confident that the development would provide acceptable sustainability provisions.

### **CONSULTATION**

Consultations with affected parties were undertaken on the 10th of December 2009. Three site notices were posted at the site on 14 December 2009 and the proposal was advertised via a press notice on 17 December 2009.

57 Objections were received from neighbouring occupiers in Cedar Lodge, Jubilee Heights and other neighbouring residential properties.

Objections recorded the following concerns

- That the development would involve excessive density, beyond the capacity of the site to handle
- That the development would be out of character with that of the existing building and the area. Of note is that many objections touched on the relationship with the nearby Mapesbury Conservation Area.
- Concerns relating to the ability of the site to accommodate the parking resulting from the development.
- The design of the building and its projection in front of the building line on Shootup Hill
- Concerns about a shortage of amenity space both total and communal as a result of the development and also the loss of landscaping (including trees on the northern boundary).
- Notwithstanding the submitted daylight report, several objectors referred to the loss of sunlight from the proposal.
- That the development would result in a loss of outlook and privacy
- Concerns over an increase in traffic congestion on surrounding highways
- An increase in noise resulting from the increase in numbers of occupiers onsite.

Objectors also noted the following points which fall outside the scope of planning consideration:

- Concerns relating to the motivations of the freeholders (applicants)
- That ongoing construction works have caused noise and disturbance.
- That the intensification of the use of the building has and will put pressure on the onsite

facilities (swimming pool, gym etc) and has materially altered from that which the residents signed the lease on.

- That the development would cause crime.
- That it would create a precedent.

It is also noted that several objectors referred to the site being within the Mapesbury Conservation Area, Members are advised that the application site abuts this designated area but does not fall within it.

Statutory Consultees provided the following comment:

#### **London Borough of Camden:**

This neighbouring Borough objected to the scheme. In doing so they used the following grounds:

*The proposed seven storey and ten storey extensions to the eastern block front onto Shoot Up Hill would project beyond the existing building line and appear obtrusive prominent in the street scene. As such they would be harmful to the visual amenities of the area on both sides of the borough boundary and the application should be refused for this reason.*

#### **Affordable Housing Team:**

Made no objection to the scheme but noted that if approved, the S106 undertaking should make reference to the housing provider.

#### **Landscape Design:**

No in-principle objections, however if acceptable recommended the following conditions:

- *The amount of available amenity space for the existing and new residents should not be compromised. If amenity space falls short then the quality of landscape design and materials should be exceptionally high in order to compensate for this.*
- *A play area should be provided in-line with the Mayor of London's SPG on play. Details of equipment, surfacing and boundary treatment should be provided.*
  - *A comprehensive and well-considered planting plan. Details of planting to landscaped areas to include plant species, size, density, number and location.*
  - *Details of all hard materials inc. paving, edging, boundary treatment, street furniture and storage facilities are provided.*
  - *Construction details, primarily of the green roof, but also of any other specific landscape element.*
  - *An ongoing landscape maintenance plan is submitted.*
  - *The number bike storage spaces, which should be within the building or covered, should be increased to at least 1 per new unit. If the existing units do not have enough then these should also be accounted for.*
  - *A tree survey and report should be submitted if there are any trees on the site. Means of protection of any existing trees likely to be affected by development should also be provided.*

Subsequent to the submission of these comments, it was noted that the trees scheduled for removal on the north western boundary of the site (to the rear of the proposed North Block) are subject to Tree Preservation Orders and that no replacement of these is proposed at this point. This is discussed in detail later in this report.

### **Transportation Team:**

Noted the Good PTAL rating of the site (Level 4) and the existence of parking controls in the site and that this would justify reduced parking provision on the site.

The comments noted that the North block development would prevent vehicular circulation between Shootup Hill and Exeter Road.

The proposed western block was considered appropriate provided acceptable clearance was retained for access and that the 3.1m clearance shown would be acceptable. It was also noted that the 2.2m clearance under the Garden deck would not allow emergency vehicle access, but that as no part of the building would be less than 45m from the highway this was acceptable.

Should the development be considered to be acceptable, the following provisions would be sought by the Transportation Unit:

- *Section 106 Payment in the sum of £21000 towards highway safety improvements, new parking control and improving non car access.*
- *A condition requiring submission of details relating to the provision of 21 cycle parking spaces in locations appropriate to serve the various blocks.*
- *A condition requiring submission of details relating to refuse storage facilities for the south block and the Exeter Road element.*

### **Design and Regeneration:**

These consultees noted the projection of the building beyond the building line to front of the existing building and the materials and design of the proposals. The officers concluded the following:

*The two extensions as they stand protrude considerably from the front elevation of Jubilee Heights , impacting the established street view looking north from Kilburn High Road and looking South from Shootup Hill. They also reduce the quality of outlook from the existing Jubilee Court front elevation windows adjacent to the proposed extensions.*

*The lack of elevation design treatment and fenestration on these extensions do not lessen their impact into the streetscape sufficiently. For the amount of extra units that these extensions entail, amenity space falls short of meeting required provisions.*

*The proposed Cedar Lodge building, despite having a high quality built form, has an overbearing impact in its context. Some form of step back away from the adjacent building would assist in lessening its current overbearing impact.*

### **Sustainability:**

Given that the application did not include the TP6 sustainability assessment checklist, officers were unable to assess the compliance or otherwise of the planning application.

## **REMARKS**

### **Principle of Development:**

Whilst the UDP supports the principle of making better use of sites and the provision of additional

housing, such proposals need to be considered in the context of the nature of the development in relation to existing residential accommodation both on the site and in the surrounding area and whether the proposed development would result in conditions detrimental to the occupiers of such units.

The application suggests that the development would result in a density of 702hrh which is at the upper limit for an "Urban Environment" with a high PTAL rating (as referred to within table 3A.2 of the London Plan). Officers are in agreement that, given the proximity to Kilburn Station and Shoot Up Hill, the site would fit within this criteria.

Officers acknowledge the intentions of the London Plan and PPS3 to encourage increased density in areas such as this and would in principal support increased density in this location. However Officers also would refer to paragraph 49 of PPS3 which states "*Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate.*". This acknowledges the need to consider the existing development of an area and the implications of intensification.

With regard to the intensity of use proposed, whilst the size of this site is significant overall, given the existing development, it is considered that this has limited scope for further infill development. Officers consider that piecemeal development is not appropriate for the level of intensification proposed by this scheme and are concerned that were it to be implemented, that the costs to existing occupiers and the character of the area, as discussed below, would outweigh the benefits arising from the proposal.

These aspects are identified in detail below:

### **Proposed North Block.**

The proposed north block proposes the erection of a 10 storey structure which would accommodate 10 units of two bedroom residential accommodation (all provided for as affordable). Unit sizes are generous and are well in excess of requirements contained within SPG 17.

The building would project in front of the main building by 10m and its impact on the existing flats and in particular their habitable room windows is an important consideration within the application. With regard to the kitchen and study rooms located on the north western elevation of the building, officers note the submitted daylight study suggests that the majority of windows on this elevation would retain acceptable light. Officers note that windows on this elevation would be shaded due to the proposed development, however it is also noted that these are small rooms which, by virtue of their internal arrangement and outlook are already limited in terms of outlook. As such, the reduction in light and the associated restricted outlook from these windows would not, in themselves be reason for refusal.

The issue with habitable room windows in the eastern elevation of the building which serve flats adjoining the proposed development is more significant, as these provide outlook and lighting for living rooms and bedrooms.

Whilst the orientation of these units may mean that sun lighting may not be significantly affected as a result of the development (confirmed through the submitted lighting study), the sense of enclosure and the general overbearing impact on these units arising from the forward projection of the building would be excessive and detrimental to their outlook and quality of accommodation. The proposed development fails to address these issues and would therefore be contrary to the provisions of Policy BE2 and BE9 of the adopted UDP.

Whilst specifically referring to extensions to dwelling houses, officers consider that Council Adopted Supplementary Planning Guidance No. 5 "Altering and Extending Your Home" and specifically the 2:1 guide contained there-in should carry some weight with regard to the proposals.

This rule provides guidance for 2 storey rear extensions and restricts their depth in relation to neighbouring habitable room windows (the depth of the extension should be half the distance to the center of the nearest window). The projection of the extension would clearly breach this rule and this is considered to support officers contention that the development would be detrimental to the amenities of these neighbouring occupiers.

The other significant factor resulting from the projection of the building in front of the building line will be its visual dominance when viewed from Shoot up Hill, primarily to the north. In particular this would be beyond the front elevations of Jubilee Heights and Watling Gardens to the north. Council Design Officers are concerned that this building design does little to mitigate its projection in front of the building line and that it would be over dominant within the streetscene due to its lack of relief to the north west and that it would present a highly visible, bulky and unrelieved elevation to the street, exacerbated by its total height.

It should be noted that the applicants dispute the existence of a building line in this area, however given that Watling Gardens and Jubilee Heights are located a similar distance from the road frontage and that the development proposes significant encroachment of this buffer, consideration of the impact on the building line is considered to be appropriate. Officers would also note the reference within the objection from the London Borough of Camden that the proposed building projects "*beyond the existing building line....*"

This element of the building would also encroach upon the boundary with Watling Court to the north. This would reduce the existing 9.5m separation to 1.2m at its closest point. It is considered that this would result in a significant loss of openness for this boundary and would be detrimental to the established character of the area, where blocks are set in generous landscaped plots.

The layout of units within this block is poor as units on the ground and ninth floors fail to provide windows for their kitchens. Additionally, the ground floor unit is provided with habitable room windows which would be in close proximity to the main entrance to the block, the car park and the access to the rear garden amenity space. It is therefore considered that the occupiers of this unit would suffer a poor standard of accommodation due to noise and disturbance from people moving from the street to the block, noise and headlight spill from vehicles entering and exiting the car park and a poor outlook towards the street.

The applicants' agent has suggested that they would be willing to enter into a partial car free scheme. Whilst this may address some issues with regard to the ground floor occupiers, it would not reduce pedestrian noise and, notwithstanding this no agreement for this has been signed.

The provision of amenity space for these residents to the rear of the site, would provide amenity space for these occupiers, however given its isolated location, the officer is not convinced that this would be well utilised by occupants and certainly it would be difficult to access for other occupiers within the main Jubilee Heights block. This element also involves the removal of three Tree Preservation Order protected trees which are discussed further later in this report.

### **Proposed South Block:**

This element would provide 7 x two bedroom units located in the south eastern corner of the site. These would be attached to the main building but would be provided with separate access. Once again unit sizes are generous and all habitable rooms are provided with windows, although bedroom two would suffer reduced outlook as a result of the elevational treatment of the building.

The building would project 5m in front of the main front elevation of the existing building and would be 2.5m from the centre of the closest existing habitable room windows within this elevation (serving bedrooms and kitchens). Officers are concerned that this projection would result in a significant loss of outlook for occupiers who gain light and outlook from these windows, to the

detriment of their amenities. As with the north block, this would breach the 2:1 guide contained within Supplementary Planning Guidance No. 5. It is also noted that the southern-most existing units in Jubilee Heights are provided with south facing windows which would be detrimentally impacted by the proposed development through a restriction of their outlook. It is noted that these units appear to have other windows serving the affected rooms, however the impact of these extensions is still considered to be significant.

Members are asked to note that the relationship with windows on Exeter Road is not given weight as they serve a fire escape stairway.

The design of the building once again appears contrived and its projection in front of the existing building (especially when viewed from the south) would fail to provide an elevation fitting to its location. Officers are concerned with regard to the roof plan of the extension which provides at least five different levels and which does not appear to respect the roof plane of the main building. Design officers have noted that whilst the balconies on the south eastern elevation do provide some relief to the building, its treatment on the south elevation does not provide an appropriately high quality facade for such a prominent extension and officers are concerned that this would result in an over dominant and monolithic facade as well as a significant reduction in the visual amenity of this junction and that it would be contrary to design policies contained within the Built Environment chapter of the UDP.

### **Proposed "Gatehouse Block"**

The application proposes the erection of a four storey structure over the existing vehicle accesses to parking for Cedar Lodge and Jubilee Heights off Exeter Road, resulting in a total height of five storeys. As stated above, Transportation officers have commented on the access arrangements and are satisfied that the proposed development would be acceptable for the access required.

The 4 two bed units proposed within the development would once again result in accommodation significantly in excess of the minimum requirements of SPG 17 and would provide a good layout and circulation for potential occupiers. The design is contemporary in nature and would in itself provide a high quality stand-alone building utilising interesting design features.

This proposed element would be directly adjacent (some 2m away) from the side wall of the Cedar Lodge Block which accommodates secondary lounge and primary kitchen windows in the elevation facing the proposed block. Given this relationship, officers are concerned that the proposed building would result in a significant restriction of outlook for the occupiers of these units (particularly with regard to the kitchen windows). These windows have their view somewhat restricted by the existing Jubilee Heights building and so gain most of their outlook southward (towards the railway station). The additional screening caused by the building would result in a cramped and overbearing relationship which would be to the detriment of these occupiers.

This relationship would also result in similar issues for units within the Jubilees Heights development whose habitable windows are west facing. These units, particularly those at low level gain a significant amount of outlook and openness in this direction and the erection of the proposed block would significantly reduce this openness, to the detriment of the amenity of the occupants.. Officers note that the development would fail to comply with the 30 degree sightline for new developments adjacent to residential habitable rooms as provided within Supplementary Planning Guidance No. 17.

In terms of the siting of the building on the Exeter Road frontage, the proposed block would be situated significantly closer to Cedar Lodge than to Jubilee Heights (2m and 16m respectively). This arrangement would result in a cramped relationship with Cedar Lodge, emphasised by the traditional design of the existing structure and the contemporary style of that proposed. It is considered that this would detrimentally impact on the street scene and the entrance to the Conservation Area.



## **Amenity Space:**

The application proposes the creation of an additional 21 units onsite, an addition of 20% over that existing. Supplementary Planning Guidance no. 17 suggests that 20sqm of space should be provided for each residential flat created, and a development of this size ought to provide a minimum of 420 sqm total. The Design and Access Statement submitted within the application suggests that the development would provide a total increase in amenity space of 11% over total current provision. This is clearly less than the 20% accommodation intensification proposed. Notwithstanding this, the application suggests that the increase in amenity space would be gained through the provision of a garden deck over the rear car park (some 180sqm), the provision of balconies within some of the new units and the reclaiming of soft surfacing, which is stated within the report as including *"the implementation of desired frontage landscaping improvements forming part of the earlier 2007 consent."*

This reference appears to relate to application 07/2774 for the conversion of the ground floor into 8 flats. This decision included a condition which required details of landscaping works prior to commencement of works on site. Officers note that no application has been submitted to discharge this matter and it has therefore been forwarded to Planning Enforcement for investigation. Notwithstanding this, the implementation of such landscaping was a material consideration in the approval of the previous application and whilst the applicants' intention to undertake works to complete the previously approved development is welcomed, this undertaking cannot be considered to provide justification of the proposed intensification of the site.

Whilst the development proposes some 180sqm of additional communal amenity space at the rear of the site through the provision of the elevated area above the car park, the site would also suffer the loss of approximately 200sqm of potential landscaping lost through the footprints of the north and southern extensions. In practice the loss of amenity space would be further increased as a result of the paths required for access to the southern block shown on the proposed site plan, as this provides a significantly more fragmented landscape arrangement than that approved within application 07/2774. It is important to note also that the provision of the North and South Blocks would also enclose amenity space to the front of the building and provide a more overbearing and less welcoming and open character for the remaining space.

Officers note that the provision of balconies for the South and Gatehouse Block and the area of amenity space proposed to the rear of the North Block, in conjunction with other communal areas on site would provide adequate amenity space for the units proposed. It is also noted that existing occupiers on site are not generally provided with dedicated amenity space and that they would suffer disproportionately from a loss of quality of communal amenity space, a net reduction in its total size, and an intensification in the use of the space left available. These conditions would likely reduce the quality of the accommodation for occupiers of the site and would be contrary to the Housing and Built Environment Chapters of the Adopted Unitary Development Plan and would be also contrary to the provisions of Supplementary Planning Guidance No. 17, Design Guide for New Development.

## **Proposed Garden Deck:**

As previously discussed, the proposed garden deck element of the scheme would provide some 180sqm of additional garden space over the existing parking area to the rear of the Jubilee Heights building. This would be elevated 2.1m over the car park and would include landscaping on boundaries to protect the privacy over neighbouring occupiers and would provide 1.3m high fencing on side boundaries. The garden deck is shown to be slightly over 6m from the ground floor windows of Jubilee Heights and on a similar sightline.

Given the relationship with the existing ground floor units on Jubilee Heights, which face this proposed element, it is considered that this could result in a loss of privacy for these occupiers. Officers note that the height of the fence on the garden deck could be raised to increase screening for these occupiers and that this may reduce the outlook for occupiers in these units, however given the screening proposed, it is not considered that this would in itself result in a reason for refusal.

#### **Tree Preservation Matters:**

The proposed development results in the loss of two trees protected by Tree Preservation Orders (BE33) along the northern boundary of the site. The application provides justification for the removal of these through the submission of an arboricultural report which states that they are of limited value and in poor condition. Council Unitary Development Plan Policy BE33 relates to trees subject to TPOs and provides clarification as to when it is appropriate to approve such trees. Whilst the information within the application supporting their removal is noted, it is considered that the development fails to justify that the removal of the subject trees are in compliance with the policy. In particular, officers consider that the application fails to demonstrate that there is a high level of tree coverage in the area, that the affected trees do not provide screening and separation functions and that they will not be replaced within or outside of the site with replacements of suitable maturity and protection.

It is acknowledged that to some degree that these are subjective considerations, however in view of the absence of details to compensate for the loss of these trees, and the potential for difficulty in providing a replacement in a similar location would lead officers to conclude that the proposal would be contrary to Policy BE33 of the UDP.

Members are asked to note that detailed comments had not been received from the Planning Service Tree Preservation Officer at the time of writing of this report and that any further details would be provided via supplementary report.

#### **Pre-application Discussions:**

This development has been discussed in some detail at pre-application stage by officers of the Council including the Major Cases Review Panel. Officers consistently expressed concern in regards the historic and potential for intensification of residential accommodation on the site and its ability to provide an appropriate standard of accommodation for occupants whilst respecting the amenities of the area. The application currently under consideration was submitted following these discussions.

#### **Conclusion:**

This report has attempted to demonstrate that the application under consideration would result in conditions detrimental to the amenities of residents within Jubilee Heights and Cedar Lodge and the development would result in conditions detrimental to the established character visual amenity of the surrounding streetscene. Given these considerations, officers have reached the conclusion that the development is unacceptable and should be refused.

**RECOMMENDATION:** Refuse Consent

## CONDITIONS/REASONS:

- (1) The proposed development, by virtue of the North and South Blocks bulk, height, position and proposed elevational treatments, would result in a monolithic and imposing facade and an unacceptable loss of landscape setting which would fail to provide an appropriately high quality form of development for its location, to the detriment of the quality of the streetscene. As such the development would be contrary to the policies of Policies BE2, BE3, BE7 and BE9 of the Adopted London Borough of Brent Adopted Unitary Development Plan 2004.
- (2) The proposed Gatehouse Block, by virtue of its proximity to Cedar Lodge and the cramped relationship with the habitable room windows in the side elevation of this building, and in conjunction with the restriction of outlook and generally overbearing impact on the lower level habitable room windows on the western elevation of Jubilee Heights, would result in a significant reduction in outlook and daylight for these occupiers which would be detrimental their standard of accommodation. As such, the development would be contrary to the provisions of Policy BE2, and BE9 of the Adopted London Borough of Brent and the provisions of Supplementary Planning Guidance No. 17 "Design Guide for New Development".
- (3) The proposed North Block, by virtue of its failure to provide windows for kitchens at ground and ninth floor level, and the provision of ground floor habitable room windows in close proximity to the communal vehicular and pedestrian entrances and to the access leading to the communal amenity space to rear, would provide a poor standard of accommodation for potential occupiers and detriment to ground floor occupants by way of noise, disturbance and lightspill from activities within the car park. As such, the development would be contrary to Policies BE2 and BE9 of the Adopted London Borough of Brent Unitary Development Plan 2004.
- (4) The proposed development, by virtue of the increase in units, the loss of amenity space, and the limited access to amenity space provided, would result in a net reduction in the availability of communal amenity space for occupiers of Jubilee Heights to the detriment of the quality of their accommodation and would be contrary to policies BE2, BE9, H12 and H13 of the Adopted London Borough of Brent Unitary Development Plan 2004 and the provisions of Supplementary Planning Guidance No. 17 "Design Guide for New Development".
- (5) The proposed North Block, by virtue of the reduction in separation from the northern boundary of the site and the associated loss of three TPO protected trees along this boundary, would result in a significant reduction in landscaping, to the detriment of the visual amenity of the area and would unacceptably alter the character of the street scene and its relationship with the neighbouring site. As such it would be contrary to policies BE2, BE6, BE7 and BE33 of the Adopted London Borough of Brent Unitary Development Plan 2004.
- (6) In the absence of a completed TP6 Sustainability Checklist, the applicant has not demonstrated that the development would provide an appropriate level of sustainable design principles and that the development is therefore contrary to policy BE12 of the Adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 19 "Design Guide for New Development".
- (7) In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places; and increased pressure for the use of existing open space, without contributions to enhance open space, sports or make other contributions to improve

the environment. As a result, the proposal is contrary to policies TRN3, TRN10, CF6 and BE7 of Brent's adopted Unitary Development Plan 2004 and the adopted S106 Planning Obligations Supplementary Planning Document.

**INFORMATIVES:**

None Specified

Any person wishing to inspect the above papers should contact Ian Hyde, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5241



### Planning Committee Map

Site address: Jubilee Heights, Shoot Up Hill & Cedar Lodge, Exeter Road, London, NW2 3UL

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This map is indicative only.

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**Supplementary Information  
Planning Committee on 24 February,  
2010**

Item No.                   **4**  
Case No.                   09/2229

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Location       Jubilee Heights, Shoot Up Hill & Cedar Lodge, Exeter Road, London, NW2 3UL  
Description   Erection of 1 x 10-storey north-flank extension and 1 x 7-storey south-flank extension to existing building and 1 x 4-storey building over existing car park and vehicular accesses, all totalling 21 x 2-bedroom self-contained flats, provision of 10 cycle spaces, raised garden deck and associated works to existing car-parking and landscaped amenity spaces (as accompanied by Design & Access Statement, Daylight & Sunlight report, SAP Calculations & Compliance with Code for Sustainable Homes Level 3 report, Background Noise Survey)

**Agenda Page Number:** 19

**Withdrawal:**

This application was withdrawn by the applicant's agent on 19 February 2010.

**Further submission (petition):**

Subsequent to the drafting of the report, a petition was received from 15 parties objecting to the scheme. The petition reiterated previous objections and requested the Committee to uphold the recommendations of Planning Officers.

**Recommendation:**

The application has been withdrawn. The Planning Committee are asked whether, on the information available, they would have supported the recommendation to refuse.

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**Supplementary Information  
Planning Committee on 24 February,  
2010**

Item No.                   **5**  
Case No.                   09/2562

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Location       11 Mentmore Close, Harrow, HA3 0EA  
Description   Erection of a single- and two-storey rear extension and a first-floor side extension to the dwellinghouse (as per revised plans received on 10/02/2010)

**Agenda Page Number:** 37

Additional comments and objections

Further comments have been received from No. 9 Mentmore Close. They have requested for the application to be deferred from tonight's Planning Committee meeting, as they have not had an opportunity to review the amendments made to the scheme during the course of the application. In response to this request, your officers are of the view that as the amendments have reduced the depth of the rear extension, patio and width of the first-floor rear extension, any impact upon the neighbouring properties has been reduced, and thus there was not a need to reconsult. As such, it is not considered necessary to defer the

application.

Councillor Colwill has also raised additional objections on the following grounds:

*Inappropriate relationship to other buildings*

As referred to in the remarks section the extension is not considered to adversely impact upon the amenities of neighbouring properties.

*Alter the character of the house*

The amount and style of extension that is proposed is not unusual throughout the Conservation Area. The extension is of a scale that is subservient to the main dwellinghouse.

*Alter the roof lines*

The proposal will not alter the roof line of the main house. The roof of the first-floor side and rear extension will be lower than the main roof and will match the pitch angle of the main roof.

Clarification of intended use

Councillor Steele has queried the purpose of the extensions and the intended use of the house. There is no indication from the application form or plans that the intended use of the property is other than a single family dwellinghouse.

Inaccuracies within the main Committee Report

Your officers would like to highlight a typing error within the penultimate paragraph of Page 40. The first-floor rear extension will only project out by 2.4m from the window at No. 9 Mentmore Close, rather than "7 2.4m".

Inaccuracies within the revised plans

The revised plan shows a covered area behind the garage on the ground-floor plan but not on the elevations. The covered area is also not included in the description of the development. Your officers recommend that a condition is included to exclude this covered area from the scheme. The wording of the condition is provided below:

**Additional Condition 9**

*Notwithstanding the details shown on the submitted drawing MENC11/2 Rev B, this application does not grant permission for the covered area to the rear of the garage as detailed on the Proposed Ground Floor Plan.*

*Reason: In the absence of sufficient information to assess the implications of such a feature and in the interests of the amenities of the neighbouring occupants.*

Comments from Borough Solicitor

The Borough Solicitor has recommended that the wording of condition 6 is amended to read as follows:

**Revised Condition 6**

Notwithstanding the submitted plans otherwise approved, further details of the windows to the front elevation of the side extension shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site **and the works shall be carried out in accordance with the approved details.** Such details shall include:



(a) Elevation of proposed window at a scale of 1:10

(b) Cross-section at a scale of 1:5 through the transom showing the relationship of opening and fixed lights, with full-sized details of externally mounted glazing bars

Reason: To ensure a satisfactory development which does not prejudice the amenity of the Northwick Circle Conservation Area.

**Recommendation:** Remains Approval

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## Committee Report

Planning Committee on 24 February, 2010

Case No.

09/2562

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**RECEIVED:** 8 December, 2009

**WARD:** Kenton

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

**LOCATION:** 11 Mentmore Close, Harrow, HA3 0EA

**PROPOSAL:** Erection of a single- and two-storey rear extension and a first-floor side extension to dwellinghouse (as per revised plans received on 10/02/2010)

**APPLICANT:** Mr Halai

**CONTACT:** Mrs Jaini Shah

**PLAN NO'S:** (see condition 2 for details)

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### RECOMMENDATION

Approval

### EXISTING

The application site comprises a detached dwellinghouse located on Mentmore Close. It is located at the head of the cul-de-sac. The application site lies within the Northwick Circle Conservation Area and is subject to the Article 4(2) Direction.

### PROPOSAL

Erection of first-floor side extension and part single- part two-storey rear extension to dwellinghouse.

### HISTORY

**07/0232:** Full Planning Permission sought for erection of first floor side extension to dwellinghouse - Granted, 02/04/2007.

**04/2685:** Full Planning Permission sought for demolition of existing garage and erection of two storey side extension to dwellinghouse - Granted, 12/10/2004.

**94/0465:** Full Planning Permission sought for erection of two storey side extension - Granted, 10/05/1994.

**87/0336:** Full Planning Permission sought for erection of single storey side extension and front porch - Granted, 24/03/1987.

**H7859 5772:** Full Planning Permission sought for internal alterations and erection of porch bay window and single storey extension - Granted, 30/08/1978.

## **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 consistency.

**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

## **SUSTAINABILITY ASSESSMENT**

N/A

## **CONSULTATION**

**Consultation Period: 24/12/2009 - 14/01/2010**

**Additional Consultation: 05/01/2010 - 26/01/2010**

**Site Notice Displayed: 11/01/2010 - 01/02/2010**

### **Public Consultation**

14 neighbours consulted - 2 letters of objection and one comment made on the following grounds:

- overlooking to neighbouring properties
- Loss of privacy and light to the immediate neighbours
- over development of the site
- side extension would be out of character with the property and the streetscene
- the roots of the cherry tree will be disturbed and its removal would contravene conservation area policies

### **Internal Consultation**

Tree Protection Officer - having visited the site, your officer has advised that there are no objections to the removal of the cherry tree - refer to Remarks section for more detail.

### **External Consultation**

#### **Mentmore Close Residents' Association**

Objections raised on the following grounds:

- The extension would completely change the original design of the house which has already

been subject to an extension. The additional extension would be an over development of the site

- The proposal would fail to comply with the Council's policies, namely BE2, BE25 and BE26 for the following reasons:
  1. negative impact upon sunlight, daylight, privacy and outlook of No. 9 Mentmore Close
  2. overdevelopment of the site that does not pay special attention to the preservation and appearance of the property

### **Councillor Colwill and Councillor Steel**

Objections raised on the following grounds:

- The proposal represents a gross overdevelopment of the site
- The proposed development is not in keeping with neighbouring buildings in the Conservation Area
- The proposed development would be overpowering and overlook many neighbouring properties
- The proposed development would result in a loss of privacy and light for neighbouring properties

The above objections have been addressed within the Remarks section of this committee report.

## **REMARKS**

### **Site and surroundings**

The application site comprises a detached dwellinghouse located at the head of Mentmore Close. The property has an attached garage next to No. 9 Mentmore Close with a covered area behind. The garage is likely to be an original feature and there is a Building Control record for the covering (BC Ref: 28167 4012). The property also has a single-storey side extension on the other side facing the rear gardens of the properties on Woodcock Hill. There is a planning record for this extension (LPA Ref: 87/0336)

The neighbouring property, No. 9 Mentmore Close, has a single-storey side extension up to the boundary with No. 11 Mentmore Close. There are no windows in the flank wall of this extension. There is no planning record for this extension but the aerial photographs indicate that it has existing for over four years.

### **Relevant planning history**

There have been two recent planning applications at the application property. These include the demolition of the existing garage and erection of a two-storey side extension next to No. 9 Mentmore Close (LPA Ref: 04/2685). This application was granted on 12/10/2004. Works have not commenced on this application and the time period for commencing work expired on 12/10/2009.

The second application was for a first-floor side extension above the existing single-storey side extension (LPA Ref: 07/0323). This is similar to what is being proposed as part of this application.

### **Proposal**

This application proposes a first-floor side extension and a part single-, part two-storey rear extension.

#### *First-floor side extension*

The first-floor side extension is proposed above the existing ground-floor side extension next to the rear gardens of Woodcock Hill. The side extension is the same width as the ground floor at 3.8m

wide which measures the same as the internal width of the main front room of the house. It is set back 1.5m from the main front wall of the house. The extension is set in 0.8m from the boundary at the front and due to the splayed angle of the site this gap increases to 1.1m at the rear, therefore achieving an average gap of 1.0m. Whilst the SPG5 guidance requires a gap of 1.0m across the length of the side extension, given that the shortfall is minimal and that the property is located at the head of a cul-de-sac, your officers are of the view that the aims of SPG5 have been achieved by producing an extension which is subservient to the main house and does not create a terracing effect.

The eaves and detailing of the extension are proposed to match the main house. Three casement windows are proposed matching the design and proportions of the main house. No windows are proposed on the flank wall. Your officers recommend that details of the window to the front elevation and external materials are sought as part of a condition.

#### *Part single-, part two-storey rear extension*

The original plans proposed a single-storey rear extension behind the main house and existing single-storey side extension measuring 5.3m from the main rear wall of the house. A first-floor rear extension was proposed next to the properties on Woodcock Hill which measured 1.8m deep and 7.0m wide. The patio was also proposed to be extended out into the rear garden.

A number of amendments were made during the course of the application seeking the following:

- reduction in the depth of the ground-floor rear extension
- reduction in the width of the first-floor rear extension
- reduction in the depth of the raised patio

The following comments are made on the revised plans which have addressed the above request.

The ground-floor rear extension is proposed at 3.5m deep measured from the main rear wall of the dwellinghouse. It is proposed with a flat roof which measures 3.0m in height from the existing patio level. The depth of the extension complies with SPG5, and is less than the depth permitted for detached dwellinghouse under the current legislation on permitted development. No. 9 Mentmore Close is set forward to the application property and measured from the rear building line of No. 9, the extension is approx. 4.3m deep. Whilst this depth does exceed the permitted development guidelines, the shortfall is minimal and the extension will be set in approx. 3.3m from the boundary with No. 9. As such the extension is not considered to adversely impact upon the amenities of No. 9 Mentmore close.

A window is proposed in the flank wall of the ground-floor rear extension facing the properties in Woodcock Hill. A gap of over 1.0m will be maintained. The view of the window is obstructed by the existing shed in the rear garden of No. 74 Woodcock Hill (the ridge of which measures 2.8m high from the patio of the application property), the existing boundary fence which is 1.8m high from the patio and landscaping within the rear gardens of the properties in Woodcock Hill. As such, it is not considered to cause overlooking and a loss of privacy to the occupants of the properties in Woodcock Hill.

The first-floor rear extension is proposed at 1.8m deep and 3.4m wide. The width is less than half the width of the original house and is considered to be an subservient feature. A hipped roof is proposed to match the main roof of the house. The first-floor rear extension fully complies with the 1:2 guidance. The middle of the nearest window at No. 9 Mentmore Close is 11.5m, meaning that the first-floor rear extension could project in depth from this window by up to 5.75m. The extension will only project out by 7 2.4m from this window and as such is clearly within these guidelines. No windows are proposed on the flank wall of the first-floor rear extension.

#### *Extension of the patio*

The existing patio is approx. 0.6m high above garden level. The garden itself is relatively flat. The patio is proposed to be extended out in depth into the rear garden by approx. 1.0m when

measured behind the main house and will continue across the width of the garden. This will result in the removal of the cherry tree next to No. 9 Mentmore Close.

Your officers in the Landscape Team have viewed the tree and has advised that they would not be minded to put a Tree Protection Order on it and, due to its close proximity to the extension and patio, do not object to its removal. A replacement ornamental cherry tree with a minimum girth of 10 - 12 cm is to be planted in the rear garden no closer than 5m from the extension. This will be secured by condition.

The boundary fence next to No. 9 Mentmore Close is 1.8m high from the existing patio (2.4m high from ground level). It is not considered that the extension of the patio will result in overlooking to the rear garden or house at No. 9 Mentmore Close.

The extension of the patio next to the properties on Woodcock Hill will extend beyond the outbuilding in the rear garden of No. 74 Woodcock Hill by approx. 1.0m. The boundary fence beyond the outbuilding is 1.4m from garden level (approx. 0.8m from the raised patio). However, there are a number of conifer trees along this boundary within the rear garden of the properties in Woodcock Hill which will screen the rear garden of these properties and prevent overlooking.

The steps down from the patio to the garden will be positioned in the middle of the patio which will further reduce the sense of overlooking as it will minimise the amount of activity along the boundaries.

### **Conclusions**

The proposal is considered to be in keeping with the character and appearance of the original dwellinghouse. It is not considered to represent an over development of the site and it complies with the Council's policies and guidance in terms of extensions to properties within conservation areas. It is also not considered to adversely impact upon neighbouring properties. As such, the proposal preserves and enhances the character and appearance of the Northwick Circle Conservation.

Approval is accordingly recommended.

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**

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

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

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

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

### **CONDITIONS/REASONS:**

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

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

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

MENC11/1  
MENC11/2 Rev B

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

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

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

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

- (6) Notwithstanding the submitted plans otherwise approved, further details of the windows to the front elevation of the side extension shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. Such details shall include:

- (a) Elevation of proposed window at a scale of 1:10  
(b) Cross-section at a scale of 1:5 through the transom showing the relationship of opening and fixed lights, with full-sized details of externally mounted glazing bars

Reason: To ensure a satisfactory development which does not prejudice the amenity of the Northwick Circle Conservation Area.

- (7) The existing front garden shall be retained in its current form, particularly the front boundary wall and proportion of soft landscaping, and there shall be no increase in the amount of hard surfacing without the prior approval, in writing, of the Local Planning Authority.

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



- (8) The proposed replacement ornamental cherry tree with a girth of 10 - 12 cmm as shown on the approved plans shall be planted within six months of the completion of the extension hereby approved. Any planting that is part of the approved scheme that, within a period of five years after planting, is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

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

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Brent's UDP 2004  
SPG5 "Altering and Extending Your Home"  
Letters of objection and comments

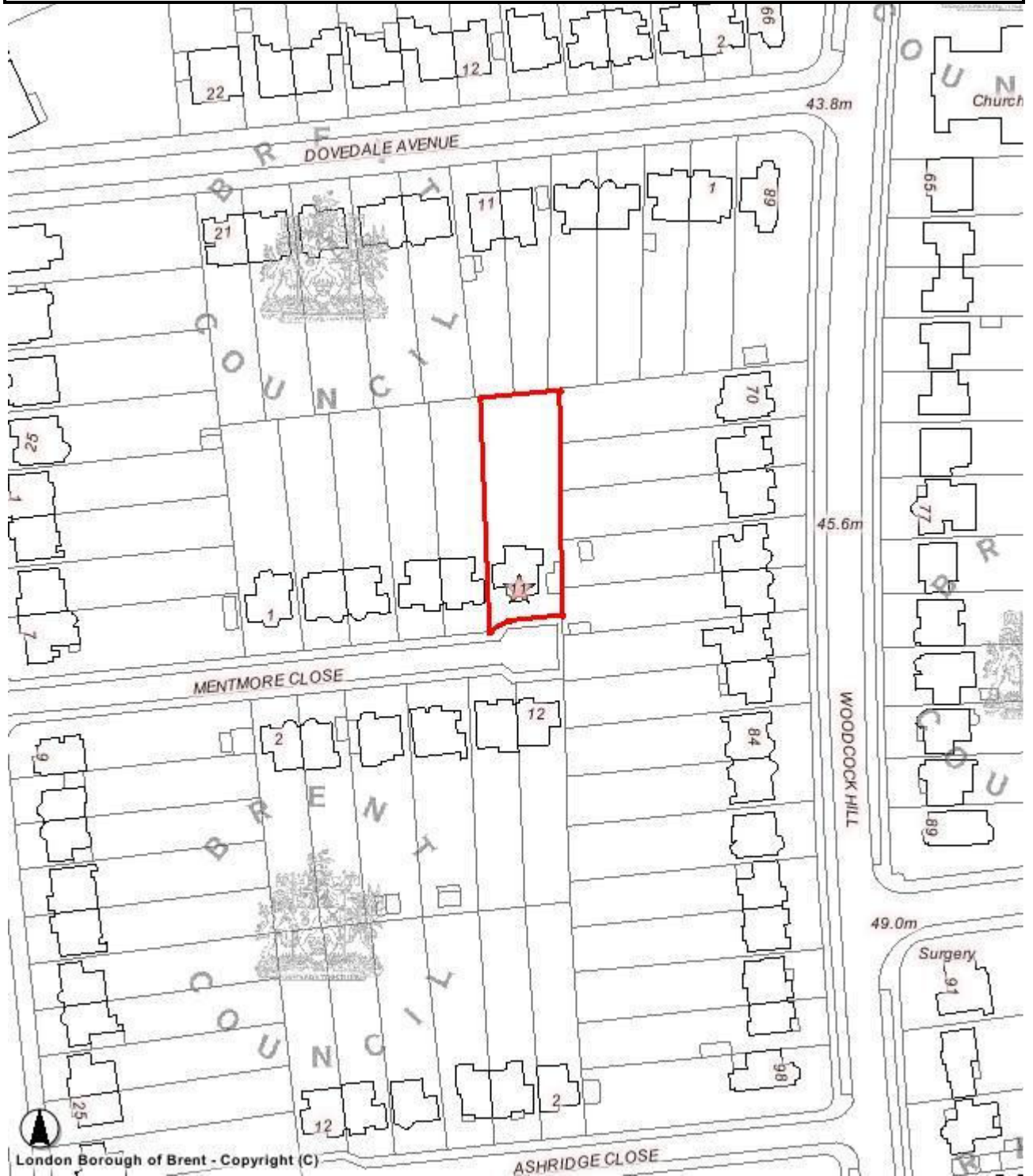
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



# Planning Committee Map

Site address: 11 Mentmore Close, Harrow, HA3 0EA

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**Supplementary Information  
Planning Committee on 24 February,  
2010**

Item No.                   **5**  
Case No.                   09/2562

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Location       11 Mentmore Close, Harrow, HA3 0EA  
Description   Erection of a single- and two-storey rear extension and a first-floor side extension to the dwellinghouse (as per revised plans received on 10/02/2010)

**Agenda Page Number: 37**

Additional comments and objections

Further comments have been received from No. 9 Mentmore Close. They have requested for the application to be deferred from tonight's Planning Committee meeting, as they have not had an opportunity to review the amendments made to the scheme during the course of the application. In response to this request, your officers are of the view that as the amendments have reduced the depth of the rear extension, patio and width of the first-floor rear extension, any impact upon the neighbouring properties has been reduced, and thus there was not a need to reconsult. As such, it is not considered necessary to defer the application.

Councillor Colwill has also raised additional objections on the following grounds:

*Inappropriate relationship to other buildings*

As referred to in the remarks section the extension is not considered to adversely impact upon the amenities of neighbouring properties.

*Alter the character of the house*

The amount and style of extension that is proposed is not unusual throughout the Conservation Area. The extension is of a scale that is subservient to the main dwellinghouse.

*Alter the roof lines*

The proposal will not alter the roof line of the main house. The roof of the first-floor side and rear extension will be lower than the main roof and will match the pitch angle of the main roof.

Clarification of intended use

Councillor Steele has queried the purpose of the extensions and the intended use of the house. There is no indication from the application form or plans that the intended use of the property is other than a single family dwellinghouse.

Inaccuracies within the main Committee Report

Your officers would like to highlight a typing error within the penultimate paragraph of Page 40. The first-floor rear extension will only project out by 2.4m from the window at No. 9 Mentmore Close, rather than "7 2.4m".

Inaccuracies within the revised plans

The revised plan shows a covered area being a garage on the ground-floor plan but not

on the elevations. The covered area is also not included in the description of the development. Your officers recommend that a condition is included to exclude this covered area from the scheme. The wording of the condition is provided below:

**Additional Condition 9**

*Notwithstanding the details shown on the submitted drawing MENC11/2 Rev B, this application does not grant permission for the covered area to the rear of the garage as detailed on the Proposed Ground Floor Plan.*

*Reason: In the absence of sufficient information to assess the implications of such a feature and in the interests of the amenities of the neighbouring occupants.*

Comments from Borough Solicitor

The Borough Solicitor has recommended that the wording of condition 6 is amended to read as follows:

**Revised Condition 6**

Notwithstanding the submitted plans otherwise approved, further details of the windows to the front elevation of the side extension shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site **and the works shall be carried out in accordance with the approved details.** Such details shall include:

- (a) Elevation of proposed window at a scale of 1:10
- (b) Cross-section at a scale of 1:5 through the transom showing the relationship of opening and fixed lights, with full-sized details of externally mounted glazing bars

Reason: To ensure a satisfactory development which does not prejudice the amenity of the Northwick Circle Conservation Area.

**Recommendation:** Remains Approval

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## Committee Report

Planning Committee on 24 February, 2010 Case No.

09/2640

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**RECEIVED:** 5 January, 2010

**WARD:** Kenton

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

**LOCATION:** 4 Aston Avenue, Harrow, HA3 0DB

**PROPOSAL:** Single- and 2-storey side and rear extensions, single-storey side extension, rear dormer window and 1 front and 3 side rooflights to dwellinghouse

**APPLICANT:** Mr R Arora

**CONTACT:** Mrs Jaini Shah

**PLAN NO'S:**  
(see condition 2 for details)

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### RECOMMENDATION

Grant planning permission

### EXISTING

The property is a 2-storey detached dwellinghouse on the north side of Aston Avenue, near the junction with Woodcock Hill. It is one of a pair (No. 2, to the east) of similar design, the only two such designs on the street. No. 2 has been altered with a 2-storey side extension in the past. The surrounding uses is residential. The property is not in a Conservation Area, nor is it listed.

### PROPOSAL

Single and 2-storey side and rear extensions, single storey side extension, rear dormer window and 1 front, 3 side roof lights to dwellinghouse

### HISTORY

None

### POLICY CONSIDERATIONS

#### **Brent UDP 2004**

The statutory development plan for the area is the London Borough of Brent Unitary Development Plan (UDP), which was formally adopted on 15 January 2004.

The following are the policies within the UDP relevant to this decision:

- **BE2 Local Context**
  - relates to design within the local context and character and the need to take into account existing landforms and respect and improve existing materials and townscape.
- **BE9 Architectural Quality**
  - relates to extensions and alterations to existing buildings and requires them to embody a creative and appropriate design solution specific to the site's shape, size,

location and development opportunities. They should be designed to be of a scale, massing and height appropriate to their setting and the townscape location. It also requests that development respects without necessarily replicating the positive local design characteristics and satisfactorily relate to them. The design should exhibit a consistent and well considered application, and be laid out to ensure that building and spaces are of a scale design and relationship to each other that promote the amenity of users, provide satisfactory levels of sun and day light, privacy and outlook for existing and proposed residents.

NOTE: Since 27<sup>th</sup> September 2007 a number of the adopted Brent Unitary Development Plan 2004 policies have been deleted. This is part of a national requirement (introduced in the Planning & Compulsory Purchase Act 2004). The policies that remain valid are described as 'saved' policies and will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. Only saved policies are considered in determining this application.

### **SPG**

The Council produces a series of Supplementary Planning Guidance Notes that give additional information on a variety of issues and which are intended to be read in conjunction with the adopted UDP. These SPG were subject to widespread public consultations as part of the UDP process before being adopted by the Council and given this widespread public consultation the Planning Authority would suggest that considerable weight be attached to them.

### **SPG 5 Altering and extending your home** Adopted September 2002

## **CONSULTATION**

### **Neighbours**

Neighbours consulted on 12/01/10. 5 neighbours objected on the following grounds:

- Loss of privacy
- Potential for dwelling to be used for commercial purposes
- Changes not in keeping with character of area
- Impact on streetscene
- Loss of light and outlook
- Increase in parking pressure
- Overdevelopment

These concerns are addressed in the body of the report, in the Remarks section. The following concerns are not addressed as they are not planning considerations:

- Overload drainage
- Nuisance and disturbance arising from construction works

On the matter of the dwelling being used for commercial purposes, this is not considered to be a material consideration. The premises remain in Use Class C3, dwellinghouses, and any change of use to commercial premises will require planning permission.

### **Transportation**

No objection, no increase in parking standard. Retained parking will be sufficient for the maximum 2 car-parking spaces required.

## **REMARKS**

### **Summary**

The amended scheme before Members is considered to have an acceptable impact on the character of the property and the area without undue harm to neighbouring amenity. Further details of front landscaping are required.

Key considerations:

- Impact on character of property and area
- Impact on neighbouring amenity
- Parking
- Landscaping

### **Single-storey rear and side extension**

The scheme proposes a 3.5m deep, 3m high, single-storey extension, generally in accordance with SPG5. The extension is set in from the boundary with No. 2 by 1m and No. 4 by 0.4m. Both neighbouring properties have single-storey rear extensions (apparently original on No. 2, No. 6 granted permission 87/0605). As a result of this, the single-storey element extends only approximately 1.5m from the rear of each of the neighbouring properties.

The centre of the extension reuses the original bay of the house, and this extends a further meeting (to 4.5m). This additional depth is not considered to have any amenity impact on neighbouring properties. On balance, the 4.5m depth, including the bay, is considered acceptable; the applicant could have built a 4m deep extension using permitted development rights.

The extension includes a single-storey side element which comes close (0.4m) to the boundary with No. 6. This is the location of No. 6's side extension, and is not considered harmful.

The rear extension has three flat rooflights, these are acceptable.

### **Single and 2-storey side extension**

The side extensions replace an existing single-storey attached garage. Set in 1m from the boundary, the first floor is set 1.5m back from the main front wall of the property, in accordance with SPG5. The ridge is set down from the original ridge by only 0.4m, which is less than usually sought but no specific distance is quoted in SPG5. It is considered acceptable.

Three flank windows are proposed, two on the ground floor serving a boiler room and a pantry and one on the first serving a bathroom. This is to be obscure-glazed. A condition is added to ensure it is also non-opening below 1.7m.

### **Dormer and rooflights**

The rear dormer is 2.5m wide, which is 0.6m wider than the maximum width normally allowed under SPG5, which is half the width of the original roof. It is significantly less, however, than would be possible under permitted development rights. There are no roof dormers visible from the property's garden, nonetheless this dormer is not considered to cause harm to the character or appearance of the property and is a well-designed example, well positioned on the roof.

The four rooflights (one on front, two to the side facing No. 2, one facing No. 6) are visually acceptable and would not harm neighbouring amenity.

### **Parking and front garden layout**

The maximum parking standard for a 4-bedroom house (the original property) is two spaces. For a 5-bedroom house (as extended) the maximum remains two spaces. Despite the loss of the garage, these two spaces can still be accommodated on-site whilst enabling further landscaping to be incorporated.

The front garden layout requires more detail, this matter can be conditioned.

### **Conclusion**

The proposal is a well-designed, modest extension to an interesting but not protected property. Amendments have been sought which reduce the bulk and impact of the extensions and seek to preserve the character as much as possible. As such, the proposal is considered to comply with

policies BE2 and BE9 of the adopted Brent UDP 2004 and Supplementary Planning Guidance No. 5 "Altering & Extending Your Home".

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

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

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

**CONDITIONS/REASONS:**

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

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

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

Location Plan; ASTA4/1; ASTA4/2 Rev B; ASTA4/3

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) Details of the front garden layout shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All detailed works shall be carried out as approved prior to the use of the building/extension hereby approved. Such details shall include:

(i) planting of the front garden area with shrubs and/or trees including a planting schedule (detailing species, planting densities and location).

Reason: To ensure a satisfactory appearance and in the interests of local amenity.

- (5) The window on the first floor of the east face of the building hereby extended shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.7m above floor level) and shall be permanently returned and



maintained in that condition thereafter, 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 east wall of the building, as extended, without the prior written consent of the Local Planning Authority.

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

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



# Planning Committee Map

Site address: 4 Aston Avenue, Harrow, HA3 0DB

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**Supplementary Information  
Planning Committee on 24 February,  
2010**

Item No.                   **6**  
Case No.                   09/2640

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Location       4 Aston Avenue, Harrow, HA3 0DB  
Description    Demolition of attached garage and erection of single- and 2-storey side extension, single-storey rear and side extension, rear dormer window and 1 front and 3 side rooflights to dwellinghouse (as amended by plans received 11/02/2010)

**Agenda Page Number: 45**

Clarification of intended use:

Councillor Steele has queried the purpose of the extensions and the intended use of the house. There is no indication from the application form or plans that the intended use of the property is other than a single family dwellinghouse.

Further objections:

One further objection has been received from a neighbour, on the following grounds:

- Loss of light
- Concerned that the property will be used for commercial purposes
- Out of keeping with the character of the area
- Additional traffic problems

These are all matters which other objectors have raised and have been addressed within the Remarks section of the Committee report.

Amend Description:

Single- and 2-storey side and rear extensions, single-storey side extension, rear dormer window and 1 front and 3 side rooflights to dwellinghouse

to:

Demolition of attached garage and erection of single- and 2-storey side extension, single-storey rear and side extension, rear dormer window and 1 front and 3 side rooflights to dwellinghouse (as amended by plans received 11/02/2010)

**Recommendation:** Remains Approval

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## Committee Report

Planning Committee on 24 February, 2010

Case No.

09/2499

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**RECEIVED:** 9 December, 2009

**WARD:** Welsh Harp

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** Woodfield School, Wood Lane, London, NW9 7LY

**PROPOSAL:** Erection of a new single storey extension comprising changing rooms and toilet to school

**APPLICANT:** The Governing Body

**CONTACT:** Ian Caudell Architect

**PLAN NO'S:** Refer to condition 2.

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### RECOMMENDATION

Approval.

### EXISTING

The existing site is approximately 1.9ha in area, and is occupied by a part single-storey, part two-storey secondary school, with associated carparking and outdoor sports facilities. The site is bounded to the west by a nursery/ garden centre, by the Welsh Harp Open Space to the south, by the Borough boundary shared with Barnet to the east, and to residential properties on Glenwood Avenue to the north. The site is accessed via the north-east corner onto Wood Lane. The western part of the grounds, occupied by playing fields, is designated as Metropolitan Open Land. The site is not within a Conservation Area, and does not contain any listed buildings.

### PROPOSAL

Erection of a new single storey extension comprising changing rooms and toilet to school

### HISTORY

Planning permission was granted in 1949 for the erection of a primary school on the site.

Planning permission was then granted in 2006 (ref 06/0143) for the erection of 2-storey extension comprising ground-floor 6th-form unit and first-floor mental-health resource for the school's educational use and relocation of car-parking area and associated landscaping buffer zone to adjoining properties. This permission was granted subject to various conditions. Several of these required submission of further details, such as landscaping and cycle parking, which were subsequently submitted and discharged.

An application relating to condition 9 (use by external organisations) of planning permission 06/0143, and a further application relating to retention of external lighting of the school will also be considered concurrently with this application, under references 09/2699 and 09/2652 respectively.

### POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

H22 - Protection of Residential Amenity  
CF8 - School Extensions  
CF10 - Development within School Grounds  
BE9 - Architectural Quality

## SPG

SPG17 - Design Guide for New Development

### **CONSULTATION**

Residents of 16 properties adjoining the application site were consulted on the 22nd of December 2009. 1 letter of objection was received, in addition to a petition opposing the proposal. The concerns raised in letter of objection related to:

- Increased noise as a result of greater use of outdoor sports facilities.

Ward Councillors were consulted, and an objection raised by Councillor Mary Farrell. Councillor Farrell's reasons for objection related to the above issues of noise and disturbance, that the proposed extensions would facilitate greater out of hours use of the school, and that the proposal would have an unacceptable impact on the Welsh Harp Site of Special Scientific Interest.

### **REMARKS**

This application seeks permission for the erection of a small extension to the existing buildings of Woodfield School, to provide upgraded girls changing facilities. The key considerations for this application are establishing the need for such facilities, assessing the quality of the proposed facilities, and establishing if there are any associated implications for neighbouring residents.

#### *Need for the extensions:*

The proposed extension will provide space for new girls changing facilities. Both the existing girls and boys changing facilities in the school require modernisation due to the poor quality of the existing, and need to be brought in line with the school's new designation as a Specialist Sports College. The proposed extension would contain the new girls facilities, while the boys facilities would be refurbished within the existing buildings. The refurbishment would result in the provision of accessible facilities at ground level for both boys and girls. The proposal will not result in an increase of pupils or staff for the school. The proposal complies with policy CF8 in terms of allowing extensions to schools where there is a requirement to improve facilities in line with DCSF standards.

The school sports grounds are available for use out of school hours, and it is proposed that the changing facilities would be available for use by such groups. This is in compliance with policy CF10 which permits development within school grounds which complements the educational functions of the school and allows dual use of facilities, without prejudicing any future expansion of the school.

#### *Design:*

The proposed extension will have a modest footprint of 55 square metres, and will be located in an 'interior' part of the school - being surrounded on three sides by the existing school buildings. The extension will not be visible from the public highway, or from most of the dwellings on Glenwood Avenue, although limited views will be possible from the public right of way to the east of the site.

The design is single-storey, with a monopitch roof which will abut an existing 2-storey part of the school. The extension is suitably articulated and has adequate fenestration. The materials and finishes, which have been specified in detail, compliment the existing building well, and are durable and low-maintenance. As discussed above, level-access disabled facilities are provided for girls in the extension, and for boys in the refurbished existing building. The quality and appearance of the design and layout is considered acceptable.

The extension does not significantly reduce existing outdoor play areas, and does not impact on parking provision or existing green space/ soft landscaping.

*Response to objections:*

The main reason for objection to this proposal is that it is perceived that the proposed changing room extension will facilitate more intensive out-of-hours use of the school for sports purposes, which may result in greater noise and disturbance for neighbouring residents. The school is currently used out-of-hours for sports and other purposes, and as reported for application 09/2699, there is little planning control over this. As the outdoor sports facilities have no lighting, any use of these likely to have noise and disturbance implication is limited to daylight hours. The scale of sporting facilities is also relatively minor, with a grass football pitch, a tennis court, and a multi-use games area. As a result of these factors, the impact on neighbouring residents from the use of sport facilities is likely to be minor, and would be balanced by the benefit that they have for the wider community. As the use of the sports provision is not controlled and will continue regardless of the outcome of this application, it would be considered unreasonable to refuse permission for the improved changing facilities for the school on this basis alone.

Concern was also raised as to the impact of the proposal on the Welsh Harp SSSI. This area is located to the south, and does not include or adjoin any part of the application site. Neither this application or any of the other applications under consideration for this site would be likely to have any significant impact on the SSSI.

**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 SPG17 - 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  
Community Facilities: in terms of meeting the demand for community services

**CONDITIONS/REASONS:**

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

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

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

Architects report by Ian Caudell Architect;  
(D) 00 A;  
(D) 01 A;  
(D) 02 A;  
(10) 01;  
(10) 02.

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

- (3) No external lighting shall be installed to the extension hereby approved without the prior written consent of the Local Planning Authority.

Reason: In the interest of protecting residential amenity.

- (4) During demolition and construction on site the applicant shall implement the best practical means available in accordance with British Standard Codes of practice 5228:1997 Parts 1 to 4 to ensure that 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

Reason: To safeguard the general amenity of neighbouring residents during the development phase.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Brent Unitary Development Plan 2004;  
SPG17 - Design Guide for New Development.

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: Woodfield School, Wood Lane, London, NW9 7LY

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**Supplementary Information  
Planning Committee on 24 February,  
2010**

Item No.                    **7**  
Case No.                    09/2499

---

Location       Woodfield School, Wood Lane, London, NW9 7LY  
Description    Erection of a new single storey extension comprising changing rooms and  
                  toilet to school

**Agenda Page Number:**

**Representations:**

An additional objection has been raised by a resident of Glenwood Avenue in respect of this application. This relates to a perceived increase in noise and disturbance that may result from the proposed extension, in addition to odours resulting from the toilets contained within. The proposed extension will be 58m from the nearest residential property on Glenwood Avenue, and will be largely obscured from these properties by existing school buildings. The extension is unlikely to cause any additional noise and disturbance that would not already be created by a school playground, however if there were minor additional noise (or odour) associated with the extension, this would be unlikely to have a significant impact on residential amenity at a distance of 58m.

**Recommendation: Remains approval**

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## Committee Report

Planning Committee on 24 February, 2010

Case No.

09/2652

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**RECEIVED:** 21 December, 2009

**WARD:** Welsh Harp

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** Woodfield School, Wood Lane, London, NW9 7LY

**PROPOSAL:** Retention of and alterations to the external lighting of the school, including wall and soffit-mounted lights to main buildings, and column-mounted lights in car park adjacent to rear gardens of properties on Glenwood Avenue

**APPLICANT:** The Governing Body

**CONTACT:** Ian Caudell Architect

**PLAN NO'S:** Refer to Condition 2.

---

### RECOMMENDATION

Approval.

### EXISTING

The existing site is approximately 1.9ha in area, and is occupied by a part single-storey, part two-storey secondary school, with associated carparking and outdoor sports facilities. The site is bounded to the west by a nursery/ garden centre, by the Welsh Harp Open Space to the south, by the Borough boundary shared with Barnet to the east, and to residential properties on Glenwood Avenue to the north. The site is accessed via the north-east corner onto Wood Lane. The western part of the grounds, occupied by playing fields, is designated as Metropolitan Open Land. The site is not within a Conservation Area, and does not contain any listed buildings.

### PROPOSAL

Retention of and alterations to the external lighting of the school, including wall and soffit-mounted lights to main buildings, and column-mounted lights in carpark adjacent to rear gardens of properties on Glenwood Avenue

### HISTORY

Planning permission was granted in 1949 for the erection of a primary school on the site.

Planning permission was then granted in 2006 (ref 06/0143) for the erection of 2-storey extension comprising ground-floor 6th-form unit and first-floor mental-health resource for the school's educational use and relocation of car-parking area and associated landscaping buffer zone to adjoining properties. This permission was granted subject to various conditions. Several of these required submission of further details, such as landscaping and cycle parking, which were subsequently submitted and discharged. Several other conditions restricted various matters. Condition 8 stated:

*"There shall not be any installation of external lighting prior to the written approval from the*

*Local Planning Authority.*

*Reason: To minimise any undue impact to the neighbouring residence."*

External lighting was installed without due consent following this, and a planning enforcement investigation was undertaken to address this (reference E/07/0274). Officers have visited the site to inspect the existing lighting, and this application has been submitted on the basis of advice given by Officers following these visits.

An application relating to condition 9 (use by external organisations) of planning permission 06/0143, and a further application for a single storey extension to the existing buildings, comprising changing facilities, will also be considered concurrently with this application, under references 09/2699 and 09/2499 respectively.

## **POLICY CONSIDERATIONS**

Brent Unitary Development Plan 2004

BE8 - Lighting and Light Pollution  
CF8 - School Extensions

### SPG

SPG17 - Design Guide for New Development

## **CONSULTATION**

Residents of 14 properties adjoining the application site were consulted on the 12th of January 2010, along with the Silver Jubilee Residents' Association. 5 letters of objection were received, in addition to a petition opposing the proposal. The concerns raised in letters of objection related to:

- That lights were initially erected without planning consent;
- Sustainability implications of running lights when school not in use;
- Implications of lighting if extensions allowed to be used by external organisations.

In addition, one objector replicates objections from application 09/2699, which relate to traffic, noise, crime, parking etc, which are not relevant to this particular application.

Ward Councillors were consulted. An objection was raised by Councillor Mary Farrell with regard to all three applications currently being considered for Woodfield School. The Councillor's concerns relating to lighting in particular were linked to proposed extended hours of the use of the school if used by external organisations.

The Council's Transportation Unit and Environmental Health department were consulted. No objection was raised.

## **REMARKS**

This application seeks permission for the retention and alteration of external lighting to Woodfield School. The key considerations relate to the need for such lighting, and the impact that this may have on the amenities of adjoining residents.

*Need for external lighting:*

The need for external lighting at the school is two-fold. Firstly, it is required for the security, or perceived security of users of the buildings and carpark (students, staff, parents etc.) during hours of use of the school. Secondly, it is required for security purposes outside of school use hours, in

conjunction with a CCTV system. It is considered acceptable and necessary to provide lighting for these purposes for facilities of this type, although the lighting scheme needs to be carefully designed in order to ensure that no undue harm to the amenities of neighbouring residents results.

#### *Existing lighting:*

The existing external lighting scheme has been installed without planning permission, and comprises wall and soffit-mounted ambient lighting to the 2-storey extension granted planning permission under reference 06/0143, column-mounted lighting for the carpark area included in the same scheme, and wall-mounted motion-activated security lighting at various points around the extension and main school buildings. This lighting has been viewed at night by Officers from Planning and Streetcare, both from the school grounds and from various properties on Glenwood Ave which are affected by the lighting. As a result of visits to the site, Officers took the view that the existing lighting scheme, whilst providing for the security needs of the school, was not suitable designed to minimise impact on neighbouring residential properties on Glenwood Avenue. Advice was given to the applicant as to how the existing scheme could be altered to rectify this.

The main concern with the existing lighting scheme is the type of lights that are mounted on 2 columns in the new car park area of the school, adjacent to the new 2-storey extension. The columns are positioned between the car park and the rear boundaries of the Glenwood Avenue properties. The type of lights currently mounted on these columns is floodlights. The angle that these lights project at can be varied, and are designed to spread light widely and evenly. This type of light is not often used in car park areas, where the intention is to direct light downwards. As a result, the existing lighting brightly illuminates the pale render finish of the new school extension, and light is reflected back toward the residential properties.

Motion-activated security lighting is required to accompany a CCTV system. The two entrances on the elevation facing the rear of Glenwood Avenue are covered by CCTV cameras, and have associated lighting visible from the neighbouring properties. Similar lights are positioned in various locations round the other school buildings, however these do not impact on residential properties.

The existing ambient wall and soffit-mounted lighting consists of polyester domes which provide a diffuse low-level light around the exterior of the extension and entrances. Hours of use of the existing lighting has varied, but at times has been kept on throughout the night.

#### *Proposed alterations:*

Two 'Centro' model luminaires are proposed to replace the existing column-mounted flood lights. These are designed specifically for car-parks/ streets etc where lateral and upward light spill is to be avoided. These will prevent the existing problem of illumination and reflection from the school extension.

The existing wall and soffit-mounted lighting is considered to be adequate and appropriate as existing, and by virtue of its diffuse nature is not considered to make a significant contribution to the existing issue of light spill to residential properties.

The existing motion-activated security lighting is to remain, although alterations to the direction of these lights is proposed in accordance with advice given by Council lighting specialists. This advice was to direct the lighting more specifically toward the required points such as building entrances. As with the wall-mounted lighting, this security lighting is not considered to be a major contributing factor in harm to residential amenity. Although these lights may sometimes be triggered by wildlife, the amount of time these would be operational in any given night is not significant. As this lighting is a necessary component of the security of both the school site and

the adjoining residential properties (which can be accessed from the school), the minor additional impact caused by this lighting is considered to be, on balance, acceptable.

With the exception of the motion-activated lighting, none of the other lighting proposed is required outside of school use hours. Therefore, any minor impact on residential amenity that remains following the proposed alterations would be removed after school use hours. Details provided by the applicant suggest that this would usually be no later than 7pm, however it is accepted that on occasion (such as parent-teacher nights etc) this may be later. The lighting system can be controlled by timer, and this would be the intention in future.

The applicant had proposed longer hours of use of lighting in the evenings and weekends, in accordance with hours proposed for the use of the school extensions by external organisations. The application relating to this is being considered by Members concurrently with this application (under reference 09/2699), and has been recommended for refusal. It is therefore proposed that a condition be attached to this application which restricts the use of external lighting to the extension and car park to those hours of use relating to normal school use.

#### *Impact on neighbouring residential properties:*

The properties on Glenwood Avenue are bungalows, and as a result, very few have first floor windows which face the school. There are a couple of exceptions in properties that have converted the loft space, however the impact of the lighting on the majority of the properties is reduced to some degree by existing boundary treatment and landscaping between the school and these properties. Officers consider that the changes proposed to the lighting scheme, in conjunction with the proposed restriction of the use of the external lighting for normal school use only, will result in a scheme which has a minimal impact on the amenities of residents of Glenwood Avenue. Any impacts that do occur would be considered acceptable, on balance, taking into account the need to provide a reasonable level of security for both the school and residents.

#### *Response to objections:*

The current application is to be determined on its merits, and the fact that the original lighting was installed without planning permission is not a material consideration in this respect. There is provision within planning law to apply for planning permission retrospectively.

The proposed condition relating to the hours of use of the proposed external lighting addresses the issue of sustainability. The resultant lighting scheme will not be in operation outside of school use hours. Objections relating to the additional impact of lighting if extensions were to be used by external organisations have been addressed above.

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

**CONDITIONS/REASONS:**

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

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

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

Cover letter from Ian Caudell Architect dated 21 December 2009;  
(20) 104 Rev C;  
(20) 105 Rev B;  
(20) 106 Rev A;  
Specification document for 'Centro' light fittings;  
Specification document for 'B1' light fittings;  
(D) 01 Site Location Plan.

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

- (3) The external lighting to that part of the school granted planning permission under reference 06/0143 (6th form extension and associated carparking), being lighting marked 'B' and 'PF' on approved plan (D)01, but excluding lighting marked 'F' on the same plan, shall not be operated in relation to the use of the school premises for non-school related uses by external organisations.

Reason: In the interest of protecting the amenities of neighbouring residential properties during evening, weekend, and holiday use of the school for ancillary uses.

**INFORMATIVES:**

- (1) The applicant is advised to undertake the required alteration works hereby approved within 1 month of the date of this notice, in order to avoid further enforcement action being taken in respect of the existing unauthorised lighting scheme in place.

**REFERENCE DOCUMENTS:**

Brents Unitary Development Plan 2004;  
SPG17 - Design Guide for New Development.

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: Woodfield School, Wood Lane, London, NW9 7LY

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**Supplementary Information  
Planning Committee on 24 February,  
2010**

Item No.                   **8**  
Case No.                   09/2652

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Location	Woodfield School, Wood Lane, London, NW9 7LY
Description	Retention of and alterations to the external lighting of the school, including wall and soffit-mounted lights to main buildings, and column-mounted lights in carpark adjacent to rear gardens of properties on Glenwood Avenue

**Agenda Page Number: 57**

**Site visit:**

Concerns of residents relating to the impact of external lighting on residential amenity, as outlined in the main report, were reinforced during the site visit. Residents suggested that all external lighting should be on a sensor after school use hours. Officers consider that this would be a counterproductive solution for residents as it would create additional nuisance if the lighting is triggered by wildlife during the night.

**Representations:**

An additional objection has been raised in respect of this application, however this does not raise any additional issues to those representations previously received. The objector is opposing additional lighting which is not proposed - the application is for the retention of existing lighting with minor alterations.

**Recommendation: Remains approval.**

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## Committee Report

Planning Committee on 24 February, 2010

Case No.

09/2699

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**RECEIVED:** 21 December, 2009

**WARD:** Welsh Harp

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** Woodfield School, Wood Lane, London, NW9 7LY

**PROPOSAL:** Details pursuant to condition 9 (relating to proposed out of hours use of premises by external organisations) of full planning permission reference 06/0143 granted on 02/03/2006 for erection of 2-storey extension to school with associated car parking and landscaping.

**APPLICANT:** The Governing Body

**CONTACT:** Ian Caudell Architect

**PLAN NO'S:** (D) 01;  
Letter from Ian Caudell Architect dated 21 December 2009.

---

### RECOMMENDATION

Refuse permission for the use of facilities approved under planning reference 06/0143, including 6th form extension and associated car parking, by external organisations not part of the school.

### EXISTING

The existing site is approximately 1.9ha in area, and is occupied by a part single-storey, part two-storey secondary school, with associated car parking and outdoor sports facilities. The site is bounded to the west by a nursery/ garden centre, by the Welsh Harp Open Space to the south, by the Borough boundary shared with Barnet to the east, and to residential properties on Glenwood Avenue to the north. The site is accessed via the north-east corner onto Wood Lane. The western part of the grounds, occupied by playing fields, is designated as Metropolitan Open Land. The site is not within a Conservation Area, and does not contain any listed buildings.

### PROPOSAL

Details pursuant to condition 9 (relating to proposed out of hours use of premises by external organisations) of full planning permission reference 06/0143 granted on 02/03/2006 for erection of 2-storey extension to school with associated car parking and landscaping.

### HISTORY

Planning permission was granted in 1949 for the erection of a primary school on the site.

Planning permission was then granted in 2006 (ref 06/0143) for the erection of 2-storey extension comprising ground-floor 6th-form unit and first-floor mental-health resource for the school's educational use and relocation of car-parking area and associated landscaping buffer zone to adjoining properties. This permission was granted subject to various conditions. Several of these required submission of further details, such as landscaping and cycle parking, which were subsequently submitted and discharged. Several other conditions restricted various matters. Condition 8 stated:

*"There shall not be any installation of external lighting prior to the written approval from the Local Planning Authority.*

*Reason: To minimise any undue impact to the neighbouring residence."*

External lighting was installed without due consent following this, and a planning enforcement investigation was undertaken to address this (reference E/07/0274). An application to retain and alter this external lighting has been made, and will be considered by the Planning Committee concurrently with this application (under reference 09/2652).

Condition 9 of planning permission 06/0143 stated:

*"The use of the premises hereby approved by any external organisations that is not part of the school shall not commence unless further written approval is obtained from the Local Planning Authority. Any such proposal shall provide details of parking and hours of operation.*

*Reason: To safeguard the amenities of the neighbouring residents."*

This application has been made in respect of this condition. A further application for a single storey extension to the existing buildings, comprising changing facilities, will also be considered concurrently with these applications, under reference 09/2499.

## **POLICY CONSIDERATIONS**

Brent Unitary Development Plan 2004

BE8 - Lighting and Light Pollution  
H22 - Protection of Residential Amenity  
CF8 - School Extensions

## SPG

SPG17 - Design Guide for New Development

## **CONSULTATION**

Residents of 14 properties adjoining the application site were consulted on the 11th of January 2010, along with the Silver Jubilee Residents' Association. 9 letters of objection were received, in addition to a petition opposing the proposal. The concerns raised in letters of objection related to:

- Impact on residential amenity in terms of noise and disturbance caused by congregation of people on the school site, additional vehicular traffic, playing of music etc, particularly during evenings and weekends;
- Reduced security of site with front gates left open for out of hours use;
- Additional traffic generated in vicinity of site.

Officers wish to note that residents of some properties other than those consulted made representations on the application. These objections related to the wider traffic impact of the use of the school by external organisations, and raised issue with the scope of the consultation undertaken. Officers believe that the scale of the proposal, which relates only to the use of the 2-storey extension and 22 parking spaces approved by the 2006 permission, is such that only the directly adjoining properties would be impacted, and that the scope of the consultation was appropriate.

Ward Councillors were consulted, and an objection raised by Councillor Mary Farrell. Councillor Farrell's reasons for objection related to the above issues of noise and disturbance, concerns that residents from further afield than those neighbouring the site would be affected, and that the proposal would have an unacceptable impact on the Welsh Harp Site of Special Scientific Interest.

## REMARKS

This application seeks permission for the use of existing extensions and associated car parking at Woodfield School by external organisations. The key consideration is considered to be the need to balance objectives to provide effective dual use of school facilities, with the resulting impacts on the amenities of neighbouring residents.

As outlined in the History section above, planning permission 06/0143 was granted for a 2-storey extension to the existing school, comprising various educational facilities. The location of this extension was to the west of the existing school buildings, on the site of an existing car-parking area (22 spaces). This parking area was separated from the northern boundary shared with the rear of residential properties on Glenwood Avenue by approximately 7-8 metres.

Development further west of this area was not possible, as it would have breached the Metropolitan Open Land boundary. As such, the displaced car-parking was re-provided (albeit a smaller number of spaces in order to bring the provision into line with Council parking standards) between the approved extension and the northern boundary. It was acknowledged that bringing this parking some 5 metres closer to the boundary, in addition to the visual impact of the extensions, would increase impacts on the amenities of adjoining residents. This impact was considered on balance to be acceptable in order to provide the necessary facilities for the school, and the landscaped buffer zone along the boundary was enhanced in order to mitigate the impacts.

It is acknowledged that school facilities are often used for activities not related directly to the school, and both national and local planning policy encourages this dual use of facilities where appropriate, in order to provide benefit to the wider community and make efficient use of existing buildings, sport facilities etc. Bearing this in mind, Officers attached a condition to the permission which would ensure that the additional impact of the extension and relocated parking area would be restricted to school-related activities only, unless otherwise approved by the Council. This was intended to reduce impacts late in the evening and on weekends. The wording of the condition was as follows:

*"The use of the premises hereby approved by any external organisations that is not part of the school shall not commence unless further written approval is obtained from the Local Planning Authority. Any such proposal shall provide details of parking and hours of operation.*

*Reason: To safeguard the amenities of the neighbouring residents."*

Officers wish to stress that this condition only relates to those developments granted permission under reference 06/0143 (2-storey extension and associated car-parking spaces), and was only intended to restrict additional impacts relating to the development approved. No such planning controls exist for the remainder of the school. The applicant has provided information relating to how the school is currently used by external organisations, which relate to private lets of the hall, indoor and outdoor sports facilities, dance studio and some classrooms. Most of these facilities are situated within the original part of the school, and are therefore not within the control of this condition. Similarly, the provision of overspill parking on existing hardstanding to the rear of the school cannot be controlled.

The part of the school site that comes within the control of the above condition is unquestionably the most sensitive in relation to impacts on neighbouring residential properties that may result from private lets of the school. While the hours that the remainder of the school is used by external organisations cannot be controlled, Officers consider that if the use of the approved extensions (carpark, additional entrance, and lighting) is controlled, the overall impacts on the amenities of neighbouring residents will be significantly reduced, in terms of noise and disturbance and light pollution. By refusing the current application, the existing restraint given by the above condition

will be retained and can be enforced if necessary. This course of action addresses the concerns of residents and Councillors to the greatest degree possible through the planning system, while any other impacts which are not able to be controlled would still be enforceable under statutory noise nuisance laws and so forth.

Refusal of this application will not compromise the use of the extension and parking area for any purpose relating to the normal use of the school. It is the responsibility of the applicant to ensure that the scale and frequency of non-school related use of the site remains ancillary to the primary use as an educational institution.

**RECOMMENDATION:** Refuse Consent

**CONDITIONS/REASONS:**

- (1) The use of the extensions and associated car parking granted planning permission under reference 06/0143, by external organisations not part of the school, would be likely to result in unacceptable harm to the amenities of neighbouring residents at night and during weekends and holidays, in terms of noise and disturbance and light pollution. As such, the proposal would be contrary to policies BE8 and H22 of Brent's Unitary Development Plan 2004, and supplementary planning guidance given in SPG17 - Design Guide for New Development.

**INFORMATIVES:**

- (1) It is the responsibility of the applicant to ensure that use of the site by external organisations remains of a scale and frequency so as to be ancillary to the main use of the site as an educational institution.
- (2) It is the responsibility of the applicant to put in place suitable management measures to ensure that any use of the site by external organisations does not involve the use of the extensions or car park granted permission under reference 06/0143, in order to avoid enforcement action being taken.

**REFERENCE DOCUMENTS:**

Brent Unitary Development Plan 2004

SPG17 - Design Guide for New Development

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: Woodfield School, Wood Lane, London, NW9 7LY

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**Supplementary Information  
Planning Committee on 24 February,  
2010**

Item No.                   **9**  
Case No.                   09/2699

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Location       Woodfield School, Wood Lane, London, NW9 7LY  
Description    Details pursuant to condition 9 (relating to proposed out-of-hours use of premises by external organisations) of full planning permission reference 06/0143, granted on 02/03/2006, for erection of 2-storey extension to school with associated car-parking and landscaping.

**Agenda Page Number: 63**

**Representations:**

Two additional objections have been received from Glenwood Avenue residents in respect of this application. These do not raise any new issues, relating to noise and disturbance and increased parking pressure as previously reported.

A resident who has already objected to the proposal has raised further issue with the use of the Multi-Use Games Area (MUGA) at the school, and the noise created by this, out of school hours. This part of the site was not part of the application for extensions to the property, and is therefore not controlled by the condition controlling use by external organisations. The fencing related to this games area does require permission as it is greater than 2m high. Permission has not been sought for this development, however, as the works were undertaken more than 4 years ago, they are now lawful. Had planning permission been sought for this development retrospectively, it is likely that the development would have been viewed favourably, provided soft landscaping were provided to screen and mitigate noise. Soft landscaping of this type has been introduced on site and is now mature.

**Recommendation:** Remains Refusal.

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## Committee Report

Planning Committee on 24 February, 2010

Case No.

09/3194

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**RECEIVED:** 14 January, 2010

**WARD:** Willesden Green

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** 165-167 High Road, London, NW10 2SG

**PROPOSAL:** Variation of conditions 5b (requiring windows of the ground floor D1 use only to be closed at all times) and 6 (to allow operating hours 10am to 10pm Monday-Saturday & 10am-8pm Sunday) for community use (class D1) of planning permission 08/2472 granted 22/10/2009 for conversion of first and second floor from offices (Use Class B1) to D1 community use with ancillary office space to ground and first floor and 3 (2x2, 1x1 bedroom) self-contained flats to second floor, replacement of external staircase from ground to first floor and repositioning of ground floor entrance doors (CAR FREE SCHEME) and subject to a Deed of Agreement dated 15th October 2009 under Section 106 of the Town and Country Planning Act 1990, as amended

**APPLICANT:** New Testament Church of God

**CONTACT:** Paul Henry Architects & Project Managers Ltd

**PLAN NO'S:**  
No plans

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### RECOMMENDATION

Approve

### EXISTING

The site is occupied by a 3-storey end of terrace building on the corner of High Road and Maybury Gardens, the property is not in a conservation area nor it is a listed building.

### PROPOSAL

Variation of conditions 5b (requiring windows of the ground floor D1 use only to be closed at all times) and 6 (to allow operating hours 10am to 10pm Monday-Saturday & 10am-8pm Sunday) for community use (class D1) of planning permission 08/2472 granted 22/10/2009 for conversion of first and second floor from offices (Use Class B1) to D1 community use with ancillary office space to ground and first floor and 3 (2x2, 1x1 bedroom) self-contained flats to second floor, replacement of external staircase from ground to first floor and repositioning of ground floor entrance doors (CAR FREE SCHEME) and subject to a Deed of Agreement dated 15th October 2009 under Section 106 of the Town and Country Planning Act 1990, as amended

### HISTORY

08/2472                      Granted

Conversion of first and second floor from offices (Use Class B1) to D1 community use with ancillary office space to ground and first floor and 3 (2x2, 1x1 bedroom) self-contained flats to

second floor, replacement of external staircase from ground to first floor and repositioning of ground floor entrance doors (CAR FREE SCHEME) and subject to a Deed of Agreement dated 15th October 2009 under Section 106 of the Town and Country Planning Act 1990, as amended

07/0764 Granted

Change of use from existing offices (Use Class B1) to non-residential institution (Use class D1)

## **POLICY CONSIDERATIONS**

UDP 2004

**CF2** Location of Small Scale Community Facilities

**EP2** Noise & Vibration

## **CONSULTATION**

Neighbouring occupiers were consulted on 19th January 2010, 2 objections have been received raising the following issues:

- Allowing the windows to be openable to the flats could allow people to access the flat roof impacting on neighbouring privacy
- The variation of opening hours will have a detrimental effect on amenities of the local area particularly parking, as the community use is exempt from the car free scheme
- Increased noise at unreasonable hours and airconditioning running to these increased times.

A comment has been received from Cllr Sneddon regarding concerns that the variation will impact on the privacy of neighbouring occupiers and also that it could increase parking pressure at certain times. Large numbers of people attend the church associated with this application and this can and does lead to people parking illegally and intrusively at certain times.

## **REMARKS**

The proposal is for the variation of conditions 5b (requiring windows of the ground floor D1 use only to be closed at all times) and 6 (to allow operating hours 10am to 10pm Monday-Saturday & 10am-8pm Sunday) for community use (class D1) of planning permission 08/2472 granted 22/10/2009.

This application was for conversion of first and second floor from offices (Use Class B1) to D1 community use with ancillary office space to ground and first floor and 3 (2x2, 1x1 bedroom) self-contained flats to second floor, replacement of external staircase from ground to first floor and repositioning of ground floor entrance doors.

The suggested variations are discussed below. For Members information the description of this application has altered since consultation was undertaken on the application as discussed below.

### **Condition 5b**

The original condition read:

*(b) the provision of means to ventilate the interior of the building should be in compliance with part (a) of this condition requiring the windows to be closed at all times.*

This was deemed to be necessary to prevent the escape of noise from the proposed community use but was worded in a way which did not distinguish between the different uses in the building. It is still considered necessary to keep the ground floor community use windows closed as the activities may create noise levels which would be a nuisance for neighbours, particularly choir practise or youth club activities, however for the reason of noise it is not considered necessary or appropriate to require the office floor or residential floor to maintain closed windows.

A neighbour has indicated, as they did during the original application, that occupiers of the second floor accommodation have previously used the flat roof to the rear of the building as a roof terrace. As part of this conversion no doors have been proposed to make this use legitimate and its use in

its current form would be unsafe and unacceptable. Only one of the units has windows looking across this flat roof and the approved plans show that these are windows to the living/dining space. To allow access to fresh air and in the interest of sustainability (discouraging the use of fans for example), it is considered appropriate to alter this condition to allow the residential units to have openable windows.

It is not considered necessary to require the office use to maintain closed windows, this use would not generate any significant noise levels and no neighbour objections have been made specifically about this floor.

#### **Condition 6**

Condition 6 originally read:

*The D1 use hereby permitted shall not be used outside the hours of 0800-2130 on any day of the week.*

When this variation application was originally submitted it requested 12am (midnight) as closing on Saturdays however this was considered to be unacceptable for its location and the following is now proposed:

10am to 10pm Mon-Sat

10am to 8pm Sun

The community space will not be used earlier than 10am which is later than the originally approved 8am and will not be used later than 10pm rather than 9.30pm. The building fronts the High Road and in its surrounding area there is a public house and also restaurants and takeaways which open beyond this time. Despite this midnight was not considered appropriate due to the potential nuisance this could cause in the night for neighbouring occupiers on Maybury Gardens. The difference between 9.30pm and 10pm is not considered to be significant and should not harm neighbouring residential amenity.

The proposal is considered to comply with Policies contained in Brent's UDP 2004, as such approval is recommended.

#### **REASONS FOR 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

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

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

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

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

(1) The use hereby permitted shall not be used outside the hours of 10am to 10pm Monday-Saturday & 10am-8pm Sunday.

Reason: In the interests of preserving the amenity of neighbours.

- (2) Before the use hereby approved commences, a scheme providing for the insulation and ventilation of the premises shall be submitted to and approved in writing, by the Local Planning Authority.

Such a scheme shall include

(a) the provision of means to prevent the escape of noise from the premises to such an effective degree as to ensure no sound generated within the premises would be audible at the site boundary, and

(b) the provision of means to ventilate the interior of the building should be in compliance with part (a) of this condition requiring windows of the ground floor D1 use only to be closed at all times.

Such insulation as may be agreed by the Local Planning Authority shall be installed prior to the occupation/use of the premises and retained permanently thereafter.

Reason: To safeguard the amenities of the adjoining occupiers.

**INFORMATIVES:**

- (1) The accompanying documents to this application show a revision to the floor layout, if this is proposed an application for an amendment to the layout should be made.
- (2) The applicant is informed that this decision notice must be read in conjunction with decision notice 08/2472 and any conditions attached to that consent (except for 5b and 6 as varied here).

**REFERENCE DOCUMENTS:**

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





# Planning Committee Map

Site address: 165-167 High Road, London, NW10 2SG

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Location	165-167 High Road, London, NW10 2SG
Description	Variation of conditions 5b (requiring windows of the ground floor D1 use only to be closed at all times) and 6 (to allow operating hours 10am to 10pm Monday-Saturday & 10am-8pm Sunday) for community use (class D1) of planning permission 08/2472 granted 22/10/2009 for conversion of first and second floor from offices (Use Class B1) to D1 community use with ancillary office space to ground and first floor and 3 (2x2, 1x1 bedroom) self-contained flats to second floor, replacement of external staircase from ground to first floor and repositioning of ground floor entrance doors (CAR FREE SCHEME) and subject to a Deed of Agreement dated 15th October 2009 under Section 106 of the Town and Country Planning Act 1990, as amended

**Agenda Page Number: 69**

The applicants have provided further information about the uses which are proposed in the ground floor D1 unit, this should not be considered as a definitive list however the information gives a realistic idea of the proposed level of activity.

Monday to Friday - 10am to 6pm - Community Activities (Senior Citizens and After School Club)

- 7pm to 10pm - Choir Practice/Department Discussions/Conferences

Saturday - 10am to 1pm - Saturday Supplementary School

- 1pm to 8pm - Community Cohesion Programmes

Sunday - 10am to 8pm - Learning Zone

This information generally corresponds with that given in the original approval for the D1 use and does not raise any additional concerns about the impact of the proposed hours of opening.

In terms of potential noise from the development, Condition 5 which is the subject of this application requires no noise generated within the premises to be audible at the boundary. Officers consider that this particular condition is applicable to the D1 use at ground floor and that this would satisfactorily ensure that there are no adverse noise implications from this use.

Condition 4 of the parent application (08/2472) requires that noise generated does not exceed the background noise level at the boundary, this is applicable to the first and second floors (office and residential uses). This is a condition which must be discharged meaning that further information is required and officers can ensure that details are acceptable.

It is considered that the combination of these two conditions would ensure that neighbouring amenity is protected.

**Conditions**

The council's Solicitor has advised that all other conditions from the parent application (08/2472) be reattached to this permission verbatim.

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## Committee Report Planning Committee on 24 February, 2010

Case No. 09/1204

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**RECEIVED:** 22 May, 2009

**WARD:** Brondesbury Park

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

**LOCATION:** 10 Alverstone Road, London, NW2 5JT

**PROPOSAL:** The demolition of conservatory at rear patio level, the increase height of patio (Increase of 0.07m), retention of single storey rear extension with a reduced height, boundary treatment between no.10 and no.12 Alverstone Road, and introduction of boundary fence

**APPLICANT:** Mr Al Kazzaz

**CONTACT:** Saloria Architects

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

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### RECOMMENDATION

Approve

### EXISTING

The application property is a two-storey semi-detached dwellinghouse, that is located on Alverstone Road. The street is characterised by large semi-detached dwellings, built around the 1920s. The site is located within in an area of Distinctive Residential Character (ARDC.)

### PROPOSAL

The demolition of conservatory at rear patio level, the increase height of patio (Increase of 0.07m), retention of single storey rear and rear side extension with a reduced height so that it is level with the garage at 8 Ayleston Road, boundary treatment between no.10 and no.12 Alverstone Road, and introduction of boundary fence on top of the patio adjacent to 12 Alverstone Road.

### HISTORY

The site has an extensive site history as indicated below. Key in the assessment of this application is the inspectors decision in respective of the appeal against the Council's decision notice (E/08/0159) dated the of March 2009

Enforcement Notice (Ref No: E/08/0159) related to the fact that without Planning Permission, a number of works had been carried out namely:

- 1)The erection of a single storey rear extension (but as a fall back position the applicant could implement the planning permission granted on 2nd December, 2003 under reference 02/1346 by reducing it in height by 10cm and depth by 10cm).
- 2)The erection of a single storey rear conservatory.
- 3)The erection of a rear patio (part of which forms the base for the conservatory).
- 4)The erection of steps and balustrading leading down from the patio and conservatory into the rear garden.
- 5)The erection of a front porch extension.

6)The erection of boundary walls to the front of the premises.

7)The erection of a Satellite Dish to the rear of the premises.

Following an appeal in March 2009, the boundary walls to the front of the premises (but not the wall fronting the highway), the single storey rear extension (subject to a reduction in height) and the patio were all allowed, with the rest of the enforcement notice upheld.

The following steps were required by the Inspector to remedy the breach:

- Remove single storey rear extension (but as a fall back position the applicant could implement the planning permission granted on 2nd December, 2003 under reference 02/1346 by reducing it in height by 10cm and depth by 10cm).
- Remove the conservatory
- Remove the front porch extension
- Reduce the boundary walls and piers on the back edge of the footway at the premises to a height not exceeding 1m above ground level
- Remove the satellite dish to the rear of the premises
- Remove all debris, materials, waste and other items associated with the demolition carried out with the works

10/0058

Certificate of lawfulness for proposed front porch to dwellinghouse was received on the 22nd of January 2010 and is yet to be decided.

Enforcement notice (Ref No:E/06/026) for the erection of a side rear and front porch extension to dwellinghouse was allowed at appeal on the 23rd November 2007

04/0250

Full planning permission (Ref No:04/0250) for the erection of first-floor side extension to dwellinghouse was approved on the 26th August 2004

03/3245

Full planning permission (Ref No:03/3245) for the erection of a first-floor side extension to dwellinghouse was refused on the 31st of December 2003.

Full planning permission (Ref No:02/1346) for the erection of a single storey side and rear extension, and creation of basement level at rear to provide swimming-pool to dwellinghouse was Granted permission on the 2nd of September 2003

Certificate of Lawfulness (Ref No:02/2644) for the demolition of the garage and erection of a proposed rear and side dormer window and 2 front roof lights to the dwelling house was granted permission on the 5th of December 2002

Certificate of Lawfulness (Ref No:02/1961) for a proposed erection of rear and side dormer and front roof light to dwellinghouse was refused on the 19th of December 2002

Full planning permission (Ref No: 02/0971) for the erection of two-storey side and rear extension and side and rear dormer to dwellinghouse was withdrawn on the 22nd of July 2003

## **POLICY CONSIDERATIONS**

### **Unitary Development Plan 2004**

BE9 **Architectural Quality.** Seeks to ensure new buildings, alterations and extensions should embody a creative and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.

BE28 **Areas of Distinctive Residential Character.** Particular attention will be paid to the design height and space between buildings in order to protect their individual qualities and character.

### **Brent Supplementary Planning Guidance**

#### **SPG 5 "Altering and Extending Your Home" Adopted 31<sup>st</sup> October 2001**

Provides comprehensive and detailed design guidance for extensions to residential properties and seeks to raise the design quality of extensions, protect the character of properties and streets and balance the presumption in favour of development against the impact of proposals on the amenities of surrounding properties.

#### **CONSULTATION**

Neighbouring properties were consulted on the 8th of June 2009. The Local Authority has received two objections to date. One objector required clarification on the reduced height of the parapet and the description used to describe the proposed works. Other objections viewed the entire development to be unacceptable. Details were not provided

#### **REMARKS**

##### Context

Owing to the development being the subject of a dismissed appeal, the Inspectors decision and comments need to be taken into account with this application.

The proposed scheme seeks planning permission for:

- Demolition of conservatory at rear patio level;
- The increased height of patio (Increase of 0.07m);
- Retention of single storey rear extension with a reduced height; and
- Boundary fence between no.10 and no.12 Alverstone Road

These will be addressed in turn.

##### Removal of Conservatory

The existing conservatory is 5.2m in height, 8.3m wide and has a depth of 4.9m. The conservatory is built on to a rear extension and the overall depth of the extension and conservatory when measured from the back wall of the neighbouring house is 8m. Once the conservatory has been demolished, it will leave the extension with a depth of 3.1m.

The Inspector viewed the conservatory to be unacceptable by reason of having an oppressive impact on the outlook from the rear facing windows of No. 12 and therefore required its removal.

As such officers take no issue with the demolition proposed although it raises the issue of the boundary treatment (see below.)

##### Single storey rear and side rear extension

The inspector found the extension to be of an acceptable depth (3.1m as stated above) as it was only 0.1m deeper than that recommended in the Councils Supplementary Planning Guidance note 5: "Extending and Altering your home" (SPG5). It has a height of 4.8m (to the parapet) and spans the width of the original dwellinghouse. The Inspector found the width acceptable but viewed the height to be inappropriate. Therefore this application seeks to address the issue of the height of the extension.

It is proposed to reduce the height from 4.8m to 3.1m. This will bring it level with the height of the

garage at 8 Alverstone Road. SPG5 requires single storey rear extensions to normally be a maximum height of 3m. However owing to the sloping ground levels, the fact that the neighbouring property at 12 Alverstone Road has a built up patio adjacent to the extension and has an original rear projection in excess of 3m high and that it will now be level with the garage at 8 Alverstone Road, it will not have any impact on the neighbouring properties.

Furthermore there is a fall back position in that the extension was originally permitted under planning permission (02/1346). This application permitted the extension to be 3m in depth and 3m in height in accordance with SPG5. Therefore the Council has already accepted that this extension is acceptable and it can not be argued that an increase in height of only 10cm has an unacceptable impact on the neighbouring properties. Therefore your officers consider this proposal to be acceptable.

#### Raised Patio Level

The patio was granted planning permission on 3rd September, 2003 by committee under reference 02/1346. It is 0.78m high and spans a width of 8.3m.

The applicant now proposes to raise the level of the patio by 7cm (from 78cm to 85cm) to facilitate damp proofing to the basement below.

Given the increased height is only 7cm, officers are not of the view this increase will not cause significant detrimental harm to neighbouring properties and as such do not take issue with the matter. Furthermore, it will allow the Council to require the provision of boundary treatment to prevent overlooking on to the property at 12 Alverstone Road. This was not a requirement of planning permission 02/1346 and represents an improvement on what lawfully could be provided on site if this application is refused.

#### Boundary treatment

The demolition of the existing conservatory will result in an open patio (as mentioned above). If the patio is not appropriately screened matters of overlooking and privacy will arise. As such officers welcome the proposed installation of boundary treatment between No 10 and 12 Alverstone Road.

This application envisages the retention of the existing boundary wall between No 10 and No 12 and further seeks to erect a fence inside the existing low brick wall on top of the patio level.

Owing to the gradient of the natural ground, the proposed boundary treatment will vary in height. When measured from the patio of neighbouring property No 12, the boundary wall will be 2m high, the height then increases deeper into the garden to a maximum of 2.6m for the length of the patio. It then slopes down to a maximum height of 2m for the remainder of the garden. (I.e. 2m in height when measured from No: 10). You are able to erect a 2m high wall or fence without planning permission in this location. Therefore the only part that formerly requires planning permission is the 2.6m element on the patio. However it should be pointed out that whilst it measures 2.6m from 12 Alverstone Road, it is only 1.2m high when measured from the patio. It is to be installed on top of the patio and is set in behind the boundary wall.

As the fence is set in a little from the boundary and only 0.6m higher than that could be built without planning permission, your officers consider this to be acceptable. Furthermore if this fence were not to be provided, and the existing patio remains (as granted planning permission in September, 2003), a substantial amount of overlooking of 12 Alverstone Road would occur. Therefore it is important that this fence is provided as part of this application.

#### Conclusion

Members will be aware that the Enforcement Notice, which included the removal of the conservatory was due to be complied with by September 2009. This application was submitted in August 2009 and your officers have been in discussions with the applicants to achieve an acceptable scheme that addresses all the concerns. It is for this reason that Officers have held off



from enforcing the extant enforcement notice. Officers are sure members will be aware the demolition of the conservatory would have given rise to a detrimental impact at No 12 by reason of overlooking. As such it was considered appropriate to negotiate and to achieve a better solution. It is your officers view that this is now achieved in this application.

The matter of the porch is addressed in a separate application, yet to be decided by the Council, but the applicant has confirmed that he intends to remove the existing porch at the same time as building works are carried out at the rear. He then intends to built a new porch of a size which does not require planning permission.

To ensure the works envisaged in this application are carried out in a timely way officers suggest a condition requiring this scheme to be completed within 4 month of the date of this permission. Furthermore, an informative is recommended that works substantive should commence on this application within two months of the date of this permission. If substantive works have not been carried out within two months of this permission, officers should consider prosecution proceedings and/or direct action (using their delegated powers) to enforce the extant enforcement notice.

Your officers believe that the extensions carried out to the rear of the property are the maximum that should be permitted on to this average sized semi-detached property. Therefore it is suggested that a condition be placed on the application withdrawing permitted development rights to prevent any further two storey extensions being built under the revised permitted development rules. Therefore any further extensions would require planning permission.

Conditions are also suggested preventing the roof to be used as a roof terrace and preventing the use of the roof as a roof terrace.

Owing to the complete removal of the conservatory, the reduced height of the extension and the introduction of a boundary fence, officers consider the proposal to be acceptable and recommend that members approve the application subject to the attached conditions.

## **REASONS FOR 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 hereby permitted shall be carried out in accordance with the following approved drawings and/or documents:

9252-02-P6

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

- (2) No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class(es) A, B, C & E of Part 1 of the Town & Country Planning (General Permitted Development) (Amendment) (No2)(England) Order 2008, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s):

To prevent an over development of the site and undue loss of amenity to adjoining occupiers.

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

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

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

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

- (5) The development hereby approved shall be fully completed with the plans approved in this application within 4 months of the date of this permission.

Reason:

To ensure that the mitigation measures of the impact of the patio are carried out promptly to prevent loss of amenity to neighbouring occupiers.

#### **INFORMATIVES:**

- (1) The applicant is advised to commence works on the details contained within this application within two months and complete them within 4 months of the date of this decision. If the works are not commenced within two months of the date of this decision, further enforcement action will be taken. This will include prosecution proceedings and/or direct action by Council contractors to demolish the conservatory and extension at the applicants expense.

#### **REFERENCE DOCUMENTS:**

Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245



# Planning Committee Map

Site address: 10 Alverstone Road, London, NW2 5JT

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**Supplementary Information  
Planning Committee on 24 February,  
2010**

Item No.                   **11**  
Case No.                   09/1204

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Location       10 Alverstone Road, London, NW2 5JT  
Description    The demolition of conservatory at rear patio level, the increase height of patio (Increase of 0.07m), retention of single-storey rear extension with a reduced height, boundary treatment between no.10 and no.12 Alverstone Road, and introduction of boundary fence

**Agenda Page Number: 75**

For clarity one of the two formal objectors to this application and set out in the agenda report was Cllr Shaw. Cllr Shaw viewed the development to be out of character with the area and further found the development to cause a loss of light to neighbouring property No 12 Alverstone Road.

During the site visit on the 20th of February 2010, Members queried a number of other developments on the site that did not form part of this application. Therefore for information purposes only, officers will clarify these matters. These will be addressed in turn:

Outbuilding and forecourt

Both the outbuilding (Including the patio serving the outbuilding) and hardsurfaced front forecourt are more than 4 years old and therefore immune to enforcement action.

Officers had investigated the outbuilding in September of 2004 and viewed it to be permitted development. In 2004 the outbuilding (Including patio), occupied less than 50% of the curtilage of the property, was being used as a pool house and was less than 4m in height.

Rear dormer window

The rear dormer window was deemed lawful in 2002 by way of an approved proposed Certificate of Lawful development (Ref No: 02/2644)

Front boundary walls

During the dismissed appeal, the Inspector granted permission for the boundary walls fronting the highway but viewed the walls and piers running from the back edge of the footway to the house be unacceptable. These features have been altered and are now considered to be permitted development

Porch

By way of a Certificate of Lawful Development, the applicant has proposed to demolish the existing porch and construct a new porch. However owing to its height, the proposed porch is not seen to be lawful and planning permission would be required for it. This decision was made on the 23rd of February 2010.

Members are aware that there is a valid enforcement notice requiring the removal of the existing porch. Now that the certificate of lawfulness application has been refused and owing to concerns relating to slow implementation of enforcement action, officers suggest an additional informative relating to a time limit for action. This informative will require the porch to be demolished within one month from date of issue of this permission and the failure to do so would be likely to result in direct action.

Additional Informative

The applicant is advised that the existing porch must be removed within one month from date of issue of this decision notice and that failure to do so will result in direct action by the Local Authority

**Recommendation:** Remains recommended for approval with additional informative

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## Committee Report Planning Committee on 24 February, 2010

Case No. 09/2605

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**RECEIVED:** 30 December, 2009

**WARD:** Brondesbury Park

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

**LOCATION:** Tennis Courts, Chelmsford Square, London

**PROPOSAL:** Tarmac resurfacing of tennis courts, removal of existing fencing and erection of 3m high, replacement perimeter fence and gates

**APPLICANT:** Brent Parks Service

**CONTACT:** Ms Gerry Kiefer

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

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### RECOMMENDATION

Approval.

### EXISTING

The subject site is a gated tennis court located within the centre of Chelmsford Square. The site is surrounded by two storey semi-detached dwelling-houses. The subject site is not located within a conservation area but is within an Area of Distinctive Residential Character.

### PROPOSAL

Tarmac resurfacing of tennis courts, removal of existing fencing and erection of 3m high, replacement perimeter fence and gates.

### HISTORY

A planning application was submitted in 1959 for the change of use of tennis courts into residential. The application was refused and deferred at appeal.

### POLICY CONSIDERATIONS

#### Brent Unitary Development Plan 2004

**BE2** Townscape: Local Context & Character  
**BE4** Access for Disabled People  
**BE5** Urban Clarity & Safety  
**BE7** Public Realm: Streetscape  
**BE9** Architectural Quality  
**BE29** Areas of Distinctive Residential Character  
**OS10** Access to Sports Facilities

## **SUSTAINABILITY ASSESSMENT**

Not applicable.

## **CONSULTATION**

Consultation letters, dated 13th January 2010, were sent to 41 neighbouring owners/occupiers. One objection, three comments and two letters of support have been received in response. The following questions have been raised:

- What will happen to the existing hedge around the tennis courts? Will all the trees and hedges be maintained?
- What type of fence is proposed and where? The outer railings to the square should also be improved.
- What is proposed for the poor iron railings between the tennis court
- Will the gates to the tennis courts be locked?
- It is important that all three tennis courts are included in the refurbishment programme;
- How do people access the tennis courts from the road?
- What is planned for the lower court, the fencing needs to be kept to stop unauthorised use;
- Signs stating the use of the courts should be erected to prevent unsocial behaviour;

In consultation with the Council's Parks Service, no tennis courts or similar facilities, such as MUGA's are locked and therefore the tennis courts will continue to be unlocked at this site. Similarly, the Head of Sports Service states that although the matter of signage has been noted, hard surfaced courts are not signed as they feel that they would not serve to discourage anti-social activity.

Other matters raised above are discussed in detail below.

## **REMARKS**

The subject site consists of three subdivided blocks, each containing two tennis courts, located within the centre of Chelmsford Square and separated from the road by a shrub landscape buffer. The subject site is located within an Area of Distinctive Residential Character and therefore proposals should pay particular attention to the design, height and space between buildings. The proposal intends to redevelop two of the three blocks of tennis courts towards the southern end of Chelmsford Square, through replacement fencing, including access gates and resurfacing.

The Council welcomes the improvement of existing sports facilities and therefore the proposals are considered acceptable, in principle. The upper court is not subject to this planning application due to restriction of funds available, but the Sports Service would like to improve this block if resources become available.

### *Fencing*

The existing fencing surrounding the tennis courts is currently in a state of disrepair, the proposal intends to replace the existing 3.0m high fencing with either, chain link or weldmesh, 3.0m in height, both of which are found in settings such as this. The perimeter fencing will be set approximately 0.3m in from the original fence line due to the amount of shrub growth which has grown around the perimeter of the tennis blocks. The proposed siting of the perimeter fencing will not affect the size or play of the tennis courts.

Although, a specification of fencing has not been chosen, as this is subject to funding, it is clear that the proposed fencing will be open mesh metal and bars which will help improve the appearance of the tennis courts. A condition shall be attached for further details of fencing, to be submitted and approved prior to commencement of works. For the avoidance of doubt, either of the specified alternatives is considered acceptable to officers.



The existing perimeter fencing is intertwined by shrub growth surrounding the tennis blocks and therefore the fencing should be removed from the inside of the tennis courts. Although, the removal of the existing fencing may damage a proportion of the shrub growth this is required to update the existing tennis courts, if large proportions of shrubs are removed, their reinstatement will be requested through condition.

#### *Access gates*

The proposal intends to improve access into the tennis courts, five access gates will be incorporated within the proposed perimeter fencing. No design details have been supplied and as such, further details of the proposed gates will be requested through condition.

#### *Resurfacing*

The proposal includes the like for like resurfacing of the two blocks of tennis courts with tarmac, which will improve the appearance of the existing tennis courts and improve their usability encouraging more participation.

In summary, the proposal intends to improve the appearance and access into the existing tennis courts which is deemed acceptable in relation to policies: BE2; BE4; BE5; BE7; BE9; BE29 and OS10 of the UDP 2004, subject to further detail of fencing and gates to be submitted and approved in writing.

**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

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

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:

Appendix 8; Chelmsford Square Tennis Courts.

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

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

(a) Manufacturers specification of fencing;

(b) Siting of gates;

(c) Manufacturer specification of gates;

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

(4) Where existing planting is removed or damaged as a result of the proposal, all planting shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, in accordance with a scheme to be agreed with the Local Planning Authority. Once approved the details must be fully implemented.

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.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

- Brent Unitary Development Plan 2004
- One letter of objection;
- Two letters of comment;
- Two letters of support.

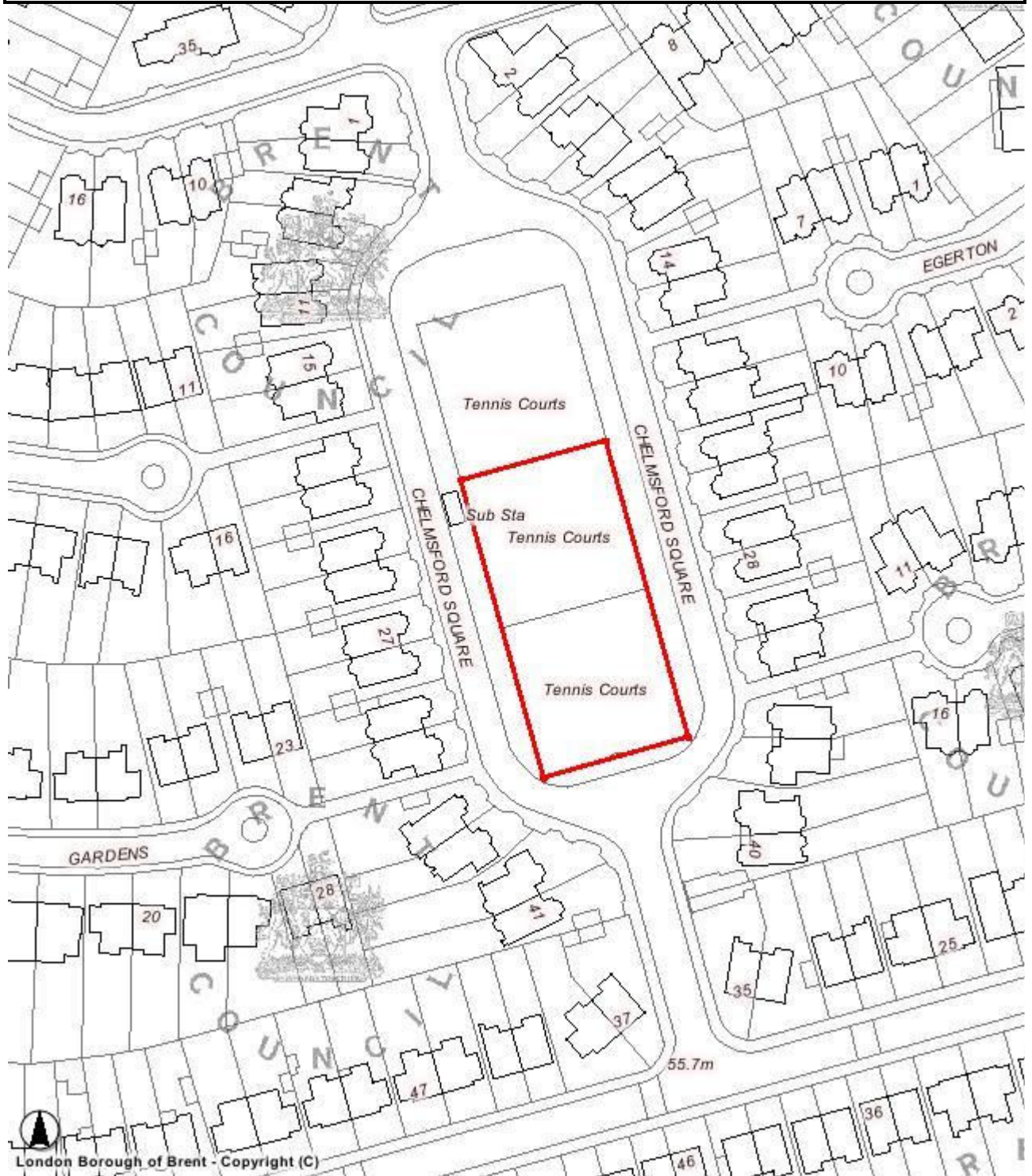
Any person wishing to inspect the above papers should contact Nicola Butterfield, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5239



# Planning Committee Map

Site address: Tennis Courts, Chelmsford Square, London

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**Supplementary Information  
Planning Committee on 24 February,  
2010**

Item No.                   **12**  
Case No.                   09/2605

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Location       Tennis Courts, Chelmsford Square, London  
Description    Tarmac resurfacing of tennis courts, removal of existing fencing and erection  
                  of 3m high, replacement perimeter fence and gates

**Agenda Page Number: 83**

**Points of clarification**

The upper tennis block does not form part of this planning application. Sports Service have noted that this block is currently in a worse state of repair than the two lower courts and the fencing that adjoins the middle and upper court will be replaced but the fencing on the three other sides will not be replaced at this point in time. The upper court will be left open for the collection of tennis balls but it is in no condition to play tennis.

**Additional comments**

Two further representations of support have been received. A further comment has been received from a resident noting that the proposals appear acceptable, but repeating their request that signage stating 'Tennis Only' be erected. Signage has been requested to prevent further damage of the tennis courts, as the public use the courts for other leisure activities, such as football, which also create additional noise in the neighbourhood.

This issue has already been addressed in the report. Although, it has been brought to the attention of Parks and Sports Service they state that the Council does not usually erect signage as they feel it does not discourage anti-social behaviour. Officers do not feel that there is a planning basis for asking for signage.

**Recommendation:** Remains approval.

DocSuppF

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## Committee Report

Planning Committee on 24 February, 2010

Case No.

09/2500

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**RECEIVED:** 27 November, 2009

**WARD:** Kilburn

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

**LOCATION:** South Kilburn Regeneration Roundabout Site, Carlton Vale, London, NW6

**PROPOSAL:** Demolition of garages adjacent to Bronte House and erection of two single to seven-storey blocks to provide 133 dwellings (comprising flats & maisonettes, including 75 affordable units) with associated landscaping and amenity space on roundabout adjoining Kilburn Park Road and Carlton Vale, NW6, including removal of pedestrian footbridge and stopping-up of western side of existing roundabout

**APPLICANT:** South Kilburn Partnership

**CONTACT:** Rick Mather Architects

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

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### 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:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Affordable Housing (56%)
- A contribution of £693,000 (£3k/£2.4k per additional private/AH bedroom), index-linked from the date of Committee, broken down as:

- £526,750 for Education, Sustainable Transportation and Open Space & Sports in the local area, due on Material Start, which may include but not be limited to works to children's play facilities in the local area.

- £166,250 (£1250 per unit) to be used for sustainability measures to enable the development to reach Code 4 and provide 17% of the sites energy use through renewable energy measures including connections to a Decentralised Energy Network, or retrofitting the proposed development or retrofitting surrounding properties to mitigate the energy impact of this development. Due 1 year after Material Start.

- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes Level 3 in addition to adhering to the

Demolition Protocol, with compensation should it not be delivered.

- Tree survey upon Material Start, 4:1 trees replacement prior to Occupation for any reduction in the number of Trees.
- Join and adhere to the Considerate Contractors scheme.
- Part Permit Free- Remove the rights of residents to apply for parking permits in accordance with a scheme to be agreed.
- Prior to occupation secure the provision of 1 Car Club cars adjoining or close to the site, accessible by all members of the car club 24 hours a day, 7 days a week, and should have reasonable mobile phone signal.
- Notwithstanding submitted draft Travel Plan, a framework Travel Plan shall be submitted and approved within three months of the commencement of works and a full Travel Plan shall be submitted and approved prior to first occupation.
- To notify “Brent In2 Work” of all job vacancies, including those during construction and operation of the building.
- To sign up Registered Social Landlords to the measures in the local employment/ training scheme.

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

## **EXISTING**

The subject site encompasses the existing roundabout, including the existing pedestrian footbridge, and adjacent land at the junction between Carlton Vale and Kilburn Park Road as well as the land towards the eastern side of Bronte House which is occupied by two single-storey garage blocks. The total area of the site is approximately 1.57ha. The site falls within the South Kilburn Regeneration Area.

Towards the east, the site adjoins the boundary between the London Borough of Brent and Westminster City Council which runs from north to south along Kilburn Park Road.

## **PROPOSAL**

Demolition of garages adjacent to Bronte House, removal of pedestrian footbridge and stopping-up of western side of existing roundabout adjoining Kilburn Park Road and Carlton Vale, NW6 to facilitate the erection of two single to seven-storey blocks comprising of 133 dwellings (including 75 affordable units) with associated landscaping, parking and amenity space.

## **HISTORY**

There is no history of previous planning applications on the site.

## **POLICY CONSIDERATIONS**

The following policy documents need to be taken into account in the assessment of this application:

- London Borough of Brent Unitary Development Plan 2004 (UDP)
- Supplementary Planning Document (SPD) for South Kilburn (Adopted April 2005).
- Supplementary Planning Guidance Note (SPG) 17 “Design Guide for New Development”
- Supplementary Planning Guidance Note (SPG) 19 “Sustainable Construction & Pollution Control”
- The Masterplan for the Regeneration of South Kilburn (2004)
- The London Plan (Consolidated with Alterations since 2004)

## **Brent Unitary Development Plan 2004**

The development plan for the purposes of S54A of the Town and Country Planning Act is the



Adopted Brent Unitary Development Plan 2004. Within that plan the following list of polices are considered to be the most pertinent to the application.

- STR 11 Which seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.
- STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.
- STR15 Major development should enhance the public realm, by creating or contributing to attractive and successful outdoor areas.
- STR20 Maximum reasonable proportion of affordable housing should be provided on sites over 10 units.
- BE1 Requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.
- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area.
- BE3 Proposals should have regard to the existing urban grain, development patterns and density in the layout of the development sites, and should be designed to ensure that spaces are satisfactorily enclosed by the built form; its layout is defined by pedestrian circulation; emphasis is placed upon prominent corner sites, entrance points etc; it respects the form of the street of which it is part by building to established frontages unless there is a clear urban design justification; connections are established where appropriate to open space.
- BE4 Access for disabled people.
- BE5 Development shall be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 High standards of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

- BE13 Particular regard will be had to the design and attractiveness of all development proposals in Areas of Low Townscape or Public Realm Quality (such as the majority of South Kilburn).
- H7 In the Major Estate Regeneration Areas, refurbishment and/or redevelopment is sought and supported, and should; demonstrate the full involvement of local residents; be according to the masterplan; involve the minimum loss of existing affordable housing; include a mix of house types and tenures; ensure through an overall landscape design framework; be exemplars in terms of their approach towards design, energy/renewables and water use, re-use of materials and measures to reduce the use of the car.
- H9 Requires a mix of family and non-family units on sites capable of accommodating 10 units or more, having regard to local circumstances and site characteristics.
- H12 Seeks to ensure that all residential development has a high quality layout, has an appropriate level of car parking and features housing facing onto streets.
- H13 The density of development is design led, where higher density developments are more appropriate in areas where there is very good public transport accessibility. Surrounding densities should be at least matched unless this would harm residential amenity.

TRN3 Environmental Impact of Traffic

TRN10 Walkable Environments

TRN23 Parking Standards – Residential Developments

TRN35 Transport Access for Disabled People and others with Mobility Difficulties

PS14 Car Parking Standards – Residential Development

PS15 Parking for Disabled People

PS16 Bicycle Parking

### **A Masterplan for the Regeneration of South Kilburn – Adopted July 2004**

South Kilburn New Deal for Communities (SKNDC) and the Council originally agreed a Masterplan for South Kilburn. The Masterplan proposals were intended to change South Kilburn from a monolithic housing estate back into four high quality neighbourhoods each with their own character and facilities:

- where people are proud to live, learn and work;
- which are safe, free from crime and the fear of crime; and
- which are sustainable and meet the needs of its diverse communities.

The Masterplan proposed 2,953 new homes for South Kilburn, 1534 of which would be replacement and 1,419 new private homes. All applications, including those for new residential units, should be determined in accordance with this Masterplan which sets out criteria for development which regard to sustainability, building heights, space standards, quality of architecture, amenity space and management.

As indicated above, the SPD essentially revolved around building over 1500 for sale units in order to cross subsidise the provision of over 1400 affordable homes. Members may be aware that the Council's chosen consortium was not able to deliver the comprehensive redevelopment package, given that Government offered only about half the financial support that was required in order to get the scheme underway. In response to this, the Council is now trying to get the first phase of the

development going on its own by developing sites within South Kilburn. This will hopefully allow enough units to decant other parts of the South Kilburn estate and make them ready for demolition and rebuild. The application site is a key part of that process.

The Masterplan is currently being reviewed in the light of the changed circumstances in South Kilburn and the Council is working with the selected Masterplanners to seek to bring it forward.

## **SUSTAINABILITY ASSESSMENT**

### **SUSTAINABILITY CHECKLIST**

The application is a Major Case proposing in excess of 10 residential units and consequently reference needs to be had to the Council's SPG19. As such, the applicant has completed the Council's Sustainability Checklist which, following review by the Council's Sustainability Officer, achieves a score of 51.5%. The proposal is therefore in excess of the Council's required score of 50% and the development would be likely to achieve a 'Very Positive' rating. The proposed development benefits from extensive areas of green roof (approx 450m<sup>2</sup>) and the incorporation of sustainable materials such as reclaimed structural steel and timber. The sustainability checklist score should be secured by way of a s106 legal agreement to ensure that the development would realise the predicted sustainability benefits of the proposal.

### **CODE FOR SUSTAINABLE HOMES**

The applicant has supplied a Code For Sustainable Homes (CSH) pre-assessment that indicates the proposed development will achieve a score of 64.33% at the time it is constructed. This score exceeds the threshold score of 57% required to achieve level 3 of the CSH. This level of compliance would satisfy the Council's requirements and will be secured by way of a s106 legal agreement. It is intended that the proposed development would eventually connect to the proposed combined heat and power network (CHP) for the South Kilburn Area. This would result in the proposed development achieving level 4 of the CSH.

### **ENERGY ASSESSMENT**

The London Plan adopts a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation unless it can be demonstrated that such provision is not feasible. In pursuance of this target the proposed development would incorporate 166 photovoltaic panels covering an area of approximately 486m<sup>2</sup>. However, this would only result in 6% reduction in carbon dioxide emissions.

As stated in the s106 details section of this report, Officers are seeking to secure a contribution of £166,250 to be used primarily towards the proposed district wide energy centre. Once the proposed development is connected to the district energy centre the overall reduction in carbon dioxide emissions, as a result of renewable energy generation, would be significantly increased. On balance, it is considered that the proposed steps to be taken to reduce the site's carbon dioxide emissions offer the most reasonable solution for the site.

### **ENVIRONMENTAL IMPACT ASSESSMENT**

The Council has produced a Screening Opinion to determine whether the proposed development of the roundabout site would require an Environmental Impact Assessment (EIA) before development consent can be given. An EIA is usually required where development is likely to have a significant effect on the environment. The Council has considered whether the development is of more than local importance, in an environmentally sensitive or vulnerable location, or whether it produces complex or hazardous environmental effects. The conclusion of a Screening Opinion, completed before the application was submitted in Autumn 2009, is that the scheme does not warrant EIA. The Council also has to consider the cumulative impacts of both built and approved development and, since the original Screening Opinion, the Council is now minded to approve

applications for development at both Albert Road (Marshall House) and Gordon House. Even with these and other approved and built schemes the Council is still of the opinion that the application site (with other proposed development) is not so significant as to warrant an EIA. The Council intends to bring forward further development within the South Kilburn area but these potential developments are not certain as they rely on sites like the application site being approved and developed so that they can act as decant sites for existing tenants in other blocks. Future schemes also rely on favourable housing market conditions and Homes and Communities Agency (HCA) grant assistance. If any future site or sites come forward the Council will reassess the cumulative impacts and determine whether they are significant enough to then trigger the requirement of an EIA.

## **DRAINAGE & FLOODING**

The entirety of the subject site is located within a Flood Risk Zone 1 area where there is a low probability of flooding due to its proximity to any waterway. However, given the extent of the development it is important that to ensure that adequate measures are put in place to prevent the occurrence of flash flooding as a result of insufficient capacity to deal with surface water run off. The proposed development meets the threshold which would require the undertaking of a Flood Risk Assessment (FRA) which has been submitted by the applicant.

The London Plan requires that developments reduce surface water runoff by 50%. The submitted FRA has been inspected by the Environment Agency (EA) who raised initial concerns that the proposed Sustainable Urban Drainage System (SUDS) would not have adequate capacity to provide the level of surface water attenuation required to meet the target. The applicant has discussed this matter with the EA and agreed to increase the capacity of the SUDS accordingly. A revised FRA has now been submitted to the Local Planning Authority, a copy of which has been sent to the EA for their comments. The Local Authority await the formal response of the EA and this will be reported to Members in a supplementary report

## **CONSULTATION PUBLIC CONSULTATION**

The application has been subject to widespread consultation. A total of 2739 consultation letters have been sent to local residents. This consists of 1366, dated 17th December 2009, sent to Brent residents and 1373, dated 22nd December 2009, sent to Westminster residents. Given the timing of the application, the statutory consultation period was extended from the standard 21 days to a period of 35 days to take account of the festive period.

In addition, the proposal was advertised as being "Of Public Interest" by means of Press, and Site, Notices on 17th December and 18th December 2009 respectively.

In response to this consultation exercise, 30 letters of objection and one petition, containing 51 names, against the proposal have been received. Four letters of support and one letter with general comments have also been received. The content of the representations has been summarised below.

### **PETITION OF OBJECTION**

Raises a general objection to the proposal. No specific issues seem to be identified although there is some reference to the impact on the health of residents and alternative forms of development.

### **LETTERS OF OBJECTION**

- The development will result in the loss of existing trees and open space. This will harm the environment and the visual amenity of the surrounding area.

- The existing roundabout site provides a natural buffer between the housing zones, breaking up the mass of tarmac and concrete.
- The development will harm the daylight available to neighbouring residents, particularly to basement flats along Kilburn Park Road.
- The development would harm existing views from the properties along Kilburn Park Road.
- The proposed development would harm the privacy of Kilburn Park Road residents.
- The design of the building would be totally out of keeping with the Victorian terrace along Kilburn Park Road.
- The proposed glass balcony would be used for drying clothes and/or for storage giving the development an unsightly appearance.
- There is a lack of any guarantee that if permission is granted for the proposed development that the existing tower blocks (Bronte & Fielding) will be demolished.
- The proposed changes to the junction layout between Carlton Vale and Kilburn Park Road will reduce highway safety, increase the volume of traffic and the speed of vehicles.
- The new traffic layout would alter the flow of vehicles, resulting in more stopping and starting which would increase noise and vibration disturbance. The current greenspace absorbs noise and the new proposal would create an echo effect. The increase in traffic would increase pollution levels.
- There are concerns that frustrated drivers waiting at the proposed junction will use Cambridge Road as shortcut between Carlton Vale and Kilburn High Road.
- The number of units to be provided would only be enough to house a small number of families in the two tower blocks (Bronte & Fielding).
- The proposed development would harm the value of properties along Kilburn Park Road.
- The works to demolish the existing garages would affect Bronte residents in terms of noise, smell and dust. The demolition would also reduce parking provision for Bronte residents.
- Increase of population levels in an already crowded area will only detract from the quality of life for local residents. Building more dwellings increases the existing pressure on traffic, schools, parking and local amenities.
- The proposed development provides insufficient parking for potential residents which would result in the streets around the site becoming overcrowded.
- The proposed development, as a result of increase pollution, dust and loss of light, would harm the health of neighbouring residents.

One letter was received from a Brent resident raising a number of concerns regarding the decant process and the management of the proposed development. These concerns have been directed to the South Kilburn Housing Project Team who have provided a direct response to the issues raised.

#### LETTERS OF SUPPORT

- The proposed development would provide better homes for residents of Bronte and Fielding.
- The proposed development would be a better use of the existing space.
- The removal of the roundabout will improve pedestrian safety.

#### INTERNAL CONSULTATION

##### TRANSPORTATION UNIT

No objection subject to s106 agreement securing the highway works, a financial contribution towards non-car access improvements within the vicinity and a partial permit-free agreement.

##### LANDSCAPE DESIGN TEAM

No objection to the planning application subject to conditions requiring the submission of further details of landscaping proposals for the site.

##### TREE PROTECTION OFFICER

Whilst the Council Tree Protection Officer has expressed some regret at the loss of the existing

trees on the site no objection has been raised provided that the proposed level of replacement tree planting is secured by condition and carried out prior to occupation of the development.

#### URBAN DESIGN TEAM

Has indicated support for the application.

#### SUSTAINABILITY OFFICER

No objection to the application (see detailed assessment above)

#### STREETCARE

Have stated that they are satisfied with the proposed arrangements for the storage and collection of refuse/recycling.

### **STANDARD CONSULTEES**

#### WESTMINSTER CITY COUNCIL

Have raised the following objections to the application.

- Loss of daylight and sunlight to residents along Kilburn Park Road
- Inadequate assessment of the ability of the proposed junction to cope with the additional traffic generated by the proposed development and overall Masterplan.
- A mechanism should be secured to ensure that the Masterplan is carried out in its entirety.
- A construction management plan should be submitted to indicate what mitigation measures will be undertaken to reduce the exposure of the current residents to noise and air pollution.
- The loss of the trees and open space would harm the character and appearance of the surrounding area and would harm the visual amenity of residents.
- The proposed landscaping scheme would be insufficient to mitigate the loss of the existing green space and trees.
- Westminster City Council consider that the application should be subject to an Environmental Impact Assessment (EIA).
- The proposed development would provide insufficient on-site car parking which would cause increased pressure for on-street car parking.
- The detailed design and scale of the proposed development would fail to respect the prevailing scale of surrounding buildings.
- Concerns that there is insufficient capacity in the sewer network in the vicinity of the site which could give rise to flooding.

#### THAMES WATER

No objection to the planning application subject to informatives.

#### ENVIRONMENT AGENCY

Raised concerns regarding the initial proposals which have now been addressed. Awaiting formal confirmation of revised response which will be reported as supplementary.

#### TRANSPORT FOR LONDON

Awaiting formal response. Will be reported as supplementary.

### **APPLICANT CONSULTATION EVENTS**

A Statement of Community Involvement has been submitted as part of the application which provides details of three public consultation events organised by the applicants. These include a Design Consultation Event intended for Bronte and Fielding residents, an On Site Consultation Event for Westminster residents and a public meeting targeted at both Brent and Westminster residents and Councillors. All of the information available at these events was also put on public display in the Local Housing Office and on the South Kilburn Partnership website.

### **REMARKS**

## **APPLICATION BACKGROUND**

Members will be aware about the ongoing attempts on behalf of the Council to regenerate the South Kilburn Estate. As mentioned elsewhere in this report, the New Deals for Communities (NDC) programme is no longer in existence and an alternative approach to regeneration is being progressed by the Council. An update is provided below, by way of background.

### **SOUTH KILBURN PLANNING CONTEXT**

The original South Kilburn Masterplan SPD was adopted in 2005, based on a strategy of comprehensive redevelopment of 1400 dwellings, subsidised by the delivery of 1500 private dwellings. The Council appointed a consortium of housing organisations, which included Hyde Housing, Bellway and Taylor Wimpey, to redevelop South Kilburn. The business case was predicated on the consortium running the whole redevelopment from start to finish.

In 2007 the Council submitted a bid to Central Government for £100m to fund the project, but was awarded only £50m. This lack of funding, coupled with the impact of the housing recession in recent months has meant the Consortium is no longer able to deliver the regenerative development programme. As a result, the Council itself has been looking to kick-start the regeneration programme in South Kilburn. The Council is now looking at how individual sites can come forward for development and how best to take advantage of funding opportunities in the short term. Development is likely to be with a number of different partners with a wide range of different funding opportunities, but the key objective is delivery, and this hiatus in delivery has proposed an opportunity to update the Masterplan.

The Council is currently working on the bringing forward four sites, including the subject site, for development which will provide 362 new dwellings, 73% of which will be affordable (266 dwellings). They will decant and allocate residents from Bronte House and Fielding House into the four sites once they are built, allowing for the re-development of Bronte and Fielding within the next phase. The blocks currently being brought forward for development are to be built to a higher standard than those normally developed by Housing Associations; this is to encourage future private investment in the area.

### **A NEW MASTERPLAN FOR SOUTH KILBURN**

The Council, in partnership with PRP Architects, is in the process of preparing an updated Masterplan for the South Kilburn regeneration area. In recent months, the Council's priority has been to try to secure funding for the redevelopment of the four sites; now that the initial site development work is nearly complete, the priority will be on the development and progression of the new Masterplan. The new Masterplan will essentially be an update on the funding strategy underpinning the 2005 Masterplan, although a number of other changes are also proposed. It is expected the Masterplan SPD will be adopted in spring/ summer 2010. Other proposed changes to the Masterplan include: the redevelopment of fewer homes reduced from 2,953 (1,534 replacement affordable and 1,419 private) to 2,400; provision of a new larger park on the current site of Kilburn Park Junior School with the possible re-provision, expansion and consolidation of the Kilburn Park Junior School and Carlton Vale Junior School; lower building heights; more flexible unit sizes; a reduction in housing density; a flexible approach to unit mix with more affordable units at the beginning of the project; higher environmental standards and some updates relating to parking and transportation.

### **ZONE 3C - CARLTON VALE ROUNDABOUT**

Specific reference (pg.48) is made to the Carlton Vale Roundabout within the South Kilburn SPD.

"Carlton Vale roundabout does not cater for significant volumes of traffic and acts primarily as circulation space for vehicles. The footbridge over Carlton Vale is under utilised and unsuitable for

disabled access. The Council will require the replacement of this roundabout and the existing above ground pedestrian crossing facilities with a four-arm traffic signal junction between Carlton Vale and Kilburn Park Road, including new street level pedestrian crossing(s) with signals that ensure safe and convenient crossing opportunities for pedestrians and the continued efficient operation of the road traffic, bus priority measures and cycle facilities. This proposal is more compatible with the urban character of the area and will have the additional benefit of releasing significant space for development."

It is considered that the general principle of a residential development on the site, involving the stopping up of the existing roundabout and the removal of the pedestrian footbridge, would be in accordance with the objectives of the adopted SPD.

## **FUTURE DEVELOPMENT**

The Council has approved the redevelopment of the Texaco site on Carlton Vale and is minded to approve developments on Gordon House and Albert Road subject to completion of S106 planning obligations. This, and the proposed development of the roundabout, will provide sufficient new homes to decant and demolish Bronte and Fielding Houses, the two 18 storey 'Bison' blocks immediately to the south of the application site, along Kilburn Park Road.

A report will be submitted to the Council's Executive Committee on the 15th February 2010 seeking finance to demolish the two 'Bison' blocks. The demolition of these two blocks will in turn provide opportunities for further redevelopment which in turn can provide the further decant capacity required for future phases of the South Kilburn development. In 2010, the Council are likely to bring forward proposals for a number of further sites in the area that make up phase 1 of the redevelopment proposals but this is contingent on a number of factors, one of which is securing sufficient decant sites. The availability of Homes and Community Agency (HCA) funding and improvement in the housing market will also be important factors in securing the pace of change that many local residents yearn.

Despite the genuine aspirations of the Council, it is clear that the successful regeneration of the South Kilburn area will rely of a number of factors, some of which will be beyond the control of the Local Authority and cannot be guaranteed. In view of this fact, whilst Officers consider the potential wider benefits of the Masterplan, including the demolition of the existing Bison blocks, to be a material planning consideration, the current proposals should be assessed largely on the basis of their own merits. For clarification, in event that the Bison blocks were not proposed to be demolished Officers consider that, on balance, the proposed scheme would still be acceptable.

## **HOUSING ISSUES**

### **AFFORDABLE HOUSING**

The proposed development would create 133 dwellings, of which 75 (56%) would be affordable. Policy STR20 of the UDP requires that housing developments capable of providing 10 or more units should provide the maximum reasonable proportion of affordable housing on site. The London Plan seeks to achieve a minimum of 50% affordable housing on sites of this nature. UDP policies and the London Plan strategy are elaborated in respective Supplementary Planning Guidance, but it is clear that a housing scheme proposing this level of affordable units on this site is acceptable in policy terms.

The affordable dwellings will be 100% social rented as the decanting needs of the existing tenants occupying Bronte House and Fielding House indicate little demand for intermediate housing.

### **UNIT MIX**

The proposed development would consist of the following unit mix.



Property Size	Affordable	Private	Total
1 bed	14 (10.5%)	28 (21.1%)	42 (31.6%)
2 bed (3 person w/c)	6 (4.5%)	0	6 (4.5%)
2 bed (4 person)	24(18%)	27(20.3%)	51 (38.3%)
3 bed	23 (17.3%)	3 (2.2%)	26 (19.5%)
4 bed	8 (6%)	0	8 (6%)

The proposal is considered to respond to both the housing need arising from the decant of Bronte House and Fielding House residents as well as Brent's wider housing needs, including the desire for larger family sized units. 25.5% of all new dwellings (34 in total) will have 3 bedrooms or more and most of these units (31 in total) will provide affordable housing.

## UNIT SIZE

Members will be aware that the original South Kilburn SPD sought larger flat sizes in order to compensate for the proposed higher overall densities in the area. The internal space standards for new residential properties set down in the South Kilburn SPD exceed those in the Council's own SPG17 "Design Guide for New Development". The table below compares the unit sizes within the proposed development in comparison to the standards set out in the SPD and SPG17.

Property Size	Proposal (m <sup>2</sup> )	South Kilburn SPD (m <sup>2</sup> )	SPG17 (m <sup>2</sup> )
1-bed	52	53	45
2-bed (3 person)	77	80	55
2-bed (4 person)	77	80	65/75 (flat/maisonette)
3-bed	98	98	80/82 (flat/maisonette)
4-bed	120	120	105

All of the proposed units would comfortably exceed the minimum standards set out in SPG17. In terms of the standards set out in the SPD the proposed one-bedroom and two-bedroom units would fail to meet the guidance by 1m<sup>2</sup> and 3m<sup>2</sup>, respectively. Whilst acknowledging this marginal failure to comply with the standards originally set out in the SPD, it is considered that this shortfall should be assessed within the context that the wider regeneration proposals for South Kilburn have evolved, and continue to evolve, as described above. Full compliance with SPG17 has been achieved and 25.5% of the proposed units fully realise the aspirations of the SPD. As such, being mindful of the financial realities of the scheme, it is considered that a degree of flexibility should be adopted when assessing the internal unit sizes and that the units sizes proposed would, on balance, be sufficient to ensure a satisfactory standard of accommodation for potential occupiers.

## URBAN DESIGN

The area surrounding the subject site is lacking in unified character, consisting of a variety of building types and design including the 18 Storey 'Bison' blocks towards the south, the relatively modern two to four storey PCHA development towards the west and the four storey Victorian Terrace along Kilburn Park Road to the east. The townscape of the surrounding area, with the exception of the Victorian terrace along Kilburn Park Road, is generally poor with many of the residential blocks having a oppressive and unwelcoming appearance. The roundabout junction itself, whilst providing some visual relief by way of urban greening, is a dominant feature with wide expanses of highway which unnecessarily prioritise vehicular movements and fail to provide attractive and legible environment for pedestrians.

## LAYOUT & ACCESS

The proposed development would involve the erection of two residential blocks, referred to as the V-Block and the L-Block due to the general form of their footprint, which would be generally arranged around the proposed communal gardens and separated by a new public route running north to south through the site. The site layout has been significantly influenced by the fact that there is a storm relief sewer running from north to south under the site which cannot be built over.

The layout of the proposed blocks, and particularly the L-block, have been designed to reinforce the layout of the new junction and define the perimeter of the site. This layout is considered appropriate as it would help to establish the streetscene around the site whilst enclosing the sites communal gardens from the traffic on surrounding roads and maintaining good levels of natural surveillance. The layout of the V-block, towards the rear, has, in part been derived from ensuring that its relationship with the nearby PCHA development complies with SPG17 standards.

Access through the site is generally provided by the formation of shared surface running from north to south, which will be predominantly used by pedestrians although it will also provide vehicular access to the secured car-park on the ground floor of V-block. The South Kilburn Masterplan envisaged the formation of a green route running south from Kilburn High Road to Gordon House towards the northern end of Malvern Road and this new public shared surface would form part of that route. The northern end of the shared surface will be blocked to vehicular movements by the installation of bollard's. Vehicular access to the site would be provided by a new access road formed off the western side of Kilburn Park Road. This access road would connect to the shared surface but would also provide access to the external parking areas. The current proposal envisages this access road in the form of a cul-de-sac although there may be potential to connect to Cambridge Road (south) in the future. For the avoidance of doubt, the current application does not propose this connection. Access to the flats is generally good with controlled communal entrances to most cores providing access both into and out of the site as well as a number of ground floor units having their own private access.

## SCALE & MASSING

The proposed L-block would generally be 5-storeys in height along the length of Kilburn Park Road before increasing to six and then seven storeys as the building turns the corner at the junction with Carlton Vale. The height of L-block along Kilburn Park Road has been designed to respect the scale of the existing Victorian Terrace opposite. Measured from street level the proposed development would be approximately 2.5m taller than the existing terrace opposite. However, the top floor of the proposed development would be set back from the floor below and the parapet created by this arrangement would match the height of the terrace opposite. Given the set back of the top floor and the fact that along Kilburn Park Road the proposed development would be separated by the width of the road, approximately 22m, from the existing terrace it is considered that, on balance, the scale of the proposed development along Kilburn Park Road would be appropriate in design terms.

As discussed above, the proposed L-block would increase in height as the building turns the corner into Carlton Vale. This transition to seven-storeys along Carlton Vale increases the height of the L-Block to match the height of the V-block along this frontage. The relationship between the proposed development and the sites to the north of Carlton Vale is generally more spacious than the relationship along Kilburn Park Road and this increase in overall scale to seven-storeys is considered to be comfortably accommodated within the streetscene. Towards the rear of the V-block the building steps down incrementally to single-storey which would ensure that the scale of the building would respect the nearby PCHA development.

## ELEVATIONAL DESIGN

The facade of the proposed development would be unashamedly modern which within the context of the surrounding area is considered appropriate. The elevations are generally well considered

incorporating elements of vertical emphasis which help establish an appropriate rhythm within streetscene and reduce the perceived scale of the buildings. The elevations are also treated with well proportioned windows and balconies which would add visual interest.

In terms of materials, the block will be predominately finished externally with buff brickwork. Zinc cladding will be used on the top floor of the L-block along Kilburn Park Road and windows will have aluminium frames to match the colour of the zinc. The balconies will be enclosed using glazed screening. In general, the materials proposed would respect the context and character of the surrounding area. However, to ensure sufficient quality a condition should be attached to any permission requiring the submission of samples for approval.

## **SECURED BY DESIGN**

South Kilburn is currently a high crime area and therefore regard for the principles of Secured by Design are of particular importance. The applicant has liaised with the Metropolitan Police to ensure that the development would make a positive contribution towards reducing crime in the surrounding area. The buildings have been designed with regard maintaining adequate sight lines and natural surveillance. Communal entrances will be secured with access controls and sufficient lighting will be maintained throughout the development.

## **OPEN SPACE**

The existing roundabout consists of one large circular island and two smaller triangular islands which are mainly grassed with some hardstanding. There are approximately 50 early mature trees planted across the site. None of the existing trees are subject to a Tree Preservation Order (TPO). There are no formalised pedestrian crossings to the island nor any formalised pedestrian routes across them. As such the existing spaces are not considered to be suitable for, and tend not to be actively used by members of the public as, amenity areas. As such, the loss of the existing roundabout is not considered detrimental to public open space provision in the surrounding area. Whilst it is acknowledged that within the context of the existing site that the grassed areas and trees help to soften the hard appearance of the roundabout junction, it is considered that the proposed development would generally enhance the townscape of the surrounding area, provided an appropriate landscaping scheme can be secured (discussed below).

## **TREES**

The proposed development will require the removal of all of the existing trees on the site which is unfortunate within the context of the existing site. However, the planting of replacement trees will be an integral part of the proposed development, and the wider regeneration of South Kilburn, and it is envisaged that in total for every tree removed that four replacements will be planted. However, it is unlikely that achieving this target would always be practical on a site by site basis as some parts of the masterplan area will be more or less suited to extensive tree planting. It is proposed that 103 new trees will be planted within the curtilage of the subject site which would provide a replacement ratio of two to one. These replacement trees would be planted both within the gardens of the site and along the street frontages, particularly along Kilburn Park Road where 15 new street trees would be planted. The proposed street trees will consist of a variety of species selected to ensure that, as they mature, they will be substantial enough to suitably soften the appearance of the development along Kilburn Park Road without causing an unreasonable loss of light to potential occupiers. The Council's Tree Protection Officer has recommended that the proposed tree planting should be subject to a condition requiring further details of species, siting and maintenance and to secure the planting prior to the occupation of the proposed development. It is considered that, on balance, the level of tree planting proposed would provide adequate compensation for the loss of the existing trees on the site.

## AMENITY SPACE & CHILDREN'S PLAY AREA

The proposed development would be generally set around a large communal garden with an area of 1213m<sup>2</sup>, consisting of a children's play area, hard play area and general soft landscaping areas. A generous communal terrace of 341m<sup>2</sup> would also be provided on the first floor of V-Block. Private amenity space is provided for occupiers of the proposed development by way of private gardens, terraces and balconies which increases the overall amenity provision to an area of 3921m<sup>2</sup>. The guidance set out in SPG17 would require a total provision of 3680m<sup>2</sup> (99x20m<sup>2</sup> + 34x50m<sup>2</sup>) of amenity space for the proposed development which is satisfied.

The formalised children's play areas would include areas with equipment and hard surfacing for free play and would have a total area of 327m<sup>2</sup>. Further details of the proposed play area should be required by way of condition.

The development shows a proposal that would allow sufficient space to provide a range of useful, useable outside amenity areas to meet the likely differing demands of future residents. The development would afford future residents a satisfactory standard of amenity.

## RESIDENTIAL AMENITY

There are a number of residential properties within the area surrounding the subject site. However, given their proximity and orientation in relation to the proposed blocks, it is considered that the properties most likely to be directly affected by the proposal, in terms of residential amenity, include the existing 3-storey plus basement Victorian terraced properties, located opposite the proposed L-block along the eastern side of Kilburn Park Road, and the eastern end of the part two. part four storey PCHA development, located towards the south-west of the V-Block on the southern side of Carlton Vale. It is also important to consider, in terms of residential amenity, the arrangement of each block and their physical relationship to one another.

## DAYLIGHT/SUNLIGHT & OUTLOOK

The applicant has provided a daylight assessment report which examines both daylight levels to the proposed development and the impact of the proposed development on daylight levels to neighbouring occupiers. The assessment methodology is based on the Building Research Establishment (BRE) guidelines on "Site Layout Planning for Daylight & Sunlight" which are summarised as follows.

- If the Vertical Sky Component (VSC) at the centre of a window is 27% or greater then the window is likely to enjoy adequate daylight.
- If the VSC is less than 27% but the overall reduction in VSC from its previous level is less than 20% then it is also considered that adequate daylighting would occur.
- If VSC is less than 27% and the reduction in VSC from the previous level is greater than 20% then adequate daylight may not be available. However, this should be confirmed through a more detailed assessment of the Average Daylight Factor (ADF). Where necessary, an assessment of the ADF has been carried out for daylight to the proposed development. An ADF assessment has not been carried out to neighbouring properties as this requires detailed information about the geometry of windows and room types, sizes and layouts.

It is important to note that since the daylight assessment was carried out the proposed L-Block has been moved approximately 1m towards the west, away from the existing properties along Kilburn Park Road (as indicated in drg no. 537\_SK036).

In terms of daylight to the proposed development, the report concludes that only one living room/kitchen, served by a first floor window within the eastern elevation of the V-block, would fail to comply with the daylight requirements. Given that this issue only affects one room within the entire development and that the other rooms to this dwelling would have adequate daylight that, on balance, the overall daylight levels to the proposed development should be considered acceptable.

All of the habitable room windows would have an adequate form of outlook either into, or out of, the subject site.

In terms of the impact of the proposed development on the daylight of neighbouring occupiers, the assessment identifies two areas, one to the north-east corner of the PCHA development, located towards the south-west of the V-block, and one to the terraced properties at the northern end of Kilburn Park Road, where a VSC of less than 27% and an overall reduction greater than 20% may occur.

The impact on the north-eastern corner of the PCHA development is considered acceptable as any loss of light would occur below a height of 1m which would not normally affect light to windows. Furthermore, this part of the building is treated with large full height dual aspect windows which would ensure satisfactory daylighting for occupiers. The orientation of the V-block in relation to the PCHA development means that, whilst the closest corner of the single storey element to V-block would be approximately 7.5m from corner of the dual windows on the north-east corner of the PCHA development, a direct outlook of approximately 13m-19m would be maintained in each direction.

The frontage of the terraced properties at the northern end of Kilburn Park Road would be partial subjected to VSC values of between 25.6 - 26.9%, just below the minimum standard of 27%. However, as noted above, since undertaking the daylight assessment the L-block frontage, facing Kilburn Park Road, has been set back by a further 1m. Whilst, it is acknowledged that in the affected areas the likely reduction in daylight would still be noticeable, setting back the building further from the Kilburn Park Road frontage would help alleviate this impact and, on balance, it is likely that minimum daylight levels, in accordance with BRE guidelines, would be achieved. The applicant has indicated that they intend to confirm this will be the case by submitting a further daylight assessment, which takes account of the set back. The outcome of this further assessment will be reported to Members in a supplementary report. The frontage of the properties along Kilburn Park Road and the frontage of the proposed building would be separated by a gap of between 22m and 24m. This is considered sufficient to preserve adequate outlook from the front windows of the Kilburn Park Road properties. As Members will be aware, a right to any particular view is not normally a material planning consideration.

## PRIVACY

As discussed above, the frontage of flats within the proposed L-block would be in excess of 20m from the frontage of the properties along Kilburn Park Road which is considered sufficient to ensure that adequate privacy is preserved for occupiers of both sets of properties.

The south-west corner of the first floor roof terrace to the proposed V-block would be approximately 7.5m from corner of the dual windows on the north-east corner of the PCHA development which if left untreated could give rise to a loss of privacy to occupiers of the PCHA development. However, it is considered that there is scope to introduce a suitable screening arrangement to this corner of the terrace which would preserve the privacy of neighbouring occupiers. It is considered that this detail can be secured by condition. In all other respects the relationship between the proposed development and the existing PCHA development would comply with the guidance contained in SPG17.

In terms of the relationship between the two proposed blocks it is noted that in general the window-to-window and window-to-balcony distances would comply with the guidance contained in SPG17. The closest point of separation between the two buildings occurs towards the north of the site where the eastern elevation of the V-block and the western elevation of the L-block are approximately 11.5m apart. However, whilst in this location the V-block units have a number of habitable room windows and balconies orientated towards the east (towards the flank of L-Block), the units within L-block have windows and balconies orientated towards the north and south. Provided that the western flanks of the L-block windows and balconies are suitably treated with

obscured glazing and screening then adequate privacy between the proposed units would be maintained.

## **NOISE AND VIBRATION**

The applicants have submitted an Acoustic Impact Assessment as part of the current planning application. The purpose of this assessment is to investigate the potential increase of noise and vibration levels at the facades of buildings on Carlton Vale and Kilburn Park Road as a result of the proposed development and changes to the highway layout. The assessment uses acoustic modelling to provide a comparison between the existing noise levels and the predicted levels following the road changes only and the proposed development and road changes combined.

The assessment concludes that the predicted increase in noise levels at buildings neighbouring the proposed development would be negligible (712 dwellings) or minor (218 dwellings) under the rating system of the Highways Agency Design Manual for Roads and Bridges. The assessment also notes that a number of properties are predicted to experience a moderate (72 dwellings) or major (52 dwellings) reduction in noise levels under the same rating system. In terms of vibration, the assessment concludes that as only a small increase in traffic flow would be predicted that existing vibration levels are unlikely to be significantly changed.

In terms of construction works, it is acknowledged that a temporary increase in noise and vibration is often an inevitable consequence of any significant building work. However, it is important that these impacts are mitigated to ensure that any disturbance is kept to a minimum. As such, it is considered that any permission should be subject to the submission of and compliance with a Construction Method Statement to be secured by way of condition. It is also recommended that permission should be subject to a s106 requirement to join and adhere to the Considerate Contractors scheme.

## **TRANSPORTATION**

### **HIGHWAY WORKS**

The proposed development involves significant alterations to the existing layout of the highway, which generally consists of a roundabout with a signalised junction towards the north-east at the junction of Carlton Vale and Kilburn Park Road. The proposed development would involve the stopping up of the existing roundabout and the remodelling of the existing signalised junction to maintain traffic flows in four directions. The applicant has provided Transport Assessment as part of the planning application which examines the likely impact of the proposed highway works on traffic flows, taking account of the likely increase in traffic resulting from both the proposed development and the revised Masterplan. The content of the submitted Transport Assessment has been inspected and verified by the Council's Transportation Unit.

The existing traffic flows through the existing junction were surveyed in 2007 and then modelled against the theoretical capacity of the junction using the appropriate standard software. The result of this modelling confirmed that the existing junction operates well below its theoretical capacity, even during the busiest time on week day mornings and evenings. The likely additional traffic movements as a result of the proposed development and the revised Masterplan were then added to the surveyed traffic flows and then modelled against the revised junction layout. The results of this analysis indicate that the junction would have a practical future reserve capacity of 1.5% in the morning peak hour (8-9am) and 39.4% in the evening peak hour (5-6pm). As such it is considered that the new junction layout would be capable of handling the predicted future traffic movements through the area.

Other benefits of the proposed junction layout would include the removal of the existing pedestrian footbridge and the provision of a more inclusive and pedestrian friendly environment with better crossing facilities, wider footpaths and greater permeability across the site. Traffic calming

measures are proposed to the junction between Carlton Vale and Cambridge Road (north).

## CAR PARKING

The subject site is located within Controlled Parking Zone "KM", operational between 8am and 6.30pm Monday to Saturdays, but parking is generally prohibited around the existing gyratory during those hours. The site is also located within an area which has very good public transport accessibility (PTAL) and therefore reduced maximum parking standards of 0.7 spaces per 1/2 bedroom unit and 1.2 spaces per 3+ bedroom unit would apply. The maximum parking standard for the site is calculated as 110 spaces.

Car-parking for the proposed development would consist of a 15 space secured car-park within the ground floor of V-block and 39 on-site parking spaces. The revised junction layout would also allow for the provision of 12 new on-street residents parking bays along the southern side of Carlton Vale. The overall provision of 66 new parking spaces would constitute a parking ratio of approximately 0.5 spaces per unit. Given that 2001 census data indicates average car ownership levels within Kilburn Ward of 0.52 cars per unit, the proposed level of car-parking for the development would generally be considered appropriate.

However, given that the overall parking provision is shared between allocated (on-site) and unallocated spaces (on-street) spaces it would be necessary to implement a mechanism to ensure that any parking demand arising from the proposed development would not overburden the unallocated spaces within the vicinity. It is considered that the 12 new on-street spaces would provide a satisfactory parking provision for occupants within Core 5 of the proposed L-Block, located on the southern side of Carlton Vale close to the on-street spaces, which consists of 26 flats (2x1-bedroom, 18x2-bedroom, 5x3-bedroom and 1x4-bedroom). It has therefore been recommended by the Council Transportation Unit that the other Cores (1-4 and 6) be secured as 'permit free', by way of a s106 legal agreement, whereby potential occupiers would not be entitled to residents parking permits. It is envisaged that under such an arrangement that the external on-site parking spaces would be allocated to occupants of Cores 1-4 with occupants of Core 6 (V-block) utilising the secured car-park on the ground floor of V-block.

A total of 8 disabled parking spaces are proposed, two within the V-block car park and six within the external on-site parking spaces. This is sufficient to exceed the Council's parking standard that 5% of spaces should be suitable for disabled access.

Whilst, it is considered that, based on likely car ownership levels and the presence of a permit-free agreement, the proposed parking provisions for the development would be sufficient to prevent any significant level of over spill parking in the surrounding area, it has been noted that concerns have been raised that over spill parking may occur at times when parking controls are not operational, primarily at weekends and overnight. As Members will be aware, where particular parking problems do arise it is not unusual for Local Authorities to review and amend local on-street parking controls to address the issue.

## SERVICING

The proposed development would provide six refuse/recycling stores, one per core, which would be located on the ground floor with direct access to the footpath along Carlton Vale/Kilburn Park Road which would allow convenient access for Brent's Waste Collection contractors. The Council's Transportation Unit have raised no concerns regarding the access of emergency vehicles to the site.

## TRAVEL PLAN

The applicant has submitted a Travel Plan as part of the current planning application which seeks to promote the use of sustainable methods of transportation by potential occupiers of the proposed

development. The Travel Plan has been assessed by the Council's Transportation Unit using TfL's ATTrBuTE program and has scored a pass. The primary goal of the Travel Plan is to reduce the proportion of single occupancy car trips to and from the site from 22% to 16% over a period of 5 years.

The Council's Transportation Unit have suggested that the submitted Travel Plan could be further improved through the inclusion of additional measures such as the promotion of car clubs and the provision of charging points for electric vehicles within the development. It is recommended that the Travel Plan and its exact terms are agreed by way of a s106 legal agreement.

## CYCLE STORAGE

A total of 120 secure cycle storage spaces located in two separate rooms on the ground floor of the development would be provided for potential occupiers. 22 of the proposed units have their own private gardens where bicycles could be stored. The overall cycle storage provision is therefore considered to satisfy the Council's requirement of one space per unit.

## S106 AGREEMENT & CONCLUSION

The development proposal has wider implications for the locality that cannot, or are unlikely to, be addressed within the application site. As a result, a Section 106 agreement (or other agreement) controlling the benefits and financial contributions that might be required in relation to the proposed development would be required. As these are fundamental issues, the scheme would be rendered unacceptable if they were not adequately dealt with. Many of these issues have been expanded upon in the above report.

As part of the site is currently Council owned, the Council has more control over the matters set down in the proposed Heads of Terms than it otherwise would and will be able to ensure that the agreement is adhered to. The precise details over what goes into the agreement is set down at the head of this report. Highway works are also required to be agreed with the Highway Authority as part of the development proposal and they should be included in any agreement.

The principle of the redevelopment of the site for housing is considered to be acceptable in policy terms. The proposed development is considered to provide an interesting series of buildings in a prominent location and would provide an opportunity to decant residents from Bronte and Fielding Houses into good quality accommodation. The site is one of the key opportunities to provide an impetus to the wider proposals for the South Kilburn regeneration area and it can play a key role in instigating the regeneration of the former NDC area. The application proposal and the design, form, materials and height of the development are considered to set an appropriate standard of architecture which is expected within the South Kilburn area. The quality of accommodation is also considered, as explained above, to be very good, given the internal dimensions of each unit, as is treatment of external space and it is likely to help to set a high standard for future proposals within the area.

The proposals are considered to accord with the policies set out within the Brent UDP 2004, South Kilburn SPD and Masterplan, and on this basis, it is recommended that 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:-
- Adopted Unitary Development Plan 2004
  - Council's Supplementary Planning Guidance 17 - Design Guide for New Development
  - South Kilburn Supplementary Planning Document
  - A Masterplan for the Regeneration of South Kilburn
  - The London Plan

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

- Built Environment: in terms of the protection and enhancement of the environment
- Environmental Protection: in terms of protecting specific features of the environment and protecting the public
- Housing: in terms of protecting residential amenities and guiding new development
- Employment: in terms of maintaining and sustaining a range of employment opportunities
- Transport: in terms of sustainability, safety and servicing needs
- Design and Regeneration: in terms of 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.

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

#### Drawings

537_1900	537_1901	537_1902	537_1903	537_1904
537_1910	537_1911	537_1911_1	537_1912	537_1920
537_1921 A	537_1922 A	537_1923 A	537_1924 A	537_1925 A
537_1926	537_1927	537_1940	537_1950 A	537_1951
537_1970	537_1971	537_1972	537_1973	537_1974
537_1980	537_1982	537_1984	537_1986	17191-05-006 H
17191-05-014				

#### Documents

Acoustic Impact Assessment (Revised)	Heritage Statement
Affordable Housing Statement	Noise & Vibration Report
Air Quality Assessment	Noise and Vibration Survey
Code For Sustainable Homes Ecological Assessment	Planning Obligations
Code For Sustainable Homes Pre-assessment	Planning Statement
Design and Access Statement	Daylight Assessment (Revised)
Drainage Survey	Residential Travel Plan

Energy Statement	Site Waste Management Plan
Environmental & Sustainability Statement	Statement of Community Involvement
Flood Risk Assessment (Revision B)	Sustainability Checklist
Geoenvironmental Survey	Transport Assessment
Geoenvironmental Survey - Site Investigation	Tree Survey

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

(2)

- (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) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

(a) a tree planting plan including species, siting and a detailed maintenance and watering schedule for a period of two years;

(b) proposed walls and fences indicating materials and heights;

(c) screening and planting along the south and western side of the first floor communal terrace to V-Block;

(d) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;

(e) existing contours and any proposed alteration to ground levels such as earth mounding;

(f) details of hard landscape works and proposed materials;

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

(h) details of childrens play area including play equipment.

(i) details of street furniture

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.

- (5) In order to mitigate against the possibility of numerous satellite dishes being installed on the buildings hereby approved, details of a communal television system/satellite

dish provision shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented.

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

- (6) The parking spaces shown on the approved plans shall be constructed prior to any occupation of the buildings and shall be permanently retained and used solely in connection with the dwellings hereby approved.

Reason: To ensure that the approved standards of parking/garage provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (7) A Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any demolition or construction works on site. This shall include, but not be limited to, evidence of measures to adopt and implement the ICE Demolition Protocol, and Considerate Contractor Scheme registration and operation. The approved Statement shall be fully implemented.

Reason: To minimise nuisance caused during demolition and construction activities and ensure demolition waste is sustainably reused or recycled locally, minimising waste sent to landfill.

#### **INFORMATIVES:**

- (1) The applicant is informed that they must contact Thames Water, Development Planning, Asset Investment Unit, Maple Lodge, Denham Way, Rickmansworth, WD3 9SQ (01923 898072) before any works commence on the site.
- (2) The applicant is advised that the provision of any water tank, air-conditioning or ventilation plant, extraction equipment or other roof structure (other than those shown on the drawings hereby approved) would require a separate grant of planning permission.

#### **REFERENCE DOCUMENTS:**

- Brent Unitary Development Plan 2004 (UDP)
  - Supplementary Planning Document (SPD) for South Kilburn (Adopted April 2005).
  - Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"
  - Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"
  - The Masterplan for the Regeneration of South Kilburn (2004)
- Mayor's London Plan 2008

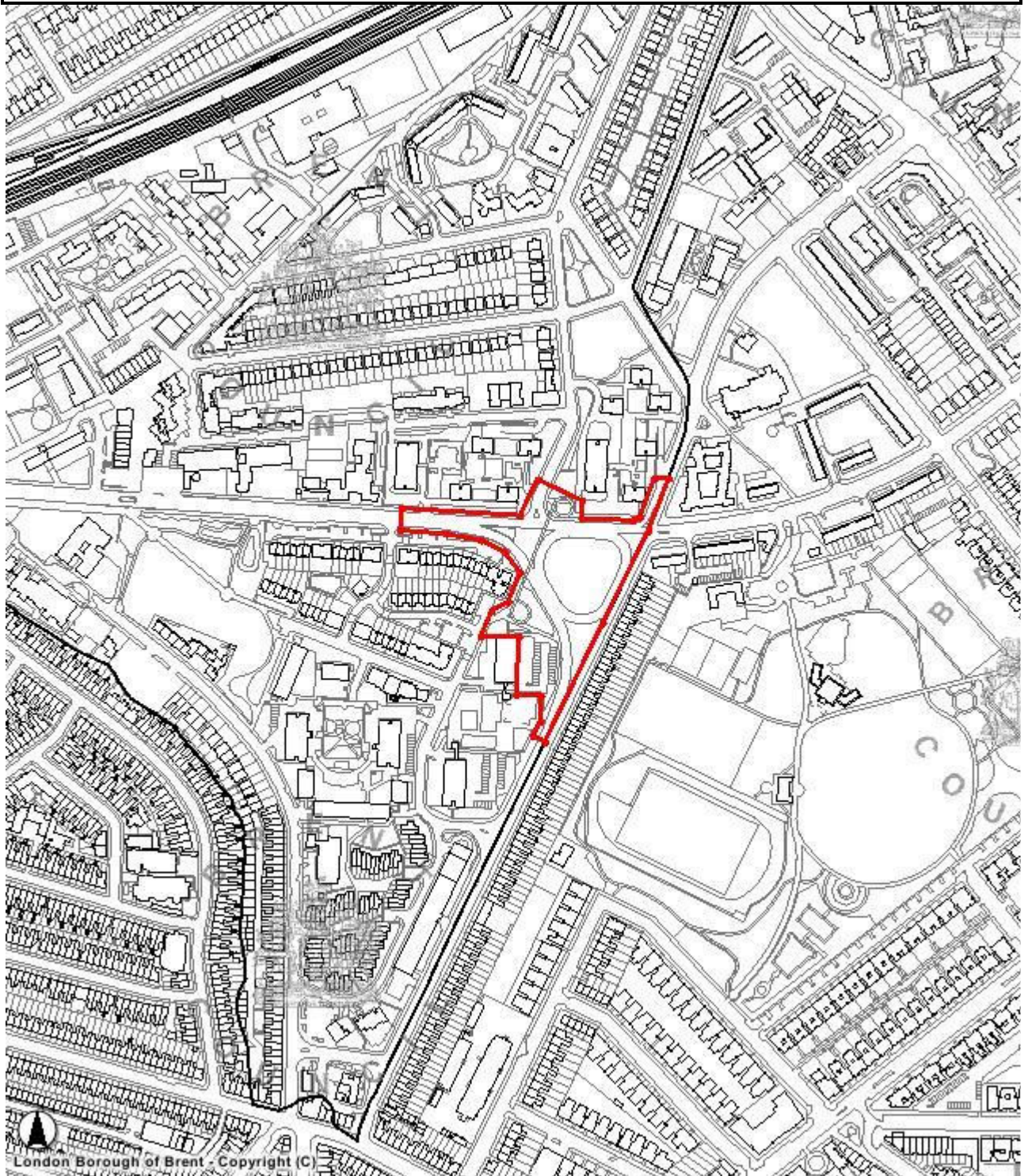
Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



## Planning Committee Map

Site address: South Kilburn Regeneration Roundabout Site, Carlton Vale, London, NW6

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This map is indicative only.

**Supplementary Information  
Planning Committee on 24 February,  
2010**

Item No.                   **13**  
Case No.                   09/2500

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Location       South Kilburn Regeneration Roundabout Site, Carlton Vale, London, NW6  
Description   Demolition of garages adjacent to Bronte House and erection of two single to seven-storey blocks to provide 133 dwellings (comprising flats & maisonettes, including 75 affordable units) with associated landscaping and amenity space on roundabout adjoining Kilburn Park Road and Carlton Vale, NW6, including removal of pedestrian footbridge and stopping-up of western side of existing roundabout

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**SITE VISIT**

During the Member's site visit, a number of comments were raised and clarification was sought on a variety of issues. General issues were raised regarding the principle of the proposed development including concerns that proper consideration had not been given to whether it would be right for the area to lose the existing green areas and trees to enable development and concerns that the proposal would divide the estate rather than act to connect it together. The main report gives general consideration to the principle of the proposed development but it is important to highlight that the concept of redeveloping the existing roundabout was included in the original South Kilburn Masterplan and Supplementary Planning Document. Whilst it is acknowledged that the proposed buildings may be perceived as a visual barrier it should also be recognised that the existing roundabout already acts as a significant physical barrier to non-vehicular movement in the surrounding area. The proposed development would introduce a new public route, designed to cater for non-vehicular forms of transport, which it is considered would provide improved pedestrian connectivity between Kilburn Park Road and Carlton Vale whilst providing a more efficient arrangement for accommodating traffic flows in and around the surrounding area.

Other issues relating to transportation, landscaping and the impact of the development on adjoining occupiers were also raised. These issues are considered below.

**TRANSPORTATION**

**TRAFFIC**

During the site visit, general concerns were again raised regarding the impact of the proposed development in terms of traffic generation and the capacity of the proposed signalised junction to cope with predicted traffic levels. Concerns were expressed that if traffic problems were to arise that this would have a negative impact on air quality within the locality. The likely impact of the proposed development, and proposed Masterplan, on traffic generation and traffic flows have been considered, in detail, in the Transport Assessment submitted as part of the application. The conclusions of the Transport Assessment, which suggests that the predicted impact on traffic flows would be acceptable, have been set out in the main report. It should be noted that the Transport Assessment has been inspected by the Council Transportation Unit and Transport for London (TfL) who have found the findings of the assessment sound. The applicant has also submitted an air quality assessment which

suggests that the predicted traffic flows would not cause significant harm to the air quality in the surrounding area.

## TRAFFIC FLOWS IN CAMBRIDGE ROAD

In addition to general concerns regarding the impact on local traffic conditions, specific concerns have been raised regarding the impact of the proposed development on traffic flows along Cambridge Road. Objectors are concerned that if the proposed signalised junction were to result in queuing traffic eastbound along Carlton Vale that motorists heading in the general direction of Kilburn High Road, towards the north, would be likely to turn left into Cambridge Road in order to bypass the proposed junction

In response it should be noted that there has always been an opportunity for eastbound traffic on Carlton Vale to turn left into Cambridge Road, and the scheme will not prevent this manoeuvre. The new signal junction will take a similar volume and routing of traffic that currently exists at the present signal junction, and so there is no need to suppose that the queues will lengthen. A traffic calming treatment will be applied to the entry into Cambridge Road under the proposed scheme and additional measures can be introduced later if needed. The Council's Transportation Unit have stated that It would not be advisable to propose a one-way operation on Cambridge Road at this time, but instead to review the operation of the scheme once it has been operational for a period of time.

## WIDTH OF KILBURN PARK ROAD

Clarification has been sought with regards to the proposed width of Kilburn Park Road. The distance between the front boundary of existing properties along Kilburn Park Road and the front boundary of the proposed development would be approximately 18m, with the road accounting for approximately 11.5m of this distance. At present, towards the south of the site the two-way section of Kilburn Park Road has a width of approximately 12m.

## HIGHWAY SAFETY

Concerns have been raised that the proposed replacement of the existing roundabout with a signalised junction would compromise highway safety. Statistics have been submitted by one of the objectors which indicates that there have been 32 casualties as a result of road traffic accidents on the roundabout between 1999 and 2009. However, this information does little to suggest that the proposed signalised junction would give rise to a significant increase in accidents within the vicinity of the junction. The Council's Transportation Unit have confirmed that whilst conventional roundabouts may have road safety advantages in more rural locations, where there are less likely to be implications for pedestrians and cyclists, that in urban areas like South Kilburn, where there are a greater number of vulnerable road users, the appropriateness of their use needs to be more carefully considered.

## LANDSCAPING

### REPLACEMENT TREES

A query was raised regarding the time scale for the planting of replacement trees. In respect of the subject site, it should be noted that condition 4 requires all landscaping works, including tree planting, to be completed prior to occupation or in accordance with a programme to be agreed with the Local Planning Authority. It is therefore envisaged that all tree planting directly associated with the proposed development would be carried out prior to the occupation of the development unless, on the advice of the Borough's Tree Protection Officer, the seasonal timing of the planting would harm the health of the proposed trees. In

the event of such a conflict, it is envisaged that the proposed tree planting would be completed within the earliest available planting season.

## AMENITY SPACE & BALCONIES

The overall amenity space provision has been queried and concerns have been raised that private balconies will be used for alternative purposes, such as storage, and will not be used to provide outside space for potential occupiers. Concerns have been raised that should this happen that the proposed balconies would become unsightly.

As discussed in the main report (under 'AMENITY SPACE & CHILDREN'S PLAY AREA'), the proposed amenity space provision would comply with the Council's usual guidance set out in SPG17. Private balconies would make up approximately 17% of the total provision which, whilst significant, is not considered to dominate the overall provision which also includes communal gardens, play spaces and terraces. The proposed units would comfortably exceed the Council's internal floor space standards (see main report 'UNIT SIZES') and it is considered that there is likely to be reasonable space provided for storage without potential occupiers having to rely upon the space provided by balconies. It is also noted that, whilst not directly related to the planning application, that in many cases tenancy or management agreements can be used by landlords/freeholders to ensure that balcony areas are kept tidy.

## REVISED DAYLIGHT ASSESSMENT

During the site visit clarification was sought on the difference in height between the proposed development and the existing terrace along Kilburn Park Road. In general, the five storey element of the proposed L-Block along Kilburn Park Road would be approximately 2.5m-3m taller than the terrace opposite although it should be noted that this additional height would be set further back than the floors below. As the building turns the corner into Carlton Vale at the end of the terrace the height difference increases to approximately 5m-5.5m.

Concerns were raised regarding the impact of the proposed development on the light to basements along the eastern side of Kilburn Park Road. As indicated in the main report (under 'DAYLIGHT/SUNLIGHT & OUTLOOK'), the applicant has submitted a revised daylight assessment which sets out to provide further analysis of the impact of the proposed development on the daylight to properties at the northern end of Kilburn Park Road (57 & 59 Kilburn Park Road). The revised daylight assessment now takes account of the L-Block having been set back by a further 1m from its original position along Kilburn Park Road.

In terms of 59 Kilburn Park Road, the revised assessment now confirms that all rooms to the front of the property would have at least one window with a Vertical Sky Component (VSC) in excess of 27% which, according to the Building Research Establishment (BRE) guidance, means that they would enjoy adequate daylight.

In terms of 57 Kilburn Road, the revised assessment confirms that windows to the front of the property at first and second floor level would have a VSC in excess of 27% and would enjoy adequate daylight. The windows to rooms on the ground and basement level of these properties would not have a VSC in excess of 27% so analysis of the Average Daylight Factor (ADF) is required to confirm whether adequate daylighting is achieved. If an ADF in excess of 2% is not achieved the room will have a generally dull appearance.

The dimensions of the room to be assessed is a consideration in the calculation of the ADF. As access to the properties in question has not been possible, reasonable assumptions have been made regarding the dimensions of the affected rooms based on a range of normal room sizes. The analysis finds that the room on the ground floor would have an ADF of 3.2% whilst

the room at basement level would have an ADF of 2.2%. Both rooms would have an ADF in excess of 2% and adequate daylighting should be maintained.

Whilst not normally a planning consideration, the issue of Right to Light has been considered in the revised daylight assessment. The assessment concludes that Right to Light issues are unlikely to arise as a result of the development.

## **CONSULTATION UPDATE**

### **PUBLIC CONSULTATION**

Four additional letters of objection have been received bringing the total number of objections letters to 35. These additional letters of objection do not raise any new issues beyond those already set out in the main report.

Following the recent site visit Ward Councillor Anthony Dunn has submitted comments on the application and has sought clarification on a number of points. These points have generally been addressed in the main and supplementary reports.

Westminster Councillor Alistair Moss has asked that copies of Westminster's Planning Committee report be provided to Members of Brent's Planning Committee.

### **STANDARD CONSULTEES**

#### Environment Agency (EA)

As discussed in the main report (under 'DRAINAGE & FLOODING'), the EA had raised some initial concerns regarding the capacity of the proposed Sustainable Urban Drainage System (SUDS) to sufficiently attenuate surface water run-off. In response the applicant has proposed to increase the capacity of the SUDS and written confirmation has been received from the EA that the revised capacity would meet with their requirements. The EA have formally withdrawn their initial objection subject to the attachment of the following condition:-

*"The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) revision B for the proposed residential development, zone 3C, South Kilburn, prepared by Ardent Consulting, dated Feb 2010, ref:G491-01B and the following mitigation measures detailed within the FRA:*

*1. Limiting the surface water run-off generated by the 1:100 year critical storm to 50% the run-off from the undeveloped site as mentioned within the FRA*

*Reason: To reduce the risk of flooding to the proposed development and future occupants."*

On the advice of the EA, Officers recommend the attachment of the above condition.

#### Transport for London (TfL)

TfL have now provided written confirmation that they do not wish to raise any objection to the application as the proposal would be unlikely to have an unacceptable impact on the Strategic Road Network (SRN).

**Recommendation:** Remains approval subject to s106 legal agreement and the additional EA condition



## Committee Report

Planning Committee on 24 February, 2010

Case No.

09/2505

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**RECEIVED:** 11 December, 2009

**WARD:** Preston

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 136 Thirlmere Gardens, Wembley, HA9 8RF

**PROPOSAL:** Erection of a single and two storey side and rear extension to dwellinghouse

**APPLICANT:** Mr Siyani

**CONTACT:** Mr Patel

**PLAN NO'S:** Location Plan, THIG136/1, THIG136/2

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### RECOMMENDATION

Approve subject to conditions

### EXISTING

The site is a semi-detached house on the northern side of Thirlmere Gardens on the corner with Grasmere Avenue. It is bounded to the north by rear gardens of Rydal Gardens. The property is not located within a Conservation Area nor is it a Listed Building.

### PROPOSAL

Erection of a single and two storey side and rear extension 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 developments*

Supplementary Planning Guidance 5 - *'Altering and Extending Your Home'*

### Considerations

- Size and scale of the extensions
- Impact on character & appearance of the property
- Impact on character of the streetscene
- Impact on neighbouring occupiers

## CONSULTATION

Consultation letters were sent to 8 surrounding properties on 29<sup>th</sup> December 2009.

One letter of objection received raising the following issues:

- Objects to building work in the area, altering corner properties and outbuildings that impinge on the neighbour's ability to enjoy their gardens. (officer note- no known outbuildings at 2 or 4 Rydal Gardens, objector states that they will write in separately about this.)
- Concerns about loss of light to home, as their own property has not been extended, but neighbouring properties have been, and the proposal will worsen this.
- The neighbours garden is becoming waterlogged as a result of all the local building work (officer note – this is not strictly a material planning consideration)
- Objects to loss of trees within the local area (officer note – no trees will be lost as a result of this proposal)
- The road is already heavily congested and the traffic/ parking will worsen as a result of this application. (Officer note- Thirlmere Gardens is not a heavily parked street.)

## REMARKS

The applicant was asked to amend the application by:

- reducing the scale of the side extension and 2-storey rear extension by reducing the proposed width.
- Introducing windows at first floor level facing the public highway.
- Introducing significant trees/ shrubs planting along the western boundary by Windermere Avenue, to create a soft landscaping screen to the public highway
- confirm that no rear raised patio is proposed as the site slopes down to the rear
- demonstrate the provision of how one off-street parking space measuring 2.4m by 4.8m may be achieved clear from the highway.
- Demonstrate soft landscaping within the front garden that complies Policy BE7 and SPG5 that seek that 50% of the front garden to be soft landscaped

The applicant made amendments, and then requested that the application be considered against the drawings originally submitted, with additional landscaping.

### **Single and 2- storey side extension**

The application proposes a 3.7m wide part 1-storey/ part 2-storey side extension. The single storey element of the side extension is set-back a brick-width from the main front wall of the house in accordance with SPG5 guidelines and has a sloping roof with an average height of 3m.

The 2-storey side extension is set back 1.5m from the front wall of the original house. and is set in 2.5m from the side boundary. As proposed the extension has no windows in the first floor side flank wall, which faces onto Grasmere Avenue. SPG5 advises that windows are a useful device both in terms of surveillance of the streetscene and as a visual articulation of the side of the dwelling. The lack of detailing at first floor emphasises the massing of the proposal, but the proposal is sufficiently set in from the side boundary to enable the introduction of soft landscaping, which should help to assimilate the development into its surroundings. SPG5 defines road junctions with a gap between the side wall of the property and boundary in excess of 5m as "open". The proposal maintains a 2.5m gap between the extension and the boundary and therefore complies with SPG5's spacing guidelines that seek to safeguard the character of the streetscene.

### **Proposed single and 2-storey rear extension**

The rear extension continues the line of the proposed 2-storey side extension rearwards. The application proposes a 2-storey rear extension that measures 6.2m wide and projects 2.5m from the original rear wall of the dwellinghouse. SPG 5 does not specify an appropriate width when it comes to 2-storey rear extensions. At 6.2 metres the width of the 2-storey rear extension exceeds

the width of the original house, but given the size of the site and the generous set in from the side boundary with Grasmere Avenue which is to be appropriately landscaped, the scale and mass of this element of the proposal is considered acceptable.

A staggered single storey rear extension is proposed with a depth of 3 metres where it abuts the boundary with neighbouring semi-detached house, increasing to a depth of 5 metres as it gets further from this boundary. This staggered arrangement follows the stagger in the rear wall of the original property. The proposed single storey extension has an eaves height of 2.5m and overall height of 3.4m. This single storey extension is not considered harmful to neighbouring amenities as it is within the tolerances of permitted development.

The submitted plans demonstrate that the proposal complies with SPG5's 1:2 guideline in relation to the nearest window within the adjoining semi, so that the proposed 2-storey extension will not impinge unreasonably on the amenities of neighbouring occupiers.

### **Front garden layout**

The proposal will prevent the property from achieving an off-street garage and impinges on the front/ side garden where it is currently possible to park. The property is not within a street designated as Heavily Parked but nevertheless only enjoys a PTAL of 2 and therefore it would not be appropriate for a 5-bedroom property not to provide at least one off-street parking space. Policy BE7 and SPG5 require 50% of the front garden to be soft landscaped, and the area to be soft landscaped should be shown on a submitted block plan in addition to at least one off-street parking space measuring 2.4m by 4.8m clear from the highway. The applicant has submitted an indicative drawing and agreed to conditions that comply with policies BE7, TRN23 of Brent's Unitary Development Plan and SPG5. These policies seek to safeguard the local streetscene and that appropriate parking levels may be achieved.

### **Other matters**

The applicant makes reference to 2 other proximate proposals of a similar nature to the current application:

1 Allonby Gardens 99/0921. This approved a sizeable side and rear extension. However the application was approved prior to the current SPG5 and Unitary Development Plan being adopted and therefore had materially different policy considerations to current applications.

74 Rydal Gardens 09/0319. This approved a significantly smaller side and rear extension than that currently proposed on the application site and is therefore not applicable.

**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) Details of all hard and soft landscaping to be provided within the front garden and a soft landscaping screen along the side/ rear western boundary of the property bordering Grasmere Avenue including:

(i) a planting plan and schedule demonstrating the provision of a significant proportion of soft landscaping within the front garden and sizeable shrubs/ trees along the western boundary,

(ii) a schedule of paving materials with consideration of disposal of surface-water shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of development. The landscape work shall be completed during the first available planting season following completion of the development hereby approved and the hard landscape works shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

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 by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of development in the interests of local visual amenity.

- (4) The parking space measuring 2.4m by 4.8m within the front garden of the property shown on approved plan THIG136/2 shall be constructed prior to the occupation of the extensions and shall be permanently retained and used solely in connection with the extended dwelling hereby approved.

Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

## **INFORMATIVES:**

None Specified

## **REFERENCE DOCUMENTS:**

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

Any person wishing to inspect the above papers should contact Amy Collins, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



# Planning Committee Map

Site address: 136 Thirlmere Gardens, Wembley, HA9 8RF

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## Committee Report Planning Committee on 24 February, 2010

Case No. 09/2571

**RECEIVED:** 10 December, 2009

**WARD:** Preston

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 32-34 inc, Brook Avenue, Wembley, HA9 8PH

**PROPOSAL:** Demolition of 3 two-storey properties and erection of a part 5- and part 10-storey block to provide a total of 44 flats as affordable housing, comprising 2 x one-bedroom, 29 x two-bedroom and 13 x three-bedroom flats, with formation of new vehicular access, associated amenity space and landscaping, provision of 17 underground car-parking spaces and cycle and refuse stores

**APPLICANT:** Bouygues (UK) Ltd

**CONTACT:** Shepherd Epstein Hunter

**PLAN NO'S:**  
(see condition 2 for details)

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### 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:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- 100% Affordable Housing
- A contribution of £187,200 due on material start and, index linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area
- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that its unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- Join and adhere to the Considerate Contractors scheme.
- 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 subject site contains three two storey dwellinghouses and is situated on the southern side of Brook Avenue. Brook Avenue is predominantly residential in character however to the east of the site is the Premier Inn Hotel. The hotel is large building which marks the junction of Brook Avenue and Wembley Park Drive.

The site measures 0.2058 hectares in area and has a frontage which measures approximately 34m in width. Levels change significantly across the site with the land sloping down towards the rear boundary where the site abuts Wealdstone Brook.

## **PROPOSAL**

The application seeks full planning permission for the demolition of the existing dwellinghouses and the redevelopment of the site to accommodate a part 5-storey/part 10-storey block. The ten storey element is to be located next to and will be the same height as the neighbouring hotel. The proposed building then steps down to 5-storeys where the site adjoins a more traditional two storey dwellinghouse at number 31 Brook Avenue. A landscaped gap of approximately 6 metres will be left between the 5 storey element and the boundary with 31 Brook Avenue. The frontage building is connected to a rear block which is also 10 storeys in height. The building will provide a total of 44 residential units which will be 100% affordable.

The building is set back from the established building line in Brook Avenue to allow for landscaping and parking opportunities. The development is proposed to be car-free with a small amount of disabled parking provision on the frontage. Cycle storage and plant equipment is proposed within a basement. Amenity space provision is proposed to the rear of the building with a mixture of playspace provision and general use amenity space for communal use. Private balconies are also included for occupants of upper floors. Small private gardens are defined in front of the building for the occupants of the ground floor units in the frontage building.

## **HISTORY**

### Site History - 32-34 Brook Avenue

07/2145 - Outline planning permission for demolition of existing three two-storey properties and erection of part 8-, 7-, 5- and 3-storey block to provide in total 40 residential flats (including 1x 2-bedroom, 9x 3-bedroom, 6 x 4-bedroom flats to be provided as affordable housing) with formation of new vehicular access, associated amenity space and landscaping, provision of 35 underground car-parking spaces and cycle and refuse stores (matters to be determined: siting and access) as amended by revised plans received on 04/10/2007 and 5/10/2007

Pending decision - Resolution to grant subject to the completion of legal agreement

07/1148 - Outline planning permission for demolition of existing properties and erection of part 8-, 7-, 5- and 4-storey block of 50 residential flats, with formation of new vehicular access and provision of 25 underground car-parking spaces, including 2 disabled bays (matters to be determined: siting and means of access)

Application Withdrawn - 25 June 2007

### Related Site History

07/0158 - Demolition of existing 3 x 2-storey houses on the site and erection of part 3-storey and 4-storey building (including lower ground level) with front and rear dormer windows and balconies to provide 13 self-contained flats (comprising ten 2-bedroom flats and three 3-bedroom flats) with formation of new vehicular and pedestrian access, provision of 4 car-parking spaces (including 2 disabled parking bays), refuse-storage and landscaping to the front, cycle store for 13 cycles at lower ground level, rear amenity space and associated works, involving retention of the existing chimney between No. 28 and 29 Brook Avenue, and works undertaken to support it and make



good this elevation, the former party wall (as accompanied by Planning Statement CL10836/01, January 2007, produced by Nathaniel Litchfield and Partners, Design and Access Statement F250/DS001, Revision: 0, January 2007, produced by Arc 7 Design, and Sustainable Development Checklist) (as amended by revised plans and information received on 08/03/2007 and 09/03/2007) Granted - 18 April 2007

## **POLICY CONSIDERATIONS**

### **Brent Unitary Development Plan 2004**

**STR3** - In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).

**STR5** - A pattern of development which reduces the need to travel, especially by car, will be achieved.

**STR9** - The Council will ensure that development proposals do not conflict with the role of GLA Roads and London Distributor Road whilst discouraging through traffic on local roads.

**STR11** - The quality and character of the Borough's built and natural environment will be protected and enhanced.

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

**STR13** - Environmentally sensitive forms of development will be sought.

**STR14** - New development to make a positive contribution to improving the quality of the urban environment in Brent

**STR15** - Major development should enhance the public realm.

**BE2** - Townscape: Local Context & Character

**BE3** - Urban Structure: Space & Movement

**BE4** - Access for disabled people

**BE5** - Urban clarity and safety

**BE6** - Public Realm: Landscape design

**BE7** - Public Realm: Streetscene

**BE9** - Architectural Quality

**BE10** - High Buildings

**BE12** - Sustainable design principles

**EP10** - Protection of Surface Water

**EP12** - Flood Prevention

**TRN1** - Transport assessment

**TRN3** - Environmental Impact of Traffic

**TRN4** - Measures to make transport impact acceptable

**TRN10** - Walkable environments

**TRN11** - The London Cycle Network

**TRN14** - Highway design

**TRN23** - Parking Standards – residential developments

**TRN24** - On-Street Parking

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

**PS14** - Residential Parking Standards

**PS15** - Parking for disabled people

**PS16** - Cycle parking standards

**WEM1** - Regeneration of Wembley

**WEM4** - Residential Development within the Wembley Regeneration Area

**WEM7** - Access to Development - The National Stadium Policy Area

### **Brent Council Supplementary Planning Guidance and Documents**

**SPG12** - Access for disabled people

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

### **Mayor of London**

The London Plan Consolidated with Alterations since 2004

Mayor of London Supplementary Planning Guidance

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

### **Planning Policy Guidance and Statements**

**PPG13**- Transportation

**PPS1**- Delivering Sustainable Development

**PPS1** - Supplement: Planning and Climate Change

**PPS22** - Renewable energy

**PPS25** - Development and Flood Risk

### **SUSTAINABILITY ASSESSMENT**

Sustainability Checklist (TP6 Form) has been submitted with a rating of 55%. This has been checked by Sustainability Officers who have rated the scheme 22.5% on the basis of the information submitted. This is, in the main, due to a lack of supporting information submitted and can be dealt with through the legal agreement requiring a minimum score of 50% being achieved together with 20% of energy being supplied by a renewable energy source and best endeavours to achieve Code for Sustainable Homes Level 4.

Whilst Level 4 is a current policy requirement, the arrangement to secure best endeavours is considered acceptable in this instance due to the demand for additional social rented housing within the borough which this scheme is attempting to ease through the provision of 44 new affordable housing units and the requirement for Level 4 having emerged following the previous application and preapplication negotiations relating to this scheme. As such retrofitting the scheme to achieve Code Level 4 would be considered too onerous in this instance and Best Endeavours to Code Level 4 is considered by officers to be an acceptable compromise.

### **CONSULTATION**

Standard three week consultation period carried out in which 181 properties and ward councillors were notified. A site notice was also posted outside the site. 1 objection has been received regarding the proposal raising concerns regarding the exacerbation of an existing parking and congestion issue within Brook Avenue.

### **Internal Consultees**

Urban Design - Concerns raised regarding the bulk of the building in comparison with the previous scheme due to the height and design treatment of the facade. Massing should be broken down by variation of roofline and articulation of the facade. Clearly defined front entrances should be provided. Proposed fenestration should also be well designed, appropriate proportioned and appropriately situated. Presentation of the scheme using 3D images is recommended together with a suggested palette of materials.

Landscape Design - Proposed amenity space is not suitable due to the slope at the rear of the site. Tree survey is incorrect and has omitted trees from the plan. No play provision has been included

in the scheme. Further thought into the design of the front garden space is required to ensure an attractive non cluttered street frontage.

Sustainability Officer - comments covered in the sustainability section of this report.

Transportation - Acknowledge the site's proximity to a major transport interchange (Wembley Park Station) and several bus routes resulting in a very high PTAL rating (6). However have some concerns about an entirely car free scheme due to limited parking controls along Brook Avenue.

Environmental Health - No objection subject to conditions and informatives relating to noise and vibration from plant equipment, acoustic testing to ensure adequate noise insulation from railway lines, submission of a construction management strategy and control of hours of work.

Environment Agency - Objection raised to initial consultation as no flood risk assessment was submitted and the site is situated within Flood Zone 3. A further consultation has been undertaken with the EA following the submission of a flood risk assessment. Details of a response will be covered within the supplementary report.

Thames Water- No objection. Informatives are recommended.

## **REMARKS**

### Historical Context

An application for outline planning permission exists for the site (ref: 07/2145). A resolution to grant planning permission subject to the completion of a legal agreement was made by the Planning Committee on 16 October 2007 however to date, the legal agreement has not been signed. This proposal was for the redevelopment of the site and the erection of a large part 8-, 7-, 5- and 3-storey building which provides a gradual change in building heights due to the difference in height between the Premier Inn Hotel on the corner and number 31 Brook Avenue. The proposal was to provide 40 flats which were a mix of affordable and private housing.

As a result of this resolution, the principle of the redevelopment of the site to accommodate a larger building with a higher density is established.

The adjoining site to the west, numbers 29-31 Brook Avenue has a consented scheme for the redevelopment of the site to erect a part 3- part 4-storey building granted permission in April 2007 however it is likely that this site will come forward in the future with a larger building due to the situation of the site within the regeneration area.

### Design Approach

The design approach attempts to bridge the stark difference in building heights between the Premier Inn Hotel building and the traditional 2-storey dwelling at 31 Brook Avenue by providing a gradual step in building heights across the site. The design approach has created a building with clearly defined edges which frame a central recessed feature with balconies on either side of this rendered feature. Vertical emphasis is provided through the central recessed rendered feature whilst horizontal emphasis is provided through the balconies.

The applicants have presented a number of options with regards to the design approach in order to try and overcome officer concerns relating to the building's appearance. The treatment of the edges of the building have been improved employing visually stronger materials whilst the central rendered feature has been added to reduce the bulky appearance of the original scheme derived largely from the flat facade previously proposed. The result is a building of improved quality with greater visual interest and reduced bulk and massing.

The main pedestrian entrance to the building originally proposed did not reflect the scale of the building and lack sufficient visual definition to achieve an adequate level of legibility. This element of the building is now recessed into the facade in order to appear more clearly defined. This is considered to be an acceptable solution which overcomes officers concerns.

#### Siting, scale and density

The site is located between high-density urban form to the east and the suburban form to the west and therefore should be viewed as a transition between the two. This should be reflected in the scale and density of the development. In terms of building heights, the previous outline application scheme was 2.75m lower than Premier Inn Hotel. In comparison, the building proposed in the current application is 2.1m lower. This difference in height is not considered significant.

The building proposed is sited to the rear of the established suburban building line in Brook Avenue due to the scale and height of the building. Your officers consider this to be an acceptable approach.

It should be noted, however, that the scale of the building has been increased in contrast to the scheme previously approved in terms of the taller element being maintained across the site more than was previously proposed and in terms of the bulk to the rear of the frontage block. Nevertheless the scheme proposes a building with a bigger separation from the nearest site boundaries to appear more spacious setting and bigger breaks within the street scene.

In terms of the relationship of the building with adjoining sites, the proposal is considered to have an acceptable relationship with the hotel to the east of the site which is less sensitive in terms of the need to preserve amenity as the part of the site nearest to the new development is used as a parking area thus separating the main hotel building from the proposal by approximately 30m.

The most sensitive relationship is considered to be between the application site and the two-storey dwellings to the west. Currently this site is occupied by two-storey dwellings with an extant permission for the redevelopment of the site to provide a part 3-storey and 4-storey building. The main consideration is the impact of the rear portion of the building on both the existing buildings and the consented scheme and the associated amenity space. The rear section of the building is splayed and therefore maintains between 8.8m and 10.8m from the site boundary shared with number 31. It is recognised that as the building is 10-storeys, this new relationship will be a significant change however the applicants have submitted a Daylight and Sunlight report which demonstrates that all windows 26-31 Brook Avenue will continue to receive an adequate level of sunlight. All side windows are secondary windows and 10m from the site boundary in accordance with SPG17 guidance. As a result of this configuration, your officers consider that the proposed development will not have any unduly detrimental impact on the light, outlook or privacy of 26-31 Brook Avenue.

The residential density of the proposed scheme has been calculated to be 785HR/ha. The London Plan indicates the site to fall within the density range of 450-700 HR/ha appropriate for a site with a PTAL rating of 5. It is noted that the proposed density exceeds this guideline however the situation of the site and local guidance provides support for a higher density. SPG17 advocates a density of 240 - 700+ HR/ha due to the location of the site near major transport interchanges and in a local town centre which is designated as a regeneration area. As such, the area in which the site is situated is envisaged as an area of change and in particular, an area of growth including the expansion of the local centre to a much larger centre. Furthermore, the site is considered to be in close proximity with local facilities such as supermarket, health facilities and education facilities thus your officers consider that a higher density would be well supported by local infrastructure and should be advocated within this context.

#### Quality of Accommodation

Unit Size: All units exceed the minimum size standards advocated by SPG17. It is noted that the scheme presents some layout issues with 25 of the 44 units being provided with bathrooms which are solely internal and would not have any natural light or ventilation, however, this issue alone is not considered sufficiently harmful to warrant a refusal of the application. 10% of flats are designed as full wheelchair-accessible units with all other flats design to Lifetime Homes standards in accordance with policy requirements.

Light and outlook: Primary outlook from habitable accommodation is from front and rear windows to ensure an adequate standard of outlook. These are supplemented by secondary windows in side elevations which maintain 10m from site boundaries.

External amenity space: External amenity space is provided to the rear of the building in the form of general amenity space which would be supplemented by private balconies for upper floor units and private terraces for ground floor units. In principle, the amount of amenity space provision to the rear of the building is sufficient to meet SPG17 standards and the Mayor's requirement for Playspace provision. It is noted, however that there are disparities in the levels plotted on the site plan in comparison with the elevations which raise concerns regarding the useability of the amenity space. These issues are currently being addressed by the applicants and changes will be reported within the supplementary report.

Cycle storage: Cycle storage is provided in the basement with 1 cycle space per unit. This would be accessed via steps with a sloping channel for bike wheels to sit in. This is considered an acceptable means of access.

Refuse storage: Refuse storage is provided which meets the council's adopted standard for refuse and recycling storage. This is appropriately accessed via the front of the building for both residents and servicing.

#### Landscaping

Limited information has been provided with regards to a landscaping scheme however the scheme allows sufficient scope for the planting of trees and shrubs on the site frontage and on site boundaries. Further information is expected shortly and will be reported within the supplementary.

#### Parking

The scheme is proposed to be a car-free development with 4 spaces provided for disabled residents off-street and a car club space on-street in front of the site. This is considered appropriate within this context due to the location of the site, less than 100m from Wembley Park Station, which has both Jubilee line and Metropolitan line trains and local buses outside the station. As a result of these transport links, the site has a PTAL rating of 5. In such accessible locations, car usage should be discouraged and a car-free development is therefore welcomed by officers.

However Transportation engineers have objected to the proposal due to the lack of controlled parking zones within the area. Whilst the objection is recognised, it should be noted that as the building is intended to be 100% social rented accommodation, high levels of car-ownership are not envisaged, as would be the case for a private development.

The objection from Transportation has been partly resolved through the applicants commitment to enter into an agreement preventing occupants from accessing parking permits provided such controls are introduced prior to occupation. Should such controls not come into force prior to occupation however, the fallback position of having no parking controls is also considered acceptable. This is due to current off-street parking arrangements in Brook Avenue being considered adequate to support parking needs for existing residents. Furthermore parking opportunities in Brook Avenue are minimal during the day with a mix of single yellow lines which

prevent parking during the day and only a limited amount of on-street parking in marked bays discouraging residents living in the building from high levels of car-ownership.

### Flooding

The site is situated within Flood Zone 3. A flood-risk assessment has been submitted and is being considered by the Environment Agency. Details of the response will be reported within the supplementary report once this has been received.

### Conclusion

Your officers consider that the proposal will achieve an adequate standard of residential accommodation whilst maintaining the amenities of surrounding residents. The proposed development is considered to be an appropriate density within this context and acceptable in terms of scale and design in relation to neighbouring sites and the general character of the area. The success of the scheme will be largely dependent on the quality of materials and detailing which can be secured by condition to ensure compliance with development plan policies. As such, it is recommended that the scheme be approved.

### **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

Transport: in terms of sustainability, safety and servicing needs

Wembley Regeneration Area: to promote the opportunities and benefits within Wembley

### **CONDITIONS/REASONS:**

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

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

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

#### **Drawings:**

BRO-SEH-GA-000012 Rev D

BRO-SEH-GA-000014 Rev G

BRO-SEH –LAN- 000020 Rev D

BRO-SEH-ELV-000018 Rev D

BRO-SEH-GA-000013 Rev H

BRO-SEH-GA-000015 Rev G

BRO-SEH-SEC-000017 Rev D

BRO- SEH -ELV-000019 Rev C

**Documents:**

Design and Access Statement  
Sustainable Development Checklist  
Sustainability Statement  
Daylight and Sunlight Report dated 21 December 2009  
Statement of Community Involvement  
Flood Risk Assessment by Morgan Tucker Consulting Engineers  
Tree Survey by Caroline Hay Associates

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

- (3) No part of the development shall be occupied until the proposed vehicular accesses have been constructed in accordance with the details hereby approved, at a width not exceeding 6m.

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

- (4) All parking spaces and footways shall be constructed and permanently marked out prior to first occupation of any of the units approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

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

- (5) Any redundant vehicular crossover from the site onto Brook Avenue shall be reinstated to footway/verge at the applicant's expense, prior to occupation of any flats hereby approved.

Reason: In the interests of pedestrian safety.

- (6) No development shall commence unless details of materials for all external work, including samples, have been submitted to and approved in writing by the Local Planning Authority. 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.

- (7) No development shall commence unless all areas shown on the plan(s) and such other areas as may be shown on the approved plan(s) shall be suitably landscaped and a scheme is to be submitted to and approved in writing by the Local Planning Authority. Such landscape works shall be completed prior to occupation of building.

Such details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.

- (ii) Hard surfaces including details of materials and finishes. These should have a permeable construction.
- (iii) Proposed boundary treatments including walls and fencing, indicating materials and heights.
- (iv) Screen planting along the site boundaries.
- (viii) All planting including location, species, size, density and number including 80% native species within the rear garden area.
- (ix) Any sustainable construction methods which are to be used.
- (x) Trees to be retained within the site.

Any trees and shrubs planted in accordance with the landscaping scheme, including those trees indicated to be retained, 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.

- (8) No development shall commence unless details of all (appropriately aged) play spaces are submitted to and approved in writing by the Local Planning Authority. Such landscape works shall be completed prior to occupation of the building(s) and thereafter the approved details shall be retained.

Such scheme shall indicate but not be limited to:

- (a) Details of types of equipment to be installed.
- (b) Surfaces including details of materials and finishes.
- (c) The location of any proposed signage linked to the play areas

The details submitted pursuant to this condition should reflect the details relating to boundary treatments, contours and levels and planting submitted pursuant to condition 8.

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

- (9) No development shall commence unless a Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the Local Planning Authority. 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.
- (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 strimming and adding protection as required.

(x) Necessary cleaning and repair of all hard materials and elements including permeable paving.

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.

- (10) Prior to the commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Local Planning Authority. These shall adhere to the principles embodied in BS5837:2005 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experience arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

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

- (11) No development shall commence unless details of the provision of a minimum of 44 secure cycle-parking spaces in the basement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. The details shall include detailed drawings of a scale of at least 1:100 showing the configuration and layout of the spaces. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in full accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (12) No development shall commence unless details of any external lighting, including the lux level and a lighting contour map, are submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation, unless otherwise agreed in writing with the Local Planning Authority.

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

- (13) Prior to the commencement of development on site and notwithstanding the details submitted, details of the water-efficiency measures (such as rainwater harvesting for non-potable use and external irrigation) to be used on site to achieve the London Plan policy 4A.16 target of 105 litres per person per day, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure that the development considers the impact of climate change.

- (14) The units hereby approved shall not be occupied unless details of the levels of noise and vibration in each of the flats' living-rooms and bedrooms and within the external amenity space (post-completion of the building works) have been submitted to and approved in writing by the Local Planning Authority in the form of an acoustic report demonstrating that "reasonable" resting levels of noise attenuation have been

achieved in accordance with standards set out within BS6472:1992 *"Evaluation of human exposure to vibration in buildings"*.

If "reasonable" noise levels have not been achieved, the report will detail what additional measures will be undertaken to ensure that they are achieved. These additional measures shall be implemented prior to the occupation of the building in accordance with the details so approved.

Reason: To ensure satisfactory noise levels for the future occupants of the building.

- (15) Prior to the commencement of works, a report prepared by an approved Acoustic Consultant, prepared in accordance with BS4142:1997: "Rating Industrial Noise Affecting Mixed Residential and Industrial Areas", which demonstrates that any air-conditioning plant or biomass plant or similar equipment is 10dB(A) or greater below the measured background-noise level at the nearest noise-sensitive premises, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed extract and ventilation plant and equipment will not be harmful to residential amenity.

- (16) Prior to the commencement of the development hereby approved a construction method statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

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

- (17) No development shall commence unless details of ventilation and flue extraction systems to ensure fumes generated by the diesel generator are adequately dispersed are submitted to and approved in writing by the Local Planning Authority. Such details shall include the location of vents and louvers away as far as practicable from sensitive users. The approved details shall thereafter be fully implemented.

Reason: To safeguard the amenities of the adjoining occupiers.

#### **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, to ensure that the surface-water discharge from the site will not be detrimental to the existing sewerage system. 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.
- (2) The applicant is advised to incorporate within their proposal, protection to the property by installing a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

(3) Thames Water would recommend that petrol/oil interceptors be fitted in all car-parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local waterways.

(4) During construction on site:-

(a) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.

(b) The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.

(c) Vehicular access to adjoining and opposite premises shall not be impeded.

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

(e) No waste or other material shall be burnt on the application site.

(f) All excavated topsoil shall be stored on the site for reuse in connection with landscaping.

(g) A barrier shall be constructed around the site, to be erected prior to demolition.

(h) A suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

(5) The loading and transfer of all materials shall be carried out so as to minimise the generation of airborne dust with all material kept damp during handling. Road vehicles loaded with crushed material shall be sheeted or otherwise totally enclosed before leaving the site. In order to prevent dust nuisance to neighbouring properties and residents, there shall be adequate screening and damping-down during all demolition activities, sandblasting, clearance work and other site preparation activities.

Reason: To minimise dust arising from the operation and to safeguard the amenity of neighbouring residents.

#### **REFERENCE DOCUMENTS:**

The London Plan Consolidated with Alterations since 2004

Brent's Unitary Development Plan - 2004

**SPG12** - Access for disabled people

**SPG17** - Design Guide for New Development

**SPG19** - Sustainable design, construction and pollution control

**SPD** - Section 106 Planning Obligations

*Mayor of London Supplementary Planning Guidance:*

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

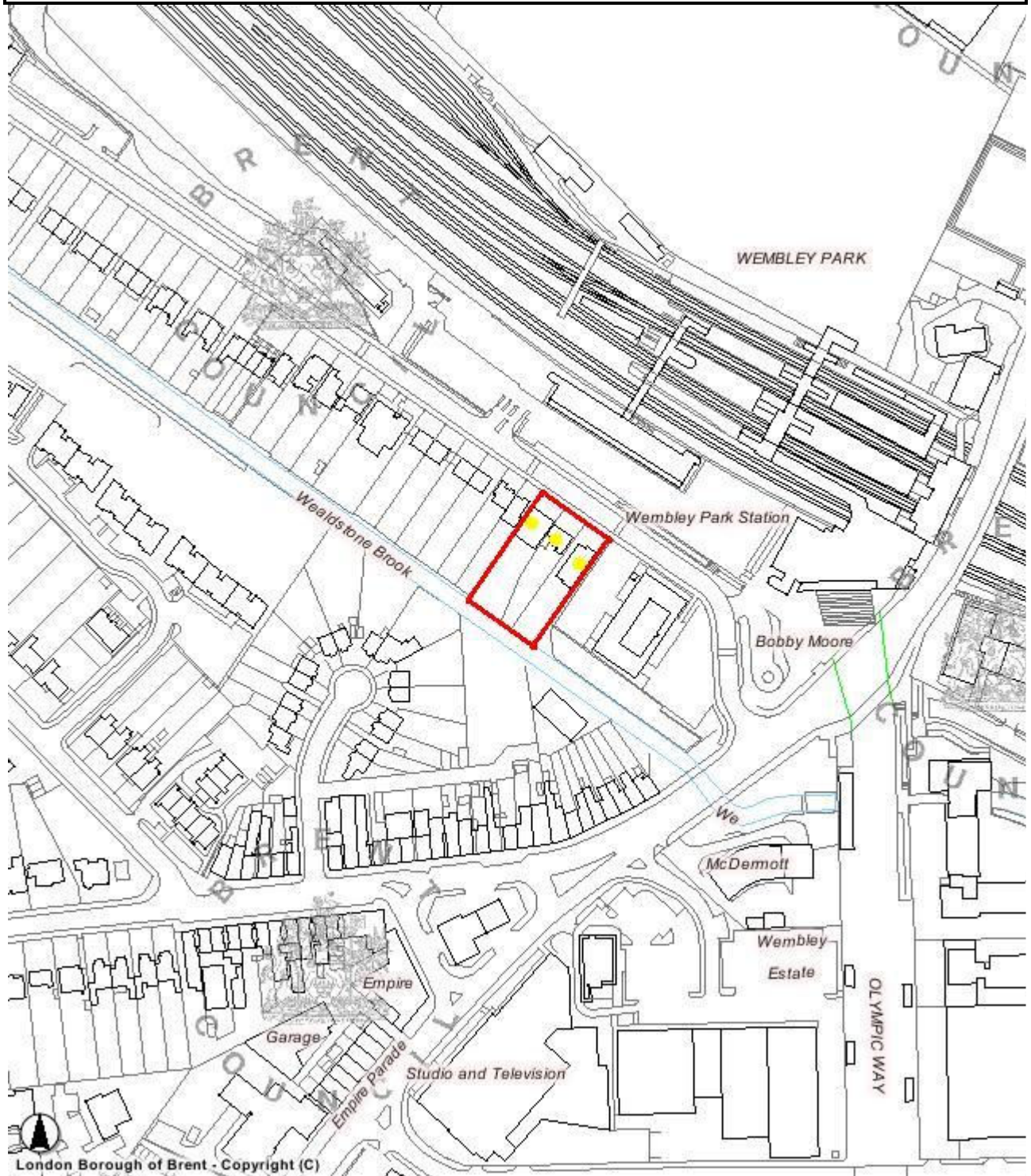
Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



### Planning Committee Map

Site address: 32-34 inc, Brook Avenue, Wembley, HA9 8PH

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**Supplementary Information  
Planning Committee on 24 February,  
2010**

Item No.                   **15**  
Case No.                   09/2571

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Location       32-34 inc, Brook Avenue, Wembley, HA9 8PH  
Description    Demolition of 3 two-storey properties and erection of a part 5- and part 10-  
storey block to provide a total of 44 flats as affordable housing, comprising 2 x  
one-bedroom, 29 x two-bedroom and 13 x three-bedroom flats, with formation  
of new vehicular access, associated amenity space and landscaping, provision  
of 17 underground car-parking spaces and cycle and refuse stores

**Agenda Page Number:** 117

**Recommendation: Remains Approval**

Revised Drawing Numbers:

Proposed site plan - BROSEHGA000011 Rev C  
External Works Plan - BROSEHLAN000020 Rev E  
Basement Plan - BROSEHGA000012 Rev D  
Ground floor plan - BROSEHGA000013 Rev J  
Floor plans - Floors 1-4 - BROSEHGA000014 Rev H  
Floor plans - Floors 5-9 - BROSEHGA000015 Rev H  
Proposed Section - BROSEHSEC000017 Rev E  
Proposed Elevations - BROSEHELV000018 Rev D  
Proposed Elevations - BROSEHELV000019 Rev C  
Roof plan - BROSEHGA000016 Rev C  
Elevation Detail - BROSEHDET000025 Rev A

**Flooding**

A response has been received from the Environment Agency who raised no objection to the scheme subject to the measures proposed within the Flood Risk Assessment being complied with in full. This is secured by condition 2 of the planning permission which lists an external works plan which complies with Environment Agency requirements and the approved Flood Risk Assessment.

**Landscaping**

During the Committee site visit members asked what was happening with the trees to the front of the site. The Council's Landscape Design Team have confirmed that these trees are unlikely to survive the building works proposed. However the majority of the site frontage is to be landscaped. Full details of a landscaping scheme that will include details of suitable replacement trees will be secured through condition 4.

Members also asked if any changes were proposed to site levels. The applicant has provided existing and proposed sections through the site demonstrating that levels are to remain largely unchanged providing a useable amenity space for future occupants and avoiding raising any concerns in relation to neighbouring residential amenity or flooding.

The floor plans provided show that 4 wheelchair accessible units are proposed. In addition all units are designed to meet lifetime homes standards. A condition is recommended which secures this provision. This reads:

*condition 18 - The units hereby approved shall not be occupied unless details are submitted to the Local Planning Authority which confirm that lifetime homes standards and a minimum of 4 wheelchair accessible units have been provided within the development.*

*Reason: In the interest of providing accessible and adaptable accommodation for future users.*

**Condition revisions following legal advice:**

condition 8 replace "Such landscape works"with "the approved playspace scheme"

condition 9 delete last sentence of reason including reference to financial loss  
add - the Landscape Management Plan as approved (or as amended in agreement in writing with the Council) shall be implemented on first occupation of the development and throughout the lifetime of the development.

condition 11 - remove 'prior to the commencement of work on site'

condition 16 - add- 'and the approved construction method statement shall be fully implemented during construction of the development'

DocSuppF

## Committee Report

Planning Committee on 24 February, 2010

Case No.

09/2415

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**RECEIVED:** 20 November, 2009

**WARD:** Stonebridge

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** Land next to Central Middlesex Hospital, Acton Lane, London, NW10

**PROPOSAL:** Approval of reserved matters relating to appearance, landscaping, scale and access of outline planning permission reference 08/1043.

Application 08/1043, dated 13/11/09 for erection of three linked buildings for mixed-use development on land next to Central Middlesex Hospital to provide up to 650m<sup>2</sup> of creche/primary health-care facility (Use Class D1), up to 2,160m<sup>2</sup> of retail (Use Class A1), up to 467m<sup>2</sup> of cafe/restaurant (Use Class A3) floorspace, up to 13,480m<sup>2</sup> of care and treatment facilities (Use Class C2/C2A) and up to 5,370m<sup>2</sup> of Use Class B1(b)/additional care and treatment (Use Class C2/C2A), formation of refuse storage, loading bay, cycle storage and 32 car-parking spaces, to include 2 disabled parking spaces on ground floor and associated landscaping.

**APPLICANT:** Montpelier Estates

**CONTACT:** ESA DESIGN LTD

**PLAN NO'S:** See condition 1

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### RECOMMENDATION

That the Reserved Matters relating to outline planning consent reference 08/1043 be approved.

### EXISTING

The subject site fronts Acton Lane and adjoins the car park and bus gyratory of Central Middlesex Hospital.

Outline planning permission for the redevelopment of the majority of the hospital site was granted in 2003. The hospital building and the associated car park and bus gyratory have been completed.

The outline planning consent has now expired. However, two sites that fell within the application area had not been developed. These sites were referred to as Plot 8 and Plot 9. Plot 8 is situated at the northern end of the site, adjoining Great Central Way whilst Plot 9 is the subject of this current planning application. The development that was included within the original outline planning consent that had not been delivered at the time of the Outline Planning Consent for the subject site included the 120 units of Key Worker housing, the crèche, the 8,580 m<sup>2</sup> of office development, and the majority of the 1920 m<sup>2</sup> of retail and food and drink floorspace.

An application for the redevelopment of Plot 8 to provide 145 key worker residential units was approved by the Council on 6 May 2009 (our ref: 08/3012) and that development is currently under construction.

Outline Planning consent relating to Plot 9 was granted on 16 November 2009, and this application seeks the approval of Reserved Matters relating to that site.

The matters that are reserved are specified within Condition 1 of that consent whilst the timing of the submission is restricted by condition 2.

The Outline consent referred to the maximum floorspace that could be provided within each use class:

Use Class C2/C2A (restricted to care and treatment):	13,480 sqm
Use Class B1(b) or Additional C2/C2A (restricted)	5,370 sqm
Use Class A1 (maximum size: 200 sqm/unit, 1 unit 450 sqm)	2,160 sqm
Use Class A3	467 sqm
Use Class D1 (restricted to creche/primary health-care facility):	650 sqm

The 2003 outline permission for the hospital secured the provision of land along the southern boundary of the subject site to allow the provision of a bus lane along Acton Lane. If required, the bus lane would be provided on the southern side of Acton Lane and the land within the subject site would be used to reposition the road. It is not certain that the bus lane and the associated land take will actually be required. However, the Section 106 agreement for the 2003 permission allowed 15 years from the date of that permission for this to be implemented. The provision of the land that would be required for that bus lane was also secured within the Outline Planning Consent for this site.

## **PROPOSAL**

The application seeks the approval of all matters that were reserved within the Outline Planning Application reference 08/1043, namely Appearance, Landscaping, Scale and Access.

The proposal details the following levels of floorspace for each use:

- Use Class C2/C2A:
- Total: 17,715 sqm
- Plot 1: 7,915 sqm
- Plot 2: 5,277 sqm
- Plot 3: 4,523 sqm
- Use Class A1:
- Total: 1,026 sqm

The retail elements of the building, situated within "Plot 1", have only been detailed as a shell, with the internal subdivision specified as "Subdivision to suite tenant requirements".

Plot 1 has been described as "Assisted living for elderly and people with dementia", and includes self contained units with communal facilities, accessed through a controlled communal entrance.

Plot 2 has been described as "Nursing care, including those with dementia and acquired brain injury".

Plot 3 has been described as "Learning disability or mental healthcare patients".

The application proposed two parking/servicing areas that are access from the access road to the North of the site. A total of 32 parking spaces are proposed, with 10, 11, and 11 provided for plots 1, 2 and 3 (respectively). Access to the parking area of Plot 1 is through the parking/servicing area for Plot 2.



50 staff cycle storage spaces are proposed within Plot 2 and 10 within Plot 1. None are proposed within Plot 3, thus requiring access to the Plot 2 area for users of the Plot 3 facility. 25 Publicly accessible parking spaces are detailed.

## **HISTORY**

### **Ref: 08/1043, granted 16 November 2009**

Outline planning application for the erection of three linked buildings for mixed-use development on land next to Central Middlesex Hospital to provide up to 650m<sup>2</sup> of creche/primary health-care facility (Use Class D1), up to 2,160m<sup>2</sup> of retail (Use Class A1), up to 467m<sup>2</sup> of cafe/restaurant (Use Class A3) floorspace, up to 13,480m<sup>2</sup> of care and treatment facilities (Use Class C2/C2A) and up to 5,370m<sup>2</sup> of Use Class B1(b)/additional care and treatment (Use Class C2/C2A), formation of refuse storage, loading bay, cycle storage and 32 car-parking spaces, to include 2 disabled parking spaces on ground floor and associated landscaping (matters to be determined: layout), subject to a Deed of Agreement dated 13/11/2009 under Section 106 of the Town and Country Planning Act 1990 (as amended)

### **Ref: 03/0290**

Reserved Matters approval for the main hospital building, granted 17 April 2003  
Erection of new 3-/4-storey hospital building (approximately 27,000m<sup>2</sup>), including ancillary café, retail, education and patient information facilities, new “energy centre”, new link extension to Acad building, alterations to existing site accesses, formation of new site access from Acton Lane, erection of new bus interchange, site access roads, car parking and landscaping – reserved matters submission (site layout, siting, design, external appearance, means of access and landscaping) pursuant to condition 1 of outline planning permission 01/3068 granted on 10/01/2003 for the demolition and redevelopment of existing hospital, comprising erection of new 3-/4-storey building to provide new acute-care hospital, together with up to 1,920m<sup>2</sup> retail and food & drink (Classes A1 & A3), reenf and 8,580m<sup>2</sup> office development (Class B1) and 120 “key worker” housing places

### **Ref: 01/3068**

Outline planning permission for the redevelopment of the majority of the hospital site, granted 10 February 2003  
Demolition and redevelopment of existing hospital, comprising erection of new 3-/4-storey building to provide new acute-care hospital, together with up to 1,920m<sup>2</sup> retail and food & drink (Classes A1 & A3), reenf and 8,580m<sup>2</sup> office development (Class B1) and 120 “Key Worker” housing places (Outline application)

### **Related history:**

#### **Ref: 08/3012, granted 16 May 2009**

Erection of a one-, four- and five-storey block and a two-, four-, five-, eight- and nine-storey block, to provide 145 residential flats/maisonettes (comprising 66 one-bedroom, 64 two-bedroom and 15 three-bedroom dwellings), with 44 basement car-parking spaces and 34 ground-level car-parking spaces, associated landscaping and bin stores

#### **04/0950, granted 14 February 2005**

Full planning application to provide a crèche on Plot 8, granted 14 February 2005  
Erection of new single-storey building to provide new crèche with outdoor play area facilities

## **POLICY CONSIDERATIONS**

Brent UDP 2004

STR1 Development for business, industry and warehousing uses will be protected and promoted in Strategic and Borough Employment Areas

STR2 For development of retail uses, and other key town centre uses which attract a lot of

people, first consideration will be given to sites in Major Town Centres then sites on the edge of Major Town Centres followed by District Centres, and then sites on the edge of District Centres, followed by local centres and, only then, out-of-centre sites.

STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).

STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.

STR9 The Council will ensure that development proposals do not conflict with the role of GLA Roads and London Distributor Road whilst discouraging through traffic on local roads.

STR11 The quality and character of the Borough's built and natural environment will be protected and enhanced.

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

STR13 Environmentally sensitive forms of development will be sought.

STR14 New development to make a positive contribution to improving the quality of the urban environment in Brent

STR15 Major development should enhance the public realm.

STR23 Strategic & Borough Employment Areas will be protected for industrial, business & warehouse use, for Brent and London as a whole.

STR24 The regeneration of Strategic & Borough Employment Areas to meet the needs of industrial, business & warehouse users and improve the environment will be encouraged.

STR28 The long term future role of the Park Royal estate as one of London's main industrial and business areas will be secured in partnership with all relevant parties.

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

BE12 Sustainable design principles

EP2 Noise and vibration

EP3 Local air quality management

EP4 Potentially polluting development

EP6 Contaminated land

TRN1 Transport assessment

TRN2 Public transport integration

TRN3 Environmental Impact of Traffic

TRN4 Measures to make transport impact acceptable

TRN9 Bus Priority

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

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

PS6 Parking standards – Use class B1, A2, B2 and B8

PS7 Parking standards – Shops less than 2000 m2  
PS8 Parking standards – Food and drink uses  
PS12 Parking standards – Non-residential institutions (Use Class D1) and Hospitals (Use Class C2)  
PS13 Parking standards – Residential Institutions (Use Class C2)  
PS15 Parking for disabled people  
PS16 Cycle parking standards  
PS17 Servicing standards – Shops less than 2000 m2  
PS17 Servicing standards – Use Class B1, A2, B2 and B8  
PS17 Servicing standards – Food and drink uses  
PS17 Servicing standards – Residential Institutions and Hospitals  
PR1 Major developments in Park Royal  
PR3 Public realm in Park Royal  
PR7 Central Middlesex Hospital Zone

#### Brent Council Supplementary Planning Guidance and Documents

SPG3 Forming an access to a road  
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  
Sustainable Design and Construction (May 2006)  
Planning for Equality and Diversity in London (October 2007)  
Accessible London: Achieving an Inclusive Environment (April 2004)  
Park Royal Opportunity Area Planning Framework (February 2008)

#### Planning Policy Guidance and Statements

PPG13 Transportation  
PPS1 Delivering Sustainable Development  
PPS1 Supplement: Planning and Climate Change  
PPS6 Planning for Town Centres  
PPS12 Planning Policy Statement 12: Local Spatial Planning  
PPS22 Renewable energy  
PPG24 Planning and Noise

### **SUSTAINABILITY ASSESSMENT**

The Sustainability Assessment that sets out the measures that will be incorporated into the development was approved within the Outline Planning Application. The submission of a Sustainability Implementation Strategy at least 10 weeks prior to the commencement of works was required through the Section 106 agreement, and the strategy must be approved prior to commencement. This strategy will accordingly be submitted and approved outside of this application.

### **CONSULTATION**

19 Consultation letters were sent to adjoining and nearby owners/occupiers and those others who have expressed an interest in the Outline application.

Site Notices were erected on 1 December 2009.

The application was advertised in the local press on 10 December 2009.

No comments were received in response to this consultation process.

### **Internal**

**Design and Regeneration:** Initial comments: Whilst the lower elements of the building are quite successful, further measures or architectural devices are required to provide visual interest in the larger block [plot 1], particularly given its scale.  
Comments regarding revised drawings:

**Landscape Design:** Further information is required regarding: Tree protection, hard and soft landscaping materials for the car park, details of roof construction (including drainage system and planter construction), details of boundary treatment, and the maintenance schedule.  
Additionally, artificial grass should be replaced by real grass and hard surfacing should be permeable.

**Planning Policy:** No comments received.

**Transportation:** Comments regarding initial drawings: As long as it is borne in mind that the submitted landscaping plan for the area of highway along the Acton Lane frontage of the site carries no weight in highways terms and that these details should not therefore form any part of the approved landscaping details, there are no objections on transportation grounds to the discharge of reserved matters concerning building appearance, landscaping, scale or access.

**Environmental Health:** No comments received.

**Housing and Community Care:** No comments received.

### **External**

**Thames Water:** No comments received.

## **REMARKS**

This application seeks the approval of the Reserved Matters, which in relation to this application relates to Appearance, Landscaping, Scale and Access.

These matters are set out within Circular 01/2006 as:

- **Scale** – the height, width and length of each building proposed in relation to its surroundings.
- **Appearance** – the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.
- **Access** – this covers accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- **Landscaping** – this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures,

The quantum and nature of uses within the building were approved within the Outline Consent and accordingly will not be discussed within this application, other than to confirm that the submission is in accordance within the Outline consent.

The quantum of floorspace for each use does not exceed the maximum specified within the Outline consent. The total amount of floorspace for the town centre uses (A Use Classes) is less than half of the maximum permissible by the Outline Consent. The subdivision of the retail units has not been detailed. However, this is controlled through condition 4 of the Outline consent and your officers consider that it is not necessary to view this detail within the Reserved Matters approval. Access to the retail units for servicing purposes can be undertaken, as detailed within the Outline consent.

Other uses are included within the Care and Treatment floorspace, such as the Café, kitchen facilities, dining facilities, laundrette, hairdresser's room. However, the layout and scale of these uses is such that they are considered to be ancillary to the main use of the unit.

The retail units are proposed within Plot 1 and are situated on either side of the pedestrian route through the site, providing active frontages in this location. Windows are proposed within the ground floor of Plots 2 and 3. Whilst your officers consider it possible that some of these windows may be obscured due to the nature of the suggested use of the building, natural surveillance will be provided through other windows within the units.

A total of 32 parking spaces, 50 staff cycle spaces and 26 public cycle spaces have been detailed within the proposal. This represents a reduction by 2 parking spaces. It should be noted that the overall quantum of floorspace is lower than the maximum levels previously approved and your officers consider that the levels of parking and cycle storage are acceptable.

### **Appearance**

The proposal maintains a similar overall form to the building detailed within the Outline consent, with the inclusion of three linked buildings which set down in height from west to east.

Your officers considered that the taller element of the building as initially proposed required some further work to introduce additional visual interest in the building. The applicants subsequently submitted drawing sk083 which detailed the revised treatment of the south western corner of the building, providing a feature from first floor to roof level. Your officers consider that this architectural device results in an interesting feature in the most prominent corner of the building.

The revised plans which detail this amendment together with alterations to the internal layout of this element of the building have not been received. These alterations do not alter the nature or scale of the use. Your officers will confirm receipt of the revised drawings within the Supplementary Report.

#### **Plot 1:**

This is the tallest of the proposed linked buildings, reaching a height of 9-storeys or 31 m (including mezzanine floor, excluding lift overrun) with the exception of the feature corner of the building which reaches a maximum height of 32.2 m. The taller element of this building is 65 m wide (maximum), with a lower (single storey and mezzanine) element linking the building to Plot 2. The indicative drawings that were submitted with the outline consent detailed a building with cantilevered upper floors, similar to the London Development Agency's Palestra Building within Southwark. As Appearance was reserved within the outline consent, the details were submitted to demonstrate that the specified floorspace could be delivered on the site, and that the building could have an acceptable external appearance.

The design approach that has been adopted within this Reserved Matters application is more geometric in form. A strong vertical emphasis is provided through the inclusion of "columns" of façade, comprising vertically stacked rendered and glazed elements. The rendered vertical "columns" are broken by a horizontal band of contrasting colour (indicated as grey) which varies in height across the building. The regular pattern of "punched hole" windows linked by timber cladding helps to break the visual mass of the building down within the horizontal plane. Large elements of the building project out, and in some cases up from the façade to then deviate from the linear patterns and rhythms in the building.

The south-western corner of the building has been used to provide an architectural feature through the use of a large glazed element that is skewed from the main front wall of the building.

The ground floor is predominantly glazed and reflects the nature of the retail use of the floorspace.

#### Plot 2:

The design of this 5-storey building has a stronger horizontal emphasis than the much taller, building within Plot 1. This is broken up by the use of a projecting, timber clad vertical features above the main entrance and to the rear of the building. The building is visually linked to plot 1 through the use white horizontal render bands and “punched hole” windows linked by coloured panels.

#### Plot 3:

The eastern most of the proposed linked buildings continues the horizontal emphasis of Plot 2, but includes panels and screening to provide visual interest and to introduce a vertical element within the Acton Lane elevation and the façade that faces the hospital.

#### Appearance summary:

Your officers consider that the proposal includes sufficient articulation to break down the visual mass the building whilst the design approach and architectural devices provide interest within the building facades.

Outside of the formal application process, questions were received by the Council seeking clarification on how the C2A Use (Secure Residential Institutions) would affect the external appearance of the building, and whether it is appropriate to deal with such matters within an Outline Application. Whilst no such comments have been received in relation to this application, your officers consider it appropriate to discuss this matter in this report. The Outline consent was accompanied by Indicative drawings and 3D images which demonstrated how the proposed uses could be provided, and the Planning Committee considered that the external appearance as detailed was acceptable. As Appearance was a Reserved Matter, these details were only indicative and the final design has been detailed in the drawings and documents that accompany this application. The C2A Use (Secure Residential Institutions) is specified as being located within the Plot 3 element of the site. This element of the building includes a profiled screen which also incorporating vertically aligned coloured panels. The screening and louvres introduce visual interest in this element of the building, and the design and appearance of this element of the building is considered to make a significant positive contribute to the streetscene.

It should be noted that two of the 3D visuals and the Materials Schedule (drawings numbers: 050\_032, 050\_050 and 050\_052) reflect the previous design of Plot 1 rather than the revised treatment and accordingly do not show the design feature on the south western corner of the Plot 1 building. The revision to the design (incorporation of the corner feature) is shown accurately on other 3D visuals (050\_053 and 050\_054) and the majority of the Materials Schedule is accurate with only this corner feature being amended. The applicant will provide the revised drawings prior to the Planning Committee and these will be reported in the Supplementary Report. The design and detailing can be viewed on the current drawings but the revisions to these drawings are required prior to determination for the avoidance of doubt regarding the decision.

#### **Landscaping**

The submission details the landscaping proposals for the roofspaces and the land surrounding the building.

The determination of Landscaping within this Reserved Matters application is similar to the landscaping proposals that are typically considered within a full application, whereby the landscaping strategy for the site is considered which includes the areas of hard and soft landscaping and the overall design approach. However, further details are then required through condition. Condition 17 of the Outline Consent, which is to be submitted at a later stage, relates to the further details of the landscaping and includes:

- the planting plan
- the identification and protection of existing trees and shrubs not directly affected by the

- building works and which are to be retained;
- proposed walls and fences, indicating materials and heights;
- screen planting along the car-park façade;
- adequate physical separation, such as protective walls and fencing, between landscaped and paved areas;
- existing contours and any proposed alteration to ground levels;
- areas of hard landscape works and proposed materials;
- the detailing and provision of green roofs/amenity roofs;
- details of the proposed arrangements for the maintenance of the landscape works.

#### Ground level landscaping:

The building is set well back from the existing kerb line within Acton lane to ensure that an adequately sized footway may be provided if the bus lane is required in the future. The landscaping proposals accordingly reflect this by detailing hard surfacing adjoining the building within this frontage.

The initial proposals indicated a raised soft landscaped area adjacent between this paved area and the highway. However, Transportation rightfully specified that this land falls within the adopted highway and is outside of the subject site. Any landscaping proposals within this area accordingly could not be given any weight as they would require further approval through a S38/S278 Agreement.

The applicants subsequently revised the proposal by simplifying the landscaping proposals within this area in accordance with suggestions from Transportation. The existing mature trees within this frontage are to be retained unless their loss is unavoidable, whilst the further planning of trees was envisaged within the Outline Application which secured a financial contribution of £20,000 towards the planting of trees in the locality. These trees can be planted within the Acton Lane footway that is widened as part of this proposal, or in the local area if other factors prevent this, such as the presence of services under the footway.

#### Upper floors:

The stepped nature of the buildings allows significant opportunities to include landscaping at roof level. The applicants proposal a mix of intensive and extensive green roofs and brown roofs.

#### Plot 1:

The floor of the taller element of the plot 1 is proposed as a brown roof, comprising crushed rubble that over time will be naturally colonised. Such roofs help to limit runoff and provide habitat for birds. Access to this roof will typically be for maintenance purposes only.

The lower roof (Floor 1 level) is to be used as an accessible roof garden for the occupiers of the Care and Treatment floorspace within Plot 1. This includes an area of extensive green roof (i.e. no access to this element of the roof but greater value for biodiversity) and an accessible area comprising colour tarmac and artificial grass bordered by planters an including benches, tables, chairs and parasols.

#### Plots 2 and 3

Within each of these plots, the roof terraces are arranged over three levels.

The terraces at 5<sup>th</sup> floor level within Plot 2 and at 3<sup>rd</sup> floor level within Plot 3 are proposed as extensive green and brown biodiversity roofs, with access only for maintenance purposes. An element of extensive green and brown roof is also proposed within the 4<sup>th</sup> floor terrace within Plot 2.

The remainder of the roof terrace space comprises coloured tarmac, artificial grass and/or fan cobble pattern imprinted concrete with planters breaking down the spaces in smaller defined spaces. Again, benches, tables, chairs and parasols are proposed within these terraces.

The Landscape Design team have made comments requesting further details relating to tree protection, materials for the car park, roof construction and drainage, boundary treatment and maintenance, and specify that these details should be secured through condition. Condition 17 of the outline consent requires these further details.

Landscape Design have also requested that the artificial grass is replaced with real grass and that the ground floor paving is permeable. Significant amounts of "soft" landscaping are proposed the extensive green roof, brown roof and the planters and the principle of using of artificial grass within roof terraces that experience high intensities of use all year round was also established within the Reserved matters application for student accommodation in Quintain's Wembley Plot W05. The use of permeable paving at ground floor level was not including within the Sustainability proposals approved through the Outline consent and your officers accordingly considered that their use should not be required within Reserved Matters consent.

#### Landscape Summary:

Your officers consider that the landscaping proposals are acceptable. Further details of the landscaping, such as tree protection, the planting plan and hardsurfacing materials, are required through condition.

#### Scale

The indicative plans that were submitted with the Outline planning application demonstrated that the maximum levels of floorspace proposed could be provided within a building of an appropriate scale, massing and design. However, Scale in itself was Reserved within that application and approval of this matter is now sought.

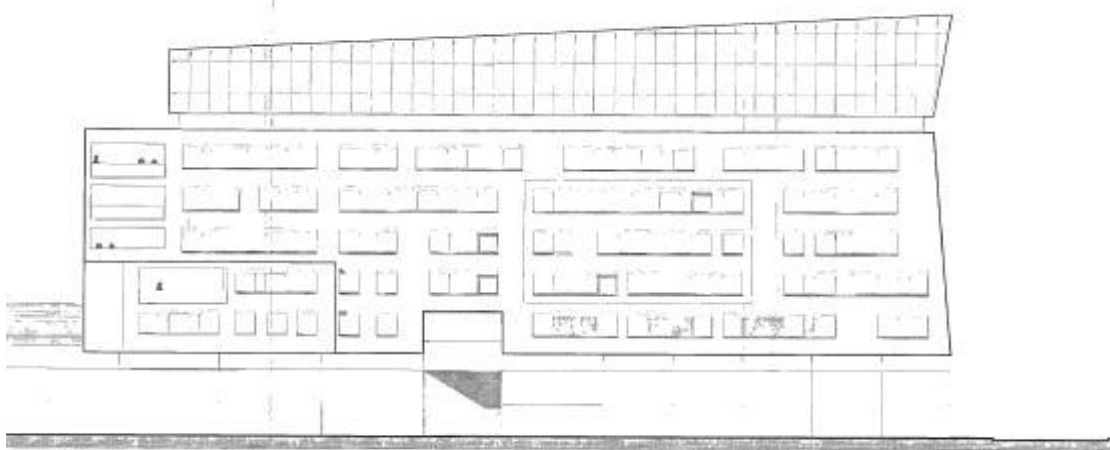
#### Plot 1:

This is the taller of the three linked buildings, reaching a height of 31 m for the majority of the building (excluding plant and lift overrun) with the feature corner reaching 32.2 m. The main element of the building is 65 m wide (maximum) and 16 m deep (typical depth), with architectural features taking the maximum depth to 17.2 m. A lower element, 6.7 m in height, links the 9-storey element with Plot 2.

The indicative drawings for the Outline consent detailed a building with maximum height of 31.0 m, width of 63.4 m and depth of 15.4 m. The proposed building exceeds some of the dimensions within the indicative drawings for the Outline consent, with the additional size typically relating to architectural features that have been incorporated into the design now proposed. This includes the projecting corner feature and the projecting elements of the remainder of the building which contribute significantly to the design and appearance of the building and help to reduce its visual mass. The indicative drawings within the Outline scheme also detailed a 7 m "step" within the two upper floors, and a mono-pitched roof ranging in height from 28.0 to 31.0 m (see insert below). The height of the building as proposed would project above the lower element of the roof and into the "step". However, these elements of the previous indicative drawings were architectural devices and that the Scale of the building, is considered by your officers to remain acceptable, providing a landmark building within an area of low architectural quality.

The lower linking element of the building is proposed at the same height as that detailed within the Outline application.





Plot 1 Rear (Northern) Elevation, as detailed within the Indicative drawings submitted with the Outline Consent reference 08/1043

**Plot 2:**

The central linked building is proposed to have a maximum height of 17.6 m (again excluding plant and lift overrun), width of 33 m and depth of 48.2 m. When compared to the respective dimensions from the indicative drawings submitted for the outline application (21.3 m high, 37.3 m wide and 49.5 m deep), the proposal does not exceed the scale previously detailed. This plot continues to provide a stepped approach to height from east to west within the site, emphasising Plot 1 as the landmark adjoining the “Heart of Park Royal” and emphasising the entrance to the Hospital site.

**Plot 3:**

The western-most and lower of the three proposed linked buildings has a maximum height of 13 m, width of 45.5 m and depth of 51.8 m. The outline consent indicated a building with a height of 14.6 m to 17.8 m and depth of 52.6 m and the proposal accordingly falls below these dimensions. The width of this building as detailed within the Outline consent was 42 m whilst the width as detailed in this Reserved Matters application is 45.5 m. However, the width of the link building within Plot 2 is 4.3 m less than that detailed within the Outline consent and the combined with accordingly does not exceed that previously detailed. This results in a 3.5 m wide element of building that is 1.9 m deeper than the building detailed within the previous indicative drawings. This element of the building provides a transition in scale to the surrounding industrial uses and your officers consider that the Scale of the building within Plot 3, as proposed is acceptable.

**Condition 10 of Planning Permission reference 08/1043:**

Condition No. 10 specified that the Scale of the building shall not exceed that detailed within that application. The full wording was as follows:

*The scale of the development hereby approved, namely the height, width and length of each of the linked buildings, shall not exceed that detailed within the submitted indicative drawings.*

*Reason: In order to ensure a satisfactory development.*

The scale of the building within Plot 3 is greater than that detailed within the Reserved Matters consent. As discussed above, the Scale of the building within Plot 2 has been reduced to compensate for this and your officers consider that the Scale of the three linked buildings as proposed is acceptable. However, the proposal is not in compliance with Condition 10 as detailed within the Outline Consent.

The applicants have accordingly submitted an application to vary condition 10 (our reference 10/0140) that is being considered concurrently with this application and has also been presented to this Committee for determination. This application seeks to vary condition 10 so that it refers to

the drawings that were submitted for this Reserved Matters application rather than the drawings submitted with the Outline application. As discussed above, the changes to the Scale of each linked building do not differ significantly from that previously approved, and your officers consider that the Scale of the linked buildings, as now proposed, is acceptable. Your officers are accordingly recommending that the Planning Application to vary condition No. 10 is also approved.

#### Scale Summary:

When the Scale of the building proposed with that detailed within the Indicative drawings, there are two elements that project beyond the envelope of the building previously detailed. Where this relates to Plot 1, the proposed building does not exceed the maximum height of the building previously detailed. Having regard to Plots 2 and 3, the additional width of the plot 3 building is compensated for by a reduction of width of Plot 2 building, and the increase in massing relates to a 4 m x 1.9 m element of the building.

Your officers consider that the proposal provides a landmark building which helps to approve legibility within Park Royal, and that the stepped approach to scale provides a transition to the scale of the surrounding buildings. The proposal achieves an adequate footway and relationship with the street is maintained within the Acton Lane footway, and that the variations in the extent of the Plot 3 building maintain a Scale of building that is appropriate for its location. Your officers consider that the scale of the building, when having regard to the nature of the site which adjoins the area identified as the "Heart of Park Royal", is acceptable.

The comments from the Officer's report for the outline consent (reference 08/1043) were as follows:

*The proposed building reaches a maximum height of 8-storeys within an area within which buildings do not exceed 4-storeys in height. Whilst the proposal constitutes a significant increase in scale, it provides a landmark on an important road junction within the "Heart of Park Royal". The Planning Area Framework specifies that the "Tall buildings are supported around a new central landscaped square. This would function as a focal point, creating an identity and point of orientation." And suggests the provision of a public space within the land at the junction of Park Royal and Coronation Roads, land opposite the subject site and currently occupied by part of the Asda car park within the Borough of Ealing. Whilst there is no certainty that this space will be provided, the principles of identity and orientation are applicable, improving the legibility of the area.*

#### **Access**

##### Vehicular Access

One vehicular access point to the site was detailed within the outline application, leading from the access road to the north of the building. Transport for London and the Council's Transportation Service both specified previously that vehicular access to the building should not be provided from Acton Lane or from the small access road to the East of the site. Condition 11 of the Outline Consent restricts the access accordingly.

Two access vehicle access points have been proposed from the access road to the North of the site. These lead to the parking and servicing areas for the building. Transportation have commented that they have no objections to the proposed accesses to the adjoining road.

The revised plans detail 10 parking spaces within Plot 1 that are accessible through the Plot 2 parking and servicing area. Servicing access for Plot 1 is to be provided via an internal corridor from the Plot 2 servicing area, or by using a trolley route along the footway adjacent to the bus gyratory. 11 Parking spaces are proposed for plot 2 and 11 for plot 3. The applicants have also detailed a ambulance drop off point adjacent to the bus gyratory but outside the subject site. Formal comments from Transportation have not yet been received regarding this plan and any issues that are raised will be detailed in the Supplementary Report.

### Pedestrian Access

The footpaths and pedestrian accesses within the site are in general accordance with the Outline consent. The proposal significantly increases the size of the footway along Acton Lane, resulting in a set-back of between 4.5 m to 9.7 m from the kerb. The ability of the Council to adopt the additional areas of footway has been secured through the Section 106 agreement. The bus lane, if required, will reduce the width of this footway by approximately 2.8 to 2.9 m, with a smaller reduction at the western element of the site. The 4.5 m set-back would be at the far western end of the site where the likely reduction in the footway associated with the bus lane is much lower (approximately 0.8 m). The other "pinch points" along the length of the building likely to result in a reduction in footway width from 6 m to 3.1 m if the bus lane is required. Your officers accordingly consider that the minimum of width of the footway is appropriate for the approved uses.

The width of the pedestrian access way through the site ranges from 7.4 to 12 m (measured along the face of the building). This has been varied from the drawings submitted with the Outline application which detail an access that ranges in width from 7.4 to 18.5 m. Whilst the maximum width of this access has been reduced, your officers consider that the proposed access way is of a width that will provide a good quality route through the site for which levels of natural surveillance will remain adequate.

The pedestrian entrances to the retail units have not been detailed and would be the subject of future shop front applications. However, the aforementioned width of the footway and access way is suitable to serve these units.

Pedestrian access to the care and treatment facilities within Plots 2 and 3 is also from the Acton Lane footway, which, as discussed previously, is considered to be of an appropriate width to allow such access. Access to the care and treatment facility within Plot 1 is adjacent to the bus gyratory. The entrance is set in from the main building line to allow a 3m width in front of the main access door. The care and treatment facilities are internally accessible by stairs and lift.

### Cycle Access

Cycle storage is provided within secure areas adjoining the parking areas for staff, and on the publicly accessible hard landscaped areas for members of the public and other visitors to the site. Should the bus lane be provided, cycle access will be provided within this bus lane. Given that the footway is to be adopted, if the bus lane is not provided then the Council could choose to provide a cycle lane within the footway as widened by this proposal.

### Access summary:

Your officers consider that the proposal is acceptable with regards to Access.

### Summary

Your officers consider that the details submitted pursuant to condition 1 of Outline Planning Consent 08/1043, the Reserved Matters, are acceptable and recommend that this application is approved.

### REASONS FOR CONDITIONS

N/A

**RECOMMENDATION:** Grant Consent

### REASON FOR GRANTING

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

Brent Unitary Development Plan 2004  
Central Government Guidance

## Council's Supplementary Planning Guidance

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

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

Transport: in terms of sustainability, safety and servicing needs

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

Park Royal: to promote the opportunities and benefits within Park Royal

### CONDITIONS/REASONS:

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

050\_003\_revB 0644/F14/B/L4/002

050\_004\_revB 0644/F14/B/L1/002

050\_005\_revB 0644/F14/C/L2/002

050\_006\_revA 0644/F14/C/L1/002

050\_007 revA 050\_040

050\_008 revA 050\_041

050\_009 revA 050\_042

050\_010\_revA 050\_043

050\_011\_revA 050\_044

050\_020\_revA 050\_045

050\_021\_revA 050\_050

050\_030\_revA 050\_051

050\_031\_revA 050\_052

0644/F14/EX/001 050\_053

0644/F14/A/L1/002 050\_054

Design Statement: 0909\_DS\_20 November 2009 Montpellier Estates

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

### INFORMATIVES:

None Specified

### REFERENCE DOCUMENTS:

Brent Unitary Development Plan 2004

Brent Council Supplementary Planning Guidance and Documents

SPG3 Forming an access to a road

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  
Sustainable Design and Construction (May 2006)  
Planning for Equality and Diversity in London (October 2007)  
Accessible London: Achieving an Inclusive Environment (April 2004)  
Park Royal Opportunity Area Planning Framework (February 2008)

Planning Policy Guidance and Statements  
PPG13 Transportation  
PPS1 Delivering Sustainable Development  
PPS1 Supplement: Planning and Climate Change  
PPS6 Planning for Town Centres  
PPS12 Planning Policy Statement 12: Local Spatial Planning  
PPS22 Renewable energy  
PPG24 Planning and Noise

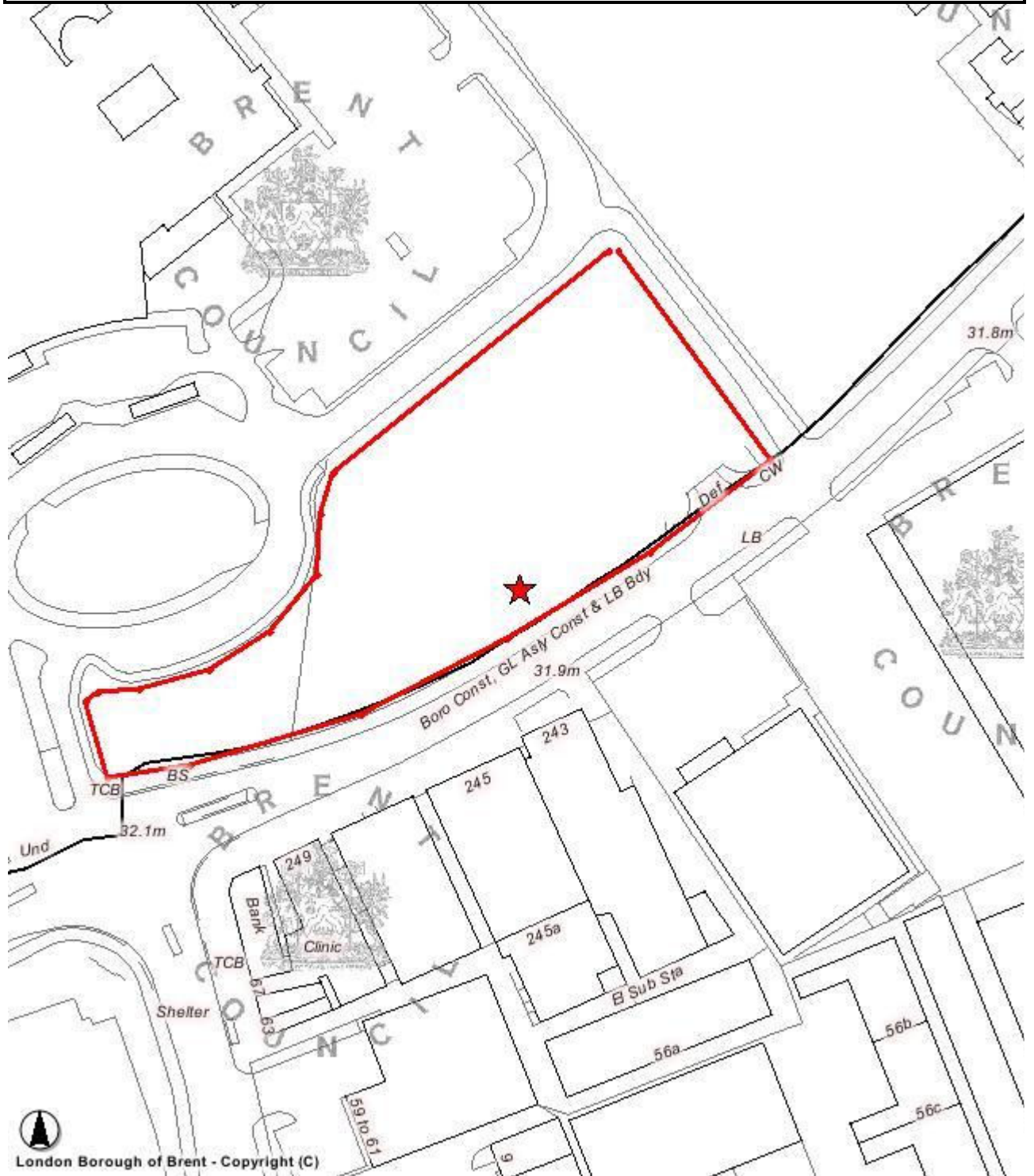
Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344



## Planning Committee Map

Site address: Land next to Central Middlesex Hospital, Acton Lane, London, NW10

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Location Land next to Central Middlesex Hospital, Acton Lane, London, NW10  
Description Approval of reserved matters relating to appearance, landscaping, scale and access of outline planning permission reference 08/1043.

Application 08/1043, dated 13/11/09 for erection of three linked buildings for mixed-use development on land next to Central Middlesex Hospital to provide up to 650m<sup>2</sup> of creche/primary health-care facility (Use Class D1), up to 2,160m<sup>2</sup> of retail (Use Class A1), up to 467m<sup>2</sup> of cafe/restaurant (Use Class A3) floorspace, up to 13,480m<sup>2</sup> of care and treatment facilities (Use Class C2/C2A) and up to 5,370m<sup>2</sup> of Use Class B1(b)/additional care and treatment (Use Class C2/C2A), formation of refuse storage, loading bay, cycle storage and 32 car-parking spaces, to include 2 disabled parking spaces on ground floor and associated landscaping.

**Agenda Page Number: 131**

The Committee report referred to the need for several revised drawings which reflected the amendments to the design of the building to provide a design feature on the south-western corner of the Plot 1 building. These drawings have now been received.

. A certain level of security can be provided within Use Class C2 units and primary nature of the use was considered to be that of care and treatment.

**Revised drawings**

The applicants have revised the Material Schedule and two of the three dimensional views so that they detail the revised corner feature on the south-western corner of the Plot 1 building.

**Revised condition 1 (approved drawings and documents)**

Add: 050\_032\_revA

Replace 050\_050, 050\_051 and 050\_052 with 050\_050\_revA, 050\_051\_revA and 052\_revA

**Comments from Transportation regarding revised drawings**

Transportation have commented that TfL (London Buses) have confirmed that they are happy with the introduction of a 3m wide lay-by for occasional use by ambulances within the bus standing area at the rear of the building. The revised proposals also retain adequate footway width past this lay-by. Transportation have accordingly specified that they do not object to the revised drawings.

**Judicial Review**

The "Central and North West London NHS Foundation Trust" and Brent Teaching Primary Care Trust (later referred to as the NHS Trust and the PCT) have issued proceedings for a Judicial Review of the Outline Planning Consent for this site (our reference 08/1043).

This does not affect the Council's ability to determine this Reserved Matters application or the application to vary condition 10 (reference 10/0140).

The NHS Trust and PCT have cited the failure to consider the following issues as the grounds for their challenge:

1. It was not demonstrated whether a Use Class C2A (Secure Residential Institutions) in

- this location is in accordance with current local and national planning policy and guidance;
2. It was not demonstrated whether class C2A Use will have a significant affect on the external appearance of the building and whether it was appropriate for the matter to be brought forward as an outline application;
  3. The extent to which boundaries will be affected by the need to provide fencing associated with the secure use;
  4. Consideration of the number of patients and beds which would be provided within the secure unit and the nature of patients who would likely to be accommodated, the impact this may have on the overall provision of such services within the area, and the impact that it may have on the provision of other health services (e.g. GP services);
  5. The extent to which public perception of the scheme would be affected by the introduction of a secure element within Class C2A.

The NHS Trust and PCT also consider that the Reserved Matters are Ultra Vires, as they include Appearance, Landscaping, Scale and Access where the application, as considered by the Committee only included Appearance and Landscaping.

Neither the NHS Trust, or the PCT have commented on this Reserved Matters Application which demonstrates the proposed treatment of external appearance (Point 2), boundary treatment (Point 3), number of beds and types of uses (Point 4) within Use Class C2/C2A (as restricted by condition 6 to *residential accommodation and care to people in need of care or as a hospital or nursing home and for no other purposes within Class C2 or C2A*).

The full discussion of the appearance of the building (being a Reserved Matter) is included within the committee report. Members should note that no perimeter fencing is proposed.

In relation to the other issues raised by the NHS Trust and PCT, neither the Council or the Mayor of London have any planning policies or guidance directly relating to Secure Residential Institutions, a Use Class which was introduced in 2006, and as such, applications are considered on individual merits. Your officers are not aware of any Central Government Planning Guidance directly relating to such uses. The proposal was limited to care and treatment and the application considered on that basis.

Following the consideration of the Outline application by the Planning Committee and the Mayor of London but prior to the determination of the application, the applicants requested that Scale and Access be treated as Reserved Matters as the requirements of potential occupiers had changed since first submission. This would still allow these matters to be considered by local owners and occupiers, and the determination of these matters to be made by the Planning Committee within the Reserved Matters Application. However, the Mayor of London would no longer be a Statutory Consultee regarding the application. The Greater London Authority provided written confirmation that they considered it acceptable to treat Scale and Access as Reserved Matters.

With regard to consultation, the secure nature of the use was restricted to care and treatment and accordingly did not include other uses Class C2A such as a prison, young offenders institution, detention centre or secure training. A certain level of security can be provided within Use Class C2 units and primary nature of the use was considered to be that of care and treatment.

**Recommendation:** Remains approval subject to revised condition 1.



## Committee Report Planning Committee on 24 February, 2010

Case No. 09/2291

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**RECEIVED:** 6 November, 2009

**WARD:** Tokyngton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** Dexion House, Empire Way, Wembley, HA9 0EF

**PROPOSAL:** Demolition of existing building and erection of a building ranging in height from 7 - 15 storeys, consisting of 2,509m<sup>2</sup> basement parking and plant, a parking permit-free proposal for 129 residential flats (37 one-bedroom, 73 two-bedroom, 19 three-bedroom), a 5,837m<sup>2</sup> 125-bedroom hotel (Use Class C1), 1,983m<sup>2</sup> of community swimming-pool and fitness facilities (Use Class D2), and associated landscaping, as amended

**APPLICANT:** Pearceridge Limited

**CONTACT:** DP9

**PLAN NO'S:** Please refer to condition 2

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### RECOMMENDATION

- (a) To resolve to grant Planning Permission, subject to the referral of the application to the Mayor of London in accordance with part 5 of the Town and Country Planning (Mayor of London) Order 2008, and subject to the completion of a satisfactory Section 106 or other legal agreement and the submission of a satisfactory sustainability strategy, and to delegate authority to the Director of Planning to agree the exact terms thereof on advice from the Borough Solicitor; but
- (b) if the legal agreement has not been entered into, or the Mayor of London remains unsatisfied with the application by the agreed Planning Performance Agreement expiry date, which at the time of writing this report is 19<sup>th</sup> March 2010, or the sustainability strategy remains unsatisfactory, 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 (b) has been satisfied

### SECTION 106 DETAILS

The application requires a Section 106 legal agreement in order to secure the following benefits:

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Provision of 6% Affordable Housing Units by unit for Shared Ownership
- (c) Prior to any residential construction to enter into a contract for the provision of and prior to Occupation of any units to provide for not less than 23 years, one Swimming Pool, reasonable specification to be approved by the Council but not to be unreasonably withheld and comprising

- not less than 1,025 sqm of floorspace within the Development including not less than:
- (i) A minimum 6 lane x 25 metre long swimming pool capable of meeting "Competition +" requirements in accordance with the Sport England Design Guidance Note for Swimming Pools dated March 2008 (R001), excluding spectator seating, including at least:
  - (ii) One pool hoist for disabled access
  - (iii) First Aid Room
  - (iv) Provision of changing rooms for men, women and disabled people with both single gender and mixed gender changing
  - (v) The public to have access to the Swimming Pool at times and prices comparable to Brent Council owned or run sports and leisure centres in the borough, including acceptance of the Leisure Card
  - (vi) Refurbishment of the swimming pool at the appropriate period
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and BREEAM rating Excellent (subject to BRE reasonable criteria) / Code for Sustainable Homes Level 4, in addition to adhering to the Demolition Protocol.
  - (e) Prior to any Occupation, provision for 20% onsite renewable generation or a CHP system covering the residential, pool and hotel and a overall CO2 reductions over current building regulations of 64%, either to be provided over the lifetime of the development. (Officer note - clause (e) will require revisions, subject to the submission of a revised Energy Strategy to meet GLA concerns. A revised Head of Term will need to be reported in the supplementary.
  - (f) The removal of the rights of residents to apply for parking permits on Event Days and from any future CPZ.
  - (g) Prior to any Occupation, the provision of a Public Right of Access west-east across the northern boundary of the site at all times, save for emergencies/ maintenance etc.
  - (h) Prior to any Occupation, the provision of a Council approved landscaping scheme for the public realm on the west-east across the northern boundary of the site, including new trees along Empire Way.
  - (i) Join and adhere to the Considerate Constructors scheme.
  - (j) Prior to Occupation, submit, gain approval of and adherence to a Travel Plan covering the residential, pool and hotel (including coach parking).
  - (k) To notify "Brent In2 Work" of all job vacancies, including those during construction of the development and running of the hotel for Brent Residents
  - (l) Prior to Material Start enter into a S278 to cover the Highways Works to Empire Way, including the cross overs and new access, to be approved by the Council.
  - (m) In the event a local access road to the rear of the development is constructed and adopted and the Council serves notice on the owner within 20 years of Practical Completion, the owner shall:
    - (i) offer a 1.5m strip of land running on the eastern boundary for public adoption as footway/ highway
    - (ii) relocate the entry of the car park to the rear
    - (iii) remove any temporary security measure to the rear of the site (officer note - this includes the removal of the eastern boundary treatment, the removal of the temporary northern security boundary and lobby,
    - (iv) removal of the temporary residential bin storage area)
    - (v) provide an alternative soft landscaping scheme
  - (n) Prior to Material Start provide to the Council a Tenants Relocation Strategy detailing where and how existing tenants are being relocated to.
  - (o) A contribution of £20,000 index-linked, due prior to any residential Occupation, for the provision of a Car Club in the local area.
  - (p) Prior to any Occupation provide a community waste system link from the communal area of the development to the development boundary.
  - (q) In the event that a district wide heating system is constructed and becomes operational in the area to undertake works to connect the development to the district wide heating system.
  - (r) Prior to Occupation agree and adhere to a service management plan for the residential , leisure and hotel elements of the site.
  - (s) Notify all future occupiers of the residential element of the scheme, prior to their purchasing or

renting of a property of the sites location within the Wembley Master Plan Area and that their outlook may be affected by the future development of adjoining sites.

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.

The LPA supports in principle the provision of a pool that meets an identified need in the Borough, and the value of the pool's creation has been recognised resulting in the removal of the standard charge normally levied as a result of the Council's SPD on s106 Planning Obligations.

## **EXISTING**

The site is on the eastern side of Empire Way, a London distributor road, within Wembley Regeneration Area, National Stadium Policy Area and the Wembley Masterplan SPD 2009. The site is good public transport accessibility with a PTAL rating of 4. The site currently consists of a part-4, part 9 storey office building. Two restaurants are currently operating from within the building. The rest of the building is commercial B1 floorspace. (approximately 5929sqm). The building dates from the 1960s and is set back from the highway. The frontage is occupied by a car park, with a few trees separating it from Empire Way.

The site lies between Malcolm/ Fulton House to the north, which is currently a 3-storey building but subject to a recently consented scheme for 7-11 storey hotel, (see reference application 08/2633,). The 9-storey Quality Hotel is located to the south. To the east of the site lie the remaining Palace of Industry Warehouses, which are likely to be redeveloped as part of the Masterplan. To the west lies Empire Way that separates the site from Raglan Court and Imperial Court which are 3-4 storey high residential blocks lie on the opposite side of Empire Way from the application site.

The application site is within or adjoins the sight lines relating to one protected view, namely Long Distance View 8 (Honeypot Lane, Harrow, UDP Map WEM1) as defined within UDP Policy WEM19. The site falls within Flood Zone 1 (Low probability of flooding). The site slopes gently down to the rear with a fall of approximately 0.5m.

## **PROPOSAL**

The application proposes to demolish the existing building and to erect a new building ranging in height from 7- 15 storeys consisting of 2509sqm basement parking and plant, 129 residential flats (37- one-bed, 73- two-bed, 19- three bed,) a 5837sqm 125-bed hotel (use class C1) 1983sqm of community swimming pool and fitness facilities, (use class D2) and associated landscaping

## **HISTORY**

The most recent application consists of:

### **06/0462 - Withdrawn**

Erection of 2 floors (9th and 10th) to central part of building and one floor (4th) to remainder of building, for use as B1 office accommodation

Other planning history is viewable on acoaid

## **POLICY CONSIDERATIONS NATIONAL**

### ***Planning Policy Statement 1 – Creating Sustainable Communities (2005)***

This PPS replaces PPG1 – General Principle and Policy (Feb 1997) supports the reform

programme and sets out the Government's vision for planning, and the key policies and principles, which should underpin the planning system. These are built around three themes: sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

***Planning Policy Statement 3 – Housing (2006)***

This document's objective will be to deliver new homes at the right time in the right place and will reflect the need for flexibility in planning between urban and rural areas, and in areas experiencing high or low demand. The aim is that the planning system is used to its maximum effect to ensure the delivery of decent homes that are well designed, make the best use of land, are energy efficient, make the most of new building technologies and help to deliver sustainable development.

***Planning Policy Statement 4 – Planning for Sustainable Development (2010)***

This sets out planning policies for economic development from a strategic policy and development management perspective

***Planning Policy Statement 6 – Planning for Town Centres (2005)***

PPS6 sets out the Government's policies and principles relating to town centre uses, promoting the vitality and viability of town centres. The key objectives are to plan for the growth and development of existing centres and to promote and enhance existing centres by focusing development in these centres, encouraging a wide range of services in a good environment and accessible to all.

***Planning Policy Guidance 13 – Transport (2001)***

PPG13 outlines the Government's aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The guidance places an emphasis on putting people before traffic, indicating that new development should help create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

***Planning Policy Guidance: Planning for Open space, sport and recreation (2006)***

This assists Local Planning Authorities deciding where to locate facilities in order to ensure that local facilities are brought forward

***Planning Policy Statement 25 – Development and Flood Risk (2006)***

PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. PPS25 looks to reduce flood risk to and from new development through location, layout and design, incorporating sustainable drainage systems (SUDS).

## **REGIONAL**

***The London Plan***

The London Plan, which was adopted in February 2004 and revised in 2006 and 2008, sets out an integrated social, economic and environmental framework for the future development of London. The vision of the Plan is to ensure that London becomes a prosperous city, a city for people, an accessible city, a fair city and a green city. The plan identifies six objectives to ensure that the vision is realised:

Objective 1: To accommodate London's growth within its boundaries without encroaching on open spaces

Objective 2: To make London a healthier and better city for people to live in;

Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth

Objective 4: To promote social inclusion and tackle deprivation and discrimination;

Objective 5: To improve London's accessibility;

Objective 6: To make London an exemplary world city in mitigating and adapting to climate change

and a more attractive, well-designed and green city.

The Plan recognises Wembley as an Opportunity Area for leisure related development and the provision of new homes and employment opportunities. It identifies an additional employment capacity of 5,500 jobs and the provision of minimum of 5000 new homes between 2001 and 2026, and specifies the “realization of the potential of Wembley as a nationally and internationally significant sports, leisure and business location, co-ordinated with town centre regeneration and new housing”. The plan specifies that the Mayor will work with strategic partners to implement his Tourism Vision and to achieve 40,000 net additional hotel bedrooms by 2026.

The London Plan sets targets for the provision of new homes and the proportion of Affordable dwellings together with the accessibility of dwellings in relation to the Lifetime Homes standards and the proportion of Wheelchair or easily adaptable units.

The London Plan sets out policies relating to climate change, setting out the Mayor’s energy hierarchy (using less energy, supplying energy efficiently, using renewable energy) which includes consideration of the feasibility of CHP/CCHP and a reduction in carbon dioxide emissions of 20% from on site renewable energy generation.

### **Housing – Supplementary Planning Guidance (2005)**

This guidance relates to the housing policies within the London Plan and covers policies on housing provision (following draft SPG published for consultation in December 2004) and policies on affordable housing (following draft SPG published for consultation in July 2004). It gives detailed guidance for boroughs on how to develop sites for housing and how to determine housing mix and density for any individual site. It emphasises that new developments should make the most effective and appropriate use of the land available, consistent with the principles of Sustainable Residential Quality. The Mayor is concerned that new housing in London should meet the full range of housing needs. The guidance sets out how this must include in particular a higher level of new family housing than is currently being built in London.

### **Providing for Children and Young People's Play and Informal Recreation – Supplementary Planning Guidance (2008)**

This Planning Guidance seeks to ensure that a high quality environment is provided for all residents with sufficient high quality play and recreation space accessible by children and young people of different ages. Targets are set for the amount and types of play and recreation space based on the child yield of the development and accessibility of the existing and proposed play and recreation facilities.

### **Sustainable Design and Construction – Supplementary Planning Guidance (2006)**

The SPG provides guidance on the way that the seven measures identified in the London Plan 2004 Policy 4B.6 (Policy 4A.3 of the 2008 amendment to the London Plan) can be implemented to meet the London Plan objectives.

The seven objectives are as follows:

- Re-use land and buildings
- Conserve energy, materials, water and other resources
- Ensure designs make the most of natural systems both within, in and around the building
- Reduce the impacts of noise, pollution, flooding and micro-climatic effects
- Ensure developments are comfortable and secure for users
- Conserve and enhance the natural environment, particularly in relation to biodiversity
- Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP schemes and other treatment options

## **LOCAL**

### **Brent Unitary Development Plan 2004**

#### **Strategy**

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

The relevant policies in this respect include Policies STR1-4 (prioritising locations and land-uses to achieve sustainable development), STR5, 6 and 10 (reducing the need to travel), STR11-17 (protecting and enhancing the environment), STR19-21 (meeting housing needs), STR25 (meeting employment need), STR27 (regeneration of Wembley as a regional sport, entertainment, leisure and shopping destination), STR32 (promoting tourism and the arts), STR35 (Protecting open space and promoting sports), STR37 and STR38 (meeting community needs).

### **Policies**

- 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
- BE13** Areas of Low Townscape Quality
- BE17** Building services Equipment
- BE34** Views and Landmarks
- EP2** Noise and Vibration
- EP3** Local air quality management
- EP4** Potentially polluting development
- EP6** Contaminated land
- EP12** Flood protection
- EP15** Infrastructure
- H9** Dwelling mix
- H10** Containment of Dwellings
- H12** Residential Quality – Layout Considerations
- H13** Residential Density
- H14** Minimum Residential Density
- H22** Protection of Residential Amenity
- TRN1** Transport assessment
- TRN2** Public transport integration
- TRN3** Environmental Impact of Traffic
- TRN4** Measures to make transport impact acceptable
- TRN9** Bus Priority
- 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  
**TRN22** Parking Standards – non-residential developments  
**TRN23** Parking Standards – Residential Developments  
**TRN34** Servicing in new developments  
**TRN35** Transport access for disabled people & others with mobility difficulties  
**EMP4** Access to Employment Opportunities  
**EMP9** Development of Local Employment Sites  
**EMP15** Location of B1 Business Development  
**TEA1** Location of large-scale Tourist, Visitor and ACE uses  
**TEA4** Public Art  
**TEA6** Large-scale hotel developments  
**OS7** Provision of public open space  
**OS18** Children’s play areas  
**OS19** Location of indoor sports facilities  
**CF6** School places  
**WEM1** Regeneration of Wembley  
**WEM2** Pedestrian Route/Promenade  
**WEM4** Residential Development within the Wembley Regeneration Area  
**WEM5** Relocation of existing businesses  
**WEM7** Access to development – the National Stadium Policy Area  
**WEM11** On-street parking controls for Wembley  
**WEM16** Urban design quality – Wembley Regeneration Area  
**WEM17** The public realm – Wembley Regeneration Area  
**WEM18** The design of buildings along Olympic Way  
**WEM19** Views of the Stadium

#### **Brent Council Supplementary Planning Guidance and Documents**

**SPG3** Forming an access to a road  
**SPG4** Design Statements  
**SPG12** Access for disabled people  
**SPG13** Layout standards for access roads  
**SPG17** Design Guide for New Development  
**SPG19** Sustainable design, construction and pollution control  
**SPG21** Affordable Housing  
**SPD** Section 106 Planning Obligations

#### **Infrastructure and Investment Framework**

The Infrastructure and Investment Framework is the LDF’s evidence base for the Core Strategy, identifying the infrastructure that is required to enable development in the growth areas. In the Wembley growth area a community swimming pool is identified on the main list of required infrastructure.

#### **Destination Wembley – A framework for development (2003) Supplementary Planning Guidance**

This guidance set out the Council’s key principles regarding the redevelopment of Wembley:

- A comprehensive approach which properly addresses the setting of the stadium, producing a development where all the different elements relate well together.
- An accessible part of town, which offers a choice of routes into and through the area that are easy to grasp.
- A high quality development with comfortable public streets and civic spaces lined by modern, exciting buildings.
- A rich mix of uses combining leisure, retail, entertainment and other commercial uses to create a active, interesting and attractive urban environment throughout the year.
- One of the most accessible locations in the capital because of improvements to the existing rail and underground stations and the highway infrastructure with improved links to the North Circular.

- A well integrated and connected place which links into the High Road and surrounding community, allowing people to move safely and easily through the area.
- A development which promotes sustainability through adopting best practice.
- An engaged community that benefits from the new jobs, new services and facilities for local people stemming from the physical, economic and social regeneration of the area.

#### **Wembley Masterplan 2004**

The Wembley Masterplan, approved by Brent's Executive Committee on 29th March 2004, illustrates how the vision for land surrounding the Stadium and the wider area may be realised in the future. It interprets the policies contained within the Unitary Development Plan and the guidance in Wembley Development Framework, which was approved as supplementary planning guidance in September 2003.

The subject site falls within the "North-East District" for which the guidance suggests should be characterised by a linear park, and potentially accommodating approximately 164,600 to 203,600 sqm of leisure/entertainment, retail, commercial, civic, educational and residential uses. The Masterplan specifies that building heights should typically be between 6 and 10 storeys, and may rise to 10 storeys along Olympic Way but be 6-7 Storeys along Fulton Road with an emphasis on the corners.

Some design principles specified in the Masterplan also include consideration of the views to the Stadium, a strong development edge to Olympic Way and the provision of active frontages to Olympic Way.

#### **Wembley Masterplan 2009**

The site lies within the North-West District of the Masterplan, one of the principal aims of this area is to improve the landscape quality on Empire Way with a "gradual and comfortable change in building scale." Empire Way has historically been considered to have a poor environment and the SPD seeks a consistent street frontage with wide footpaths and a landscaped setting. Ground-floor uses should activate the streetscene.

The Masterplan suggests that the appropriate uses within the subject site itself include a hotel. The Masterplan also identifies that the area would be suitable for modern leisure and sports facilities. To the east of the site an indicative local access road is demarcated and to the east of this road, the land parcel is identified as a possible leisure use, with a potential pocket park to the north of this. The Masterplan indicates that hotel uses on Empire Way could supplement those on Olympic Way, provided that sufficient office space to meet local need is retained.

The Masterplan identifies that there is a need for more publicly accessible swimming pools in the northern part of the Borough. This is supported by the Council's Sport's Facilities Strategy. The Masterplan states that the Council requires a 25m, 6-lane pool available to the community at prices comparable to other community pools, and the Masterplan area would be an appropriate location for such a facility.

The Masterplan also identifies the Council's aspiration for a local energy network through a community-based combined cooling, heat and power system within the Masterplan area. There is an expectation that sites within this area will have the capability to link up to such as system. In addition sites within the Masterplan area need to consider waste management and recycling and therefore applicants are encouraged to facilitate community vacuum systems. The SPD guides that sites within this growth area will achieve Code for Sustainable Homes 4 and BREEAM Excellent.

The Masterplan also sets out guidelines on the indicative footprints of development in the area. Building heights on the application site are guided to be 4-6 storeys facing Empire Way and 11-14 storeys towards the eastern side of the site.



## **Other Council Publications**

### **Wembley Vision (2002)**

### **Wembley From Vision to Reality (2007)**

These two non-planning related documents set out the Council's Vision for Wembley, with the core principles of New Wembley, Destination Wembley, Multicultural Wembley, Quality Wembley, Quality Wembley, Exciting Wembley, Sustainable Wembley, Brent's Wembley.

### **Brent Council's Planning for Sport and Active Recreation Facilities Strategy 2008-2021**

This document has informed the Council's Infrastructure and Investment Framework. The Strategy identifies a deficit in swimming pool provision through the central and northern parts of the Borough, where walking distance time to pools are in excess of 40 minutes. The Facilities Planning Model has identified that there is a need for two 6-lane 25m pools within the Borough to stop people going outside the Borough, particularly residents in the north of the borough. The proposal has the potential to partly meet this need.

## **SUSTAINABILITY ASSESSMENT**

The applicants have submitted a TP6 "Sustainability Checklist" an Energy Statement, and a Code for Sustainable Homes and BREEAM Document.

The applicants scored their own checklist at 57.5 % which is over the minimum level expected of such applications. However, your officers have scored the proposal as 41.5 % based on revised information. The discrepancy relates to the absence of information to demonstrate that the indicated measures will be implemented in particular, SUDs, non toxic materials use, urban design measures to disperse pollutants, targets for maximise use of reclaimed &/or reused materials and proposed waste recycling strategy. Should the application be recommended for approval, such issues can be resolved through the Section 106 process, requiring the submission and approval of a revised TP6 form, which achieves a minimum of 50 % together with a sustainability statement which demonstrates how the measures will be achieved within the development. Your offices consider that, with additional information the 50% score level is achievable.

An energy statement has been submitted in accordance with the requirements of policy 4A.4 of the London Plan, demonstrating how the proposal will comply with the London Plan objectives to using less energy, supplying energy efficiently and using renewable energy as set out within Policies 4A.1 to 7. The proposal has incorporated a number of passive design measures to minimise energy consumption, these include a heavyweight performance structure, improved fabric U-values and air tightness performance against Part L standards. A series of energy efficiency measures are also proposed which will reduce carbon emissions, these include energy efficient lighting, lighting controls, heat recovery from ventilation systems, smart metres in dwellings, presence detectors for communal lighting and door-entry activated power for hotel rooms.

The design includes a series of energy efficiency measures, gas-fired CHP system and Air Source Heat Pumps amounting in a total CO2 reduction of 57%. In addition, water efficiency measures, rainwater harvesting and green roofs are proposed. A Code for Sustainable Homes pre-assessment has been submitting demonstrating the residential is on track to achieve CSH Level 4. A pre-assessment for a BREEAM bespoke assessment of the hotel and leisure facilities should be provided in order to demonstrate the required 'Excellent' standard will be achieved. The GLA has requested the use of conditions to secure the proposed water conservation measures and green roofs. A s106 will ensure that the development is capable of linking with the proposed centralised district-wide Masterplan energy system, (Wembley District Heating.) The applicants have provided an indicative layout demonstrating how appropriately sized pipes could link from the on-site plate heat exchanger to the off-site system.

The applicants have revised the energy statement in response to the GLA's comments and the following summarises their revised approach:

Part L Baseline 1070 tonnes CO2 per year

Passive design measures	956 tonnes CO2 pa (11%)
Energy efficiency measures	895 tonnes CO2 pa (13%)
250 kW Gas CHP	403 tonnes CO2 pa (55%)
Air Source Heat Pumps	385 tonnes CO2 pa (10%)
	(total CO2 reduction of 64%)

The applicant has evaluated the implications of drawing 100% of space and hot water demand from future Decentralised Energy network as requested. The outputs show that the on-site CHP solution provides the best carbon solution at this time due to the increased carbon savings attributed to displacement of grid-connected electricity. The S106 agreement will enable the future provision for 100% heat supplied by the future Decentralised Energy network. The applicants have demonstrated allocated space and an indicative pipe route for future connection.

The GLA has provided indicative feedback since the Stage I report comments. This seeks the removal of the proposed Air Source Heat Pumps, the encouragement of the use of PV panels and the maximisation of the use of a decentralised energy system, and in the interim, a CHP system with supplementary gas-fired boilers. Essentially, the GLA seek a different approach to energy use on site, which removes the proposed Air Source Heat pumps in favour of shared energy systems. The applicant's response to the GLA comments will be reported in the supplementary. At this stage the amount of renewable technologies proposed as part of a revised energy strategy on site is not known. Members are asked to delegate the sustainable strategy to officers to interpret the GLA response to this in addition to requiring alterations to Head of term (e) of the s106.

## **CONSULTATION**

Site notice was erected on 01/12/09

Press date 26/11/09

Consultation letters were original send out on 18/11/09. The application was re-advertised on 30/11/09 and letters were sent to 295 properties.

### **Third party comments:**

Letters of comment and/or objection were received from the following people/companies: Quintain Estates and Developments PLC; Wembley National Stadium Ltd

The following issues are raised:

Impact on adjoining development land

- Raises concern about the potential loss of sunlight and daylight in relation to land known as Palace of Industries to the east of the application site

Highway concerns

- Raises concerns with the trip generation, the applicants figures are stated to be flawed,
- Coach servicing and access arrangements are considered unsatisfactory
- The need to prevent future residents from obtaining parking permits.
- Trips generated by the proposed leisure use have not been considered
- Insufficient information has been submitted to consider vehicle movement and management on Event Days. Development parking spaces should not be used for Stadium visitors.

Design concerns

- The proposed development is considered out of scale with its context
- The applicants have failed to demonstrate that the development does not impact on important Stadium views, raise concern with proposed building height
- Noise on event days have not been considered

### **Internal comments**

#### Environmental Health

No objections subject to conditions regarding: safeguarding air quality for hotel and residential users, methods to ensure that the Air Quality Management Area is not harmed during construction,

a condition regarding ventilation of the underground car park, and condition requiring all residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings-Code of Practice'

#### Highways –

No objections subject to:

- (a) a Section 106 Agreement to secure:- (i) Travel Plans for the three elements of the building of sufficient quality to score a PASS rating using TfL's ATTrBuTE program; (ii) a car-free agreement for the residential element of the scheme; (iii) a Car Parking Management Plan for the site; (iv) a financial contribution of £250,000 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site; (v) dedication of the footway area at the rear of the site as public highway in the event of a notice being served on the applicant by Brent Council; and (vi) amendments to the basement access ramp so that it is accessed from the rear service road, in the event that vehicular access rights are secured to the rear of the site in future;

together with:-

- (b) conditions requiring:- (i) widening of the vehicular surface to the front of the site for the use of delivery vehicles/coaches/taxis etc. to 6m to ensure vehicles can pass one another in safety; and (ii) prohibition on the use of the car parking for pirate visitor parking for Wembley Stadium on Stadium event days.

The level of parking provision for the residential use is acceptable subject to the submission of further details regarding parking space allocation, charging points, access control and parking enforcement strategies. The development should be permit-free through a s106 in order to prevent problems on the local highway network. No Event Day parking may occur, hotel staff should be able to use the shower facilities. The carriage driveway should be sufficient for servicing needs. Provision has now been made for refuse collection and emergency vehicles for the proposed residential units. The commercial hotel and proposed pool/ fitness centre will be serviced from the front/ Empire Way in the short-term. The proposed cross-overs have been revised, as originally proposed they cause safety concerns. Further analysis of non-car modes of access to the site is required. A Sport's Centre Travel Plan is required. (Officer note – sought through s106). The submitted Travel Plans have fails including appropriate monitoring of non-car use, and promotion of sustainable transport measures such as season ticket loans. The submitted Travel Plans are currently considered to fail TfL's ATTrBuTE program. This will be revised through the s106. Financial contributions are sought towards highway safety improvements and parking controls.

#### Landscape Designers –

Originally raised objections, due to the quantum and quality of playspace, the quality of the proposed amenity areas layout. Full details of the amenity areas hard and soft landscaping should be provided, the sedum green roof will require maintenance, no information is submitted regarding the implementation of the southern green wall. Tree provision in the frontage area should be demonstrated through on-site provision rather than relying on highway land. The Empire Way frontage should be improved with further planting and a high quality shared surface. The quality of the northern and eastern pedestrian routes should be improved, and public realm features detailed. Trees are proposed too close to the building and silvacell systems should be used for all new trees on site. An alternative landscape proposal should be provided if the access to the basement is flipped to the east when the secondary road is developed. The soil depths and construction of elevated gardens has now been justified. Further details on the green wall should be provided. Green roof maintenance should be addressed

#### Housing department -

The application proposes 129 residential units, with only 8 affordable shared ownership units. This represents an affordable housing provision of 6% on a per unit basis. The proposed level of affordable housing is clearly 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, as well as the report from the Valuation Office Agency commissioned by the GLA, the conclusion is that even with this extremely low provision of affordable housing the scheme generates a significant negative residual value and therefore is not financially at this point in time. At the same time, financial toolkits can only provide a 'snapshot' picture of the financial viability of any scheme and, given the current volatility in the construction and housing markets, it is not clear what the impact of changes to costs and values over the lifetime of the permission and any construction phases would have upon the scheme viability. Housing therefore recommend the introduction of a financial review mechanism such that the actual and realised costs and values of the scheme are appraised at practical completion of the scheme to ensure any potential to deliver more affordable housing is not lost. Housing note that the VOA report makes a similar recommendation.

### **External Consultees\_**

#### Greater London Authority

This application is referable to the Mayor of London under Category 1C(c) of the Schedule to the Town and Country Planning (Mayor of London) Order 2008, being a development which is more than 30 m high.

The following summarises the Mayor's Stage 1 response:

*London Plan policies are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:*

- *Land use insufficient information on the proposed operation of the proposed community facility has been provided*
- *Housing: a detailed assessment of the submitted financial appraisal is required to justify the proposed level of affordable housing*
- *Design- further information on the design of the hotel elevation, drop-off space in front of the hotel and ground-floor eastern side of the building is required*
- *Access: Insufficient blue badge parking has been provided ad there is a lack of information on the access arrangements for the pool and community facility.*
- *Play space: The applicant has not provided sufficient on-site dedicated play space.*
- *Transport: The applicant has not provided sufficient information within the Transport Assessment*
- *Energy: The applicant has not provided sufficient information on the proposed connection to the wider district heating system, communal system, the CHP plant and the choice of an appropriate renewable energy.*

*Whilst this is broadly acceptable in Strategic terms, on balance, the application does not comply with the London Plan.*

*The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:*

- *Land use –provide further information on the management, end occupier, access arrangement for the local community.*
- *Housing: a detailed assessment of the submitted financial appraisal*
- *Design- further information on the design of the hotel elevation, drop-off space in front of the hotel and ground-floor eastern side of the building is required*
- *Access: Increase blue badge parking bays and provide information on the access arrangements for the pool and community facility.*
- *Play space: Make sufficient on-site dedicated play space.*
- *Climate change: conditions should secure the proposed water conservation measures and green roofs*
- *Energy: Further information should be provided on the energy strategy*

- *Transport: Trip generation need to be split by mode to show the impact on the bus network, car free should be considered, electric charging points are required, cycle parking for the hotel should be in line with TfL standards. A swept plan analysis should be undertaken and a travel plan and delivery servicing plan should be secured. A leisure centre travel plan is required.*

The GLA finds that the proposal is currently unviable, and therefore a review mechanism is recommended for a 5-year permission, but is not required for a 3-year consent.

The GLA has provided indicative feedback since the Stage I report comments. This seeks the removal of the proposed Air Source Heat Pumps, the encouragement of the use of PV panels and the maximisation of the use of a decentralised energy system, and in the interim, a CHP system with supplementary gas-fired boilers.

### Transport for London

TfL support the development in principle providing the following issues are addressed:

- Origin and destination analysis for proposed bus users
- A junction assessment to be undertaken on Empire Way/ Fulton Road
- A swept path analysis to demonstrate that the frontage can accommodate 15m long coaches
- Details of the building overhang to demonstrate that a double decker bus may fit underneath
- A plan tracking coach and service vehicles movement into and out of the site on Empire Way
- Electric vehicle charging points
- Tactile delineation of the shared surface
- Improved cycle parking for the hotel
- Car-free is possible
- The Travel plan should be monitored in accordance with standard ATTrBuTE guidelines and secured through s106
- A delivery and servicing plan is required to demonstrate compliance with the London Freight policy 3C.25

Further comments received after amendments: electric charging points should be shown on plan, a CPZ in this area is in principle supported, the number of trips generated by the development is not expected to cause bus capacity issues. Still some servicing concerns are raised, which should be addressed through a robust servicing and delivery management plan.

Thames Water- recommend informatives and a drainage condition

Environment Agency- recommend informatives and a drainage condition

## **REMARKS**

### **Introduction**

The proposal is for a 7 storey hotel at the front facing Empire Way. The proposal originally formed a U shape of development, with the 7-storey hotel fronting Empire Way to the west, and residential towers to the rear (east.) The residential towers are 11 storeys towards the southern edge of the site, stepping up to a 13 storey middle tower and 15 storey northern tower. A 2-storey duplex building was originally proposed providing residential accommodation to the south of the site, over the top of the vehicular access to the basement area for parking and plant. These duplex units have been removed now. Elevated amenity areas are also provided, at the first, eleventh and thirteenth floors, with green roofs on top of the fifteenth storey tower and hotel. A community swimming pool is at ground-level and upper-ground levels this is linked to associated fitness facilities. Access to the site is primarily from Empire Way, but there is an aspiration that the site may link to a new road proposed as part of the Wembley Masterplan to the east.

### **Policy issues arising from Proposed Uses**

The site lies within Wembley Opportunity Area, and according to the UDP is within Wembley Regeneration Area, the National Stadium Policy area and the north-western part of Wembley Masterplan area.

The GLA support a hotel in principle as the site is within Wembley Opportunity Area with thousands of new jobs and homes planned, it is identified as a promising location for hotel development. London Plan policy 3D.4 identifies Wembley as a Strategic Cultural area, and the hotel use would support the Wembley Stadium as a tourist attraction. Wembley Masterplan 2009 also indicates that this area would be appropriate for hotel use subject to the retention of a suitable amount of office floorspace for local businesses. Policy EMP9 permits the redevelopment of a site in employment use when “there is no effective demand for the premises and there is no reasonable prospect in the medium term of re-use.” The applicants have stated that the building is under-occupied at present and evidenced this. The proposal seeks to demonstrate compliance with Policy TEA6 of the Unitary Development Plan regarding hotel location. A Tenants Relocation Strategy is proposed as part of the s106 ensuring that any remaining businesses are appropriately relocated in accordance with planning policy WEM5 prior to the site development. The Masterplan area is considered an appropriate location for residential development. Indeed, Policy WEM4 states that higher density development is appropriate in the Regeneration Area. The site is considered acceptable for residential use as part of an overall mixed use scheme.

Policy OS19 guides that a sequential approach should be used for the siting of new sports facilities. However, the 2009 Masterplan states that the Council requires a 25m, 6-lane pool available to the community at prices comparable to other community pools, and the Masterplan area would be an appropriate location for such a facility. These findings are supported by the Council’s Sport’s Facilities Strategy. The proposed s106 intends to secure a pool that is of an appropriate size in at least 6 lanes and 25m long, with supporting infrastructure and available at prices and times comparable to other Brent-run facilities. This will ensure that the facility is accessible to the community. In order to ensure that the pool is brought forward, the s106 will require the applicants to enter into a contract for the provision of the pool prior to commencing any residential construction. In addition, prior to being able to occupy any residential units, the applicants will be required to provide a swimming pool compliant with the above details and ensure that it meets “Sport England Competition+” standards for at least 23 years. The swimming pool is supplemented by fitness facilities, including an indicative dance studio and at least 3 fitness rooms. These are considered to complement the pool’s provision and are therefore in principle supported. Overall, the proposed uses appear in accordance with the London Plan, Brent’s UDP and Wembley Masterplan SPD.

### **Viability**

The Council has received a financial viability assessment from the applicants which has also been examined independently by the Valuation Office on behalf of the GLA. Both the Council and the Valuation Office conclude that the applicants cannot viably deliver more than the pool and current proportion of affordable housing either now or within the timescale of the proposed three year consent. Furthermore the scheme viability is such that the standard commuted sums usually required as part of a mixed use development according to the Council’s SPD on Planning Obligations are not possible to require. The submitted toolkit demonstrates that the proposal is incapable of providing these monies and to bring forward a swimming pool. It could be argued that economic circumstances could change and house price inflation will bring more value to the scheme, and that the council should insert overage clauses into any S106 to take advantage of this.

The applicants argue that the viability assessments are a snapshot in time and costs could rise as well as income to the scheme, and that the development is already shouldering significant risk (and no more is offered). Even if economic conditions significantly improved the scheme is still likely to

be marginal and it is reasonable that the Council act on the balance of probabilities in this case and therefore not seek any further clawbacks in this instance, for example in the form of more affordable housing. It is also considered important to encourage development that provides such an important piece of infrastructure for the Wembley area, such as a 6 lane 25m public swimming pool. In conclusion the S106 Heads of terms in respect of the viability of the scheme are supported by officers and no clawback will be sought for a 3 year consent. It should be noted that longer consents would be likely to require a clawback due to less certainty in market conditions and the overall deliverability of the scheme.

### **Mix of units/ Affordable Housing provision**

10% of the proposed residential units are wheelchair accessible and this equates to a total of 13 units. All 129 of the proposed units meet Lifetime Homes standards and none of the proposed units exceed 3-bedrooms. The unit mix equates to: 29% 1-bedrooms, 56% 2-bedrooms, 15% 3-bedrooms. Normally a greater number of larger-sized units are preferred although it is acknowledged that there will be a level of demand for smaller units within the Masterplan area.

The London Plan as amended in 2008 sets out within Policy 3A.9 that the Mayor's strategic target for affordable housing. This states that 50% of provision should be affordable. The Masterplan area expects a level of 40% affordable housing. Of the 129 one, two and three bedroom units that are proposed in this scheme, a total of 8 units (6% by number,) will be affordable. Of these, there are four 1-bedroom units and four 2-bedroom units, which are all proposed as shared ownership. The applicants seek to justify this low level provision of affordable housing because of the provision on-site of the publicly accessible pool and the submitted toolkit, (which has been independently assessed) supports this.

After examination of the toolkit and supporting documentation, as well as the report from the Valuation Office Agency commissioned by the GLA, the conclusion is that even with this low provision of affordable housing the scheme generates a significant negative residual value and therefore is not financially at this point in time. Officers support the provision of a publicly accessible pool. The Council's Housing department find that financial toolkits can only provide a 'snapshot' picture of the financial viability of any scheme and, given the current volatility in the construction and housing markets, it is not clear what the impact of changes to costs and values over the lifetime of the permission and any construction phases would have upon the scheme viability. Housing therefore recommend the introduction of a financial review mechanism such that the actual and realised costs and values of the scheme are appraised at practical completion of the scheme to ensure any potential to deliver more affordable housing is not lost.

Overall, it is considered that on balance, a 3 year permission does not warrant a full review. However, the GLA finds that a 5-year consent would benefit from a review mechanism, and this view is supported by officers.

### **Design, layout and landscaping**

#### Overall

Development within the Regeneration Area is expected to contribute towards a world-class environment. Policy BE10 of the Unitary Development Plan finds that high buildings are most appropriate in the Wembley Regeneration Area. The proposal results in a 7 storey hotel towards the Empire Way western side of the site, linked by a leisure facility at ground and lower floors, with a first floor amenity area, to 3 residential towers of 11, 13, and 15 storeys to the eastern side of the site. Originally residential duplex units were proposed above the first floor amenity area, towards the southern side of the site. These have been removed at the request of officers as they were considered to relate poorly to adjacent residential units and the amenity area. There are additional higher-level amenity areas on top of the 11<sup>th</sup> and 13<sup>th</sup> floors. Green roofs are proposed on top of the 15<sup>th</sup> floor, and front hotel.

The proposed built-form is higher than indicative Wembley Masterplan 2009 guidelines, which state 4-6 storeys onto Empire Way and 11-14 to the rear as maximums. However, the Masterplan is indicative only. Malcolm/ Fulton House to the north of the site was approved with parts of the development at 7 storeys. The adjoining development will partly screen the site from the north. Quality Hotel to the south is angled away from the site, so that it is more exposed from this aspect. The applicants therefore proposed an architectural feature on the southern elevation of the hotel to provide a visual focal point. This in principle is supported and further details of the feature will be conditioned.

It is considered that the proposed stepped built-form towards the eastern side of the site reduces the visual massing of the proposal compared with a 14-storey development of uniform height. Nevertheless the massing of the proposed building is weighed towards the eastern side of the site, which is discussed further below in relation to adjoining land. The introduction of different materials to the proposed building on site, particularly the access cores, helps to emphasise the 3 separate elements of the residential scheme. The building is further articulated on the rear elevation through projecting irregularly spaced panels linking balconies on different floors. This provides a different approach to the balconies but perhaps does not go as far as the GLA sought through their comments. The 3D visuals indicate that the residential element will be largely brick and this approach is supported subject to the use of high quality materials. Other aspects of the development's design are discussed further below.

The applicants have submitted rectified drawings/photomontages that demonstrate that the proposal's height and massing will not detrimentally affect the nearest identified view of the National Stadium. In accordance with policies BE34 and WEM19 the drawings demonstrate that the proposal will not impinge onto Long View 8- Honeypot Lane, Harrow.

#### Empire Way west elevation

The main entrance to the hotel is on the western elevation. It is recessed and oversailed from first floor upwards, allowing sufficient space for large vehicle clearance by not oversailing lower than 4.6m high. Greater articulation has been added to the hotel entrances so that the building appears more legible. The glazed frontage to the west and north-eastern elevations provide active frontages to the building. The main hotel elevation consists of irregularly spaced windows and recessed bricks. The building reads in 3 sections, divided by access cores. These methods help to break up the building's massing.

The proposal will result in a predominately hard surfaced frontage between the proposed building and Empire Way. This does not accord with the design principles set out within the Wembley Masterplan. Accordingly officers have raised concerns about the loss of the 3 existing birch trees (T2, T3 and T4). Replacement tree planting has now been shown, and on revised plans the proposed trees are sited within the application site, bordering the edge of the public highway. The s106 seeks the provision of these trees if permissible by the Highway Authority, but the applicants have not demonstrated through details of services routes and the retained pavement width, that the new trees are an entirely viable proposition. Nevertheless the revised positioning of the trees within the application site makes the deliverability of the proposed trees more likely. A high-quality shared surface would help to improve the development's assimilation and improve the safety of different site users such as cyclists, pedestrians and drivers. The applicants have provided more details of indicative high quality materials.

#### Proposed Pedestrian Access North of Site

The north-western elevation of the building provides glazed access to the community leisure and pool facility. This will be waymarked from a proposed northern feature boundary wall. The treatment of such a wall and signage will form the subject of a condition. The applicants hope that this will provide a feature in the future, and possibly will contain special lighting effects. It is anticipated that in the future, when the Palace of Industries site to the east has been developed, this area of the application site will provide pedestrian access to the public wishing to move east-west across the site. This Public Right of Access west-east will be across the northern



boundary of the site at all times, save for emergencies/ maintenance access route and secured as an obligation of the s106. This is considered to accord with Masterplan accessibility enhancements and may link to a future pocket park to the east. The right of way option will not be available immediately unless it is possible to access lands to the east, and instead the eastern part of the site will be secured for residents use only. There will be an opportunity to open up the access route if/when the indicative road to the east of the site is developed. It is notable that the northern elevation also includes devices to safeguard future residents' amenities such as the use of window screens and obscure glazing.

Until the rear (eastern) road is developed, the northern area of the site will be the primary access for future site residents and people accessing the swimming pool and fitness facilities will also use this space. As this is a public realm the area is expected to include street furniture such as seating, rubbish bins, lighting and covered cycle stands in addition to soft landscaping. The applicants have provided an indicative layout for this area. The applicants have also indicated trees along this area and an appropriate management strategy and location would make this viable. There is some concerns raised about the retained pedestrian access width and proximity of tree planting to the proposed building. However, further details of the exact layout incorporating the proposed benches and soft landscaping will be conditioned.

#### Green Wall to the south of the site

The proposal shows a green wall on the southern elevation, which in part screens the entrance to the basement car park. Amended drawings do demonstrate that there is a 1.6m wide strip between the building and the site boundary, which will be used in the short-term to provide refuse collection to the residential units. It is expected that this will also provide space for the proposed green wall that needs approximately 500mm planting area in addition to supports. This area is to be secured by a proposed gate. The applicants have provided details of an indicative layout which allows space for the movement of the smallest size eurobin with a 750 litre capacity, but not for a 1100 litre capacity. The applicants have indicatively shown how a green wall and temporary bin storage area could be laid out, and further details of the layout of this constrained area may be conditioned. It is anticipated that if the rear service road becomes available the residential bin area will be relocated to allow access from the east rather than the west, which will enable the southern area of the site to be revised and potentially the bins to be collected directly from the bin store on the south-eastern side of the site.

#### Secondary Road Frontage (eastern boundary)

Officers have raised concerns about the quantum of development in proximity to the eastern boundary. At ground-floor up to second floor the main building is set back from the boundary approximately 3.2m to a height in excess of 8.5m. Above this the building steps out to allow a 2.05m separation to the boundary, but balconies protrude beyond this. It should be noted that the boundary line is slightly angled but all of the balconies are sited on land within the applicant's ownership. Officers originally had concerns that the design may rely on the delivery of a new secondary access road to rear of your site for access and outlook and to justify the height of the building in proximity to the boundary. This land is outside the applicant's ownership, although the Wembley Masterplan indicates that the Council propose a road to the rear, this is an indicative policy document and the land in question is under separate site ownership. The applicants have confirmed that the development is not predicated on the delivery of the rear road, although the scheme would be able to flip basement access to the rear, should the road to the east be delivered. The Council's Highway Engineers support in principle the change in orientation to the basement access if the rear road is provided. The applicants propose a layout that they believe will ensure that the proposal is deliverable even if the rear access road is not brought forward.

The main accesses to the residential blocks are on the eastern side of the site, and this will entail using the northern side of the site to access the blocks until such time as a rear access road is developed. The area to the east of the building, is therefore initially constrained by the site boundary and building overhang from the second floor upwards. It has a lack of natural surveillance. This side of the development will become more visible if the road to the east is

developed, which would make the proposed entrances to the residential blocks more active. Until this time, in order to ensure residents safety, a porter's lodge and security gate has been proposed on the northern access route, as a temporary measure until such time as the road is developed and thereafter it will no-longer be required and shall be removed. The applicants have agreed that until the road is developed, the eastern boundary will have identity graphics that enhance the quality of the area on-site, which will be overshadowed. There are limited opportunities for planting within the site area, as the building lies so close to the eastern extent of the applicant's ownership. The applicants have indicated planters to be used in the short-term but more landscaping can be developed if the site boundary is ever removed in the future and will be secured through s106. The applicants also provided indicative lighting sites to demonstrate that the area will not be overly dark.

### **Proposed hotel rooms**

The hotel provides accommodation on floors 1-6. Overall 125 rooms are proposed. The applicants have indicated that 19 of these rooms are accessible, which equates to 15%. Of these 6 rooms are to be wheelchair accessible with a fixed hoist, 7 are capable of future accessible adaptation, and 6 are wheelchair accessible without fixed hoist. The GLA supports this level of accessible provision, which will be conditioned.

In order to relate satisfactorily to both adjoining developments (Malcolm/ Fulton House to the north and Quality Hotel to the south, secondary windows in the hotel's north (7m to boundary) and south side facing elevations (7.8m to boundary) require obscure glazing. The windows serve corridors and therefore such obscure glazing is not considered harmful to the functionality of the hotel.

### **Quality of Residential accommodation**

#### *Daylight, sunlight and outlook,*

The proposed self-contained flats are a mixture of 1, 2 and 3 bedrooms. All of the proposed units exceed the minimum floorspace guidelines within SPG17 and none of the units have a solely northerly aspect. This demonstrates the quality of the proposed residential units, which are all Lifetime Homes compliant. In addition 10% of the proposed residential units are wheelchair accessible and this equates to a total of 13 units.

The proposed residential flats with an aspect facing north have north facing habitable windows that would be harmed by Malcolm/ Fulton House windows as existing (11.5m) or proposed (5m away.) The relationship has potential to cause poor outlook, light and privacy on site. The applicants have therefore introduced projecting windows with screens, which will prevent a direct outlook to the adjoining site. This also safeguards the privacy of future occupants for all windows on the northern elevation. The applicants have demonstrated how each projecting window will have obscure aspects if there are 2 units with such windows positioned side by side. This will enable the privacy of future occupants within adjacent units to be safeguarded. The screened projecting windows, and alternate obscure glazing are considered important to ensure the quality of the future accommodation and such treatments will be secured by conditions.

Residential habitable room windows within the southern elevation (second floor to tenth floor,) are only 7.2m from the side boundary with the Quality hotel site. This means that they will be reliant on any future adjoining development providing an adequate set-in from the side boundary in order to create sufficient space for privacy/ outlook of the proposed units. These are not the sole windows within the affected units, and therefore the proposed windows set in from the side boundary and their elevated position is considered to mediate the impact of a foreshortened outlook. SPG17 normally guides that habitable room windows should be set at least 10m from boundaries, but Quality Hotel is set some way from the proposal and at an angle within its plot. It is therefore not considered to impinge upon the residential amenities as existing. It is considered that this is sufficient distance to allow a reasonable level of outlook. If the adjacent site is proposed to be redeveloped in the future, the future adjoining development will need to consider impact on the proposed habitable rooms that benefit from a southern outlook on site. It should also be noted that this approach was used for Malcolm/ Fulton House adjacent, where the proposed hotel was

permitted with windows proximate to the boundary with the application site with the application site.

The eastern elevation has residential windows approximately 2m from the eastern boundary. The site currently borders land occupied by the Palace of Industries. However, the Wembley Masterplan 2009 indicates that there is an expectation that the area immediately adjacent to the site will be occupied by a new road. From a Masterplan perspective it would be desirable for a road to be sited to the east of the site, but the land is not under the applicant's control and therefore the Masterplan can only be considered as indicative at this stage. The outlook of eastern facing residential rooms has caused officers concerns and this is discussed further below.

The western elevation of the proposed residential units adjoins the first floor amenity area, and to the west of this is the proposed hotel. The rear façade of the hotel is only separated by 18m from the residential units. SPG17 guides that window to window distance should be in excess of 20m. In order to overcome this shortfall of outlook and to safeguard future residential occupiers and hotel room users, the applicants propose angled projecting windows with appropriate screening for the hotel elevation facing east. These devices will be conditioned in order to ensure an appropriate relationship.

The applicants have submitted a Daylight & Sunlight Report, and this considers the Building Research Establishment (BRE) Report 209 "Site layout planning for daylight and sunlight- A guide for good practice." The amount of daylight received by new dwellings is a material planning consideration as it indicates the quality of residential accommodation provided. The analysis considers residential floors 1-3 for the proposed development.

Based on the current site circumstances 5 units, 11 habitable rooms within the site development itself are under ADF Average Daylight Factor criteria for a living room (1.5%). Furthermore, should development land to the east of the site be redeveloped, it is likely that units facing east will fail indicative daylight guidelines set out within BRE 209. Nevertheless under the current site circumstances the development overall has 369 habitable rooms, the 11 habitable rooms that fall below the standard are not considered significant. The Annual Probable Sunlight hours (APSH) received on the southerly aspects of the development have been considered but the report concludes although there are windows that fall below the BRE guidelines, none are significant. Considering that 129 residential units are proposed, on balance the level of sunlighting and daylighting available for proposed units is considered sufficient not to warrant refusal of the application on these grounds.

### ***Amenity space and playspace***

#### ***Amenity space***

As amended, all units have been provided with balconies, the usability of some of these is reduced when depths of less than 1.5m are achieved, particularly on the eastern elevation. However the balconies are generally in excess of 5sqm. Indeed, five of the units have balconies/ terraces greater than 20sqm for their own use. The remaining 124 units will share the 676sqm first floor amenity area (with playspace to be removed from this,) the 11<sup>th</sup> and 13<sup>th</sup> floor amenity areas, which are each 230sqm. This equates to 1137sqm of amenity space on site, resulting in 9sqm amenity space for each proposed unit in addition to the proposed balconies. This is less than SPG17 guidelines, which seek 20sqm for each new flat proposed on site. The provision of balconies for each new unit goes some way to mitigating this on-site shortfall, and the expectation of higher density developments within the Masterplan area.

#### ***Playspace***

Applying the Mayor's SPG on playspace methodology, the scheme could accommodate 21 children, equating to 210sqm of playspace. Under 5s provision should be on site and should include 82sqm on-site. If there is no other appropriate play area within 400m, 5-11 year old children should have 78sqm on site. If there is no space within 800m 11-16 year olds will require 50sqm. As amended, the proposal indicates just over 90sqm playspace proposed on site. The nearest park is Crown Walk Road Park, but this is small and has no equipment/ facilities and is just

a grassed area. It is approximately 680m from the application site. Chalkhill Park is a proposed park, and will be larger, but is over 800m away from the application site, and therefore cannot be relied upon to comply with playspace provision for 11-16 year olds living on site, who need to be within 800m of such a park. The development will therefore not provide sufficient on-site playspace to meet the Mayor's SPG.

It is usual in cases like this, that off-site provision of parks/ playspace is enhanced through additional contributions on top of the standard charges normally sought through Brent's Planning obligation SPD and this mechanism allows a development to compensate for the low level of provision on-site. However, the applicants have submitted a Toolkit that demonstrates that the site is not able to provide contributions of this manner. The Toolkit figures shows that the provision of a publicly accessible swimming pool means that the scheme cannot viably support additional contributions and bring-forward a pool that meets the identified community need. The recognised need for the pool is such that in this instance additional contributions will not be sought. The s106 ensures that the pool will be publicly accessible and this meets an identified local infrastructure need.

#### *Green roofs*

The application indicates green roofs for the entire hotel building and the highest residential block on the top of the fifteenth storey. The provision of green roofs is in principle supported from sustainability and drainage perspectives and such provision will be conditioned.

#### *Overall*

Throughout the course of the application further details of the landscaping of the amenity areas have been sought, for example, appropriate use of defensible planting to safeguard neighbouring windows amenities for the first floor residential units. The applicants have provided further information sufficient to be able to condition further details of the amenity spaces and have agreed this approach. The revised information for example demonstrates the indicative layout of the first floor, 11<sup>th</sup> and 13<sup>th</sup> floor amenity areas, incorporating approximately 90sqm of playspace at first floor level. Further details have demonstrated that the drainage and planting of the elevated garden areas are viable. The applicant has confirmed that there will be hatched access to the green roofs to enable maintenance.

At ground-floor the northern access route has been detailed with benches, soft landscaping and a temporary security barrier. There are some concerns with the placement of these features in terms of appropriate spacing and layout. However it is expected that the exact detailed layout may be considered through the use of appropriate conditions. The southern elevation has a green wall, which has now been detailed on drawings although this area is constrained by the temporary bin store area. The rear eastern boundary has proposed planters primarily and will in the future have the potential to create a more open area. The principal western frontage has proposed trees within the site area immediately adjoining Empire Way. The level of proposed soft-landscaping within the western frontage is less than envisaged within the Wembley Masterplan 2009 but it is considered to contribute to the development's setting. The details of the landscape layout will be sought through conditions. Furthermore the frontage trees are considered within the s106 agreement in order to ensure the deliverability of the trees if they do encroach on the highway.

#### **Impacts on adjoining development**

##### Daylight/ sunlight

##### *Commercial properties adjacent*

The applicants state that commercial properties have lower daylight/ sunlight requirements than residential properties. This is true, but there would still be some expectation of outlook from the existing offices, or proposed hotel use on Malcolm/ Fulton House to the north, and the Quality Hotel to the south. Quality Hotel is set at an angle within its plot meaning that its sunlight and daylight is unlikely to be significantly affected by the proposal, which is to the north of it in any case. The proposed development lies to the south of Malcolm/Fulton House, which as either a hotel or office will be primarily artificially lit.

The applicants have stated that the proposal will not jeopardise the future development of land to the east of the site, when considering Masterplan constraints. The application site is constrained in relative terms to land to the east and in order to deliver a quantum of development on site, a strategic approach to the delivery of both sites should be considered to produce the Masterplan vision. The applicants quote the draft PPS on Development Management; Proactive Planning from Pre-Application that states that private interests of neighbouring landowners should not be considered. However, officers consider that the proposed development will affect the quality of development within the Masterplan as a whole and not merely the interests of the adjacent land owner.

#### *Land to the east*

The applicants have submitted a Daylight & Sunlight Report and addendums. The initial qualitative submission does not undertake the quantitative test within the BRE 209 in relation to adjoining development land to the east of the application site. The qualitative statement indicates that land to the east of the development site could be developed without harm to the proposed residential units within Dexion House if the adjoining development is sufficiently set-back. The applicants note that land to the east of the development site could be developed and approved according to the Masterplan size parameters if the dense, urban location is considered. They state that in situations such as this, lower than BRE- Guidelines may be considered. A further addendum considers the building form of the proposal on the application site and a Masterplan compliant development to the east. It concludes that both the application site and any future eastern development would have daylight (Average Daylight Factors,) significantly below BRE guidelines as a result of the relationship between the built-forms. The report concludes that the Masterplan itself could lead to BRE failures. It should be noted that the Masterplan is indicative and the merits of individual sites within it should be determined by comprehensive assessment of each of their circumstances. The overall merits of different sites and compliance with BRE guidelines cannot easily be assessed within a Masterplan format. Furthermore, the building front to front distance between the application site and adjacent sites to the east within the Masterplan measures at 17m, whilst the applicants detail 10.5m. In addition, the application site's layout differs from the indicative layout within the Masterplan, which also results in a different relationship.

The applicants' addendum then considers the relationship between the proposed development and proposed massing for development to the east supplied by the landowners, Quintain. The addendum concludes that over half of the rooms within the southern façade of the development site will fail the ADF (Average Daylight Factor) level within BRE guidelines. If the Quintain development included residential uses, this too would lead to ADF below guideline levels. This study of an indicative model provided by Quintain is useful but can only be given limited weight as no application has been received by the LPA for the adjoining land.

The addendum also considers an alternative scheme to the indicative Quintain model discussed above, which achieves the same quantum of development on the adjacent site, but creates a satisfactory relationship in terms of daylight and sunlight received for both the adjacent and application site developments. This is an indicative suggestion only and would result in greater heights elsewhere on the adjacent land to the east, rather than directly opposite the application site. The alternative model would have heights down to 6m opposite the application site, which equates to a 2-storey residential development or 1 storey commercial block. This illustrates that the height and massing of the proposed building on the application site will have an impact upon the land to the east but does not prevent a form of development. A consultation response from Quintain raises concerns that prospective occupiers of the residential block to the rear of the site could object to future development proposals on land to the east of the site. This would always be a possibility in any new development however, given that the site is located within the London Plan's Wembley Growth Area, and within the Council's Wembley Regeneration and Wembley Master Plan Areas the likelihood is that significant development will occur on adjoining sites that may impact on the outlook of future occupiers of the Dexion House development. Therefore to ensure that future occupiers are aware of this possibility an additional s106 clause has been

suggested requiring that future occupiers are notified prior to purchase of the likely scale of future development expected on neighbouring sites.

It could be argued that the impact of the development upon other Masterplan lands should be considered in context to the entire development proposed on the application site, and not just the relationship of the massing/ windows. The proposal will provide a publicly accessible pool, which is an identified infrastructure requirement within the Masterplan area. This net infrastructure gain should be considered in relation to the development package proposed.

#### *Residential properties adjacent*

The applicants have considered the impact of the proposed development on nearby residential properties in terms of guidelines within BRE 209 Sunlight and Daylight received.

Within Raglan Court,

- 64- 72, 73-81, 82-90 Raglan Court –all windows will continue to meet the VSC (vertical sky component) criteria (only doors fail the guideline, which is fine,) and therefore the proposal has negligible impact on these blocks. All units are in accordance with BRE guidelines on sunlight (Annual Probable Sunlight hours,) and will therefore not be affected by the proposal in terms of sunlight either.
- 91-99 Raglan Court has one unit (one window W9/310) will fail 20% VSC (vertical sky component). This window is beneath an overhanging projection on Raglan Court. 3 windows will receive sunlight levels less than BRE guidelines as a result of the development but the report concludes that this will be acceptable overall.
- 100-108 one unit (one window W1/200) will fail 20% VSC (vertical sky component). This window is beneath an overhanging projection on Raglan Court, which already affects its VSC. Its retained ADF (Average daylight factor,) is only just below the existing situation, (a reduction of 0.2 ADF) and the level of reduction, would not be considered sufficient enough to warrant refusal. The report considers that the sunlight received by this block will be acceptable.
- 109-129 Raglan Court - the existing VSC (Vertical Sky component) for all rooms were below the VSC level as existing except one, which stays above the recommended VSC with the development. The applicants state that in such cases as this, any development has a greater impact. Therefore only those windows that fall below the stronger test of 1.5% (living room) ADF(Average daylight factor,) following the proposed development have been identified: within 109-129 this equates to ten windows that will fail 1.5% ADF when previously they achieved above this. The applicants state that the absolute reduction is fairly minimal and in part this is due to the building's existing form, with 2 projections at either end reducing the daylight received. When assessing sunlight, there are rooms within this block that will be affected by the proposal and will lose more than BRE recommended guidelines for Annual Probable Sunlight hours. However the report concludes that overall sunlight to this building is acceptable.

Within Imperial Court, there are 88 windows within the facing elevation, 24 windows will fail the Vertical Sky Component (VSC.) These windows largely serve bedrooms but there are 3 secondary and 1 primary window servicing kitchen/ diners. All of these windows are under over-hanging roofs or balconies or on a return wall facing north. These windows have a restricted ability to enjoy a view of the sky in any case. The Appeal decision relating to the Northway Garages Student Accommodation proposal (reference 07/2772) is a material consideration. The Inspector noted that the light to some windows was already affected by the presence of overhanging balconies and therefore the reduction below BRE target values was not considered as sufficient to warrant the dismissal of the appeal. There are rooms within this block that will be affected by the proposal and will lose more than BRE recommended guidelines for Annual Probable Sunlight hours. Overall, the report finds that the losses are small in absolute terms.

Overall, there are existing residential properties that will be affected by the proposal but it must be considered that they are in excess of 20m from the proposed building. Further, they adjoin a Growth Area, where there is an expectation of development. The proposed building is not

anticipated to impinge on the outlook from Imperial Court or Raglan Court. The proposed development on the application site will be sited closer to residential properties opposite than the existing development. Nevertheless Empire Way at this point is greater than 10m wide and the proposed building will be further than 20m from the existing residential properties.

### **Air Quality**

The applicants have submitted an Air Quality Assessment. This reports that only the hotel fails the NO<sub>2</sub> Nitrogen Dioxide levels established in the National Air Quality Objectives. The report recommends a whole-house ventilation unit for the hotel in order to address this, with high air intake. The Council's Environmental Health Officer has reviewed these findings. She concludes that the assessment has been modelled against the wrong NO<sub>x</sub> reading tube, and should be adjusted to reflect Fulton Road's readings. This may mean that the residential block exceeds guideline figures. The applicant has requested that this is dealt with as a condition, and therefore a condition will request the re-assessment of the air quality levels to take the closer readings into account and if necessary extend the ventilation system or another appropriate mitigation strategy to the residential block in addition to the hotel. A condition for appropriate construction methodologies to safeguard the Air Quality Management Area is also recommended.

### **Noise**

The applicant's Noise Assessment states that the development is considered a "Category A-B" scheme. PPG24 states that this level of noise category should be a consideration of any planning application in these circumstances in order to ensure an adequate level of protection against noise. The report concludes that double-glazing windows within the elevations of the hotel and residential units facing Empire Way will lead to satisfactory internal noise levels. This is particularly due to the fact that a mechanical ventilation system is proposed rather than requiring openable windows.

The Council's Environmental Health officer recommends the use of conditions to ensure that any plant proposed on site does not emit sound levels that are likely to cause a nuisance to local occupiers, by limiting noise output of units/ proposing mitigation measures in relation to existing background noise levels. A condition will limit any proposed plant noise to be at least 10dB below the site background noise level to limit complaints in accordance with policies EP2, BE17 of Brent's Unitary Development Plan.

### **Land Contamination**

The applicants have submitted a Land contamination-preliminary risk assessment report. This concludes that a site investigation is required although it considers that as the potential risks from contamination are low. The Council's Environmental Health Officer concludes that the proposed development is largely hard standing at ground-floor, has an underground basement car park, ground floor commercial use (hotel, pool and fitness centre) and the residential flats only start on the first floor. This means that potential pollution pathways between underlying contamination and site end users will be broken. Given this and the low risk from the historic desk study, officers considered that a site investigation is not necessary.

### **Parking and servicing**

The building is recessed at the front (up to first floor) and rear (up to second floor.) This reduces the visual massing of the proposal and provides additional space for vehicle movements at the front and a pedestrian footpath at the rear. The applicants have confirmed that the proposed building soffit will allow a front (western) clearance of 4.62m, which is sufficient to accommodate coaches. The proposal relies on Empire Way as submitted for access. The s106 will require that vehicle access be made to the rear service road in the event that it becomes available. If the road is adopted, the s106 will require the applicants to offer up a 1.5m wide footway on the eastern edge of the site to be incorporated into the public highway to provide a future pavement. This was requested by Highway Engineers and will assist the provision of a road along the eastern side of the site, as indicated within the Masterplan. This revised layout will also entail landscape revisions.

### Parking – car & cycle

It is reasonable to apply reduced allowances of 0.7 spaces per 1-/2-bed flat and 1.2 spaces per 3-bed flat to this proposal to reflect the aspirations of the Masterplan area. This would give a maximum allowance of 99.8 spaces for the 129 proposed flats, with an overall allowance of about 135 spaces for the development as a whole. As submitted the proposal does not provide any surface-level parking. A basement makes provision for 36 standard width spaces (plus 10 disabled spaces.) The Council's Highway Engineers consider that this is sufficient subject to appropriate allocation and management of the spaces, and this shall be conditioned. The leasing of spaces on an annual basis to residents is considered the most efficient way to do this. TfL suggest that the number of blue badge parking spaces should be increased. The provision of electric charging points within the basement will be conditioned. It would not necessarily be appropriate for a car club to be provided in the proposed basement. However, the applicants have indicated their agreement to a £20,000 contribution towards the provision of a car club in the local area, secured through s106 to discourage private car use.

Overspill parking from the site would have detrimental impacts on traffic flow and highway safety in the area. However, the principle of a permit-free scheme could overcome this when a CPZ is introduced into the area in the future. In any event, it will prevent residents from parking locally on Event Days. This would be sought through s106. A condition will prevent the use of the car-park for commercial parking on Event Days.

Policy 3A.5 of the London Plan requires 10% of new housing to be wheelchair accessible, and Brent's Unitary Development Plan guideline PS15 requires associated parking. The applicants have provided an indicative car park layout that demonstrates the provision of accessible spaces. The applicant has confirmed that there will be space for one disabled vehicle associated with the proposed leisure use, (bay 4.) The use of this space will be managed by the leisure operator, but the space user will be able to use the hotel lift and side entrance door to access the ground floor leisure facility. The 40m travel distance between the space and facility complies with DfT's travel distance mobility guidelines.

The proposal incorporates cycle stands above ground and in the basement, which appear broadly in line with standards, and will be required to be provided by condition. There is sufficient for 1 space for each of the 129 residential units and the remaining 24 spaces will be split between the hotel and leisure use. The GLA has requested that ground-level cycle stands are covered, well-lit and monitored by CCTV. The applicant has indicated that all surface-level cycle parking will be covered.

#### Frontage/ accesses

The crossovers serving the carriage driveway have been aligned to discourage vehicles from turning back on themselves as they enter or leave the site, in recognition of the fact that the limited forecourt depth would make such movements by large vehicles extremely difficult. The preference is therefore that all vehicles to arrive from the north and leave to the south, travelling along the forecourt in a southerly direction only. This is facilitated by gyratory systems at the junctions of Empire Way with Wembley Park Drive and Wembley Hill Road, which provide U-turning facilities, although there is no guarantee that these will remain in place in perpetuity, since the Masterplan envisages removal of the gyratory system at Wembley Park Drive. Nevertheless, this arrangement is to be advisory only, with no traffic orders proposed to legally enforce this, so if vehicles arriving from the south wanted to enter the site at the southern crossover and travel northwards along the forecourt, they would be able to do so.

There is some concern with regard to the impact the new accesses would have on pedestrian safety along Empire Way though, due to the width of the crossovers created. To minimise these concerns, the crossover at the northern end of the site should be separated from the Fulton House. Amendments to the cross-overs have been made since the original submission, so that the overall number of crossovers serving the site is not increased. An 11m wide cross-over towards the southern end of the site is now proposed serving the forecourt exit, and entry/exit to the basement car park. The applicant has been asked to agree to s278 works through a s106 legal agreement.



TfL seek that the frontage has tactile paving to delineate between different users, and this will form the subject of a condition.

Works to widen/ reduce the gradient of the basement access ramp have been requested, but the applicant has stated that this is not possible. The Council's Highway Engineers find that this does not comply with width and gradient guidelines, but it will not affect vehicular safety on Empire Way.

### Servicing

A carriageway driveway provides servicing opportunities for the hotel subject to the provision of sufficient head-room. The proposed carriage driveway has been shown at sufficient width and length to accommodate at least two coaches (plus an 8m delivery vehicle), whilst still retaining sufficient width for other vehicles (including taxis) to pass. The applicant has demonstrated how a reduced forecourt width of 5.5m has capacity for 2 vehicles to pass.

The proposal initially proposed that the residential units would be serviced by vehicles reversing along the northern accessway to rear the refuse store and residential entrances that are sited towards the eastern side of the site. However, this was not considered acceptable or safe particularly with the proposed cycle racks, tree planting and benches. The applicant has now repositioned the rear refuse store and demonstrated access for a gated waste collection area along the southern boundary of the site as an interim measure until the rear access road is developed. A service management plan will be secured through s106 in accordance with the GLA's suggestion. This is also required to ensure that waste from the residential store is brought forward on collection days so that it may be collected by Council operatives. Servicing for the commercial units both the leisure facility and hotel will now be achieved from the front, so that only emergency vehicles would need to use the northern route to service the development in the event of an emergency rather than being routine. The applicant has detailed the provision of refuse stores for both the pool and hotel uses within the envelope of the building. The commercial servicing will be subject to appropriate servicing and delivery time restrictions, which will be secured through s106.

### Traffic Impact

The Traffic Assessment considers car movements to and from the site as a result of the development, and states that movements are likely to fall. However, the assessment does not justify why it considers that other transport modes will also reduce compared with the existing site and the applicants have been asked to reconsider this by the LPA and GLA. The additional information now submitted is considered acceptable.

No Travel plan has been submitted for the fitness centre. The two submitted Travel Plans for the residential and hotel elements set out a number of measures to reduce car use over the first few years of the building's occupancy, with progress towards targets being monitored by Travel Plan Co-ordinators for each element, together with a Travel Plan Steering Group. However, targets are considered vague at the present time, being taken from estimated typical trip rates taken from the Transport Assessment, whilst the future monitoring is not confirmed as being in accordance with the Borough's and TfL's requirements. Some key measures are also omitted, and the Plans lack a level of detail in the background information and how lack of consideration of how they will be secured and funded, whilst an Action Plan setting out target dates for various measures would also be useful. The two Travel Plans were assessed together using TfL's ATTrBuTE program and have jointly failed. It is considered that improved Travel Plans for all 3 proposed elements of the proposal: the leisure, residential and hotel use are required and this will be sought through s106.

### **Flood Risk**

The site is within Flood Zone 1 and is less than 1 hectare in size; therefore no detailed flood risk statement is required under PPS25. The applicants need to demonstrate compliance with the Environment Agency's Standing Advice including the consideration of Sustainable Urban Drainage Systems. The EA have requested a condition regarding the submission of drainage details to the LPA, so that this may be considered further. The applicants have submitted a drainage drawing, but this did not address the Environment Agency's comments, and accordingly a condition has

been proposed. Thames Water have commented that informative and a condition are required. In particular they note that the waste water infrastructure as existing is not able to accommodate the proposed development and accordingly they too require a condition regarding drainage.

### **Density**

Unitary Development Plan policies relevant to density include BE3, BE11 and H13. These policies are reinforced by Policy 3A.3 of the London Plan as consolidated with alterations since 2004 that sets out an indicative density matrix, taking into account the “setting” and PTAL rating of a site. The proposal is sited within an urban area with PTAL 4. The proposed density of the development equates to 348.64 units per hectare. This is above the upper end of the London Plan tolerances for an urban area (70 – 260 u/ha;) but the site is within a Masterplan area and has an anticipated urban grain of a central area. The London Plan figures are only guidelines and the number of proposed units per hectare is acceptable for this area, particularly as the site is within a designated Regeneration and Growth Area. All of the units exceed minimum floor-area requirements. The site complies with a central area’s indicative guidelines of 175-355u/ha. The site has 986.63 habitable rooms per hectare, which is above the tolerances normally permitted within the London Plan (200 – 700 hr/ha,) for an urban area but is acceptable for a central area of 650-1100 hr/ha.

### **Response to third party comments**

Third parties raised concerns about the potential loss of sunlight and daylight in relation to land known as Palace of Industries to the east of the application site. This has been examined in detail, and is discussed in the impact on adjoining land section above. The proposal will impact on adjoining development land, particularly in relation to the dominance of the massing towards the eastern side of the site. However the submission of further Daylight/ Sunlight studies by the applicant has demonstrated that further development to the east of the site will be possible, albeit the land will be affected by the proposal. The proposed development should be taken in context of its overall contribution to the Masterplan.

Other comments from third parties related to trip generation figures. The applicants have submitted revised information and the Council’s Highway Engineers and GLA do not have concerns regarding this aspect. The Council’s Engineers have considered the tracking of 2 vehicles across the site frontage and consider that there is sufficient capacity on-site for coach drop-offs and access. The applicants have agreed to a parking permit restriction on site for the residential development and this will be secured through s106, overcoming this concern. The Council’s Engineers do not raise event day vehicle movements as a problem. A condition will prevent use of the on-site basement parking spaces for Event Day parking addressing a further concern. A Travel Plan for the leisure use will be required by s106 and will assess trips to the proposed community pool and associated leisure facilities.

Concerns were also raised regarding design. The scale of the proposed development is considered in keeping with its Masterplan context, and further information about its relationship to adjoining sites is set out above. It is acknowledged that the proposal results in a tall building. The applicants have demonstrated that the application does not impact on strategic views of the Stadium.

Third parties also comment on the noise received on Event days. It should be noted that the event noise levels reported within the supporting documents for the 2006 application relating to Quintain Estates sites W03 and E01 (our reference 06/3632) estimated façade sound levels due to sports and music events at the stadium to be between 56 and 67 dB(A) with higher levels predicted at a height of 107 m AOD. These sites are situated approximately 40 to 140 m from the stadium. Recorded noise levels for a music event (Metallica, 8 July 2007) were reported within the details pursuant application relating to Quintain Site W04 (our reference 07/3442). Noise levels of 63 dB(A) were reported at this site which is situated approximately 210 m from the Stadium. The subject site is approximately 350m from the Stadium and therefore, significantly further from the Stadium than the aforementioned sites. Noise levels are accordingly likely to be significantly lower at the subject site than those reported above. However, it should be noted that site W04 is

situated to the west of the Stadium whilst the subject site is to the North-west and one should not assume that noise transfer from the stadium will be identical in this direction.

**Other comments**

The s106 provides a mechanism to ensure that the site has ability to link to a community waste system should one become available. Parts of the Masterplan area are already signed up to using a community waste system. For the application site, the applicants have confirmed that they do indeed intend to link up to this system if the infrastructure becomes available in the vicinity of the site. A potential connection is shown on the indicative basement plan. This complies with the Masterplan principle of an overarching waste strategy for the area.

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

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

- (1) The proposed development is in general accordance with policies contained in the:-  
The London Plan as consolidated with amendments since 2004  
Brent Unitary Development Plan 2004  
SPG3 Forming an access to a road  
SPG4 Design Statements  
SPG12 Access for disabled people  
SPG13 Layout standards for access roads  
SPG17 Design Guide for New Development  
SPG19 Sustainable design, construction and pollution control  
SPG21 Affordable Housing  
SPD Section 106 Planning Obligations  
Wembley Masterplan 2009

**CONDITIONS/REASONS:**

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

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

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

Drawings:

1318-G100-XP-00-001G200	1318-G200-E-01-001 - Rev 03
1318-G200-XP-B-001	1318-G200-E-02- Rev 03
1318-G200-XP-00-001	1318-G200-E-03-001 Rev 03
1318-G200-XP-01-001	1318-G200-E-04-001 Rev 02
1318-G200-XP-02-001	1318-G252-00-001
1318-G200-XP-03-001	1318-G710-P-00-001 Rev 02
1318-G200-XP-04-001	1318-G710-P-00-002 Rev 00
1318-G200-XP-05-001	1318-G710-P-01-001 Rev 02
1318-G200-XP-06-001	1318-G710-P-RF-001 Rev 02
1318-G200-XP-07-001	

1318-G200-XP-08-001	1318-F900-P1-T1-001
1318-G200-XE-01-001	1318-F900-P1-T1-002
1318-G200-XE-02-001	1318-F900-P1-T2-001
1318-G200-XE-04-001C20	1318-F900-P1-T3-001
1318-JC20-D-00-001G1	1318-F900-P2(3p)-T1-001
	1318-F900-P2(3p)-T2-001
1318-G100-P-00-001G2-00	1318-F900-P2(3p)-T3-001
1318-G200-P-B-001 Rev 02	1318-F900-P2(4p)-T1-001
1318-G200-P-00-001 Rev 02	1318-F900-P2(4p)-T1-002
1318-G200-P-UG-001 Rev 02	1318-F900-P2(4p)-T2-001
1318-G200-P-M-001 Rev 02	1318-F900-P2(4p)-T3-001
1318-G200-P-01-001 Rev 03	1318-F900-P3-T1-001
1318-G200-P-02-001 Rev 03	1318-F900-P3-T1-002
1318-G200-P-03-001 Rev 02	1318-F900-P3-T2-001
1318-G200-P-04-001 Rev 02	1318-F900-P3-T3-001
1318-G200-P-05-001 Rev 02	1318-F900-P3-T4-001
1318-G200-P-06-001 Rev 02	1318-F900-PH-T1-001
1318-G200-P-07-001 Rev 02	1318-F900-PH-T2-001
1318-G200-P-08-001 Rev 02	1318-F900-PH-T3-001
1318-G200-P-09-001 Rev 02	
1318-G200-P-10-001 Rev 02	
1318-G200-P-11-001 Rev 02	
1318-G200-P-12-001 Rev 02	
1318-G200-P-13-001 Rev 02	
1318-G200-P-14-001 Rev 02	
1318-G200-P-RF-001 Rev 02	
1318-G200-S-AA-001 Rev 03	
1318-G200-S-BB-001 Rev 02	
1318-G200-S-CC-001 Rev 00	

Documents:

Planning Statement

Energy Statement

Design & Access Statement

Code for Sustainable Homes and BREEAM

Hotel Framework Travel Plan

Daylight & sunlight report

GIA letter dated 11 January 2010 received 12/01/10

GIA letter dated 28 January 2010 received 01/02/10

Statement of community involvement

Air Quality Assessment

Land Contamination Preliminary Risk Assessment

Landscape Proposals booklet dated February 2010

Transport Assessment dated November 2010;

Highways Technical Note and attachments received 12/01/10

Transport plans- tabulated response including plans

16986-03-1/TR/002 Rev B received 01/02/10

16986-03-1/TR/004 Rev A received 01/02/10

16986-03-1/TR/006 Rev B received 01/02/10

16986-03-1/TR/006 Rev C received 01/02/10

Structural Report

Dexion House Landscape Proposals booklet dated February 2010  
DP9 letter dated 10/12/09 received 11/12/09 and enclosures regarding Honeypot Lane Views  
DP9 letter dated 11/01/10 regarding various issues  
John McAslan & Partners letter dated 11/01/10 received regarding layout and design  
John McAslan & Partners letter dated 11/01/10 received regarding leisure comments and landscape design  
John McAslan & Partners letter dated 08/02/10 received 09/02/10 regarding landscaping  
Table regarding "final comments" received 01/02/10  
CBA letter to Amy Collins dated 05 February (and plan 16986-03-1/TR/008) received 08/02/10  
Sustainability package of all revisions received 09/02/10

Reason: For the avoidance of doubt

- (3) The windows in the northern and southern flank walls of the hotel shall be glazed with obscure glass in accordance with the approved plans and thereafter maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- (4) The windows in the (rear) eastern elevation of the hotel and the windows in the northern elevation of the residential units shall be installed in accordance with the approved plans, including projections, screens and obscure glazing in the positions shown and thereafter maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness and in order to safeguard residential amenities within the proposed residential units

- (5) Notwithstanding the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 prior to the occupation of the building details of any advertisements to be erected on site associated with the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be installed strictly in accordance with the details so approved. Details to be submitted shall include: colours, materials, method of attachment and illumination and maximum levels of illumination, where applicable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of preserving local amenity and highway safety on a visually prominent site

- (6) No goods, equipment, waste products, pallets or materials shall be stored or deposited in any open area within the site (in particular the route used by emergency vehicles) including the front forecourt and the loading areas indicated on the approved plans 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. All loading and unloading of goods and materials shall, where practicable, be carried out entirely within the curtilage of the property.

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

- (7) The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by the building works in the site. Unless otherwise agreed in writing by the Local Planning Authority this must include:
- damping down during demolition and construction, particularly in dry weather conditions,
  - minimising the drop height of materials by using chutes to discharge material
  - damping down the skips/ spoil tips as material is discharged,
  - sheeting of lorry loads during haulage and employing particulate traps on HGVs
  - ensuring that any crushing and screening machinery is located well within the site boundary to minimise the impact of dust generation,
  - utilising screening on site to prevent wind entrainment of dust generated and minimise dust nuisance to residents in the area,
  - the use of demolition equipment that minimises the creation of dust.

Reason: To minimise dust arising from the operation

- (8) Notwithstanding the submitted drawings, details of materials and colours for all external work with samples, (including choice of cladding, windows, doors, walls, roof, mortar and bonding detailing, balcony details and screens) shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing unless agreed otherwise in writing by the Local Planning Authority, and those details, once approved, shall be fully implemented.

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

- (9) All areas shown on the plans 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 landscape works shall be completed prior to occupation of building(s) and commencement of the use, unless otherwise agreed in writing by the Local Planning Authority

Such details shall include but not be limited to:

- (a) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (b) Full details of hard-surfacing materials for all areas of hard surface within the site including paths, ramps, steps, parking areas, indications of the surfacing delineation of different users within the shared surface area fronting Empire Way, and consideration of sustainable urban drainage systems (SUDs)
- (c) The location of, details of materials, sizes and finishes of, all proposed street furniture, and external storage facilities, which shall also provide for a 2m wide clear pedestrian access path along the length of northern access-route
- (d) treatment of the balconies and roof terraces including (notwithstanding the details on the submitted drawings,) methods of screening and the screen heights
- (e) All planting including location, species, size, density and number with a soft landscaping planting schedule and layout plan. This shall include details of a proposed break-out system for roots, where applicable.
- (f) Any sustainable construction methods which are to be used.

- (g) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.
- (h) Details of the proposed green wall and its supports
- (i) Details of the proposed lattice over the access ramp
- (j) Details of the planting of all green roofs on site and their associated maintenance schedule

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

- (10) a) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the provision of 8 Acer Rubrum "Armstrong" "semi-mature" trees along the frontage with Empire Way unless otherwise agreed in writing by the Local Planning Authority.
- b) The trees shall be planted in accordance with a planting methodology to be submitted to and approved in writing by the Local Planning Authority. This shall include:
  - details of the tree pit design
  - internal dimensions of all proposed planting pits demonstrating rootable soil volume
  - soil type e.g Amsterdam/ Cornell
  - irrigation/ drainage systems
  - use of a specific tree pit system to be used, e.g. Silvacell

Thereafter the trees shall be planted in accordance with the details so approved prior to occupation of building(s) and commencement of the use.

Reason: In the interests of safeguarding local amenity and the character of the streetscene and safeguarding important landscape features

- (11) 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, finish, height, length and type of boundary treatments to be erected or retained. The boundary treatments shall be completed before occupation of the buildings, and commencement of the use, or in accordance with a programme agreed in writing with the Local Planning Authority. The details shall include, but not be limited to:
  - (a) Details of the eastern temporary boundary treatment including the use of graphics
  - (b) Details of the southern boundary and temporary bin storage area
  - (c) Details of the northern feature wall including any proposed signage and lighting of the boundary if proposed, and where lighting of the boundary is proposed, details of the lux levels and hours of luminance, surface finishes, materials
  - (d) Details of the temporary porter's lodge and northern security barrier
  - (e) Details of any proposed boundary onto Empire Way
 Any existing boundary treatment shall not be uprooted or removed except where in accordance with the approved plan and shall be protected from building operations during the course of development.

Reason: To safeguard the character of the area and the reasonable residential amenities of local residents.

- (12) Details of all (appropriately aged) play spaces shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscape works shall be completed prior to occupation of the building(s).  
Such scheme shall indicate but not be limited to:
- (a) Any proposed boundary treatments including walls and fencing, indicating materials and heights.
  - (b) Details of types of equipment to be installed.
  - (c) Surfaces including details of materials and finishes.
  - (d) Existing contours and levels and any alteration of the ground levels, such as earth mounding.
  - (e) All planting including location, species, size, number and density.
  - (f) The location of any proposed signage linked to the play areas

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.

- (13) Details of any external lighting including the lux level and a lighting contour map shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any works on site and the approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

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

- (14) Prior to the commencement of development on site, notwithstanding the details submitted the applicants shall submit details of the water efficiency measures (such as rainwater harvesting for non potable use and external irrigation) to be used on site to achieve the London Plan policy 4A.16 target of 105litres per person per day. Such details shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any works on site and the approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure that the development considers the impact of climate change

- (15) Prior to the commencement of development hereby approved the applicant shall demonstrate the position of the wheelchair accessible hotel bedrooms, which equate to 10% of the overall hotel bedrooms. This shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the details so approved.

Reason: to ensure an accessible development

- (16) No development shall commence until the applicant submits further details of the



architectural feature on the southern elevation of the proposed hotel of the development, and the method of articulating the hotel and swimming pool entrances, at a scale of at least 1:50 indicating materials and treatment of the elevation details. These details shall be submitted and approved in writing by the Local Planning Authority prior to development commencing. The development shall be completed in accordance with the approved details

Reason: In order to ensure appropriate detailing in order to safeguard local amenity

- (17) No development shall commence until the applicant submits details of a basement car park management plan. This shall be accompanied by a detailed scaled layout plan and include but not be limited to: car parking space allocation, the location of electric charging points, the provision of blue-badge/ accessible spaces, access control and parking enforcement strategies for the different site users. The method of securing the basement should be detailed on plans and elevations where relevant, and include details of the opening mechanism and materials. The approved plan shall be implemented in full for the life of the development. The car park shall be used only for the purposes set out within the approved plan and shall not be used for any other purposes, such as for Wembley Stadium event parking or any other parking for those who do not occupy or patronise the development.

Reason: In order to ensure a satisfactory development that safeguards local amenities and makes appropriate parking provision.

- (18) Details of the provision of a minimum of 130 secure cycle parking spaces in the basement and 16 weatherproof surface-level cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. The details shall include detailed drawings of a scale of at least 1:100 showing the configuration and layout of the spaces and the external appearance of the surface level cycle spaces. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in full accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (19) No development shall commence until details of any CCTV cameras to be used on site are submitted to and approved in writing by the Local Planning Authority, and the approved details shall be implemented in full. These details shall include the make, model, design and position of any external CCTV cameras

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

- (20) No development shall commence until the applicant submits details and the location of site compound during construction to be approved in writing by the Local Planning Authority and thereafter the compound shall be constructed strictly in accordance with the approved details

Reason: in order to ensure that the compound does not detrimentally impact on local residential amenities or the highway network

- (21) The development hereby permitted shall not be commenced until such time as a scheme to describe the proposed drainage system for the whole development site (detailing any on/off site drainage works, including the location of drains, surface and foul water systems) has been submitted to and approved in writing by the Local

Planning Authority in consultation with the Environment Agency and sewerage undertaker. The scheme shall be implemented as approved. No discharge of foul or surface water from the site shall be accepted into the public system until the agreed drainage works referred to in the strategy have been completed

Reason: To prevent pollution to the water environment and/or breaches of the Water Resources Act 1991 and, to ensure that sufficient capacity is made available for the proposed development in order to avoid adverse environmental impact on the community

- (22) No development shall commence unless a scheme providing for the insulation of the proposed building against the transmission of external noise (and vibration) has been submitted to and approved in writing by the Local Planning Authority and those details shall be in accordance with the levels specified within the documents so approved. Any works which form part of the scheme shall be completed in accordance with the approved scheme before any of the permitted units are occupied. The design levels for noise relating to Stadium music events should take account of the maximum possible levels unless the submitted details demonstrate to the satisfaction of the Local Planning Authority that a lower design level is acceptable.

Reason: To ensure satisfactory noise levels for the proposed use.

- (23) No development shall commence until the applicant submits air quality assessment details and associated methods to mitigate against poor quality air for the proposed hotel and residential units. This methodology should include details of the ventilation system including the location of the air intake, any associated ducting and if a mechanical ventilation system is used, it should specify what heat recovery is achieved. These details shall be submitted to, and agreed in writing by the Local Planning Authority before development commences and thereafter the strategy shall be implemented in accordance with the details so approved.

Reason: In order to ensure air quality for future occupiers

- (24) No development shall take place until ventilation measures for the basement parking area have been submitted to and approved in writing by the Local Planning Authority. Thereafter the ventilation measure shall be implemented in accordance with the approved details

Reason: To safeguard the health and amenities of future site users/ occupiers

- (25) a) Details of any new plant machinery and equipment (including air conditioning and ventilation systems) associated with the proposed development and the expected noise levels to be generated, shall be submitted to and agreed in writing by the Local Planning Authority prior to development commencing and thereafter shall be installed in accordance with the approved details and maintained in accordance with the relevant manufacturer's guidance  
b) The noise level from this plant together with any associated ducting, shall be maintained at a level 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises. The method of assessment should be carried out in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas".  
c) Should the predicted noise levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved

in writing by the Local Planning Authority and shall then be fully implemented.

Reason: In order to ensure adequate insulation and noise mitigation measures and to safeguard the amenities of adjoining occupiers and future occupiers

**INFORMATIVES:**

- (1) This application is considered on the basis of the submitted approved drawings in terms of the size and location of the proposed building/s and relationship to site boundaries
- (2) With regard to the surface water drainage it is the responsibility of the developer to make proper provision for ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storms flows are attenuated or regulated into the receiving public network through on/ 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 Development Services will be required. They can be contacted on 0845 850 2777.
- (3) Thames Water would recommend that petrol/ oil interceptors be fitted in all car parking/ washing/ repair facilities. Failure to enforce the effective use of petrol/ oil interceptors could result in oil-polluted discharges entering local watercourses
- (4) Thames water request that emptying a swimming pool into a public sewer to prevent flood/ surcharging 1) should only occur overnight/ in dry periods 2) the discharge rate should not exceed 5 litres/ second into the public sewer network
- (5) Water supply is covered by Veolia Water Company, tel 0845 782 3333
- (6) Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. They further recommend, 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 blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet "Best Management Practices for Catering Establishments, which can be requested by telephoning 02085 07 4321
- (7) Thames Water requires that the applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground-level during storm conditions
- (8) Waste Management - The development will need a Site Waste Management Plan. This is now mandatory under the SWMP regulations 2008. Please go to

<http://www.netregs.gov.uk/netregs/businesses/construction/62359.aspx> for details including links to the regulations themselves. This document will be updated at each stage of the development (proposal/demolition/construction etc). It is strongly advised that this is started before works, as it will assist in assessing the use of raw and recycled materials on site.

(9) Water Resources

1. Large underground structures constructed below the water table may act as an obstruction to groundwater flows. Consequently, a building-up of groundwater levels may occur on the up-gradient side of such structures. Any drainage systems proposed for such structures should also be capable of allowing groundwater flows to bypass the structure without any unacceptable change in groundwater levels, or flow in groundwater-fed streams, ditches or springs.
1. Under the terms of the Water Resources Act 1991 as amended by the Water Act 2003, an abstraction licence will normally be required from the Environment Agency for the abstraction (removal) of water (even temporarily) from any inland waters (rivers, streams, ditches, lakes, etc.) or underground strata (e.g. from a well, borehole or catchpit). The granting of a licence will be dependent on the availability of water resources locally and on the acceptability of any resulting impact on the environment and existing protected rights.

- (10) Groundwater & Contaminated Land - It is recommended that the requirements of PPS23 and the Environment Agency Guidance on Requirements for Land Contamination Reports should be followed.

**REFERENCE DOCUMENTS:**

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

The London Plan as consolidated with amendments since 2004

Brent Unitary Development Plan 2004

SPG3 Forming an access to a road

SPG4 Design Statements

SPG12 Access for disabled people

SPG13 Layout standards for access roads

SPG17 Design Guide for New Development

SPG19 Sustainable design, construction and pollution control

SPG21 Affordable Housing

SPD Section 106 Planning Obligations

Wembley Masterplan 2009

Any person wishing to inspect the above papers should contact Amy Collins, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



### Planning Committee Map

Site address: Dexion House, Empire Way, Wembley, HA9 0EF

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This map is indicative only.

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Location	Dexion House, Empire Way, Wembley, HA9 0EF
Description	Demolition of existing building and erection of a building ranging in height from 7 - 15 storeys, consisting of 2,509m <sup>2</sup> basement parking and plant, a parking permit-free proposal for 129 residential flats (37 one-bedroom, 73 two-bedroom, 19 three-bedroom), a 5,837m <sup>2</sup> 125-bedroom hotel (Use Class C1), 1,983m <sup>2</sup> of community swimming-pool and fitness facilities (Use Class D2), and associated landscaping, as amended

**Agenda Page Number: 147**

The applicants have submitted a materials sample board, 3D visuals that show the proposed development, (but do not necessarily show the entire context of the development,) and intend to present a model to Members.

**Servicing in event of a fire**

The Council's Highway Engineers expressed some concern about the proposed layout for servicing in the event of a fire emergency. The Council's Building Control Service have been consulted and having dealt with similar buildings and issues, are satisfied that this issue can be resolved. A further informative is suggested advising the applicant to consult the Council's Building Control Service in respect of this issue.

**Sustainability**

Following the initial concerns raised by the GLA, a revised Energy Statement has been submitted. This has been reviewed by both GLA and Council officers.

The main change is the introduction of a 250kW gas powered CHP plant, providing 70% of all the sites heating requirements. The proposed CHP system will be compatible with any future Wembley district-wide heating network. Also the Air Source Heat Pump originally proposed has now been replaced by a photo voltaic array. Whilst the contribution from renewable's is minimal, it is your officer's and the GLA's view that the revised energy mix is now in compliance with the London Plan hierarchy.

The GLA have informally commented that they are satisfied with the revised approach. The wording of clause (e) in the agreed Heads of Terms of the s106 has been altered to reflect the revised approach.

**Additional third party comments**

1 letter of support received from Wembley Dolphins Swimming Club, stating that they require more pool time for their activities

Wembley National Stadium Limited raises the following additional concerns:

- The Travel Plan should incorporate measures to deal with Stadium event days. *After careful consideration, the Council's Principal Highway Engineer does not consider this necessary.*
- The report should confirm that none of the protected views of the Stadium are affected by the proposal. *Officers can confirm that site is located outside the strategic viewing corridors defined in Brent's UDP.*
- The suggested noise condition for event days does not go far enough, it should be modelled on the noise conditions imposed on Quintain's Stage I Master Plan. *While*

*the application site is further from the Stadium than the Quintain Development, officer's do concede that condition 22 should be amended as a precaution. The condition will refer to a recorded noise level generated by a particular event at the stadium and will require any submitted noise mitigation scheme to take account of this recorded noise level.*

### **Applicants' comments on committee report**

- S106 term (s) - Notify all future occupiers of the residential element of the scheme, prior to their purchasing or renting of a property of the sites location within the Wembley Master Plan Area and that their outlook may be affected by the future development of adjoining sites. *The applicants have submitted a study that shows a masterplan compliant scheme could be built on the adjoining site that would maintain BRE minimum daylight levels to their development. However given that these minimum levels are advisory and not an absolute requirement the Council in pursuing its regeneration aims may wish to allow a scheme on the adjoining site that while still compliant with the Masterplan may have a more significant impact on the daylight and outlook of future residents. Officers therefore consider it appropriate to maintain this clause.*
- The applicants seek confirmation that the £250,000 requested by Highways is part of a standard contribution. *This is the case, and for this application the contributions have been waived in response to the provision of a community accessible swimming pool.*
- The applicants seek alterations to conditions to enable demolition without submission and discharge of additional information for some of the proposed conditions. They request this may be submitted prior to occupation. *The selected conditions all relate to layout or the external appearance of the development. It is therefore considered that this information is required prior to the construction of the development, rather than post construction. Nevertheless the Local Planning Authority does not seek to unnecessarily delay the development. According, the trigger for the submission of information for selected conditions will be amended: 13 (lighting), 15 (wheelchair accessible rooms/ units,) 16 (architectural details,) 17 (car park management plan,) 18 (cycle storage,) 19 (CCTV cameras,) 21 (drainage,) 22 (noise insulation,) 24 (basement ventilation,) and 25 (plant details.) The submission of information associated with these conditions will now be required:  
"no works shall commence on the development hereby approved (excluding demolition) unless..."*
- The applicants want it to be made clear that application 06/0642 for an additional 2 floors on the existing building had a resolution by committee to grant planning permission and was withdrawn by the applicant only because they were unable to complete the agreed s106 legal agreement.

### **Revise s106**

(e) Prior to any Occupation, provision for not less than 0.3% onsite renewable generation and a site-wide CHP /with back up gas boiler system covering the residential, pool and hotel, hot water and heating to be provided over the lifetime of the development in accordance with the revised Energy Statement Rev A.

### **Condition changes**

**Condition 2**, Add: Tree condition report, Noise assessment, Residential Travel Plan;  
Alter: Revised Energy Statement received 16/02/10, 1318-G200-P-RF-001 Rev 02 received 19/02/10

**Condition 22**- insert - The design levels for noise relating to Stadium music events should take account "a design noise level of 63dB(A) or" the maximum possible levels unless...

**Conditions 13 (lighting), 15 (wheelchair accessible rooms/ units,) 16 (architectural details,) 17 (car park management plan,) 18 (cycle storage,) 19 (CCTV cameras,) 21**



**(drainage,) 22 (noise insulation,) 24 (basement ventilation,) and 25 (plant details.)** The submission of information associated with these conditions will now be required after demolition but prior to construction:

Alter: "No works shall commence on the development hereby approved (excluding demolition) unless..."

The Council's Legal Advisor has advised that there is no provision under the advertisement regulations to remove someone's deemed consent rights to display advertising, which is the purpose of **Condition 5**. On reflection officers consider this condition to be onerous and that the conditions limiting deemed consent rights within the regulations are sufficient. This condition should therefore be removed.

**Condition 10** add- Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

**Condition 12** - alter - "Such landscape works" to "the approved playspace scheme"

#### **New condition 26**

The residential units hereby approved shall not be occupied unless details are submitted to the Local Planning Authority which confirm that lifetime homes standards and a minimum of 10% wheelchair residential accessible units have been provided within the development.

Reason: In the interest of providing accessible and adaptable accommodation for future users.

#### **New informative**

The applicant is advised to liaise with Brent's Building Control department regarding fire-fighting access for the Fire Brigade in an emergency. John Flynn of the department may be contacted on 02089375479. he has direct links with the LFEPA Fire Engineers Group at Head Quarters.

#### **Recommendation:**

- (a) To resolve to grant Planning Permission, subject to the referral of the application to the Mayor of London in accordance with part 5 of the Town and Country Planning (Mayor of London) Order 2008, and subject to the completion of a satisfactory Section 106 or other legal agreement, and to delegate authority to the Director of Planning to agree the exact terms thereof on advice from the Borough Solicitor; but
- (b) if the legal agreement has not been entered into, or the Mayor of London remains unsatisfied with the application by the agreed Planning Performance Agreement expiry date, which at the time of writing this report is 19<sup>th</sup> March 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 (b) has been satisfied

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## Committee Report Planning Committee on 24 February, 2010

Case No. 10/0140

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**RECEIVED:** 25 January, 2010

**WARD:** Stonebridge

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** Land next to Central Middlesex Hospital, Acton Lane, London, NW10

**PROPOSAL:** Variation of condition 10 (scale of the development) of outline planning permission reference 08/1043 granted on 16/11/2009.

Planning consent reference 08/1043 for the erection of three linked buildings for mixed-use development on land next to Central Middlesex Hospital.

Condition 10, as varied is proposed to read:

The scale of the development hereby approved, namely the height, width and length of each of the linked buildings, shall not exceed that detailed within the following drawings:

050_003_revB	050_004_revB
050_005_revB	050_006_revA
050_007_revA	050_008_revA
050_009_revA	050_010_revA
050_011_revA	050_020_revA
050_021_revA	050_030_revA
050_031_revA	

Reason: In order to ensure a satisfactory development.

**APPLICANT:** Montpelier Estates (Park Royal) Limited

**CONTACT:** ESA DESIGN LTD

**PLAN NO'S:** See condition 1

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### RECOMMENDATION

That this application is approved and Condition 10 is varied to read:

The scale of the development hereby approved, namely the height, width and length of each of the linked buildings, shall not exceed that detailed within the following drawings:

050_003_revB	050_004_revB
050_005_revB	050_006_revA
050_007_revA	050_008_revA
050_009_revA	050_010_revA
050_011_revA	050_020_revA
050_021_revA	050_030_revA
050_031_revA	

Reason: In order to ensure a satisfactory development.

## EXISTING

The subject site fronts Acton Lane and adjoins the car park and bus gyratory of Central Middlesex Hospital.

Outline planning permission for the redevelopment of the majority of the hospital site was granted in 2003. The hospital building and the associated car park and bus gyratory have been completed.

The outline planning consent has now expired. However, two sites that fell within the application area had not been developed. These sites were referred to as Plot 8 and Plot 9. Plot 8 is situated at the northern end of the site, adjoining Great Central Way whilst Plot 9 is the subject of this current planning application. The development that was included within the original outline planning consent that had not been delivered at the time of the Outline Planning Consent for the subject site included the 120 units of Key Worker housing, the crèche, the 8,580 m<sup>2</sup> of office development, and the majority of the 1920 m<sup>2</sup> of retail and food and drink floorspace.

An application for the redevelopment of Plot 8 to provide 145 key worker residential units was approved by the Council on 6 May 2009 (our ref: 08/3012) and that development is currently under construction.

Outline Planning consent relating to this site (Plot 9) was granted on 16 November 2009, and an application for the approval of the Reserved Matters relating to that site is currently being considered by the Council and is also being considered at this Planning Committee (our reference 09/2415).

The Outline consent referred to the maximum floorspace that could be provided within each use class:

Use Class C2/C2A (restricted to care and treatment):	13, 480 sqm
Use Class B1(b) or Additional C2/C2A (restricted)	5,370 sqm
Use Class A1 (maximum size: 200 sqm/unit, 1 unit 450 sqm)	2,160 sqm
Use Class A3	467 sqm
Use Class D1 (restricted to creche/primary health-care facility):	650 sqm

The quantum of floorspace that is proposed within the Reserved Matters application (reference 09/2415) is as follows:

- Use Class C2/C2A:
  - Total: 17,850 sqm
  - Plot 1: 8,050 sqm
  - Plot 2: 5,277 sqm
  - Plot 3: 4,523 sqm
- Use Class A1:
  - Total: 891 sqm

Condition 10 of outline consent reference 08/1043, which the applicants propose to vary, reads as follows:

*The scale of the development hereby approved, namely the height, width and length of each of the linked buildings, shall not exceed that detailed within the submitted indicative drawings.*

*Reason: In order to ensure a satisfactory development.*

## PROPOSAL

That Condition 10 of Outline Planning consent reference 08/1043 is varied to reflect the drawings that are have been submitted in relation to the discharge of the Reserved Matter for this

development, our reference 09/2415. These drawings have also been submitted in relation to this application.

The proposed revised wording is as follows:

The scale of the development hereby approved, namely the height, width and length of each of the linked buildings, shall not exceed that detailed within the following drawings:

050_003_revB	050_004_revB
050_005_revB	050_006_revA
050_007_revA	050_008_revA
050_009_revA	050_010_revA
050_011_revA	050_020_revA
050_021_revA	050_030_revA
050_031_revA	

Reason: In order to ensure a satisfactory development.

## **HISTORY**

### **Ref: 09/2415, currently being considered – recommended for approval**

Approval of reserved matters relating to appearance, landscaping, scale and access of outline planning permission reference 08/1043.

Application 08/1043, dated 13/11/09 for erection of three linked buildings for mixed-use development on land next to Central Middlesex Hospital to provide up to 650m<sup>2</sup> of creche/primary health-care facility (Use Class D1), up to 2,160m<sup>2</sup> of retail (Use Class A1), up to 467m<sup>2</sup> of cafe/restaurant (Use Class A3) floorspace, up to 13,480m<sup>2</sup> of care and treatment facilities (Use Class C2/C2A) and up to 5,370m<sup>2</sup> of Use Class B1(b)/additional care and treatment (Use Class C2/C2A), formation of refuse storage, loading bay, cycle storage and 32 car-parking spaces, to include 2 disabled parking spaces on ground floor and associated landscaping.

### **Ref: 08/1043, granted 16 November 2009**

Outline planning application for the erection of three linked buildings for mixed-use development on land next to Central Middlesex Hospital to provide up to 650m<sup>2</sup> of creche/primary health-care facility (Use Class D1), up to 2,160m<sup>2</sup> of retail (Use Class A1), up to 467m<sup>2</sup> of cafe/restaurant (Use Class A3) floorspace, up to 13,480m<sup>2</sup> of care and treatment facilities (Use Class C2/C2A) and up to 5,370m<sup>2</sup> of Use Class B1(b)/additional care and treatment (Use Class C2/C2A), formation of refuse storage, loading bay, cycle storage and 32 car-parking spaces, to include 2 disabled parking spaces on ground floor and associated landscaping (matters to be determined: layout), subject to a Deed of Agreement dated 13/11/2009 under Section 106 of the Town and Country Planning Act 1990 (as amended)

### **Ref: 03/0290**

Reserved Matters approval for the main hospital building, granted 17 April 2003  
Erection of new 3-/4-storey hospital building (approximately 27,000m<sup>2</sup>), including ancillary café, retail, education and patient information facilities, new “energy centre”, new link extension to Acad building, alterations to existing site accesses, formation of new site access from Acton Lane, erection of new bus interchange, site access roads, car parking and landscaping – reserved matters submission (site layout, siting, design, external appearance, means of access and landscaping) pursuant to condition 1 of outline planning permission 01/3068 granted on 10/01/2003 for the demolition and redevelopment of existing hospital, comprising erection of new 3-/4-storey building to provide new acute-care hospital, together with up to 1,920m<sup>2</sup> retail and food & drink (Classes A1 & A3), reenf and 8,580m<sup>2</sup> office development (Class B1) and 120 “key worker” housing places

**Ref: 01/3068**

Outline planning permission for the redevelopment of the majority of the hospital site, granted 10 February 2003

Demolition and redevelopment of existing hospital, comprising erection of new 3-/4-storey building to provide new acute-care hospital, together with up to 1,920m<sup>2</sup> retail and food & drink (Classes A1 & A3), reenf and 8,580m<sup>2</sup> office development (Class B1) and 120 "Key Worker" housing places (Outline application)

**Related history:****Ref: 08/3012, granted 16 May 2009**

Erection of a one-, four- and five-storey block and a two-, four-, five-, eight- and nine-storey block, to provide 145 residential flats/maisonettes (comprising 66 one-bedroom, 64 two-bedroom and 15 three-bedroom dwellings), with 44 basement car-parking spaces and 34 ground-level car-parking spaces, associated landscaping and bin stores

**04/0950, granted 14 February 2005**

Full planning application to provide a crèche on Plot 8, granted 14 February 2005

Erection of new single-storey building to provide new crèche with outdoor play area facilities

**POLICY CONSIDERATIONS**

Brent UDP 2004

STR1 Development for business, industry and warehousing uses will be protected and promoted in Strategic and Borough Employment Areas

STR2 For development of retail uses, and other key town centre uses which attract a lot of people, first consideration will be given to sites in Major Town Centres then sites on the edge of Major Town Centres followed by District Centres, and then sites on the edge of District Centres, followed by local centres and, only then, out-of-centre sites.

STR3 In the interests of achieving sustainable development (including protecting green field sites), development of previously developed urban land will be maximised (including from conversions and changes of use).

STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.

STR9 The Council will ensure that development proposals do not conflict with the role of GLA Roads and London Distributor Road whilst discouraging through traffic on local roads.

STR11 The quality and character of the Borough's built and natural environment will be protected and enhanced.

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

STR13 Environmentally sensitive forms of development will be sought.

STR14 New development to make a positive contribution to improving the quality of the urban environment in Brent

STR15 Major development should enhance the public realm.

STR23 Strategic & Borough Employment Areas will be protected for industrial, business & warehouse use, for Brent and London as a whole.

STR24 The regeneration of Strategic & Borough Employment Areas to meet the needs of industrial, business & warehouse users and improve the environment will be encouraged.

STR28 The long term future role of the Park Royal estate as one of London's main industrial and business areas will be secured in partnership with all relevant parties.

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  
 BE12 Sustainable design principles  
 EP2 Noise and vibration  
 EP3 Local air quality management  
 EP4 Potentially polluting development  
 EP6 Contaminated land  
 TRN1 Transport assessment  
 TRN2 Public transport integration  
 TRN3 Environmental Impact of Traffic  
 TRN4 Measures to make transport impact acceptable  
 TRN9 Bus Priority  
 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  
 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  
 PS6 Parking standards – Use class B1, A2, B2 and B8  
 PS7 Parking standards – Shops less than 2000 m<sup>2</sup>  
 PS8 Parking standards – Food and drink uses  
 PS12 Parking standards – Non-residential institutions (Use Class D1) and Hospitals (Use Class C2)  
 PS13 Parking standards – Residential Institutions (Use Class C2)  
 PS15 Parking for disabled people  
 PS16 Cycle parking standards  
 PS17 Servicing standards – Shops less than 2000 m<sup>2</sup>  
 PS17 Servicing standards – Use Class B1, A2, B2 and B8  
 PS17 Servicing standards – Food and drink uses  
 PS17 Servicing standards – Residential Institutions and Hospitals  
 PR1 Major developments in Park Royal  
 PR3 Public realm in Park Royal  
 PR7 Central Middlesex Hospital Zone

#### Brent Council Supplementary Planning Guidance and Documents

SPG3 Forming an access to a road  
 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  
 Sustainable Design and Construction (May 2006)  
 Planning for Equality and Diversity in London (October 2007)  
 Accessible London: Achieving an Inclusive Environment (April 2004)  
 Park Royal Opportunity Area Planning Framework (February 2008)

Planning Policy Guidance and Statements  
PPG13Transportation  
PPS1 Delivering Sustainable Development  
PPS1 Supplement: Planning and Climate Change  
PPS6 Planning for Town Centres  
PPS12 Planning Policy Statement 12: Local Spatial Planning  
PPS22 Renewable energy  
PPG24 Planning and Noise

### **SUSTAINABILITY ASSESSMENT**

The Sustainability Assessment that sets out the measures that will be incorporated into the development was approved within the Outline Planning Application. The submission of a Sustainability Implementation Strategy at least 10 weeks prior to the commencement of works was required through the Section 106 agreement, and the strategy must be approved prior to commencement. This strategy will accordingly be submitted and approved outside of this application.

### **CONSULTATION**

18 Consultation letters were sent to adjoining and nearby owners/occupiers and those others who have expressed an interest in the Outline application.

No comments were received in response to this consultation process.

#### **Internal**

**Transportation:** No objection.

#### **External**

**Greater London Authority:** This application [the outline consent, reference 08/1043] was dealt with under the Mayor of London Order 2000. It is only the Mayor of London Order 2008 (i.e. those applications submitted after 6 April 2008) that requires an application to change a condition referable to the Mayor. So with regards the Central Middlesex scheme it is the GLA's view that there is no requirement to consult the Mayor on this application to change this condition.

**Thames Water:** No objection.

### **REMARKS**

The Outline Planning application was referable to the Mayor of London due to the nature of the use, the quantum of floorspace and the height of the building.

Whilst the Policies section of this report lists all policies that were relevant to the original Outline Planning Consent, the policies that relate directly to condition 10 of the Outline Planning Consent are BE2 (Local Context), BE7 (Streetscene) and BE9 (Architectural Quality).

Condition 10 refers to Scale as a Reserved Matter as set out within Circular 01/2006:

- **Scale** – the height, width and length of each building proposed in relation to its surroundings.

#### **Background – The Outline Planning Application**

When considering the Outline Planning application, Scale was originally treated as a matter to be determined and the Planning Committee resolved to grant planning consent on this basis. However, after the resolution to grant planning consent, and after the receipt of the Stage 2 response from the Mayor of London, the applicants indicated that they wished to treat Scale as a Reserved Matter as it was possible that they may wish to provide a lower quantum of floorspace within the final scheme.



Your officers considered that the removal of Scale as a Reserved Matter still allow your officers and the Planning Committee to determine whether or not the Scale of the building, as subsequently proposed, is appropriate and the power to approve or refuse the subsequent Reserved Matters application relating to Scale. It was accordingly considered that the Council retained sufficient control over the Scale of the buildings on the subject site.

The Mayor of London, however, would not need to be consulted regarding the Reserved Matters application, and your officers accordingly considered it appropriate that condition 10 relating to Scale is attached to the planning consent. The Greater London Authority confirmed that they did not object to the removal of Scale as a matter to be determined and specified that they did not consider it necessary to re-present the application to the Mayor.

The condition required that the Scale of each linked building does not exceed that detailed within the indicative drawings submitted with the Outline Planning Consent.

### **The current application under Section 73 of the TCPA 1990, as amended, to vary condition 10**

When developing the proposals for the Reserved Matters Application, the Scale of each linked building was altered from that previously proposed within the Outline Planning Consent. As Scale is a Reserved Matter, the Council has the authority to determine whether or not they considered that the Scale of the proposed building is appropriate for its context and would result in a building that makes a positive contribution to the Streetscene.

However, the Reserved Matters proposals must also comply with condition 10 of the Outline consent.

Some elements of the proposal, such as Plot 2, are smaller than that proposed and would accord with condition 10. However, other elements, such as the width of Plot 3 within the Acton Lane frontage and the maximum height of Plot 1 are greater than that detailed within the Outline Planning consent and do not accord with condition 10.

The applicants have accordingly applied to vary condition 10 to allow the Scale of building proposed within the Reserved Matters application.

This application does not affect the Council's ability to consider the Scale of the building now proposed in its own right. Your officers accordingly have regard for the Scale of building that was previously considered appropriate by officers and the Planning Committee, as detailed within the Outline Planning Consent.

### **The proposed Scale of buildings within the subject site**

The discussion of Scale, as set out within the officer's report for the Reserved Matters application is as follows (copied verbatim from the committee report for application 09/2415):

#### **Scale**

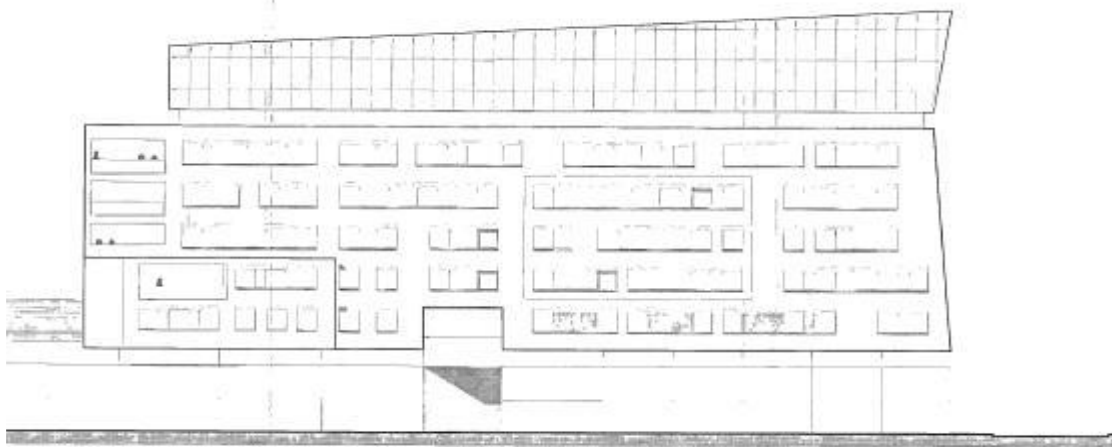
*The indicative plans that were submitted with the Outline planning application demonstrated that the maximum levels of floorspace proposed could be provided within a building of an appropriate scale, massing and design. However, Scale in itself was Reserved within that application and approval of this matter is now sought.*

#### **Plot 1:**

*This is the taller of the three linked buildings, reaching a height of 31 m for the majority of the building (excluding plant and lift overrun) with the feature corner reaching 32.2 m. The main element of the building is 65 m wide (maximum) and 16 m deep (typical depth), with architectural features taking the maximum depth to 17.2 m. A lower element, 6.7 m in height, links the 9-storey element with Plot 2.*

The indicative drawings for the Outline consent detailed a building with maximum height of 31.0 m, width of 63.4 m and depth of 15.4 m. The proposed building exceeds some of the dimensions within the indicative drawings for the Outline consent, with the additional size typically relating to architectural features that have been incorporated into the design now proposed. This includes the projecting corner feature and the projecting elements of the remainder of the building which contribute significantly to the design and appearance of the building and help to reduce its visual mass. The indicative drawings within the Outline scheme also detailed a 7 m “step” within the two upper floors, and a mono-pitched roof ranging in height from 28.0 to 31.0 m (see insert below). The height of the building as proposed would project above the lower element of the roof and into the “step”. However, these elements of the previous indicative drawings were architectural devices and that the Scale of the building, is considered by your officers to remain acceptable, providing a landmark building within an area of low architectural quality.

The lower linking element of the building is proposed at the same height as that detailed within the Outline application.



Plot 1 Rear (Northern) Elevation, as detailed within the Indicative drawings submitted with the Outline Consent reference 08/1043

**Plot 2:**

The central linked building is proposed to have a maximum height of 17.6 m (again excluding plant and lift overrun), width of 33 m and depth of 48.2 m. When compared to the respective dimensions from the indicative drawings submitted for the outline application (21.3 m high, 37.3 m wide and 49.5 m deep), the proposal does not exceed the scale previously detailed. This plot continues to provide a stepped approach to height from east to west within the site, emphasising Plot 1 as the landmark adjoining the “Heart of Park Royal” and emphasising the entrance to the Hospital site.

**Plot 3:**

The western-most and lower of the three proposed linked buildings has a maximum height of 13 m, width of 45.5 m and depth of 51.8 m. The outline consent indicated a building with a height of 14.6 m to 17.8 m and depth of 52.6 m and the proposal accordingly falls below these dimensions. The width of this building as detailed within the Outline consent was 42 m whilst the width as detailed in this Reserved Matters application is 45.5 m. However, the width of the link building within Plot 2 is 4.3 m less than that detailed within the Outline consent and the combined with accordingly does not exceed that previously detailed. This results in a 3.5 m wide element of building that is 1.9 m deeper than the building detailed within the previous indicative drawings. This element of the building provides a transition in scale to the surrounding industrial uses and your officers consider that the Scale of the building within Plot 3, as proposed is acceptable.

*Condition 10 of Planning Permission reference 08/1043:*

*Condition No. 10 specified that the Scale of the building shall not exceed that detailed within that application. The full wording was as follows:*

*The scale of the development hereby approved, namely the height, width and length of each of the linked buildings, shall not exceed that detailed within the submitted indicative drawings.*

*Reason: In order to ensure a satisfactory development.*

*The scale of the building within Plot 3 is greater than that detailed within the Reserved Matters consent. As discussed above, the Scale of the building within Plot 2 has been reduced to compensate for this and your officers consider that the Scale of the three linked buildings as proposed is acceptable. However, the proposal is not in compliance with Condition 10 as detailed within the Outline Consent.*

*The applicants have accordingly submitted an application to vary condition 10 (our reference 10/0140) that is being considered concurrently with this application and has also been presented to this Committee for determination. This application seeks to vary condition 10 so that it refers to the drawings that were submitted for this Reserved Matters application rather than the drawings submitted with the Outline application. As discussed above, the changes to the Scale of each linked building do not differ significantly from that previously approved, and your officers consider that the Scale of the linked buildings, as now proposed, is acceptable. Your officers are accordingly recommending that the Planning Application to vary condition No. 10 is also approved.*

*Scale Summary:*

*When the Scale of the building proposed with that detailed within the Indicative drawings, there are two elements that project beyond the envelope of the building previously detailed. Where this relates to Plot 1, the proposed building does not exceed the maximum height of the building previously detailed. Having regard to Plots 2 and 3, the additional width of the plot 3 building is compensated for by a reduction of width of Plot 2 building, and the increase in massing relates to a 4 m x 1.9 m element of the building.*

*Your officers consider that the proposal provides a landmark building which helps to approve legibility within Park Royal, and that the stepped approach to scale provides a transition to the scale of the surrounding buildings. The proposal achieves an adequate footway and relationship with the street is maintained within the Acton Lane footway, and that the variations in the extent of the Plot 3 building maintain a Scale of building that is appropriate for its location. Your officers consider that the scale of the building, when having regard to the nature of the site which adjoins the area identified as the "Heart of Park Royal", is acceptable.*

*The comments from the Officer's report for the outline consent (reference 08/1043) were as follows:*

*The proposed building reaches a maximum height of 8-storeys within an area within which buildings do not exceed 4-storeys in height. Whilst the proposal constitutes a significant increase in scale, it provides a landmark on an important road junction within the "Heart of Park Royal". The Planning Area Framework specifies that the "Tall buildings are supported around a new central landscaped square. This would function as a focal point, creating an identity and point of orientation." And suggests the provision of a public space within the land at the junction of Park Royal and Coronation Roads, land opposite the subject site and currently occupied by part of the Asda car park within the Borough of Ealing. Whilst there is no certainty that this space will be provided, the principles of identity and orientation are applicable, improving the legibility of the area.*

### **The Variation of condition 10**

As specified above, your officers consider that the Scale of the buildings as proposed are acceptable and appropriate. The Greater London Authority (GLA) has specified that there is no

requirement to consult the Mayor with regard to the variation of this condition.

Your officers accordingly recommend that this application is approved, and that condition No. 10 of Outline Planning Consent reference 08/1043 is varied to refer to the drawings that have been submitted with the Reserved Matter application for this site (reference 09/2415).

## **REASONS FOR 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  
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  
Park Royal: to promote the opportunities and benefits within Park Royal

## **CONDITIONS/REASONS:**

- (1) The scale of the development hereby approved, namely the height, width and length of each of the linked buildings, shall not exceed that detailed within the following drawings:

050\_003\_revB  
050\_004\_revB  
050\_005\_revB  
050\_006\_revA  
050\_007\_revA  
050\_008\_revA  
050\_009\_revA  
050\_010\_revA  
050\_011\_revA  
050\_020\_revA  
050\_021\_revA  
050\_030\_revA  
050\_031\_revA

Reason: In order to ensure a satisfactory development.

## **INFORMATIVES:**

None Specified

## **REFERENCE DOCUMENTS:**

Brent Unitary Development Plan 2004  
London Plan, consolidated with Amendments Since 2004  
Supplementary Planning Guidance No. 3  
Supplementary Planning Guidance No. 12  
Supplementary Planning Guidance No. 17

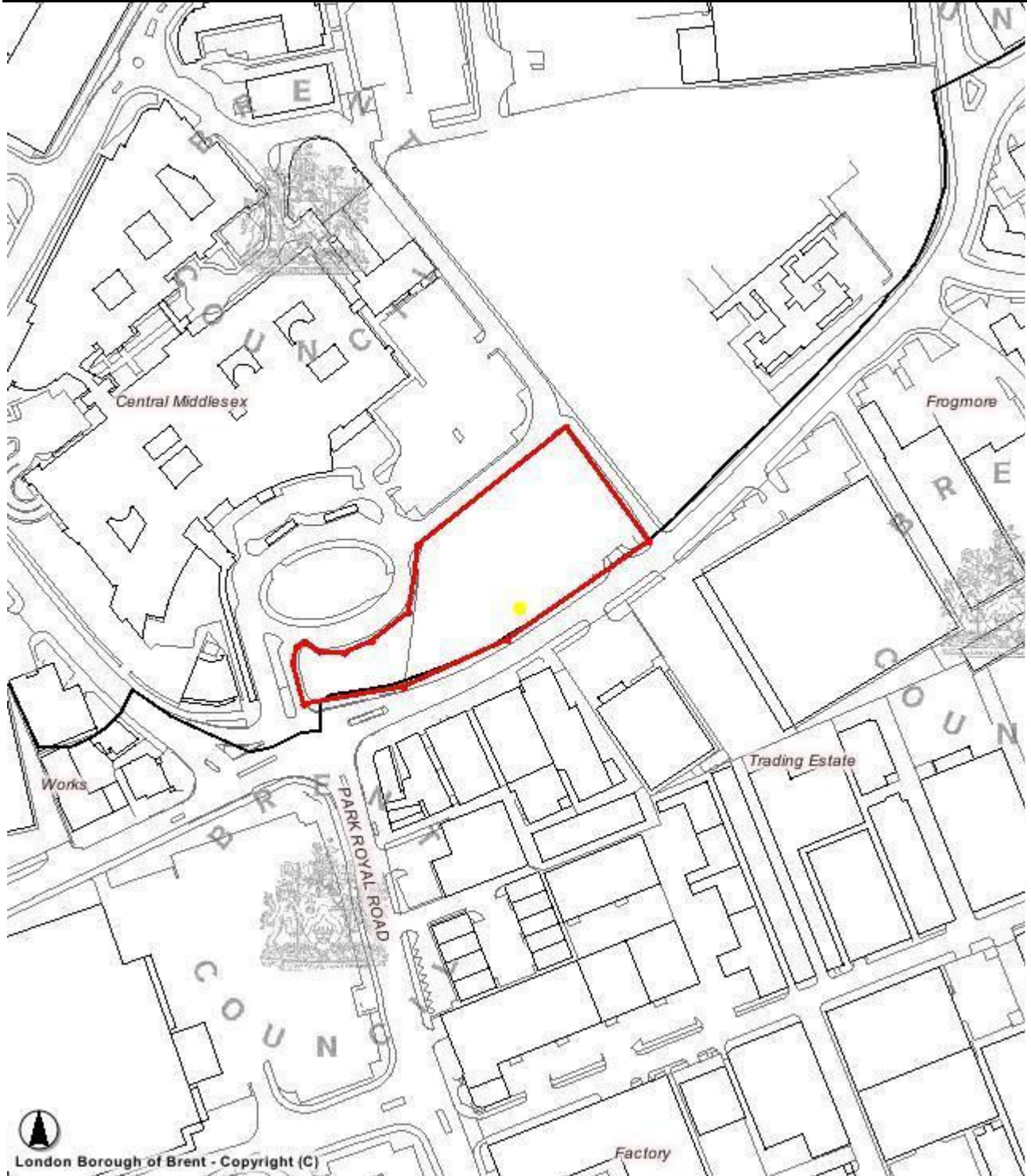
Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344



## Planning Committee Map

Site address: Land next to Central Middlesex Hospital, Acton Lane, London, NW10

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Received PLANNING Appeals between 1-Jan-2010 and 31-Jan-2010

**Planning Committee: 24 February, 2010**


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**Application Number:** 09/1482      **Team:** Southern Team      **Application Type** S78      FUL  
**Appeal Received:** 29/01/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 163 & 165 Chatsworth Road, London, NW2 5QT  
**Proposal:**

Erection of a two-storey, 3-bedroom dwellinghouse in rear garden of 163 & 165 Chatsworth Road, NW2, with one covered parking space, landscaping, widening of existing vehicle access onto Lydford Road and new pedestrian access (as accompanied by Planning and Noise Assessment by Acoustics Plus, dated December 2008, and Protected Species Scoping Survey by RPS, dated 19th December 2008)

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**Application Number:** 09/1489      **Team:** Northern Team      **Application Type** S78      FUL  
**Appeal Received:** 28/01/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 79 Hassop Road, London, NW2 6RX  
**Proposal:**

Retention of change of use of the premises to a car repair, car servicing and sales use (Use class B2)

---

**Application Number:** 09/1992      **Team:** Southern Team      **Application Type** S78      FUL  
**Appeal Received:** 05/01/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 11 Donaldson Road, London, NW6 6NA  
**Proposal:**

Erection of single storey side extension to rear projection of dwellinghouse and installation of Juliet doors to rear ground floor

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**Application Number:** 09/2142      **Team:** Western Team      **Application Type** S78      FUL  
**Appeal Received:** 20/01/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 21 Beechcroft Gardens, Wembley, HA9 8ER  
**Proposal:**

Retention of the erection of an attached outbuilding and alterations to an existing outbuilding in the rear garden of the bungalow

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**Application Number:** 09/2227      **Team:** Northern Team      **Application Type** S78      FUL  
**Appeal Received:** 15/01/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 114 Preston Hill, Harrow, HA3 9SJ  
**Proposal:**

Erection of replacement boundary wall with piers and railings on top and new entrance gates at front of dwellinghouse

---

**Application Number:** 09/3056      **Team:** Northern Team      **Application Type** S78      FUL  
**Appeal Received:** 22/01/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 39 Queens Walk, London, NW9 8ES  
**Proposal:**

Addition of front rooflight, 1 rear dormer window, first-floor rear and side extension to both sides, and single-storey rear extension to dwellinghouse

Received PLANNING Appeals between 1-Jan-2010 and 31-Jan-2010

## Planning Committee: 24 February, 2010

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**Application Number:** 09/3097      **Team:** Western Team      **Application Type** S78 FUL  
**Appeal Received:** 20/01/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 40A-E, Craven Park, London, NW10  
**Proposal:**

Erection of a two-storey dwellinghouse with one off-street parking space accessed from Bruce Road, cycle storage, refuse-storage area, garden and associated landscaping to the rear of 40A-E Craven Park

---

**Application Number:** 09/3284      **Team:** Northern Team      **Application Type** S78 FUL  
**Appeal Received:** 26/01/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 52A Melrose Avenue, London, NW2 4JT  
**Proposal:**

Retention of UPVC windows to the ground-floor flat

---

**Application Number:** 09/3288      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 12/01/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 24 Carlisle Road, Kilburn, London, NW6 6TS  
**Proposal:**

Single storey rear extension, rear dormer window and installation of 1 rear, 1 front and 1 side rooflight to dwellinghouse



Received ENFORCEMENT Appeals between 1-Jan-2010 and 31-Jan-2010

Planning Committee: 24 February, 2010

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**Application Number:** E/08/0526 **Appeal Against:** Enforcement Appeal **Team:** Western Team

**Appeal Started:** 06/01/2010

**Location:** 206 Harrow Road, Wembley, HA9 6QL

**Description:**

Without planning permission, the erection of a non self-contained dwelling in the rear garden area of premises.

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## Decisions on PLANNING Appeals between 1-Jan-2010 and 31-Jan-2010

Planning Committee: 24-Feb-2010

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**Application Number:** 08/2071 **PINSRefNo** T5150/A/09/2106074/WF **Team:** Western Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 04/01/2010

**Location:** 92 Paxford Road, Wembley, HA0 3RH

**Proposal:**

Erection of 1 side and 1 rear dormer window, and installation of 1 side rooflight to the dwellinghouse (as amended by plans received on 19/09/2008)

---

**Application Number:** 08/3162 **PINSRefNo** A/09/2110095/NWF **Team:** Western Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 06/01/2010

**Location:** 16 Iron Bridge Close, London, NW10 0UF

**Proposal:**

Single-storey extension to rear of warehouse unit

---

**Application Number:** 09/0329 **PINSRefNo** A/09/2112277/NWF **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 26/01/2010

**Location:** 470 Church Lane, London, NW9 8UA

**Proposal:**

Change of use of ground floor from office use (B1) to non residential institution (D1) place of worship

---

**Application Number:** 09/0330 **PINSRefNo** X/09/2110659 **Team:** Western Team

**Appeal Decision:** Appeal part dismissed / part allowed **Appeal Decision Date:** 18/01/2010

**Location:** 5 Compton Avenue, Wembley, HA0 3FD

**Proposal:**

Certificate of lawfulness for the retention of an existing conservatory to the rear of the property and for the retention of a green house in the rear garden

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**Application Number:** 09/0505 **PINSRefNo** A/09/2111687/WF **Team:** Northern Team

**Appeal Decision:** Appeal part dismissed / part allowed **Appeal Decision Date:** 11/01/2010

**Location:** 20 Mardale Drive, London, NW9 0RU

**Proposal:**

Removal of ground floor rear bay window and erection of a single storey extension and replacement of rear dormer window with larger dormer window to dwellinghouse

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**Application Number:** 09/0717 **PINSRefNo** A/09/2108179/WF **Team:** Western Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 25/01/2010

**Location:** 7A & B, Turton Road, Wembley, HA0 2BS

**Proposal:**

Retention of conversion of dwellinghouse into 2 self-contained flats

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**Application Number:** 09/1597 **PINSRefNo** A/09/2112721/NWF **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 11/01/2010

**Location:** 47 & 49, Village Way, London, NW10 0LN

**Proposal:**

Demolition of single-storey side extension at No. 47, demolition of attached garage at No. 49, erection of first-floor rear extensions to two existing dwellinghouses and erection of new two-storey, two-bedroom dwellinghouse, with parking in front garden

Decisions on PLANNING Appeals between 1-Jan-2010 and 31-Jan-2010

Planning Committee: 24-Feb-2010

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**Application Number:** 09/1865 **PINSRefNo** A/09/2118785 **Team:** Southern Team

**Appeal Decision:** Appeal withdrawn **Appeal Decision Date:** 25/01/2010

**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

## Decisions on ENFORCEMENT Appeals between 1-Jan-2010 and 31-Jan-2010

## Planning Committee: 24 February, 2010

**Application Number:** E/06/0128 **PINSRefNo** C/09/2106808**Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 12/01/2010**Location:** 64A Ealing Road, Wembley, HA0 4TH**Proposal:**

Without planning permission, the material change of use of premises to mixed use as dwellinghouse, car wash and vehicle tyre fitting and storage, and the installation and display of advertisement signs.

**Application Number:** E/06/0772 **PINSRefNo** C/09/2103807**Team:** Southern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 20/01/2010**Location:** 12 High Street, London, NW10 4LX**Proposal:**

Without planning permission, the material change of use of the premises to a religious gathering/prayer premises, and the erection of rear extension to the premises.

**Application Number:** E/07/0459 **PINSRefNo** C/09/2113884**Team:** Western Team**Appeal Decision:** Appeal Allowed**Appeal Decision Date:** 27/01/2010**Location:** 46 Oakington Manor Drive, Wembley, HA9 6LZ**Proposal:**

Without planning permission, the erection of a dwelling in the rear garden of the premises.

**Application Number:** E/07/0705 **PINSRefNo** C/09/2098417**Team:** Northern Team**Appeal Decision:** Appeal Allowed**Appeal Decision Date:** 15/01/2010**Location:** Ground Floor Flat, 48 Windsor Crescent, Wembley, HA9 9AW**Proposal:**

Without planning permission, the material change of use of the premises from a single dwelling house to 3 self-contained flats.

**Application Number:** E/07/0889 **PINSRefNo** C/09/2107676**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 07/01/2010**Location:** 26 Girton Avenue, London, NW9 9SU**Proposal:**

Without planning permission, the change of use of the premises from a dwelling to a house of multiple occupation, the erection of a habitable outbuilding and the erection of a plastic/wooden greenhouse to rear of premises.

**Application Number:** E/08/0524 **PINSRefNo** C/09/2111574**Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 25/01/2010**Location:** 7A & B, Turton Road, Wembley, HA0 2BS**Proposal:**

Without planning permission, the material change of use of the premises from dwellinghouse into 2 self-contained flats.

("The Unauthorised Change of Use")

Decisions on ENFORCEMENT Appeals between 1-Jan-2010 and 31-Jan-2010  
 Planning Committee: 24 February, 2010

**Application Number:** E/08/0830 **PINSRefNo** C/09/2111798 **Team:** Western Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 14/01/2010

**Location:** 3 & 3A, Kenmere Gardens, Wembley, HA0 1TD

**Proposal:**

Without planning permission, the erection of a dwelling in rear garden area of premises.

**Application Number:** E/09/0053 **PINSRefNo** C/09/2111690 **Team:** Western Team

**Appeal Decision:** Appeal part dismissed / part allowed **Appeal Decision Date:** 14/01/2010

**Location:** Ground & First Floor Flats, 42 Lancelot Crescent, Wembley, HA0 2AY

**Proposal:**

Without planning permission, the change of use from a single dwellinghouse to 2 self-contained flats and the erection of a single-storey rear extension.

("The Unauthorised Development")

**Application Number:** E/09/0111 **PINSRefNo** C/09/2109864 **Team:** Western Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 07/01/2010

**Location:** 20 Elspeth Road, Wembley, HA0 2BW

**Proposal:**

Without planning permission, the change of use of the premises from a single dwellinghouse into eight self-contained flats.

**Application Number:** E/09/0445 **PINSRefNo** C/09/2114484 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 06/01/2010

**Location:** 470 Church Lane, London, NW9 8UA

**Proposal:**

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")

**PLANNING SELECTED appeal DECISIONS between  
1-Jan-2010 and 31-Jan-2010  
Planning Committee: 24 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:

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**Our reference:** 09/0330 **Appeal Decision:** Appeal part dismissed / part allowed **Appeal Decision Date:** 18/01/2010

**Team:** Western Team

**Location:** 5 Compton Avenue, Wembley, HA0 3FD

**Proposal:**

Certificate of lawfulness for the retention of an existing conservatory to the rear of the property and for the retention of a green house in the rear garden

---

**Our reference:** 09/0505 **Appeal Decision:** Appeal part dismissed / part allowed **Appeal Decision Date:** 11/01/2010

**Team:** Northern Team

**Location:** 20 Mardale Drive, London, NW9 0RU

**Proposal:**

Removal of ground floor rear bay window and erection of a single storey extension and replacement of rear dormer window with larger dormer window to 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](mailto:tps@brent.gov.uk).

Chris Walker, Chief Planner

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**ENFORCEMENT SELECTED appeal DECISIONS between****1-Jan-2010****and****31-Jan-2010****Planning Committee: 24 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:

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<b>Our reference:</b> E/07/0459	<b>Appeal Decision Date:</b> 27/01/2010
<b>Team:</b> Western Team	<b>Appeal Decision:</b> Appeal Allowed

**Location:** 46 Oakington Manor Drive, Wembley, HA9 6LZ**Proposal:**

Without planning permission, the erection of a dwelling in the rear garden of the premises.

---

<b>Our reference:</b> E/07/0705	<b>Appeal Decision Date:</b> 15/01/2010
<b>Team:</b> Northern Team	<b>Appeal Decision:</b> Appeal Allowed

**Location:** Ground Floor Flat, 48 Windsor Crescent, Wembley, HA9 9AW**Proposal:**

Without planning permission, the material change of use of the premises from a single dwelling house to 3 self-contained flats.

---

<b>Our reference:</b> E/08/0830	<b>Appeal Decision Date:</b> 14/01/2010
<b>Team:</b> Western Team	<b>Appeal Decision:</b> Appeal Allowed

**Location:** 3 & 3A, Kenmere Gardens, Wembley, HA0 1TD**Proposal:**

Without planning permission, the erection of a dwelling in rear garden area of premises.

---

<b>Our reference:</b> E/09/0053	<b>Appeal Decision Date:</b> 14/01/2010
<b>Team:</b> Western Team	<b>Appeal Decision:</b> Appeal part dismissed / part allowed

**Location:** Ground & First Floor Flats, 42 Lancelot Crescent, Wembley, HA0 2AY**Proposal:**

Without planning permission, the change of use from a single dwellinghouse to 2 self-contained flats and the erection of a single-storey rear extension.

**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](mailto:tps@brent.gov.uk).

Chris Walker

Director of the Planning Service

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# Appeal Decision

Site visit made on 17 December 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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2 The Square  
Temple Quay  
Bristol BS1 6PN

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email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**18<sup>th</sup> January , 2010.**

---

**Appeal Ref: APP/T5150/X/09/2110659**  
**No. 5 Compton Avenue, Wembley HA0 3FD**  
**Appeal by Mrs P Sigamani**

- 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 Mrs P Sigamani against the decision of the London Borough of Brent Council.
- The application, No. 09/0330 dated 12 February 2009, was refused by a notice dated 20 March 2009.
- The application was made under section 191(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 retention of an existing conservatory to the rear of the property and for the retention of a green house in the rear garden.

**Summary of Decision: The appeal succeeds in part. A Lawful Development Certificate is issued in respect of the conservatory**

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## The application

1. The application for a lawful development certificate, (LDC) was dated 12 February 2009. At that time, there were 2 appeal structures, described in the application as a conservatory and a green house. The conservatory was attached to the rear of the end of terrace house at No. 5 Compton Avenue, the green house was built immediately adjoining the conservatory, extending further to the rear. Since then, the green house has been demolished.

## Appellant's case

2. For Mrs Sigamani, it was said that although the conservatory and green house had been built close together, they were separate structures. The green house was demolished in July 2009.
  3. With the green house gone, the conservatory should be considered to be permitted development. The conservatory, described by the Council as a rear extension, had a volume of less than 50m<sup>3</sup>. That was within the permitted development limit, (Schedule 2, Part 1, Class A, A.1(a)(i)). Other parts of the Class A tests were met. Unfortunately, the originally submitted drawings showed the height of the conservatory as 3m. As built, however, the maximum height was 2.45m. The Council had decided the matter on a measurement of the drawings, not an on-site calculation. The actual volume should have been shown as 44.45m<sup>3</sup>, (drawing 2008-GF1-R1), not the 56.1m<sup>3</sup> derived from the originally submitted drawing, (2008-LC1).
-



# 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  
2 The Square  
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**Decision date:**  
**11 January 2010**

---

## Appeal Ref: APP/T5150/A/09/2111687 20 Mardale Drive, London NW9 0RU

- 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 A Sidhpura against the decision of the Council of the London Borough of Brent.
- The application Ref.09/0505, dated 2 March 2009, was refused by notice dated 1 May 2009.
- The development proposed is rear extension and extension of rear dormer.

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### Decisions

1. I dismiss the appeal in so far as it relates to the ground floor rear extension.
2. I allow the appeal in respect solely of the rear dormer and grant planning permission for extension of rear dormer at 20 Mardale Drive, London in accordance with the terms of the application, Ref. 09/0505, dated 2 March 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) The materials to be used in the construction of the external surfaces of the dormer extension hereby permitted shall match those used in the existing rear dormer.

### Procedural Matter

3. There are two distinct elements within this proposed development and I shall address them separately.

### Main issue

4. The main issue in this case is the effect of the proposed development upon the character and appearance of the area.

### Reasons

The rear extension

5. This is a hilly part of London and 20 Mardale Drive occupies a location that is elevated by comparison with many of its neighbours. This means that the rear of the dwelling is particularly prominent when viewed from the back of properties further down the hill along Mardale Drive. Moreover, as an end of terrace property, No.20 is conspicuously located at the intersection of Mardale

Drive with Springfield Gardens. The latter road follows a curving path with No.20 on its outside bend. This makes its flank and rear elevations especially noticeable when viewed from the east.

6. The proposed rear extension would be built above the existing raised patio, which is at the present ground floor level. Allowing for the patio's retaining wall and the extension's parapet, this would create a wall equivalent to some two storeys in height, albeit one that would have a step in it. This would become a dominating feature when viewed from the properties to the south. It would also be very prominent in the street scene of Springfield Gardens, although the lower part would be partially concealed from view by No.20's boundary wall.
7. With its flat roof and roof light and its vast expanse of windows that would be far wider in total than any of the other window openings, this extension would be out of keeping with the present rear elevation. It would fail to represent the good design that is called for in the relevant policies of the development plan, notably saved Policy BE9 of the London Borough of Brent Unitary Development Plan 2004, and in Government guidance, for example that of PPS1 *Delivering Sustainable Development*.
8. In **concluding** that the proposed rear extension would have an unacceptable effect upon the character and appearance of this area, I have taken all the other points raised into account. Regarding the effect on light levels in respect of the adjoining property No.18, I consider that the extension would cast considerable shade when the sun were in the east or the south east, making the living room to No.18 darker at these times. Moreover, the blank wall that it would present would provide a poor outlook from that room, especially for someone standing near the bay window. In my view, No.18's living conditions would be adversely affected and this finding reinforces my conclusion on the main issue.

The rear dormer

9. I reach a different conclusion in respect of the proposed widened roof dormer. While this would become a more prominent feature in the street scene, it would remain subservient visually to the rear roof slope. Like the Council I find it to be acceptable and I am granting planning permission for it with a condition that it should match the present structure.

*Chris Gossop*

Inspector

### **The Council's reasons for refusal**

4. The Council's notice of refusal said the rear extension conservatory, built in 2007 according to the appellant, was unlawful because it did not comply with the requirements of Schedule 2, Part 1, Class A of the now replaced Town and Country Planning (General Permitted Development) Order 1995, (GPDO). They said the green house did not comply with the requirements of Schedule 2, Part 1, Class E of the 1995 Order.
5. In answer to the appellant's statement, the Council pointed to the enforcement notice served on 19 June 2009 which required removal of the rear extensions. No appeal was made against that notice. They said, irrespective of the appellant's assertions on the application of the 50m<sup>3</sup> rule to the remaining conservatory, an LDC could not be issued where it would contravene a requirement of an enforcement notice, (letter, 15 October 2009).

### **My considerations**

6. Although the application for the LDC was made after the coming into effect of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 on 1 October 2008, the permitted development rights against which the development must be considered are derived from the GPDO in force at the date of start of works, *R J Williams Le Roi v SSE & Salisbury DC [1993] JPL 1033*. So the Council were right to apply the 1995 Order to the application.
7. It was also not entirely unreasonable for the Council to have relied on the drawings submitted with the LDC application in assessing the lawfulness of the 2 extensions. It was the responsibility of the appellant to get them right. Even so, a site measurement check would have been sensible when dealing with an application for an LDC for operational development already carried out.
8. The Council were wrong, however, to say that an LDC could not be issued because of the existence of their confirmed enforcement notice. For that to have been so, the enforcement notice would have had to come into effect before the date the LDC application was made. But here, at the time the LDC application was made, there was no enforcement notice extant to bite on the LDC. An LDC, after all, does no more than indicate lawfulness at the time the application was made.
9. S.193(4) of the Act allows a certificate to be granted for all or part of the site, and for one or more of the several uses or operations comprised in the application, i.e. a split decision, in respect of both s.191 and s.192 applications.
10. I need to consider how things were on the date of application for the LDC. Firstly, the conservatory. I note that the Council did not dispute the appellant's figure of 44.45m<sup>3</sup> for the on site measured volume of the conservatory. Schedule 2, Part 1, Class A of the 1995 GPDO allows for the enlargement of a terraced dwellinghouse of up to 50m<sup>3</sup> of the original dwellinghouse - condition A.1(a)(i). The appeal conservatory meets that condition and all the other conditions applied to Class A of the Order. That extension was therefore permitted development at the time the application for the LDC was made.

11. The appeal green house was said to have been built in 2007. It was demolished in July 2009. Photographs show it closely adjoining the conservatory extension, but not connected to the conservatory. It is usually possible to add Class A extensions, which in themselves exceed the relevant overall volume limitations, as permitted development, provided that the excess volume is subtracted elsewhere. But that was not done here. Instead, the green house was added on the end of the conservatory extension.
12. Where not attached, condition A.3(a) to Class A of the Order treats buildings of more than 10m<sup>3</sup> volume which are within 5m of the dwellinghouse as an enlargement of the dwellinghouse for all purposes, including the calculation of cubic content. The depth of the conservatory was about 3.5m. So when the appeal application was made, the green house was in place, the extra volume of the green house took the enlargement of the original dwellinghouse at No. 5 to well over the 50m<sup>3</sup> limit, indeed it was said to be of some 138.5m<sup>3</sup>. The green house extension was not permitted development at the time the LDC application was made.
13. The *Panton and Farmer v SSETR and Vale of White Horse DC [1999] JPL 461* judgment indicated that an Inspector is obliged to issue a certificate for any use of the planning unit which the evidence shows is lawful, and to modify or substitute the descriptions of the use and the land to which it relates if necessary. At the date of the application for an LDC for the conservatory and for the green house, the conservatory development was permitted by the General Permitted Development Order. But the green house was not permitted by the General Permitted Development Order.

### **Conclusion**

14. I conclude that the refusal by the London Borough of Brent Council to issue a Certificate of Lawful Use for the green house development was well founded.
15. The refusal by the London Borough of Brent Council to issue a Certificate of Lawful Use for the conservatory development was not well founded. The appeal succeeds in relation to the conservatory. 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 conservatory development as applied for. That is attached to this decision

*John Whalley*

INSPECTOR



# Lawful Development Certificate

The Planning Inspectorate  
Temple Quay House  
4/11 Eagle Wing  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995: ARTICLE 24

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**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 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The construction of the conservatory 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: 18<sup>th</sup> January ,2010.

Reference: **APP/T5150/X/09/2110659**

### ***First Schedule***

The construction of the conservatory rear extension to the dwellinghouse as shown on the Lawful Development Certificate Plan, (based upon drawing 2008-GF1-R1), attached to this Certificate.

### ***Second Schedule***

At the rear of No. 5 Compton Avenue, Wembley HA0 3FD

IMPORTANT NOTES OVERLEAF

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NOTES

1. This certificate is issued solely for the purpose of Section 191 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.



# Lawful Development Certificate Plan

Appeal reference  
**APP/T5150/X/09/2110659**

Plan attached to the Lawful Development Certificate

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

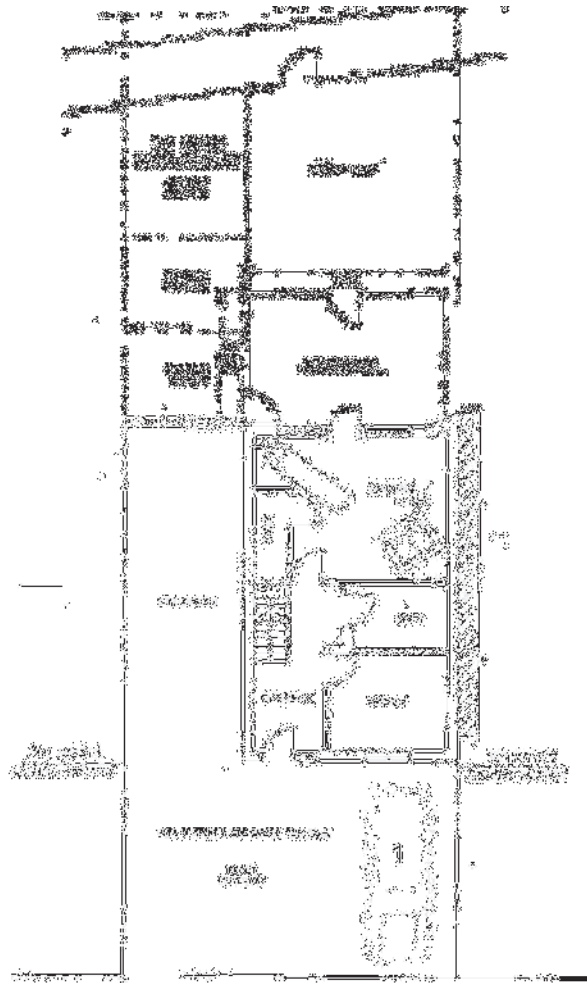
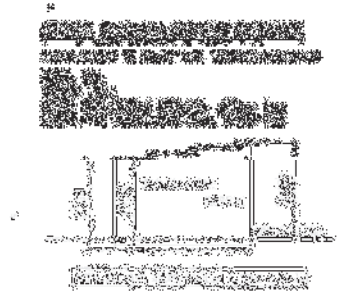
☎ 0117 372 6372  
✉ [enquiries@ons.gov.uk](mailto:enquiries@ons.gov.uk)  
gov.uk

Decision date: 18/01/2010

Land at the rear of No. 5 Compton Avenue, Wembley HA0 3FD

No. 5/5A

1:1000



*John Whalley*

INSPECTOR



# Appeal Decision

Accompanied site visit made on 18  
January 2010

by **Felix Bourne** BA(Hons) LARTPI Solicitor

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:**  
**27 January 2010**

**Appeal Ref: APP/T5150/C/09/2113884**

**46 Oakington Manor Drive, Wembley, HA9 6LZ**

- 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 Mr Iqbal Lalji against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/07/0459.
- The notice was issued on 21 August 2009.
- The breach of planning control as alleged in the notice is, without planning permission, the erection of a dwelling in the rear garden of the premises.
- The requirements of the notice are to demolish the dwelling and remove all associated materials and debris arising from that demolition from the premises.
- The period for compliance with the requirements is three months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

**Summary of Decision:** The appeal is allowed under ground (b) and the Notice is quashed.

## THE GROUND (b) APPEAL

1. It is convenient to commence with the appeal under ground (b), which is the appropriate ground of appeal where an appellant seeks to argue that the matters alleged by the enforcement notice to constitute a breach of planning control have not occurred, as a matter of fact.
2. The Council have accepted that, if constructed for purposes incidental to the enjoyment of the dwellinghouse as such, the building would constitute permitted development. The appellant, for his part, argues that, in June 2006, the Council took exactly that view, writing to the nearby neighbour, on 19 June 2006 indicating that, having investigated the matter, the development did not appear to amount to a breach of planning control and enclosing a booklet explaining what could be built without (express) planning permission. However, I accord little weight to that argument because the conclusion reached by the Council appears to have been based on information, supplied by the appellant's architect, that the building, which was still under construction when he wrote to them on 13 June 2006, would be used as a summerhouse. This is, ironically, a use to which neither side claim the building was in fact put.
3. Looking at the Council's allegation, in *Gravesham BC v Secretary of State for the Environment (1984) 47 P & CR 143* McCullough J suggested that the

common feature of all premises which could ordinarily be described as dwellinghouses was that they were buildings which could ordinarily afford the facilities required for day to day private domestic existence. However, in *Gravesham*, the Court upheld the finding of the Secretary of State that a small holiday chalet (20 feet by 17 feet) comprising a living room, kitchen and bedroom did constitute a dwellinghouse, notwithstanding that there was no bathroom or W.C., because it could reasonably be said to provide for the main activities of day to day existence.

4. The appeal building comprises two rooms, one large and one small. At the time of my site inspection the large room contained such items as an office chair and desk with computer equipment, and along the back wall there were two tall cupboards, one of which was built as a wardrobe, and a fridge freezer. In one corner of the room, facing the house, there was a kitchen sink, but other kitchen equipment had been removed. The second, smaller, room to the rear contained a WC, wash hand basin, and bath. The appellant's Final Comments make it clear that he "is not denying that there was a kitchen (now removed) and a full bathroom at the site" but maintains that the development is for "the use of his family as a study and that it is ancillary to the main building".
5. In her letter of 31<sup>st</sup> January 2008 the Council's Enforcement Planner, having inspected the site on the 28<sup>th</sup>, expressed the view that the building appeared to have all the facilities needed for everyday living. Photographs taken at that time show that the kitchen area included, as well as the kitchen sink, a microwave and hob, with extractor, and cupboards to either side. The photographs also show a sofa in the main room, which had been removed by the time of my site inspection. On the other hand, no reference is made to the presence of clothes washing facilities and, more crucially, there is no bedroom and no evidence to counter the appellant's claim that the sofa was not one that you could reconfigure to form a bed. Accordingly, the building does not appear to have contained, even then, the normal facilities for cooking, eating *and* sleeping (my emphasis) associated with use as a dwellinghouse.
6. "Dwellinghouse" is a concept of both design and use: however, section 2.81 of Circular 10/97: Enforcing Planning Control, advises that it is important to distinguish the term "use as a single dwellinghouse", in section 171B(2), from what might be regarded as being a single dwellinghouse. The Circular makes the point that something which may be used as a "dwellinghouse" may not be a dwellinghouse. The paragraph also advises that the relevant criteria for determining use as a single dwellinghouse include both the physical condition of the premises and the manner of the use.
7. Paragraph 4.1.1 of the Council's statement goes so far as to say that "the Council is certain a breach has occurred as a matter of fact", suggesting that the photographs taken provide evidence that the building is being used as a dwellinghouse. However, they do not, in my view, provide evidence of use as a dwellinghouse for they take the matter no further than I have described above, with there being no evidence of facilities for sleeping or evidence of it being used for such purposes. It may be that the Council has evidence that it feels unable to use but I must make my decision on the evidence available to me.

8. Whilst it is for the appellant to prove his case, on the balance of probability, his evidence is that no-one has ever lived in the building and that it has been used exclusively as a study room for his family.
9. When considering that evidence I have borne in mind that the previous assertion, made by the appellant's architect, was that the building would be used as a summerhouse, and the possibility that this may have represented a deliberate attempt to mislead the Council. On the other hand there may be an entirely innocent explanation for this apparent inconsistency. For example, the architect may have confused this development with another, or the appellant may have simply have changed his mind. In the absence of evidence to contradict or otherwise make the appellant's version of events less than probable, I must accord his evidence weight.
10. I have had regard to the recent appeal decision cited by the Council concerning 5 Dobree Avenue (PINS ref: APP/T5150/C/08/2092976). However, whilst this touches upon issues relevant to the determination of this appeal, in particular the question of what may constitute an "incidental" use, it is not directly comparable. In particular, and importantly, the alleged breach of planning control was the erection of a building as opposed to the erection of a dwelling: indeed, at paragraph 10 of his decision, the Inspector makes the point that the Council is not alleging the establishment of a separate unit of accommodation within the appeal property.
11. Accordingly, whilst I fully accept that the appeal building contained more than you might anticipate finding in a study, it also lacked at least one important element that you would expect to find in a dwellinghouse and there is no firm evidence to counter the appellant's contention that the building has also never been used as a dwellinghouse. Thus I conclude, on the balance of probability, that the matter alleged by the Notice has not occurred as a matter of fact.
12. For the reasons given above I conclude that the appeal should succeed on ground (b). The enforcement notice will therefore be quashed. The appeal under grounds (c) and (f) does not therefore need to be considered.

### **Formal Decision**

13. I allow the appeal and direct that the enforcement notice be quashed.

*Felix Bourne*

Inspector



# Appeal Decision

Inquiry held on 15 December 2009

by **Felix Bourne** BA(Hons) LARTPI Solicitor

an Inspector appointed by the Secretary of State  
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**Decision date:**  
**15 January 2010**

## Appeal Ref: APP/T5150/C/09/2098417

### Ground Floor Flat, 48 Windsor Crescent, Wembley, HA9 9AW

- 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 Mr N Shirazi against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/07/0705.
- The notice was issued on 14 January 2009.
- The breach of planning control as alleged in the notice is, without planning permission, the material change of use of the premises from a single dwelling house to 3 self-contained flats.
- The requirements of the notice are to cease the use of the property as 3 self-contained flats and remove all associated materials and debris associated with the unauthorised use.
- The period for compliance with the requirements is 7 months.
- The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

**Summary of Decision:** The appeal is allowed and the enforcement notice is quashed.

### Preliminary Matters

1. Schedule 1 of the enforcement notice, describes "THE LAND OR PREMISES AFFECTED" as "Ground Floor Flat, 48 Windsor Crescent, Wembley, HA9 9AW ("the premises" – shown hatched black on the attached plan)". The description given in Schedule 2, of "THE ALLEGED BREACH OF PLANNING CONTROL" is "Without planning permission, the material change of use of the premises from a single dwelling house to 3 self-contained flats", "the premises" having already been defined as the Ground Floor Flat. For the sake of completeness I should record that Schedule 4, headed "WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH", requires, as the only step, "Cease the use of the *property* (my italics) as 3 self-contained flats and remove all associated materials and debris associated with the unauthorised use".
2. The Council explained that the reference to the Ground Floor Flat in Schedule 1 had been a computer-generated error and that it should have referred to the whole property, with the Council's intention having been to allege a material change of use of the whole property to three flats. The Council cited the recent case of *Michael Howells v (1) Secretary of State for Communities & Local Government (2) Gloucestershire County Council (QBD(Admin)) decided on 12 October 2009*, as authority for the proposition that, under the powers granted

- by section 176(1) of the Act, I could extend the area to which an enforcement applied provided that to do so would not cause injustice to the appellant.
3. The Council argued that the appellant would not be prejudiced as he was well aware, not least from a Planning Contravention Notice and a further letter from the Council, that the Council's concerns related to the whole property. The appellant, on the other hand, and as part of his evidence on oath, pointed out that the allegation clearly related to the ground floor and that he had prepared his case accordingly. There was at least the suggestion that he might have presented further evidence had he believed that the enforcement notice related to the whole premises.
  4. The Council were reluctant to accept this argument, suggesting that the appellant's response was a tactical ploy to avoid the purpose of the enforcement notice. That may or may not be true: however, it is fair to say that, looking at the Notice alone, it does appear to relate specifically to the Ground Floor Flat at the premises and that what limited evidence the appellant intended to present to the Inquiry also related to the ground floor alone. Whilst this may itself have been part of such a "tactical ploy", I must also give weight to what the appellant told me on oath. In any event, and I do not mean this unkindly for such mistakes are easily made, the opportunity to take advantage of such a "tactical ploy", if that is what it was, could have been avoided by getting the Notice right, and the "second bite" provisions may allow the Council another chance of doing so. In the meanwhile, however, whilst I note the *Howells* case referred to, I believe that extending the area to which an enforcement notice relates will probably remain an exceptional action and in this case I cannot be sure, to the point of being "satisfied", (to employ the wording in section 176(1)), that to do so would not cause injustice to the appellant.
  5. In the light of the above I must decline to correct the Notice in the manner sought by the Council and will therefore determine the appeal on the basis of the Notice as drafted.

### **The Ground (b) Appeal**

6. Paragraph 8.15 of Circular 10/97, Enforcing Planning Control, indicates that, in appeals to the Secretary of State which raise "legal issues", for example enforcement appeals on grounds (b) to (e) in section 174(2), the burden of proof is again on the appellant, the Courts having held that the relevant test of the evidence on such matters is "the balance of probability".
7. Ground (b) arises where an appellant seeks to argue that the matters alleged by the Notice to constitute a breach of planning control have not occurred as a matter of fact. To further his case the appellant had submitted a communication from his former agent, who has also helped to let the property, indicating that he had let the ground floor flat to a Mrs Geni Khalif Karshe during 1998 and 1999, and a letter from Brent Council, dated 6 October 1999, relating to the payment of Housing Benefit in relation to this tenant but not specific as to what part of No. 48 Mrs Karshe was occupying. There was also confirmation from Mr Osman that he had been helping to rent No. 48 to various tenants since 1998 and that the property had not been changed, save for renovation, repair and the addition of central heating, since that time.

8. At the Inquiry the appellant indicated that he had owned the property for 20 years. He stated that there had always been a kitchen, and a toilet and bathroom/shower facility, on each floor. He had not installed any such facilities but had replaced them. When he purchased the property he took some time decorating it but then let out the second floor, or ground floor, or occasionally both, retaining the first floor for his own use, primarily in connection with his hobby of photography. However, in 2000, the Council had issued an enforcement notice in relation to the whole property alleging, without planning permission, the change of use from a dwellinghouse to a house in multiple occupation. The appellant had sought to lodge an appeal against the Notice but was out of time. Accordingly the Notice took effect and the appellant indicated that, following this, he had not let the property for some years and had allowed it to fall into disrepair. In 2007, however, he had let the property to Mr Osman on the basis that he could in turn let it to up to five people who would occupy the property as a dwellinghouse. The appellant said that he had a written contract to this effect but had not brought it with him.
9. As to the photographs taken by the Council, and which they indicated showed all three floors, the appellant doubted this. In particular he thought that doors which the Council said were on different floors were, in fact, the same door. From my study of the photographs they look different but it proved impossible to obtain access to the property and thus this point could not be checked. However, in that I have concluded that I should not extend the area to which the Notice relates, it is of little relevance in the determination of this appeal.
10. Whilst the appellant's evidence was of limited value there is, in fact, no contention on the part of the Council that the ground floor flat has been converted into three. Thus there is sufficient evidence to conclude that, on the balance of probabilities, the breach of planning control alleged by the Notice has not occurred as a matter of fact and the ground (b) appeal will therefore succeed and the enforcement notice will be quashed.
11. For the reasons given above I conclude that the appeal should succeed on ground (b). The appeal is allowed, and the enforcement notice is quashed.

### **Decision**

12. I allow the appeal and direct that the enforcement notice be quashed.

*Felix Bourne*

Inspector







# Appeal Decision

Site visit made on 14 December 2009

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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**Decision date:**  
**14 January 2010**

## Appeal Ref: APP/T5150/C/09/2111798

### 3 & 3A Kenmere Gardens, Wembley, Middlesex HA0 1TD

- The appeal is made by Mr Waseem Khan under section 174 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice (ref: E/08/0830) was issued on 24 July 2009.
- The breach of planning control alleged in the notice is "the erection of a dwelling in rear garden area of premises".
- The requirements of the notice are to "demolish the unauthorised dwelling and remove all materials arising from that demolition and remove all materials associated with the unauthorised development from the premises".
- The period for compliance with these requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The notice is corrected. The appeal is allowed on ground (a) and planning permission is granted for the erection of an outbuilding, subject to a condition. The notice is quashed.**

### The breach of planning control

1. The description of the development in the parties' statements, and what I saw at the site visit, indicate that the breach should be described as the erection of an outbuilding rather than the erection of a dwelling. I have corrected the notice in the formal decision below.

### Ground (a)

2. 3 & 3A Kenmere Gardens are purpose-built flats and the outbuilding has been erected in their shared rear garden. It is not disputed that it was fitted out and used for a time as self-contained living accommodation, but by the time of the site visit the fittings had been removed and it was being used for storage purposes. The appellant wishes to keep it as storage space for the occupiers of the flats. The main planning issue that arises is the effect of the outbuilding and its potential uses on the surrounding area and neighbours' amenities.
3. There are many outbuildings at the rear of houses in this area. This one is larger than most of them, but as an outbuilding serving the flats it would not be out of keeping with its surroundings or intrude significantly on neighbours' outlook, and a reasonable amount of garden space would remain for the occupiers of the flats. Policy BE9 of the Brent Unitary Development Plan would be complied with.

4. The use of the outbuilding as self-contained living accommodation or for other uses not incidental to the enjoyment of the flats would be harmful to the amenities of neighbours, including the occupiers of the flats, because of the impact on their privacy, the disturbance caused by the increased use of the narrow passage between Nos 3 & 3A and No 5 and by additional activity in the rear garden, which is needed as amenity space for the flats. Such uses would therefore be in conflict with criteria (b), (d) and (e) of Policy H15 of the Unitary Development Plan.
5. These matters do not, however, call for the demolition of the outbuilding, since its use as an outbuilding serving the flats is acceptable and this use can be controlled by a planning condition. The appeal succeeds on ground (a) and I will grant a conditional permission.

**Ground (g)**

6. Since the appeal has succeeded on ground (a), the notice will be quashed. Ground (g) no longer falls to be considered.

**Formal decision**

7. I direct that the enforcement notice be corrected by replacing "dwelling" in Schedule 2 with "outbuilding".
8. I allow the appeal and grant planning permission on the application deemed to have been made by section 177(5) of the Act as amended for the erection of an outbuilding in the rear garden of 3 & 3A Kenmere Gardens, Wembley, Middlesex HA0 1TD, subject to the condition that it shall not be used as self-contained living accommodation or for any other purpose that is not incidental to the enjoyment of the dwellings, 3 & 3A Kenmere Gardens, as such.
9. I direct that the corrected enforcement notice be quashed.

*D.A.Hainsworth*

INSPECTOR



# Appeal Decision

Site visit made on 14 December 2009

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

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**Decision date:**  
**14 January 2010**

## Appeal Ref: APP/T5150/C/09/2111690

### Ground and First Floor Flats, 42 Lancelot Crescent, Wembley, Middlesex HA0 2AY

- The appeal is made by Platform Funding Limited under section 174 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) against an enforcement notice issued by the Council of the London Borough of Brent.
- The notice (ref: E/09/0053) was issued on 24 July 2009.
- The breach of planning control alleged in the notice is "the change of use from a single dwellinghouse to 2 self-contained flats and the erection of a single-storey rear extension".
- The requirements of the notice are as follows: -
  - "STEP 1 Cease the use of the premises as 2 self-contained flats and its occupation by more than ONE household.
  - STEP 2 Remove the bathroom on the ground floor and the kitchen on the first floor.
  - STEP 3 Demolish the single-storey rear extension and remove all debris, material and items associated with that demolition from the premises.
  - STEP 4 Restore the premises back to the condition before the unauthorised development took place."
- The period for compliance with these requirements is 1 year.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal is allowed in part and dismissed in part. Planning permission is granted for the single-storey rear extension and refused for the change of use from a single dwellinghouse to 2 self-contained flats. The notice is upheld with variations.**

### Procedural matters

1. The appeal was submitted by an agent acting for Platform Funding Limited, a mortgagee in possession of the ground-floor flat and the single-storey rear extension, but by mistake its sister company, Platform Home Loans Limited, was named as the appellant on the appeal form. I have treated the appeal as proceeding in the name of Platform Funding Limited, since this is the company entitled to appeal under section 174(1) of the 1990 Act.
2. The appellant has stated under ground (a) that the single-storey rear extension is permitted development. I have dealt with this as a ground (c) issue.

### Whether the single-storey rear extension is permitted development

3. The Council's building control records show that the extension was built between November 2005 and February 2006. Land Registry entries show that

the lease of the ground-floor flat was granted on 29 March 2006 and that the term of the lease commenced on 29 September 2005.

4. Permitted development rights for house extensions apply to "dwellinghouses" as defined in the Town and Country Planning (General Permitted Development) Order 1995, and the definition in Article 1(2) of the Order excludes flats. The sequence of events indicates that, on the balance of probabilities, the extension was carried out as part of the works to convert the ground floor of the house into a flat and I conclude that it is not permitted development.

#### **Ground (a)**

5. The purpose of the ground (a) appeal is to maintain that planning permission should be granted for the change of use of the premises from a single dwellinghouse to 2 self-contained flats and for the erection of the single-storey rear extension. The main planning issues are (i) whether there has been an unacceptable loss of a small purpose-built family dwelling, (ii) whether the standard of accommodation is adequate and (iii) whether the effect of the extension on the amenities of neighbours is acceptable.

*Has there been an unacceptable loss of a small purpose-built family dwelling?*

6. Policy H17 of the Brent Unitary Development Plan (UDP) indicates that permission will not be given for the conversion into flats of dwellinghouses with an original (unextended) floor area of less than 110m<sup>2</sup>. The objective of the policy is to prevent the loss of small purpose-built family dwellings which meet a specific housing need in a Borough with a disproportionately high number of larger families.
7. 42 Lancelot Crescent had an original (unextended) floor area of about 83m<sup>2</sup>. It was a small purpose-built family dwelling, for which the Council indicate there is still an identified need in the Borough. The appellant states that similar properties in the Borough have been converted into flats, but has produced no details of these properties or shown that the conversions were approved as exceptions to Policy H17.

*Is the standard of accommodation adequate?*

8. The Council state that the use of the premises as two flats is overly intensive and results in substandard accommodation, but they have not identified any specific shortcomings. The premises, although small, have been converted into two reasonably-sized, one-bedroom flats. Their use is unlikely to be overly intensive compared to the use of the whole of the premises as one dwelling. The quality of the conversion work seems to be good and, on the limited information available to me, it appears that the criteria in UDP Policy H18 relating to flat conversions have been or could be met.

*Is the effect of the extension on the amenities of neighbours acceptable?*

9. UDP Policy BE9 indicates that house extensions should be designed so as to protect neighbours' amenities. The Council's revised standards for single-storey rear extensions to terrace houses state that they should have a maximum depth of 3m (SPG5, para 3.3). This extension has a depth of 3.15m at its rear

wall, which is a similar depth to the single-storey extension at No 48. The flat roof of the extension projects about 0.4m further. The level of the adjoining gardens is similar to the level of No 42's garden.

10. The failure to comply with the guidance in SPG5 has not made a significant difference. The extension does not unacceptably affect neighbours' outlook or result in a loss of light. Policy BE9 has been complied with.

*Conclusions on ground (a)*

11. Although the standard of accommodation appears to be reasonable for one-bedroom flats, the change of use of this house into flats is contrary to Policy H17 in principle. If it were allowed, a small purpose-built family dwelling for which there is an identified need would be lost and the objectives of the policy would become more difficult to achieve. These are determining considerations and I conclude that permission for the change of use should be withheld. The appeal on ground (a) fails in this respect.
12. The impact of the extension on neighbours' amenities is acceptable and I conclude that the extension should be approved. The appeal on ground (a) therefore succeeds to this extent. No conditions have been suggested in this event and I do not consider that any are needed.

**The requirements of the notice**

13. Step 3 should be deleted, since it is no longer needed following the approval of the extension. No restoration work relating to the extension is needed and Step 4 should be limited to the change of use. I have varied the requirements in the formal decision below.

**Ground (g)**

14. The appellant seeks a six-month extension to the one-year compliance period, for reasons which relate to a survey of the premises, the preparation of a schedule of works, liaison and agreement with others having interests in the premises, its duty of care to the borrower, liaison with the Council and time to carry out the required works.
15. The notice will take effect on the date of this decision and the approval of the extension reduces the amount of work required. One year is a sufficiently long period for those involved to comply with the remaining requirements, notwithstanding the complexities the appellant refers to. Extending the period would add to the time before which the premises can again be made available as a small family dwelling and contribute to the specific housing need identified by Policy H17. The appeal on ground (g) fails.

**Formal decision**

16. I dismiss the appeal in so far as it relates to the change of use and refuse to grant planning permission on the application deemed to have been made by section 177(5) of the Act as amended for the change of use of 42 Lancelot Crescent, Wembley, Middlesex HA0 2AY from a single dwellinghouse to 2 self-contained flats.

17. I allow the appeal in so far as it relates to the extension and grant planning permission on the application deemed to have been made by section 177(5) of the Act as amended for the erection of a single-storey rear extension at 42 Lancelot Crescent, Wembley, Middlesex HA0 2AY.
18. I direct that the enforcement notice be varied by deleting Step 3 in Schedule 4 and replacing "development" with "use" in Step 4 in Schedule 4.
19. Subject to this direction, I uphold the enforcement notice as varied.

*D.A.Hainsworth*

INSPECTOR

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