



## Planning Committee

**Tuesday, 16 March 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  
Mendoza  
Bessong  
Leaman  
CJ Patel  
Corcoran  
Ahmed  
Steel

**For further information contact:** Joe Kwateng, Democratic Services Officer,  
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[www.brent.gov.uk/committees](http://www.brent.gov.uk/committees)

**The press and public are welcome to attend this meeting**

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

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda. <b>Extract of Planning Code of Practice</b>		
2. Minutes of the previous meeting		5 - 18
<b>APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING</b>		
<b>NORTHERN AREA</b>		
3. 11 Sherborne Gardens, London, NW9 9TE (Ref. 09/3292)	Queensbury;	19 - 24
4. 37 Mount Stewart Avenue, Harrow, HA3 0JZ (Ref. 09/2439 )	Kenton;	25 - 30
5. 1-3, The Mall, Harrow, HA3 (Ref. 09/2650 )	Barnhill;	31 - 56
6. 6 Prout Grove, London, NW10 1PT (Ref. 09/2622 )	Dudden Hill;	57 - 64
7. 8 Prout Grove, London, NW10 1PT (Ref. 09/2634 )	Dudden Hill;	65 - 72
8. Caretakers House, Mount Stewart Infant School, Carlisle Gardens, Harrow, HA3 0JX (Ref. 09/3007)	Kenton;	73 - 78
<b>SOUTHERN AREA</b>		
9. KK Builder, Unit B Tower Works, Tower Road, London, NW10 2HP (Ref. 10/0020 )	Willesden Green;	79 - 90
10. Bowling Green Pavilions, Chatsworth Road, London, NW2 4BL (Ref. 10/0124)	Brondesbury Park;	91 - 98
11. 27 Chevening Road, London, NW6 6DB (Ref. 10/0166 )	Queens Park;	99 - 104
12. 82 Chaplin Road, London, NW2 5PR (Ref. 09/2455)	Willesden Green;	105 - 110
<b>WESTERN AREA</b>		
13. Palace of Arts & Palace of Industry Site, Engineers Way, Wembley, HA9 0ES (Ref. 09/2450 )	Tokington;	111 - 148
14. Community Centre, Crystal House, 2 Agate Close, London, NW10 7FJ (Ref. 09/2645)	Stonebridge;	149 - 160
15. Chequers, Managers Flat and Store, 149 Ealing Road, Wembley, HA0 4BY (Ref. 09/3013)	Alperton;	161 - 182

- |     |                                                                            |                  |           |
|-----|----------------------------------------------------------------------------|------------------|-----------|
| 16. | 61-69 Lumen Road, East Lane Business Park, Wembley, HA9 7PX (Ref. 09/1201) | Preston;         | 183 - 196 |
| 17. | Elizabeth House, 341 High Road, Wembley HA9 6AQ (Ref. 09/2506)             | Wembley Central; | 197 - 214 |

**SPECIAL ITEMS**

- |     |                                        |                 |           |
|-----|----------------------------------------|-----------------|-----------|
| 18. | 19 Brook Avenue Wembley HA9 8PH        | Preston;        | 215 - 220 |
| 19. | Northwick Park Golf Club, Watford Road | Northwick Park; | 221 - 236 |

PLANNING APPEALS

**February 2010**

Planning appeals received	4/01
Enforcement appeals received	4/02
Planning appeals decided	4/03
Enforcement appeals decided	4/04
Selected decisions	4/05

20. Any Other Urgent Business

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

Site Visit

**SITE VISITS – SATURDAY 13 MARCH 2010**

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
09/2506	Elizabeth House, 341 High Road, Wembley	17	Wembley Central	9:30	197-214
09/2450	Palace of Arts & Palace of Industry Site, Engineers Way, Wembley, HA9 0ES	13	Tokington	9:40	111-148
09/2650	1-3, The Mall, Harrow, HA3	5	Kenton	10.05	31-56
10/0020	KK Builder Unit B Tower Works, Tower Road, London, NW10 2HP	9	Willesden Green	10:30	79-90
10/0124	Bowling Green Pavilions, Chatsworth Road, London, NW2 4BL	10	Brondesbury Park	10:50	91-98

**Date of the next meeting: Wednesday, 14 April 2010**

The site visits for that meeting will take place the preceding Saturday 10 April 2010 at 9.30am when the coach leaves Brent House.



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

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

## **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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## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE Wednesday, 24 February 2010 at 7.00 pm

PRESENT: Councillors Powney (Vice-Chair), Anwar, Baker, Cummins, Hashmi, Jackson, Long, R Moher, CJ Patel and Steel

ALSO PRESENT: Councillor Mary Arnold, Councillor Muhammed Butt, Councillor George Crane, Councillor John Detre, Councillor Anthony Dunn, Councillor Mary Farrell and Councillor James Moher

Apologies for absence were received from Councillors Kansagra, Hirani, HM Patel and Thomas

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

3. 7-8 Elmwood Crescent Kingsbury NW9.  
Councillor R Moher declared a prejudicial interest, addressed the Committee and left the meeting without taking part in the discussion or voting.
- 13 South Kilburn Regeneration roundabout site  
All members declared that they had been approached by Westminster City Councillors in connection with the application for South Kilburn.

#### 2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 3 February 2010 be approved as an accurate record of the meeting subject to the following amendments to the declarations made;

Councillor R Moher declared a prejudicial interest in the application for 7-8 Elmwood Crescent NW9  
Delete "19 Crawford Avenue" from the declarations made by Councillor Jackson.

#### 3. **7-8 Elmwood Crescent, London NW9 ONL (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 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 Interim 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.

This application was deferred from the last meeting of the Committee for a site visit to assess the impact of the proposed development and the change of use. With reference to the supplementary information tabled at the meeting the Head of Area Planning Steve Weeks responded to the issues raised at the site visit.

The Head of Area Planning stated that the height of the proposed side extension complied with SPG5 guidance and although the height of the proposed rear extension was 0.4m higher than the existing conservatory, due to the distance of the extension from the site boundary, the proposal would not have a significant additional impact on the amenities of the neighbouring residents. He did not consider that the proposal would add significantly to existing problems which arose from the local special school. He outlined the differences between this and the previous application and similar facilities in Fairfields Crescent. In respect of the comments about the suitability of the ground floor front-facing bedrooms the Head of Area Planning submitted that the rooms would provide an acceptable level of accommodation similar to many other residential properties with similar bedroom orientations. He then referred to a petition from residents adding that it did not raise new issues. In reiterating the recommendation for approval he drew members' attention to an amendment to condition 9 as set out in the tabled supplementary report.

Ms Bashir in expressing her objection stated that the location of the proposal was inappropriate within a residential area as it would grossly impact on the neighbourhood in terms of loss of privacy, sunlight and noise pollution. She added that the scale of the development within a small cul-de-sac would exacerbate the problems with parking and traffic flow in addition to the detrimental impact on local infrastructure.

Mr A Letvin also objected on grounds of loss of privacy, over-intensity of use due to its bulk which would be out of character within the residential area and the impact on the neighbourhood.

**In accordance with the provisions of the Planning Code of Practice,** Councillor R Moher, ward member, re-stated her prejudicial interest that she had been involved in previous applications for the site. In echoing the sentiments expressed by the previous speaker, Councillor R Moher pointed out that by using a disproportionate amount of the rear garden in excess of guidance, the proposal would be out of character within the area. She added that the proposal would be inappropriate in Elmwood Crescent on grounds of traffic, a situation which would be made worse by an unknown number of inhabitants.

**In accordance with the provisions of the Planning Code of Practice,** Councillor Crane, ward member, stated that he had been approached by the residents. Councillor Crane raised objections to the proposal on grounds of over-development of the site, problems with access and over-concentration of similar homes within the vicinity.

**In accordance with the provisions of the Planning Code of Practice,** Councillor J Moher, ward member, stated that he had been approached by the residents. Councillor J Moher objected to the proposed development on the grounds that it would constitute a material change of use to the detriment of the character and residential amenities of the area. He continued that its impact in terms of overbearing, overlooking and loss of privacy could not be adequately controlled by conditions. In endorsing the comments by the previous speakers, Councillor J Moher added that the proposal would be inappropriate within Elmwood Crescent, a small cul-de-sac.

Mr M Ahmed, the applicant clarified that the proposal would enable 11 single occupants with mental health problems to simulate normal residential living with support from 2 to 3 staff. In endorsing the officer's reasons for recommending approval, Mr Ahmed added that the proposed development would not be out of character with the area. In response to members' questions, he stated that although the occupants would have the ability to use ordinary services including an excellent local public transport service, the management plan proposed would ensure that there would be no excessive number of visitors and therefore excessive traffic would not be generated in the area. The applicant added that the expected average stay per person would be 24 months and that all occupants would be supervised by a total of 6 staff using only 2 vehicles, to comply with standards.

Members discussed the application during which they expressed concerns about the intensity of use of the property and its impact in terms of access to and egress from the site which they felt would be out of character with the area. They also pointed out that there was an over-concentration of similar facilities within the area.

The Head of Area Planning in response stated that the side extensions adjoining No 9 Elmwood Crescent were not significantly higher and that the number of residents at the property was not dissimilar to a large property occupied by 2 families. He added that in his view, the proposal was less likely to generate excessive traffic.

Members however voted to refuse the application on grounds of over-intensive use of the property, cumulative impact including access problems for emergency vehicles.

**In accordance with the Planning Code of Practice,** voting on the recommendation for approval subject to a Section 106 or other legal agreement was recorded as follows:

FOR : Councillor Long (1)

AGAINST : Councillors Anwar, Baker, Cummins, Jackson and Steel (5)

ABSTENTION: Councillors Powney, Hashmi, Mistry and CJ Patel (4)

DECISION: Planning permission refused on grounds of over-intensive use of the site, cumulative impact on the neighbourhood and access problems for emergency vehicles.

**4. Jubilee Heights, Shoot up Hill & Cedar Lodge, Exeter Road, London NW2 3UL (Ref. 09/2229)**

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.

OFFICER RECOMMENDATION: Refuse planning permission.

The Head of Area Planning Steve Weeks updated members that since the report was published the applicant had withdrawn the application. He however asked members whether on the basis of the information available they would have been minded to refuse the application.

DECISION: Planning permission would have been refused had the application not been withdrawn.

**5. 11 Mentmore Close, Harrow Middlesex HA3 0EA (Ref. 09/2562)**

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).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning Steve Weeks referred to residents' requests for the application to be deferred as they had not seen the revised plans and stated it was not considered necessary to re-consult as the revisions had reduced the depth, width and any impact on neighbouring properties. He added that as the covered area behind the garage was not included on the elevations, he recommended an additional condition 9 and an amended condition 6 on the advice of the Interim Borough Solicitor as set out in the tabled supplementary report. The Head of Area Planning drew members' attention to comments by Councillors Colwill and Steel on the character and the roof lines of the house and the officers' responses to them.

Ms A Green an objector welcomed the revisions but requested that additional conditions be imposed requiring the applicant to ensure that delivery of materials and construction of the extension were carried out during normal hours and to replace any broken pavements and an informative advising the applicant to ensure that the property remained as single family dwelling.

In granting planning permission subject to conditions with additional conditions and informatives, members requested the Head of Area Planning to alert the Council's Streetcare Unit about the pavement.

DECISION: Planning permission granted subject to conditions as amended in condition 6, an additional condition 9 and to join the Considerate Construction Scheme and informatives on single family dwelling house.

**6. 4 Aston Avenue, Harrow Middlesex HA3 0DB (Ref. 09/2640)**

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning drew members' attention to an amended description of the proposal as set out in the tabled supplementary report and added that one further objection from a neighbour on grounds of loss of light, being out of keeping with the area and possible use for commercial purposes had been covered in the main report.

Mr Gudka an objector reiterated his objections on grounds of loss of light, loss of privacy, being out of keeping with the character of the area and possible use of the enlarged property for commercial purposes. He added that he would not object to a single storey extension.

Councillor Steel in contribution requested the imposition of additional conditions on use as single family dwelling and the contractor to sign up to the Considerate Construction Scheme.

DECISION: Planning permission granted subject to conditions with an amended description and informatives to ensure it remained as a single family dwelling house and to join the Considerate Construction Scheme.

**7. Woodfield School, Wood Lane, London NW9 7LY (Ref. 09/2499)**

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Committee decided to allow the objector to make together her representations on this application and the other applications for Woodfield School (items 8 and 9).

**In accordance with the provisions of the Planning Code of Practice**, Councillor Farrell, ward member stated that she had been approached by the local residents. Councillor Farrell whilst welcoming the recommendations emphasised concerns that the extensions and particularly outside lighting would facilitate more intensive out of hours' use of the school which would lead to increased noise and disturbance and an unacceptable impact on the Welsh Harp Site of Special Scientific Interest. She requested that any outside lighting should be subject to conditions and breaches swiftly enforced.

In reiterating the recommendations, the Head of Area Planning drew members' attention to the conditions and informatives which sought to address the issues raised by Councillor Farrell adding that any impact on neighbouring residents from the use of sport facilities was likely to be minor.

DECISION: Planning permission granted subject to conditions and informatives.

**8. Woodfield School, Wood Lane, London NW9 7LY (Ref. 09/2652)**

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.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives.

See item 7 above for discussion at the meeting.

DECISION: Planning permission granted subject to conditions and informatives.

**9. Woodfield School, Wood Lane, London NW9 7LY (Ref. 09/2699)**

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.

OFFICER 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.

See item 7 above for discussion at the meeting.

DECISION: Refused planning 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.

**10. 165-167 High Road, Willesden, London NW10 2SG (Ref. 09/3194)**

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.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives.

With reference to the tabled supplementary information the Area Planning Manager, Andy Bates, clarified the uses proposed in the ground floor of the building and confirmed that the D1 use would not be for a place of worship. In terms of potential noise from the development, the Area Planning Manager submitted that conditions 4 and 5 would ensure that there were no adverse noise implications from the use. He also drew members' attention to an advice from the Borough Solicitor that full conditions for the parent application 08/2472 be attached to the grant of planning permission.

DECISION: Planning permission granted subject to conditions including full conditions for the parent application (08/2472) and informatives.

**11. 10 Alverstone Road, London NW2 5JT (Ref. 09/1204)**

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives.

In reference to the tabled supplementary report the Area Planning Manager, Andy Bates, clarified the issues raised by members at the site visit. He suggested that in view of the concerns relating to slow implementation of the enforcement action on the porch, an additional informative be added advising the applicant that the existing porch must be removed within one month from date of issue of this decision notice and that failure to do so would result in direct action by the Local Authority.

DECISION: Planning permission granted subject to conditions and informatives.

**12. Tennis Courts, Chelmsford Square, London NW10 (Ref. 09/2605)**

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the supplementary report tabled at the meeting, the Area Planning Manager, Andy Bates clarified issues about the state of the tennis court and the fence and added that there was no planning basis for asking for signage to be erected.

DECISION: Grant planning permission subject to conditions.

**13. South Kilburn regeneration roundabout site, Carlton Vale, London NW6 (Ref. 09/2500)**

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.

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 Interim Borough Solicitor.

In reference to the tabled supplementary report, the Area Planning Manager Andy Bates submitted the following responses to issues raised at the site visit. He reported that the Traffic Assessment inspected by the Council's Transportation Unit and Transport for London (TfL) had concluded that the predicted impact on traffic flows would be acceptable. In addition the applicant had submitted an air quality assessment which suggested that the predicted traffic flows would not cause significant harm to the air quality in the surrounding area. He continued that the Council's Transportation Unit had 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. He added that the information submitted by an objector did not conclusively suggest that signalled junction would give rise to a significant increase in accidents within the vicinity of the junction. On the comments about trees Andy Bates confirmed that all tree planting associated with the proposed development would be carried out prior to occupation. He considered that the development would provide adequate amenity space for use as balconies and storage and that right to light issues were unlikely to arise. He added that the Environment Agency (EA) had withdrawn their initial objection subject to a further condition on flood risk assessment (FRA) as set out in the tabled supplementary report

Ms Kim Zeineddine objected to the proposed development on grounds of noise and vibration from four bus routes, air pollution, loss of daylight and loss of trees. She added that that the development which he felt was poorly planned would cause health risks through nitrogen dioxide with detrimental impact on the quality of life of the residents.

Mr Terry Street in objecting stated that the signalled junction would not be able to cope with the expected traffic problems leading to congestion particularly during peak hours. He added that the true costs of demolition of the existing buildings including asbestos had not been taken into account.

Councillor Alistair Moss, ward member for Carlton Vale (an adjoining ward) in the City of Westminster stated that he had been approached by the local residents. In objecting to the development Councillor Moss stated that due to the poor quality of its design and inappropriate scale, the development would give rise to on-street parking and traffic problems. He added whilst he would welcome the re-development of South Kilburn as a whole, he considered that due to lack of open space and amenity space, the proposal would adversely affect the quality of life of the residents.

**In accordance with the Planning Code of Practice**, Councillor Detre, Lead Member for Regeneration and Economic Development stated that he had been approached by local residents and some Brent Councillors. Councillor Detre speaking in support of the proposed development stated that the development which would replace the current bison blocks would not generate significant additional traffic. He added that four trees would be re-planted in place of any lost tree. Councillor Detre urged members to endorse the officer's recommendation for approval so as to progress the South Kilburn Masterplan.

**In accordance with the Planning Code of Practice**, Councillor Arnold, ward member stated that she had been approached by local residents and the applicant. Councillor Arnold welcomed the principle of the development she however raised concerns on loss of open space in such a high density area, lack of amenity and possible worsening of traffic in Cambridge Road and made a request for further details on Environmental Impact Assessment (EIA). She also asked about the mix of tenure, management of the block and the anticipated date for demolition.

**In accordance with the Planning Code of Practice**, Councillor Dunn, ward member and South Kilburn Partnership Board member stated that he had been

approached by the applicant and residents. Councillor Dunn stated that the development which would replace the current unpleasant and noisy buildings was needed to facilitate the decanting of existing tenants and to progress the achievement of the South Kilburn Masterplan.

Mr Sherlock speaking on behalf of the applicant stated that the proposed development which accorded with the Supplementary Planning Guidance (SPG) in terms of layout, density and massing would have no material impact on daylighting and being accessible to excellent public transport links would have no significant impact on parking and traffic in the area. He added that in addition to enhanced amenity and open space, in excess of 100 trees would be planted to ensure a satisfactory landscaping of the site.

The Head of Area Planning Steve Weeks, highlighted the areas of support for the proposals within the Officer's report from Westminster and referred to additional information and the technical advice received which supported the proposals in areas such as traffic and daylighting.

DECISION: Planning permission granted subject to conditions including an additional condition on flood risk assessment, 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 Interim Borough Solicitor.

**14. 136 Thirlmere Gardens, Wembley, Middlesex HA9 8RF (Ref. 09/2505)**

Erection of a single and two storey side and rear extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

**15. 32-34 Brook Avenue, Wembley, Middlesex HA9 8PH (Ref. 09/2571)**

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions, including additional condition 18, amendments to conditions 8, 9, 11, and 16, informatives, 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.

With reference to the tabled supplementary report the Area Planning Manager Neil McClellan clarified issues raised on flooding, landscaping and the requirement to

comply with lifetime home standards. He drew members' attention an additional condition 18 in respect of lifetime home standards and amendments to conditions 8, 9, 11 and 16 as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions, including additional condition 18, amendments to conditions 8, 9, 11, and 16, informatives, 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 Interim Borough Solicitor.

**16. Land next to Central Middlesex Hospital, Acton Lane, London NW10 (Ref. 09/2415)**

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.

OFFICER RECOMMENDATION: Grant planning approval to the reserved matters relating to outline planning consent reference 08/1043.

The Area Planning Manager, Neil McClellan, in reference to the tabled supplementary report confirmed that the applicant had submitted revised drawings to reflect the amendments to the design of the building to the south-western corner of the Plot 1 building. He added that the primary nature of the use was considered to be that of care and treatment.

DECISION: Planning permission granted to the Reserved Matters relating to outline planning consent reference 08/1043 as amended in condition 1.

**17. Dexion House, Empire Way, Wembley HA9 0EF (Ref. 09/2291)**

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.

OFFICER RECOMMENDATION:

- (a) Grant Planning Permission, subject to conditions as amended in conditions 2, 10, 13, 13, 15, 16, 17, 18, 19, 21, 24 and 25, an additional condition 26, informatives and a 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 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.

The Area Planning Manager Neil McClellan drew members' attention to the model of the proposed development from the applicant. He suggested an informative to address the initial concerns by the Council's Highways Engineers about the proposed layout for servicing in the event of a fire emergency. He added following the GLA's expression of satisfaction with the revised Energy Statement, the wording of clause (e) in the agreed Heads of Terms of the S106 legal agreement had been revised accordingly. The Planning Manager also drew members' attention to the list of amendments to conditions and an additional condition requiring the applicant to comply with lifetime homes standards as set out in the tabled supplementary report.

**In accordance with the Planning Code of Practice**, Councillor Butt, ward member stated that he had been approached by the applicant. In welcoming the application, Councillor Butt expressed his endorsement of the recommendation for approval.

In response to an enquiry by Councillor Mistry, the applicant's agent confirmed that the swimming pool facility would be fully accessible to all residents and that the pricing would be similar to that charged by similar facilities.

**DECISION:**

- (a) Planning Permission granted subject to conditions as amended in conditions 2, 10, 13, 13, 15, 16, 17, 18, 19, 21, 24 and 25, an additional condition 26, informatives and a 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 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.

**18. Land next to Central Middlesex Hospital, Acton Lane, London NW10 (Ref. 10/0140)**

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	

OFFICER RECOMMENDATION: That this application is approved and Condition 10 is varied to read 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.

DECISION: Permission granted for the variation of outline planning permission reference 08/1043 by the substitution of a new condition 10 with the other conditions subject to which application reference 08/1043 was granted.

**19. Planning Appeals 1-31 January 2010**

RESOLVED:

That the planning and enforcement appeals for 1 to 31 January 2010 be noted.

**20. Any Other Urgent Business**

None raised at this meeting.

The meeting ended at 10:50pm

J POWNEY  
CHAIR

## Committee Report Planning Committee on 16 March, 2010

Case No. 09/3292

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**RECEIVED:** 26 October, 2009

**WARD:** Queensbury

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

**LOCATION:** 11 Sherborne Gardens, London, NW9 9TE

**PROPOSAL:** Erection of a single-storey and two-storey rear extension and first-floor side extension to the dwellinghouse and conversion of an attached garage into a habitable room, including replacement of the front garage door with a new window

**APPLICANT:** Mr C. Chothani

**CONTACT:** Mr H Patel

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

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### RECOMMENDATION

Approval

### EXISTING

The application site is a semi detached dwelling house which has been previously extended through the provision of a single storey side garage extension, this being too narrow to accommodate a modern vehicle. The site is not within a conservation area but is identified as being within an Area of Distinctive Residential Character (within the Adopted London Borough of Brent Unitary Development Plan).

The neighbouring unattached dwelling at no. 10 Sherborne Gardens has been previously extended through the provision of a substantial single storey rear extension which is also provided with windows on its side elevation.

### PROPOSAL

The application proposes the erection of a single storey side and rear extension. This would have a depth of 3m on the boundary with the attached twin dwelling and would have a depth of 5.1m on the boundary with the unattached twin at no. 10.

A first floor side and rear extension would be set back 2.5m behind the main front elevation of the dwelling and which would project to 1.9m behind the main rear elevation of the building.

Also proposed is the conversion of the existing garage into a habitable room.

### HISTORY

- Full planning application 93/1717 for the erection of a front porch and garage at side of dwellinghouse was approved 01/12/1993.

- Full planning application 93/1357 for the demolition of existing garage, erection of single storey side extension and front porch was refused 01/11/1993

- Full planning application 91/0443 for the erection of a single storey side extension and new front porch was refused on 01/05/1991.

### **POLICY CONSIDERATIONS**

The following provisions of the Adopted London Borough of Brent Adopted Unitary Development Plan 2004:

BE2 - Townscape, Local Context and Character

BE9 - Architectural Quality

BE29 - Areas of Distinctive Residential Character.

TRN23 - Parking Standards (residential).

Also applicable to the application are the provisions of Supplementary Planning Guidance No. 5 "Altering and Extending Your Home".

### **CONSULTATION**

5 properties were consulted in relation to this application on 11 November 2009. One objection was received from the occupiers of no. 12 Sherborne Gardens.

This objection was on the basis of the following:

Loss of daylight and sunlight

Excessive depth and height of the extension.

The objector included daylight diagrams and photographs to support their objection.

### **REMARKS**

The application site is located within an area of Distinctive Residential Character, where particular attention is paid to design, height and space between buildings to protect their individual qualities and character.

#### **Proposed single storey rear extension:**

The proposed single storey side and rear extension would have a height and depth of 3m on the boundary with the attached twin dwelling. This would be in compliance with the provisions of Supplementary Planning Guidance No. 5. A development of this type would also form permitted development for a property of this type.

The comprehensive objection by no. 12 is noted, however the extension on the boundary with this neighbouring property would be compliant with Council Guidance and indeed an extension of the same depth could be built under permitted development.

The single storey rear extension would step outwards to just over 5m at a distance of 3.3m away from the boundary with no. 12 Sherborne Gardens. Whilst the total depth of the extension would be greater than provided for within SPG 5 or within the GPDO, the increased projection would be screened from the attached neighbouring occupier and its impact would be mitigated to the extent that it would not be significant.



In relation to the neighbouring unattached property at no. 10, this dwelling has been historically extended through the provision of a single storey rear extension to a similar depth to that proposed, which sets a precedent for the depth of the extension. Whilst it is noted that there is an original window in the side elevation of this building, planning records show that this has been opened into the rear room and would gain natural light from the rear elevation through windows unaffected by this development.

Given these considerations, the development is considered to be acceptable in this respect.

**Proposed first floor rear extension:**

The proposed first floor rear extension would have a depth of 1.5m and would be sufficiently separated from the habitable room windows on neighbouring dwellings to satisfy the 2:1 rule contained within the Supplementary Planning Guidance No. 5 "Altering and Extending Your Home".

It is noted that the application previously proposed a depth of 2.5m which was recommended for approval by the case officer. In discussion with senior officers, further consideration was given to the side elevation windows serving no. 10. It was considered that the impact of shading these windows through the development would be material.

Whilst it is acknowledged that the situation at no. 10 was partially of their own creation through the form of the extensions undertaken and that this should not overly prejudice development at the application site, officers considered that given the significant ground floor extensions proposed, a reduced first floor depth would be appropriate in this instance. The current scheme is the result of such amendments.

**Neighbours objections:**

Whilst the comments of the objector are noted, the officer has taken into account the elevation of the sun during its traverse. It is considered that the orientation of the dwellings and the depth of the proposed extensions would not result in unacceptable impacts for these neighbouring occupiers.

It is noted that a 3m deep and high extension could be built on the boundary with the neighbours property without the need for planning permission and that this would have similar impacts to those alterations proposed.

**Conversion of garage into habitable room:**

The existing garage onsite is no more than 2.2m wide which is not appropriate to accommodate a vehicle. As such, it cannot be considered that a parking space would be lost as a result. Notwithstanding this, given that the site currently is provided with a fully hard surfaced frontage, it is considered that the submitted landscaping plan associated with the application would be beneficial to the streetscene and would make a positive contribution to the character of the area.

**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):

445/E.01;	445/P.01;
445/P.02 as revised 13 Jan 2010;	
445/P.03 as revised 13 Jan 2010;	PA 445/SK01;
Site Plan (Scale 1:1250).	

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) 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.

- (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) Works to implement the landscaping within the front garden area shall be commenced prior to the first use of the extended building hereby approved. Such works to be completed within one year of first occupation. Any soft landscaping shall be implemented within one calendar year of first occupation of the building as extended and any landscaping works which are damaged or die within 5 years of planting shall be replaced with examples of a similar size and species.

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

**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: 11 Sherborne Gardens, London, NW9 9TE

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## Committee Report Planning Committee on 16 March, 2010

Case No. 09/2439

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**RECEIVED:** 11 December, 2009

**WARD:** Kenton

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

**LOCATION:** 37 Mount Stewart Avenue, Harrow, HA3 0JZ

**PROPOSAL:** Retention of single and two storey side extension to dwellinghouse

**APPLICANT:** Mr Harshad Patel

**CONTACT:** Mistry Design

**PLAN NO'S:**  
0961/03 Rev A

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### RECOMMENDATION

Approval

### EXISTING

The application site comprises a detached "Mayfair" style property on the corner of Mount Stewart Avenue and Trevelyan Crescent. Its entrance fronts Mount Stewart Avenue.

The property is located within the Mount Stewart Conservation Area. It is subject to the Article 4 Direction. It is not however a listed building. The surrounding uses are predominantly residential.

### PROPOSAL

Retention of single and two storey side extension to dwellinghouse. The works are near to completion.

### HISTORY

Relevant planning history

- E/09/0638: Enforcement investigation into the breach of condition of planning permission 04/2530 dated 01/12/2004 in terms of extension in size - ongoing.

- 04/2530: Full Planning Permission sought for two storey side extension and single storey rear extension to dwellinghouse - Granted, 01/12/2004.

### 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

#### **Design Guide**

Mount Stewart Conservation Area Design Guide

#### **CONSULTATION**

Consultation Period: 29/12/2009 - 19/01/2010

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

#### **Public Consultation**

9 neighbours consulted - two letter of objection received raising the following issues:

- the grey tiles do not match the original tiles and would set a precedent
- the side extension is too close to the side boundary and breaches the conservation area rules

These objections have been addressed within the remarks section of this committee report.

#### **Internal Consultation**

Enforcement Team - no objections raised.

#### **External Consultation**

None sought

#### **REMARKS**

This application seeks retrospective planning permission for the retention of a two storey side extension and single storey rear extension to the dwellinghouse. Planning permission was granted for a two storey side extension and single storey rear extension to the dwellinghouse on 1/12/2004 (LPA Ref: 04/2530) but the extension has not been built in accordance with the approved plans.

The property has an existing single storey rear extension behind the original house. This extension has been retained. Planning permission was granted for this extension on 18/08/1980 (LPA Ref: M6377 801045).

The differences between the extensions as approved and as built is set out below:

	<b>Extension as approved</b>	<b>Extension as built</b>
<b>Width of two storey side extension</b>	2.86m	3.2m
<b>Gap between side extension and side boundary</b>	1.5m at front increasing to 2.632m at rear (average gap of 2.1m)	1.55m at front increasing to 2.9m at rear (average gap of 2.0m)
<b>Set back of side extension from front wall of house</b>	3.0m	2.8m

Whilst the width of the side extension is greater than approved, it is less than the internal width of the main front room of the house and is considered acceptable. The extension provides a wider gap than previously approved between the side of the extension and site boundary. This would maintain the open character of this corner property. The set-in from the boundary is therefore considered acceptable and would meet the objectives of the Mount Stewart Conservation Area Design Guide and SPG5.

The extension was approved with a set back of 3.0m from the front wall of the house. As built, it is only 2.8m but is still considered to be an appropriate set back for a Mayfair Style house as it maintains the prominence of the front feature.

In terms of the materials, the extension as built has used multi bricks that are in keeping with the original bricks of the property and the first floor of the side extension is rendered and half timber is used. The existing roof tiles from the side roof slope of the original roof have been used on the front roof slope of the extension. A grey redland plain tile has been used for the flank and rear roof slopes.

Officers have raised concerns regarding the tiles that are used on the rear and flank roof slope. To address the concern, the agent has suggested re-using the existing tiles on the roof of the detached garage on the rear and flank roof slopes. These tiles match the main roof of the house. It is proposed that the tiles on the roof of the garage will be replaced with a plain tile to respect the general surrounding area, such as seen on the roof of the house at No. 53 Trevelyan Crescent (such as the use of a Redland Plain Tile in Tudor Brown 36 or Breckland Brown 52).

If it is found that there are insufficient tiles on the garage roof to cover the rear and flank roof slope, the condition attached to this permission will allow for an appropriate alternative tile to be used to cover the entire roof (original and extended).

Overall, the extension has been built to a high quality and is considered subject to the alterations proposed, the proposal will preserve and enhance the character and appearance of the property and the surrounding conservation area.

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  
Mount Stewart Conservation Area Design Guide

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

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

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

**CONDITIONS/REASONS:**

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

- Drawing No: 0961/03 Rev A

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

- (2) The windows to the proposed single and two-storey side extension hereby approved shall match the existing original timber windows of the existing dwellinghouse in every respect, particularly in terms of the material, the length and width of the glazing area, style, frame depth and thickness, drip-rail design and thickness, glazing bar details, proportions and sizes of upper & lower casements, the thickness of the sills, even profiles of the opening and fixed casements and even sight-lines.

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

- (3) The existing front garden shall be retained in its current form, particularly the front and side boundary wall and proportion of soft landscaping. 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 Mount Stewart Conservation Area.

- (4) a) Within 3 months of the date of this decision, the roof tiles on the rear and flank roof slope on the two storey side extension shall be replaced with tiles to match those used on the original building. If the tiles on the attached garage are required to be replaced as a result of these works, the entire garage roof shall be tiled using a Redland Plain tile in Tudor Brown 36 or Breckland Brown 32, unless otherwise agreed in writing by the Local Planning Authority.

or

b) Within 2 months of the date of this decision, details of an alternative roof tile to be used on the entire roof of the dwelling (original and extended) shall be submitted to and approved in writing by the Local Planning Authority. The works to re-tile the roof shall be carried out within 1 month of the details being approved and in accordance with the details approved.

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



**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Brent's UDP 2004

SPG5 "Altering and Extending Your Home"

Mount Stewart Conservation Area Design Guide

Two letters of objection

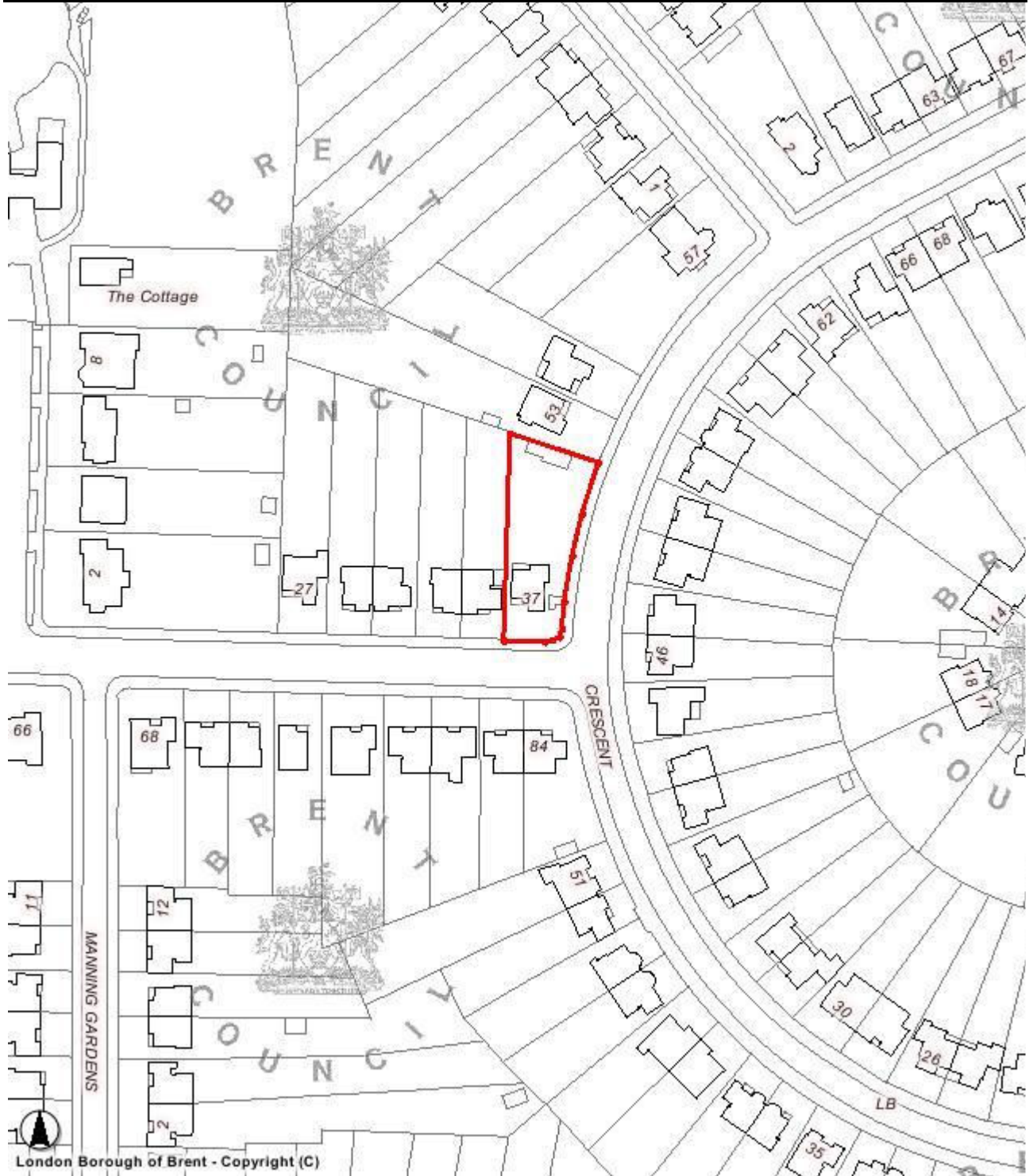
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



# Planning Committee Map

Site address: 37 Mount Stewart Avenue, Harrow, HA3 0JZ

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## Committee Report Planning Committee on 16 March, 2010

Case No.

09/2650

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**RECEIVED:** 17 December, 2009

**WARD:** Barnhill

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

**LOCATION:** 1-3, The Mall, Harrow, HA3

**PROPOSAL:** Demolition of existing buildings and erection of two 3-, 4- & 5-storey blocks totalling 143 dwellings, comprising 18 x one-bedroom flats, 27 x two-bedroom flats, 30 x three-bedroom flats, 11 x four-bedroom maisonettes, 2 x five-bedroom maisonettes (affordable) and 13 x one-bedroom flats & 42 x two-bedroom flats (private housing), with 27 surface and 81 basement car-parking spaces, amenity space, children's play area and bin stores

**APPLICANT:** Bouygues Uk

**CONTACT:** Munkenbeck Partners Urbanism Ltd 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:-

- 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) 61.5% Affordable Housing.
- c) A contribution £452,400, due on Material Start of Phase 1
- d) and contribution £291,000, due on Material Start of Phase 2, index linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area, including but not limited to Barnhill Open Space. Comm.
- e) A contribution £30,000, due on Material Start, index linked from the date of committee for improvements to community facilities in the local area.
- f) 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.
- g) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- h) Join and adhere to the Considerate Contractors scheme.
- i) Removal of the rights of residents to apply for parking permits.
- j) Prior to Occupation, submit gain approval for and adhere to a Residential Travel Plan

k) No Occupation of Phase 2 until Phase 1 is completed.

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, also known as Metro House, is located on the east side of the The Mall, 70m south of the Kingsbury roundabout (junction with Kingsbury and Kenton Roads).

The site is 0.966ha and is generally flat. It shares the north-east boundary with Moot Court, a residential development of six three-storey blocks of flats; in addition a single storey house (No. 37) is located 7m from the boundary within the grounds of Moot Court. A close-board fence (approximately 6ft) forms the boundary, although to the northern end a run of ten garages serving Moot Court form the boundary. The south-east boundary abuts the JFS playing fields and is formed with a high chainlink fence with planting that forms a hedge. The boundary to The Mall is a mix of well-established hedge, chainlink fence and low wall.

The site has a collection of buildings ranging from single- to four-storeys high. The central H-shaped four-storey block is located to the back of the site, close to the JFS playing fields, and has an over-height ground floor. The existing building is a prominent and imposing form when viewed from Moot Court and the playing fields but it is less so when viewed from the street as a consequence of its position on the site and the frontage planting.

The existing buildings on the site were previously used by the Metropolitan Police in the main as accommodation for police cadets training at their Hendon College and as a police training college (sui generis use). At present the buildings are in use as a hostel for the homeless, with approximately 106 separate rooms.

The site has a number of mature trees of moderate quality on site, subject to a TPO.

## **PROPOSAL**

Permission is sought for the demolition of the existing buildings and the construction of erection of two 3-, 4- & 5-storey blocks totalling 143 dwellings, comprising 18 x one-bedroom flats, 27 x two-bedroom flats, 30 x three-bedroom flats, 11 x four-bedroom maisonettes, 2 x five-bedroom maisonettes (affordable) and 13 x one-bedroom flats & 42 x two-bedroom flats (private housing), with 27 surface and 81 basement car-parking spaces, amenity space, children's play area and bin stores.

## **HISTORY**

### **06/0566 Full**

Renewal of condition 1 (temporary consent) for Full Planning Permission reference 97/2621 dated 7 February, 2000, for change of use from Police training centre and hostel to hostel and Condition 1 of the renewed Planning Permission with reference 03/0157

**Granted** 15/05/2006

### **05/3616 Removal of condition(s)**

Removal of condition 1 (temporary consent) and condition 2 (accommodation for homeless persons) of Full Planning Permission reference 97/2621, dated 7 February 2000, for change of use from Police training centre and hostel to hostel and Condition 1 (temporary consent) of the renewed planning permission with the Council's reference 03/0157 dated 2/5/03 and varied condition 2 of the planning permission with Council's reference 04/0015 dated 13/10/04

**Refused** 09/02/2006

### **05/3464 Removal of condition(s)**

Removal of condition 1 (temporary consent) for Full Planning Permission reference 97/2621 dated 7 February, 2000, for change of use from Police training centre and hostel to hostel and Condition 1 of the renewed Planning Permission with reference 03/0157 (as accompanied by letter dated 02/12/2005 by CgMs Consulting)  
**Refused** 13/02/2006

**04/0015 Variation of Conditions**

Variation of conditions 2 (occupiers) of planning permission 03/0157 dated 02/05/2003 for the renewal of planning permission 97/2621 expiring 08/04/2003 for change of use from police training centre and hostel to hostel  
**Granted** 13/10/2004

**03/0157 Renewal of TEMPORARY consent**

Renewal of planning permission 97/2621 expiring 08/04/2003 for change of use from police training centre and hostel to hostel  
**Granted** 02/05/2003

**97/2621 Full TEMPORARY**

Change of use from Police training centre and hostel to hostel  
**Granted** 07/02/2000

**E35117 Full**

Rev. Resiting of sergeant's house  
**Granted** 22/09/1965

**27261 B475 Full**

Cadets' section house (revised)  
**Granted** 14/09/1964

**3517 B393 Full**

New police section house  
**Granted** 13/10/1961

**POLICY CONSIDERATIONS**

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 policies are considered to be the most pertinent to the application.

*Strategic*

- STR3 - In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 - A pattern of development which reduces the need to travel, especially by car, will be achieved.
- 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.

### *Built Environment*

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

### *Environmental Protection*

- EP3 requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.

### *Housing*

- H9 requires developments capable of 15 or more dwellings to have a mix of family and non-family units.
- H12 states that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.
- H13 notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 the appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.
- H15-Planning permission should be refused where development underutilises a site
- H29 on accessible housing proposes that new and converted housing should be fully accessible for elderly and disabled residents.

### *Transport*

- TRN1-Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2-Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3-Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN14-New highway layouts, visibility splayed and accesses to and within development should

be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.

- TRN23 on parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.
- TRN34-The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 on transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS14-residential car parking standards
- PS15- parking standards for disabled people.
- PS16 - Cycle parking standards

### Brent Supplementary Planning Guidance

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

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

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

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

#### *SPD "Section 106 planning obligations"*

### Regional

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 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

## 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 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 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).

## **SUSTAINABILITY ASSESSMENT**

The objectives and principles of a sustainable development are set out in the applicant's sustainability statement and a Sustainability Checklist submitted as TP6, which was carried out as part of the application process. Code for Sustainable Homes (CSH) Level 3 is sought.

### Sustainability Checklist

While the applicant concluded their sustainability rating to be 57.5%, the officer's calculation of the checklist is currently 40.5%, which is 9.5% below the council's minimum requirement. The main issue is that not enough information has been provided with regard to energy efficiency measures and renewable energy. The applicant has two options: (1) to demonstrate achieving the measures set out below under the four points below; (2) sign up to producing a revised sustainability checklist which will achieve 50% as agreed by the sustainability officer, which will need to be approved a month before material start.

1. It is noted that an energy report has been produced only for the PFI dwellings. The council requires that the whole development achieves CSH Level 3, otherwise an equivalent off-site financial contribution will be required – to clarify further, WHOLE development needs to meet CSH Level 3. This needs to be demonstrated at this stage unless the applicant agrees to sign up to producing a revised sustainability checklist which will achieve 50% as confirmed by the sustainability officer.
2. The whole development must achieve a CO2 reduction of 20% on top of energy efficiency measures through renewable energy to be secured through the S106, otherwise a financial contribution will be required to achieve this elsewhere.
3. There is no breakdown of the energy demand (e.g. regulated and unregulated emissions per unit), and no details have been provided as to energy savings through energy efficiency measures to achieve average U-values better than those required by Part L (2006) Building Regulations. The GLA normally expect 10% energy savings on building regulations (e.g. though improved wall U-values; floor U-values etc). Figures showing savings should be provided as per the baseline energy demand – this needs to be demonstrated at this stage unless the applicant agrees to sign up to producing a revised sustainability checklist which will achieve 50% as confirmed by the sustainability officer.
4. For the biomass boiler, plans should be submitted to illustrate there is a fuel store next to the plant room; and that the fuel store is accessible by a delivery truck for biomass pellets – this needs to be demonstrated at this stage unless the applicant agrees to sign up to producing a revised sustainability checklist which will achieve 50% as confirmed by the sustainability officer.

### Code for Sustainable Homes

The development only achieves 1% above the minimum score for CSH Level 3. In order to successfully achieve CSH 3 on site, a score of 62% is generally required to ensure that CSH 3 is achieved on site. It is noted that an energy report has been produced only for the affordable housing units. The council requires that the whole development achieves CSH 3 otherwise an equivalent off-site financial contribution will be required. No details have been provided with regard to the energy demand for each unit; this is required for CSH. The applicant proposes to address this at the detailed design stage.

### Energy demand

There are a number of items missing from the Energy Demand section, including no breakdown of the energy demand (e.g. regulated and unregulated emissions per unit), no details of energy efficiency measures to achieve average U-values better than those required by Part L (2006)

Building Regulations. Figures showing savings should be provided as per the baseline energy demand. For the biomass boiler, plans should be submitted to illustrate there is a fuel store next to the plant room; and that the fuel store is accessible by a delivery truck for biomass pellets. The applicant proposes to address this in a Detailed Sustainability Strategy as part of the S106.

#### Materials

More details of landscaping materials are required which will be secured via condition. The Sustainability Officer requests that the scheme incorporates a green roof to all new buildings. The applicant does not intend to provide any green roofs due to the amount of mechanical plant on the roof and the intended use of the roof of the private block for amenity space.

London Plan policy 4A.11 state living roofs & walls should be applied where possible. As such evidence for not incorporating these features should be provided.

More recycled materials should be used in the development and more details are required.

#### Water

A landscape plan is required to show SUDS e.g. permeable paving, rain water harvesting, green roofing.

#### Transport

There is no evidence in the submitted documents of a car club or charge points for electric cars. The applicant proposes to provide this information in the Residential Travel Plan.

#### Summary

The proposal needs improvement in sustainability terms. There should be a commitment to provide CSH level 3 throughout the whole site; further details need to be provided in relation to energy and materials.

Various conditions and clauses with the s106 have been recommended to ensure the proposed sustainable objectives will be carried out. Independent evidence (such as a Post Construction review) will be required to verify the implementation of such sustainability measures as indicated in the TP6 form, Sustainability Checklist, submitted by the applicant to ensure that CSH Level 3 is achieved across the whole site. On this basis, the scheme is supported on sustainability grounds.

### **CONSULTATION**

Local residents, businesses and schools and ward councillors were consulted on 05/01/10. Site notices were posted 12/01/10 and a notice was placed in the local press on 07/01/10.

Two local residents and the neighbouring Jews Free School have objected on the following grounds:

- Lack of parking
- Increase in traffic & proximity to ambulance station
- Increase in crime
- Density
- Loss of privacy and light

Councillor Dunwell (Queensbury Ward) has objected on the following grounds:

- Impact on privacy and outlook for users of the open space, residents of Moot Court and residents along The Mall and Fryent Way
- Development contrary to recent Department for Communities and Local Government guidance regarding PPS3
- Backland development
- Lack of parking and attendant traffic congestion problems
- Lack of proper traffic impact assessment
- Density
- Surface water flooding in local area

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

## **Statutory Consultees**

### Environment Agency

Raise no objection but make recommendations

The Environment Agency (EA) initially objected to the proposal as the site area was stated as 1ha on the application forms. Although in Flood Zone 1, a full Flood Risk Assessment is required for sites over 1ha. The applicants clarified the area as 0.966ha and therefore below the 1ha threshold. The EA subsequently withdrew their objection but recommended that Sustainable Drainage Systems (SUDS) are incorporated on site.

### Landscaping

Raise no objection subject to conditions

Landscaping have no objection to the landscape layout subject to a comprehensive and imaginative landscape scheme incorporating both hard and soft landscaping; a high quality scheme is required to overcome a deficiency in amenity space. They also recommend a green roof for sustainability purposes and require SUDS and permeable paving.

### Tree Officer

Raise no objection subject to conditions

The site is subject to a Tree Preservation Order made in 2007 to recognise the good quality trees situated mainly in groups around the perimeter. To ensure those trees which are shown retained are able to thrive, conditions requiring a detailed landscape plan along with method statements and tree protection plans for both demolition and construction should be added.

### Transportation

Raise no objection subject to following s106 clauses and planning conditions:

1. s106 agreement to secure:
  - a. a Residential Travel Plan;
  - b. a financial contribution of £164,500 towards non-car access/highway safety improvements and/or parking controls
2. conditions requiring:
  - c. the submission and approval of further details of bicycle parking provision to include at least 143 spaces;
  - d. amendments to the site layout to relocate disabled parking spaces so that continuous uninterrupted footways are provided alongside the crescent shaped buildings;
  - e. reorientation of the entrance lobby for the block in the northeastern corner of the site so that safe pedestrian access is provided;
  - f. widening of the basement access ramp from The Mall to 5.5m (plus 300mm margins);
  - g. setting back of all supporting walls/columns at least 460mm from the front of parking spaces within the basement car park;
  - h. provision of 4m kerb radii at the private site entrance and 6m radii at the affordable entrance, with entry treatments/tactile paving at all entrances; and
  - i. reinstatement the redundant crossover to the site to footway/verge at the developer's expense prior to occupation of the development;

The applicants have amended the plans to meet the requirements of (d) and (e) and have agreed to conditions to meet (f) and (g). Points (a), (b) and (c) remain unresolved.

### Housing

Raise no objection

The proposal is part of the PFI scheme; an Affordable Housing Statement has been provided by the Head of Affordable Housing Development. This is summarised and commented upon with the

Remarks section of this report.

#### Environmental Health

Raise no objection subject to conditions

No requirement for a contaminated land investigation as the past uses of the site does not suggest there is potential for contaminants to be present. However, the site is within an AQMA and due to the proposed number of units and its close proximity to a busy road junction Environmental Health advise an Air Quality assessment is undertaken prior to development, secured by condition.

A number of other conditions are recommended regarding sound insulation to living accommodation and common parts and the ventilation of the basement car park. These are matters covered by separate Building Regulation legislation and not, therefore, planning matters to be conditioned.

#### Thames Water

Raise no objection

There are public sewers crossing the site and a number of informatives are suggested.

#### London Borough of Harrow

Raise no objection

#### Metropolitan Police

Raise no objection

The applicants have sought the input of the Crime Prevention Design Officer (CPDO) during the design process and officers consulted same as part of this application. Comments and suggested amendments were provided by the CPDO but she has not been provided with a copy of revised plans by the applicant. A full application to seek Secured By Design will be made following the issue of any planning decision.

### **REMARKS**

#### Key Considerations

- Density
- Design
- Impact on neighbouring uses
- Standard of accommodation
- Transportation
- Sustainability

#### The PFI

The application is part of Brent Council's Housing and Social Care Private Finance Initiative Scheme (Phase 2), a programme to deliver up to 400 affordable homes in the borough. The PFI scheme is being delivered by Brent Coefficient, which is a subsidiary of the Hyde Housing Group. The scheme would be constructed by Bouygues UK Limited and the affordable housing would be managed by Hyde Housing Association. It is intended that the private housing would be sold to a private housing developer for independent development although in planning terms the site would remain as a whole and would be subject to the same controls in terms of conditions and s106 clauses.

A phased development is possible and the applicants have submitted a proposal in the event the private housing is delayed, with Phase 1 comprising (a) the PFI housing and landscaping; (b) construct the underground car park; and (c) temporarily landscape and fence off the private housing. Phase 2 would comprise of constructing the private housing.

Officers consider it important that the private development does not go ahead without the affordable development scheme due to the reliance of the private scheme on the basement parking beneath and the biomass plant within the affordable development. Clauses which control and trigger development are therefore proposed within the S106.

### Affordable Housing Provision

The Head of Affordable Housing Development has submitted a statement in support of the proposal. It states that there are 23,000 households registered on the Council's waiting lists for re-housing, which represents approximately 20% of the borough's population. As at October 2009, 3,472 household were homeless and staying in temporary accommodation, the third highest in London, and approximately 8,600 households were registered as living in overcrowded conditions (of which 17% are "severely overcrowded"). There is an insufficient supply of larger family housing. The provision of 40 family units (3-beds or above) serves to meet this lack of supply.

The statement goes on to say that this scheme has been developed in consultation with the Council's housing officers and meets the Council's housing requirements, its design and quality standards and specifications.

The proposal will provide 88 affordable rented dwellings (61%) of which 49% will be family housing and 11% will be fully wheelchair accessible. All properties will be built to Lifetime Homes standards and will meet Code for Sustainable Homes 3 as a requirement of the Homes and Communities Agency Design & Quality standards.

### Density & Mix

The site is included in the borough's Site Specific Allocations (Proposed Submission June 2009) document as suitable for residential development at higher densities with an indicative development capacity of 100 units and including building heights up to four- and five-storeys.

The scheme proposes 143 units with a total of 610 habitable rooms as counted according to the method set out in the borough adopted UDP; habitable rooms larger than 18sqm are counted as 2 habitable rooms. The proposed scheme has a site area of 9,960m<sup>2</sup> (0.966ha), as stated in the letter from the applicant dated 29/12/2009. The area for calculating density, however, includes the frontage to the midpoint of the highway (p104, Appendix 3, UDP 2004); this increases the site area to 10,491m<sup>2</sup> (1.049ha).

The overall density is 582 habitable rooms per hectare (hrh), or 136 dwellings per hectare (dph). This high hrh figure compared to the dph figure is a result of the high percentage of family housing on the site, which gives an average habitable room per unit figure of 4.3.

Density guidance within SPG17 suggests a range of 240-450hrh would be acceptable on the basis of its proximity to Kingsbury Town Centre, notwithstanding its moderate public transport accessibility. The London Plan density matrix also identifies this as a site suitable for a greater density due to its proximity to the Kingsbury Town Centre with its associated transport links.

In terms of dwellings per hectare (dph) the proposal has 136dph, which is higher than the maximum for a location described as 'suburban' in the London Plan density matrix, but in the middle of the range for a location described as 'urban'. Due to the edge-of-centre location it is reasonable for officers to assess this application as falling between the two ranges. These figures compare favourably with the recent re-development of the Prince Of Wales PH site on Kingsbury Circle, which yielded 44 units at a density of 183dph (or 429hrh based on 103 habitable rooms).

Increased densities are promoted in PPS3, the London Plan and the borough UDP where public transport accessibility is good due to the need to use land more efficiently, increase housing delivery and in part due to the sustainability advantages increased density can confer. This is a

specific objective of the borough's UDP as stated in policy STR3, which states that development of previously developed urban land will be maximised. As defined by PPS3, this site is previously developed urban land.

Policy H13 relates to density and states that the primary consideration in determining the appropriate density of new development will be achieving an appropriate urban design which makes efficient use of land and meets the amenity needs of future residents. It goes on to say that density should have regard to context and nature of the proposal, the constraints and opportunities of the site and the type of housing proposed. Your Officers are of the view that the proposed scheme meets Policy H13 (UDP 2004) as the density respects the context of the site in relation to building heights and development patterns around Kingsbury Circle, provides a satisfactory standard of accommodation (see below) and as such meets the design led approach.

Of the 143 units proposed, 88 are affordable housing (social rented) and 55 are market housing comprising 18 x 1-bed, 27 x 2-bed, 30 x 3-bed, 13 x 4-bed and 13 x 1-bed and 42 x 2-bed respectively. According to this mix 30% of units are three or more bed units, which is considered acceptable given the location and is in accordance with policy H9.

#### Design, Appearance and Character of the Area:

The site is occupied by a collection of buildings ranging from single- to four-storeys high. The central H-shaped four-storey block is located to the back of the site, close to the JFS playing fields, and has an over-height ground floor. The existing building is a prominent and imposing form when viewed from Moot Court and the playing fields but it is less so when viewed from the street as a consequence of its position on the site and the frontage planting.

The proposed scheme involves a four-storey frontage block (with a raised floor level to accommodate a semi-basement) running parallel to The Mall. It would be set 7.5m back from the back edge of the footpath allowing for the retention of much of the mature hedge. The design of the frontage block takes cues from the pattern and style of existing suburban housing further south along The Mall, with five prominent blue brick-clad gables fronted by six two-storey white-rendered entrance features. Steps would provide access to clearly-defined front doors. Behind the three-storey gable features the building forms a more conventional four-storey block of flats. This strong articulation on the façade reduces the impact of the proposal's potential mass and results in producing quite a visually pleasing development for the area.

Either side of this block there are two curved wings (although the northern wing is contiguous with the frontage block and hence forms one large block) which envelope the rear amenity space and create a central semi-private courtyard for residents (albeit the affordable and private sections will be physically separate). The rear wings are four-storey, punctuated with six five-storey projections which extend out from the crescent. The first two on each wing (closest to The Mall) are approximately 1.5m higher than the last one, as they are raised to allow service by large vehicles beneath.

The two blocks clearly occupy a larger footprint and more prominent position than the existing buildings and are also, in places, higher. However, the massing of the blocks has been broken down, not only by the stepped and gabled elevation along the frontage and the five-storey elements on the wings but also by the choice of materials. The overall impact is greater than the existing situation but such is the fragmented nature of the urban grain, land parcel size and shape and development type in the locality that this site is considered to have potential to provide a strong landmark development of a contemporary nature. Your officers consider that the plans demonstrate that the proposed scheme would provide such a development

The two blocks would be clad in a combination of render (white and terracotta) and blue brick slips with perforated steel mesh balconies. Subject to samples of materials these are considered acceptable. It is expected that these samples will be provided on a board in time for committee and

this will be reported in a supplementary report at the time.

The scheme relies upon a strong conceptual design to accommodate a higher than expected density. Particularly successful elements of the scheme include the formal semi-private courtyard giving to south-facing views across the sports ground, the landscape setting of the scheme including the retention of, and addition to, existing landscape features and the strongly articulated frontage block and choice of materials. Accordingly it is considered that the proposal embodies a carefully considered and creative design solution for this site and is therefore acceptable in design in accordance with policies BE2, BE3, BE7, BE9 and H12 of the UDP.

#### Standard of Accommodation

All units meet or exceed the minimum standards for internal floor areas as outlined in SPG 17.

The standard of amenity provided is in general compliance with the requirements of SPG17 in terms of lighting, outlook and privacy although some units are marginally below the standards expected of such development. The relationship between circulation/amenity spaces and ground floor habitable room windows is tight in some locations, with the potential for loss of privacy. This is considered acceptable due to the provision of semi-private amenity areas to those units facing the crescent and deeper defensive landscaping around those facing outwards. The detail of the species and density of planting will be considered in a condition prior to works commencing on site.

Where outlook from habitable rooms is restricted in some units efforts have been made to ensure good outlook is provided to living rooms and kitchens. Some units close to the boundary have main habitable room windows which are close to or less than 5m from the boundary, which is close to the limit of SPG17. In this instance, the distance to other properties means privacy and outlook for future occupants will not be harmed by this.

#### Amenity space

In relation to guidance on external amenity space within SPG17, each residential unit should have at least 20sqm external space available for their amenity and large family units should have access to private amenity space, ideally 50sqm. The residential block therefore requires at least 2860sqm of external amenity space at 20sqm per unit, or 4150sqm if 50sqm is provided for each large family unit. The applicants have provided areas of amenity space of a total of 6045sqm, which include balconies for many of the units. Units on the upper floors of the private block have access to the roof for amenity space and most ground floor units have their own semi-private space separate from the central amenity area.

There is a public open space with a children's play area, Lindesay Park, to the south of the site which will help to off-set some of the shortfall in amenity space particularly for the private units. Furthermore, due to this shortfall in amenity space, a contribution towards improving amenity open space off site has been sought as part of the s106 agreement.

#### Impact on Adjoining Properties

The site is constrained by adjoining properties along the northeast boundary where the scheme abuts Moot Court, a Brent Housing Partnership site of mostly 3-storey flats which are generally over 10m from the boundary. The closest block of flats to the site boundary is 25-30 Moot Court, located towards the southern end of the northeast boundary. The closest part of the proposed scheme is 13m from the boundary at this point, with communal amenity space and existing (protected) trees between the two blocks. It is unlikely that the residents of 25-30 Moot Court would suffer particular loss of privacy or outlook as a result of the development and the scheme complies with the guidance on such matters set out in SPG17.

One property, No. 37 Moot Court, a single-storey laundry building converted to residential use in 1972, is located in a more sensitive location. It has one southwest-facing window (presumed serving a habitable room) and two southeast-facing windows. The southwest-facing window, is the most affected window, overlooks the private amenity space for No. 37. Of particular consideration is (a) the impact on the privacy of No. 37 and its garden; and (b) the impact on the outlook from No. 37 and its garden.

The proposed scheme is close to the boundary at this point and occupies part of the site not previously developed; two of the five-storey elements are located between 5-6m from the boundary at this point. The highest parts of these five storey elements are 15.6m above ground level either side of the garden of No. 37. These are between 18-19m from the southwest-facing window of No. 37, offset either side of a 60-degree arc from the middle of the window, albeit the southern-most part of this arc is restricted by part of No. 37 itself. Within this 60-degree arc the proposed building reduces in height and moves further from the boundary. Here the proposed building is generally 25-26m away and approximately 11m in height. Thus this section complies fully with SPG17 guidance on privacy and outlook.

Officers note that although the proposed scheme complies with SPG17 within the 60-degree arc the scheme still represents a substantial change from the existing privacy and outlook the occupants currently enjoy. Efforts have been made, therefore, to ensure these changes are minimised or mitigated as much as possible. In summary:

- (1) privacy screens will be added to the sides of balconies
- (2) some canted windows have been returned to flush
- (3) additional landscaping added on the development site

Due to the distances between No. 37 and the proposed development, and the fact the outlook from the southwest-facing window is already restricted by No. 37 itself, it is clear that the impact would be more on the garden than on the internal area. Brent Housing Partnerships have confirmed that, subject to agreement with the tenants, additional planting could be located in their garden to provide additional screening if they feel the above measures do not address their concerns.

No comments have been received from the occupants of No. 37. The occupants have been consulted as part of the statutory consultation process. Due to the potentially sensitive position of the proposed scheme in relation to No. 37, further efforts have been made to ensure the occupants are aware of the proposal. Two letters were sent to the occupants as part of the applicant's pre-application public consultation exercise and officers of the Council's Housing department and Brent Housing Partnerships have telephoned and visited the premises without success.

In conclusion, officers are satisfied that the impact on the privacy and outlook of No. 37 Moot Court, although significant, is not so detrimental to the amenities of the occupants to merit refusal.

In general, the proposal is not considered to have a negative impact upon the privacy of present and future occupiers of the neighbouring residential properties, and the proposal therefore complies with policies BE2, BE3, BE9 and H12 (UDP 2004) and SPG17.

#### Parking & Transportation

The site is located approximately 70m south of the Kingsbury roundabout. A bus stop and KEEP CLEAR zig-zag markings cover much of the frontage of the site, whilst further restrictions are in place to the south associated with the adjacent Jews Free School. Otherwise, on-street parking in The Mall is unrestricted and the road is not generally heavily parked. A 30mph limit is imposed and the site does not lie within a CPZ. Public transport access to the site is moderate (PTAL 3), with Kingsbury Underground station (Jubilee line) and four bus services within 640 metres (8 minutes' walk).



A total of 106 parking spaces are proposed. A semi-basement car park providing space for 80 cars is located below the frontage block (affordable housing element of the scheme), extending beneath part of the central amenity area; this element is lower than that beneath the frontage block forming a full basement. The car park is accessed from The Mall between the two surface access points, opposite the ambulance station. Three staircases provide access to the central amenity area from where residents would make their way to their surface entrance.

26 surface spaces are shown, of which 10 spaces are for disabled users. The spaces are split with the majority (20) accessed from the northern access and 6 from the southern; this is to reduce conflict with the junction with Minterne Road.

#### Transport Assessment

This proposal is of sufficient scale to have a potentially significant impact on the local transport network. As such, Policy TRN1 requires the provision of a Transport Assessment and Travel Plan in support of the application. To this end, a Transport Statement has been submitted. This falls short of normal requirements for a development of this scale, as noted by Cllr Dunwell in his letter of objection.

In terms of car parking, allowances for residential use are set out in standard PS14 of the adopted UDP 2004. As the site does not have 'good' access to public transport services and is not located within a CPZ, full standards apply. As such, up to 187.8 spaces would be allowed for these 143 units; in this respect the proposed provision of 106 spaces accords with standards.

Consideration also needs to be given, however, to the potential impact of any overspill parking on traffic flow and road safety and in this respect, overspill parking on The Mall would not be welcomed, given its status as a local distributor road and bus route, as noted by all four local objectors.

It is considered highly significant that there is a large proportion of social rented housing within the scheme, due to the reduced parking requirements for affordable housing units. When the social rented housing is taken into account the development is estimated to generate demand for only about 110 parking spaces. On this basis overspill parking from the site is considered likely to be minimal.

In terms of traffic impact, the Transport Statement has made an estimate of future vehicular trips to and from the site based upon other similar residential developments in London. These trip rates (which are considered to be a little low) were then applied to this 143 unit scheme, producing estimated vehicular flows into and out of the site of 9 arrivals/17 departures in the weekday morning peak hour (8-9am) and 16 arrivals/13 departures in the evening peak hour (5-6pm).

The statement then concludes that, as a 100-bedroom hostel already exists on the site (for which no traffic data was actually gathered), the net increase in flows for just 43 units is too marginal to be of significance. Whilst the methodology used to arrive at this conclusion is clearly flawed, as noted by Cllr Dunwell, a comparison of the total estimated flows above with historical traffic data for The Mall held by Brent Council confirms that the amount of traffic likely to be generated by this development, at less than 2% of existing flows in either direction, is not significant enough to warrant further consideration.

The Transport Statement also fails to address many other areas that would be expected to be covered in a full Transport Assessment, such as the quality of the local pedestrian, cyclist and public transport infrastructure, the impact on public transport capacity, road safety analysis etc. The Transport Assessment therefore falls some considerable way short of the expected standard for a development of this scale. Nevertheless this issue could be addressed with the provision of a Residential Travel Plan and a significant financial sum, secured through the S106 Agreement to deal with any required mitigating measures that may arise. The Travel Plan would need to be submitted and approved prior to a Material Start being made on the development and will need to

consider car parking management issues (including the provision of Car Club and electric vehicle charging point spaces within the site).

#### Disabled Parking

Standard PS15 requires at least 10% of spaces for affordable housing (six spaces) and 5% of spaces for private housing (three spaces) to be widened and marked for disabled drivers. The overall provision of ten spaces therefore complies with requirements.

#### Cycle stores

Standard PS16 requires at least one secure bicycle parking space per flat. The plans show 143 such spaces, although the design of the stores, which should be secured with a roof, is not clear and their precise design and location may change as the scheme for hard and soft landscape works is developed. Therefore further details of bicycle parking showing at least 143 spaces are therefore required as a condition of any approval.

#### Access arrangements

In terms of access and servicing, the two crescent shaped surface level access roads at either end of the building will facilitate access for refuse vehicles and fire appliances into the site, together with a turning facility so they do not need to reverse into or out of the site from The Mall. Combined with refuse storage areas alongside the building, both refuse carrying (10m) and fire hose (45m) distances would thus be satisfied.

The only concern Officers have is that any larger delivery vehicles would not be able to turn in the northern crescent area and would therefore need to reverse into the site from The Mall. A 6m kerb radii at the junction should be provided to facilitate this manoeuvre. Kerb Radii of 4m will suffice at the other entrance. Both should be supplemented by entry treatment/tactile paving. This is a matter to be controlled via condition.

The gradient of the basement car park access ramp, with the transition lengths at either end, complies with the guidance set out in the Institute of Structural Engineers Guidance for ramps falling up to 1.5m and is acceptable.

Vehicular sightlines from all three accesses will meet standards, given the presence of a grass verge and footway along this side of The Mall. The building is also set back sufficiently from the highway boundary to allow pedestrian sightlines to be met.

The existing site entrance will be rendered redundant by this proposal and will need to be reinstated to footway/verge at the developer's expense prior to occupation of the development as a condition of any approval.

Pedestrian access to the frontage block will be taken directly from The Mall. The rear crescent-shaped blocks will be accessed via the new cul-de-sacs though, with footways provided along the building side of the street. This is acceptable and where these footways are impeded by the presence of disabled parking spaces along their length a shared-surface approach can be taken, subject to further details.

The southern access road and parking is removed from any neighbouring residential areas and would have no impact on amenity. The northern access road and parking area runs almost parallel to the boundary with Moor Court, adjacent to the Moot Court parking area and is located in much the same location as the existing parking for Metro House. Beyond a point level with No. 37 Moot Court, however, it is close to the amenity space for the southern blocks of Moot Court and parking spaces and circulation areas are proposed near the root-protection zones of retained TPO trees. It is necessary for the applicant to provide further details of no-dig solutions for hard surfaces in these areas to ensure retained trees are protected and additional detail of hard and soft landscape works, including screening to minimise the impact of disturbance arising from this parking harming the occupants of Moot Court.

## Landscaping & Trees

The site benefits from a number of substantial landscape features, including a frontage hedge and groups of (protected) trees. The scheme proposes to retain many of these features and add additional planting to provide a generous landscape setting for the block. A substantial proportion of the hedgerow along the frontage of the site is to be retained, which will soften the appearance of the development. There is a general lack of detail of how the setting and amenity spaces shall be landscaped and officers propose a number of conditions to ensure a high quality scheme of hard and soft landscape works is produced. This is of particular importance on this scheme as the landscape setting and retention/enhancement of existing landscape features are key elements of the concept and only through the delivery of a high quality scheme can the high density and relative lack of amenity space of the proposal be supported. The applicant will be asked to liaise closely with the Council's landscape designers and tree officers in the preparation of said scheme of works and in its delivery, particularly to ensure retained landscape features and protected trees are not damaged in either the demolition or construction phases.

Subject to these conditions the overall scheme is considered to comply with Policy BE6 (UDP 2004).

## Environmental Health

The site lies within an Air Quality Management Area (AQMA) and due to the proposed number of units and its close proximity to a busy road junction Environmental Health advise an Air Quality assessment is undertaken prior to development. In particular Environmental Health are concerned about the proposed number of car trips to and from the site, which is near a large school, that will be generated during peak hours. Whilst the applicant has not agreed to this condition, it is considered necessary to impose such a condition to meet the requirements of the Council's Environmental Health department.

## Drainage

The site lies in Flood Zone 1 and is under a hectare in size, therefore a Flood Risk Assessment is not required. The Environmental Agency were nonetheless consulted and they recommended a SUDS system should be used which could incorporate green/brown roofs, detention basins and/or dry/wet ponds or filter strips/drains; swales; bio-retention areas and permeable paving. This will be secured by condition.

## Objections

The majority of matters raised by objectors have been addressed in the report above. On the matter of crime, the affordable part of the scheme will seek Secured By Design status. The proposed scheme has been subject to consultations with the Crime Prevention Design Officer and the Metropolitan Police have not raised any concerns that the scheme would increase the risk of crime for nearby residents.

Councillor Dunwell's objections regarding amenity, density, traffic and flooding have also been addressed in the report above. On the matter of backland development, your officers would quote from the relevant section of the UDP: "backland development' is housing development on land behind the rear building line of existing housing (including where this is being redeveloped), either formally used as gardens or partially enclosed by gardens" (p94, para5.13.2, UDP 2004). Clearly this site does not fall into this category.

## Statement of Community Involvement & Objections

A statement of community involvement has been submitted by the applicants. Two consultation

events for local residents were held, on 17/12/09 and 14/01/10, at the Preston and Mall Youth Community Centre. These were not well-attended, despite local residents being sent a letter inviting them to both events. Residents were concerned with parking and the height of the proposals. These matters have been addressed elsewhere in the report, above.

### Conclusions

The proposal redevelops an under-utilised site, adding to the Borough's housing stock and provides significant benefits in the form of affordable housing. Furthermore the proposal will add to the vitality and viability of Kingsbury as a town centre. The scheme meets the current relevant standards and policies in terms of parking provision, residential amenity and the protection of adjoining residents. The proposed scheme is in accordance with Unitary Development Plan policies and central government guidance, and therefore is recommended for approval, subject to a Section 106 Agreement.

### **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004  
Central Government Guidance  
London Plan consolidated 2008  
Council's Supplementary Planning Guidance Nos 17 and 19  
Council's Supplementary Planning Document Section 106 planning obligations

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

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation  
Transport: in terms of sustainability, safety and servicing needs  
Community Facilities: in terms of meeting the demand for community services

### **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):

MAL/M+P/GA/000001;	MAL/M+P/GA/000002;
MAL/M+P/GA/000003;	MAL/M+P/GA/000004;
MAL/M+P/GA/000005 Rev C;	MAL/M+P/GA/000006 Rev C;
MAL/M+P/GA/000007 Rev C;	MAL/M+P/GA/000008 Rev C;

MAL/M+P/GA/000009 Rev C;	MAL/M+P/GA/000010 Rev C;
MAL/M+P/GA/000011 Rev A;	MAL/M+P/GA/000012 Rev B;
MAL/M+P/GA/000013 Rev A;	MAL/M+P/GA/000014 Rev A;
MAL/M+P/GA/000015 Rev A;	MAL/M+P/GA/000016 Rev A;
MAL/M+P/GA/000017 Rev B;	MAL/M+P/GA/000018 Rev B;
MAL/M+P/GA/000019;	MAL/M+P/GA/000020;
MAL/M+P/GA/000021;	MAL/M+P/GA/000022;
MAL/M+P/GA/000023;	

Design & Access Statement	Statement of Community Involvement
Affordable Housing Statement	Sustainability Statement
Transport Statement	Site Area Clarification (letter 29/12/2009)
Flood Statement	Tree Survey

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) Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and the fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

The details submitted pursuant to this condition should reflect the details relating to associated matters such as hard and soft landscape works, play space, refuse and cycle stores pursuant to other conditions of this approval.

Reason(s): in the interests of the privacy and amenity of the occupants of the application site and neighbouring properties and in the interests of the visual amenity and character of the locality.

- (5) Details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved. Such details shall include a location of each storage area and details of its means of construction, including materials.

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

- (6) Details of the provision of a minimum of 143 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained. Such details shall include the means of construction including materials if deemed necessary.

Reason: To ensure satisfactory facilities for cyclists.

- (7) 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:
- (i) Details of types of equipment to be installed.
  - (ii) Surfaces including details of materials and finishes.
  - (iii) The location of any proposed signage linked to the play areas

The details submitted pursuant to this condition should reflect the details relating to associated matters such as hard and soft landscape works, means of enclosure submitted, refuse and cycle stores pursuant to other conditions of this approval.

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

- (8) 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:-

- (i) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (ii) screen planting along the site boundaries;
- (iii) adequate physical separation, such as protective walls and fencing, between landscaped and paved areas;
- (iv) existing contours and any proposed alteration to ground levels such as earth mounding;
- (v) provision for the satisfactory screening of habitable room windows with defensive planting and screening of facilities such as refuse and cycle stores;
- (vi) all planting including location, species, size, density and number;
- (vii) areas of hard landscape works and proposed materials;
- (viii) a detailed section of the construction of the basement car park roof, associated membranes and drainage and top soil depth at a suitable scale (1:50)

The details submitted pursuant to this condition should reflect the details relating to associated matters such as means of enclosure, retention of existing landscape features, play space, refuse and cycle stores pursuant to other conditions of this approval.

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.

- (9) Details of a scheme showing those areas to be treated by means of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such details shall include:
- (i) detailed drawing(s) of those areas to be so treated including identification of root-protection zones;
  - (ii) details of a no-dig solution for areas within root-protection zones to include a method statement for such works;
  - (iii) a schedule of materials and samples if appropriate.

The details submitted pursuant to this condition should reflect the details relating to associated matters such as means of enclosure, retention of existing landscape features, play space, refuse and cycle stores pursuant to other conditions of this approval.

The approved scheme shall be implemented in full prior to first occupation of the development.

Reason: To ensure a satisfactory standard of development in the interests of local visual amenity.

- (10) 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.

- (11) No works shall commence on site (including demolition) before tree protection details, to include the protection of hedges and shrubs, have been submitted to and approved in writing by the Local Planning Authority. These shall include method statements and tree protection plans which:
- (i) adhere to the principles embodied in BS5837:2005
  - (ii) indicate exactly how and when the trees will be protected during the

- (a) demolition phase
- (b) construction phase
- (iii) show root-protection zones

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.

The details submitted pursuant to this condition should reflect the details relating to hard and soft landscaping works submitted pursuant to condition 8.

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

- (12) No development shall commence until details of the three proposed vehicular accesses have been submitted to and approved in writing by the Local Planning Authority. The southern-most access shall have 4m kerb radii and the northern-most access shall have 6m kerb radii with all accesses having entry treatments and tactile paving. Thereafter the development shall not be occupied until the vehicular accesses have been laid out in full accordance with the details as approved and these facilities shall be retained.

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.

- (13) Any redundant vehicular crossover from the site onto The Mall 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

- (14) All parking spaces, including those in the basement car park, 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.

- (15) No development shall commence until details of all 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.

The details submitted pursuant to this condition should reflect the details relating to associated matters such as means of enclosure, hard and soft landscape works, play



space, refuse and cycle stores pursuant to other conditions of this approval.

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

- (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. The development shall be undertaken in accordance with the method statement.

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

- (17) Prior to commencement of the development hereby approved, further details which demonstrate a Sustainable Drainage Systems (SUDS) is to be used to attenuated surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in full accordance with the approved details and retained in perpetuity.

The details submitted pursuant to this condition should reflect the details relating to associated matters such as means of enclosure, retention of existing landscape features, hard and soft landscape works, refuse and cycle stores pursuant to other conditions of this approval.

Reason: In the interests of preventing localised surface water flooding.

- (18) The development is within an Air Quality Management Area and is therefore likely to contribute to background air pollution levels. The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by the construction operation. This must include:

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

Reason: To minimise dust arising from the operation.

#### **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:-
  - (i) 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.
  - (ii) 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.
  - (iii) Vehicular access to adjoining and opposite premises shall not be impeded.
  - (iv) All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only.
  - (v) No waste or other material shall be burnt on the application site.
  - (vi) All excavated topsoil shall be stored on the site for reuse in connection with landscaping.
  - (vii) A barrier shall be constructed around the site, to be erected prior to demolition.
  - (viii) 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.

- (6) Where existing point(s) of access are to be closed, any reinstatement of the

crossings proposed or which are deemed necessary by the Local Planning Authority shall be carried out by the Council at the applicant's expense. You are therefore advised to contact the Council's Streetcare Section, Brent House, 349 High Road, Wembley HA9 6BZ Tel 020 8937 5050 for further details as soon as possible.

**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: 1-3, The Mall, Harrow, HA3

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This map is indicative only.

## Committee Report Planning Committee on 16 March, 2010

Case No. 09/2622

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**RECEIVED:** 17 December, 2009

**WARD:** Dudden Hill

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** 6 Prout Grove, London, NW10 1PT

**PROPOSAL:** Erection of part single-storey, part two-storey rear extension and conversion of building into 4 flats (1 three-bedroom, 1 two-bedroom and 2 one-bedroom), with provision of cycle storage to rear, refuse storage to front and associated landscaping to site.

**APPLICANT:** ASK Planning

**CONTACT:** ASK Planning

**PLAN NO'S:**  
Refer to 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
- Contribution of £6,000 to be utilised by the Council towards education, sustainable transportation, open space and sports improvements in the local area.
- A car-free agreement, removing the right of future residents to on-street parking permits in the existing or any future Controlled Parking Zones in the area.

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 premises consist of a large 2-storey semi-detached dwelling with rooms in the roof space, located on Prout Grove. The property has been converted into a house in multiple occupation (HMO), however it's lawful use is as a single family dwellinghouse. The application site is not located within a Conservation Area, and does not contain any listed buildings.

### PROPOSAL

Erection of part single-storey, part two-storey rear extension and conversion of building into 4 flats (1 three-bedroom, 1 two-bedroom and 2 one-bedroom), with provision of cycle storage to rear,

refuse storage to front and associated landscaping to site.

## **HISTORY**

**H6468 1480** – Alterations to form 2 self-contained flats and dustbin enclosure – **Granted, 1987.**

**E/07/0311** - Without planning permission, the material change of use of the premises from two self-contained flats to a house of multiple occupation incorporating 15 non self-contained flats and the erection of a rear dormer extension – **Enforcement notice appealed – Appeal dismissed.**

**09/1899** - Two storey rear extension and conversion of building into five self contained flats, provision of cycle and bin storage and associated landscaping – **Application withdrawn.**

Installation of rear dormer window to roof space and internal alterations to premises (6 and 8) – **Granted, 1969.**

## **POLICY CONSIDERATIONS**

### **Brent UDP 2004**

BE2 - Local context and character

BE7 - Public Realm - Streetscene

BE9 - Architectural quality

H17 - Flat conversions

H18 - Quality of flat conversions

H19 - Flat conversions - access and parking

TRN3 - Environmental impact of traffic

TRN4 - Measures to make transport impact acceptable

PS14 - Parking standards for residential development

### **SPG**

SPG5 - Altering and Extending Your Home;

SPG17 - Design Guide for New Development.

## **CONSULTATION**

Consultation period began 17 December 2009. 11 neighbouring properties consulted. 2 objections received, on the following grounds:

- Increased intensity of use would lead to noise and disturbance, anti-social behaviour etc, and would require excessive amounts of refuse storage etc;
- Inadequate amenity space for proposed number of flats;
- Increased parking pressure and traffic congestion, especially in conjunction with other new residential schemes in area;
- Poor standard of accommodation in terms of light;
- Concern that approval would set precedent for further conversions in street, exacerbating above concerns.

Transportation unit consulted - Object, unless car-free scheme implemented in order to address parking and traffic pressures.

Landscape Design team - No objection, but amendments to landscaping scheme recommended.  
Environmental Health - No objection, condition proposed.

## REMARKS

### *Existing:*

The property is currently in use as a house in multiple occupation (HMO). This use is unauthorised, and is the subject of an extant enforcement notice requiring this use to cease, and revert back to the lawful use as a single dwellinghouse. The property has an original 2-storey rear projection, to which a third storey has been added. The roof space has been converted and extended with a full-width rear dormer window.

### *Principle of conversion:*

Brent's UDP recognises the benefit that the conversion of large dwellings into self-contained flats can have in terms of meeting demand for new housing within the Borough. Proposals for flat conversion are therefore supported in principle, provided that they do not result in the loss of purpose-built small family dwellings (which are in shortage), and would not result in unacceptable transportation impacts. The original property has an original floor area in excess of 140 square metres, and is therefore not considered to be a small family dwelling. Transportation impacts are considered acceptable, on balance, and will be addressed later in the report. The principle of conversion of the property is therefore considered acceptable.

### *Quality of accommodation provided:*

The proposal involves the provision of a ground floor 3-bed family unit, a first floor 1-bed unit, a first and second floor 1-bed unit, and a second floor 2-bed unit. All of these comply with minimum floor space standards as out in SPG17. Extensions to the property are required in order to provide these flats, however these are not considered to be excessive or harmful, and will be addressed separately below. All flats are considered to have adequate layouts with suitable access, circulation and storage space. All habitable rooms have adequate outlook and daylighting. The quality of accommodation proposed is considered generally acceptable, although a balanced view has been taken in respect of the following elements of the proposed conversion:

- The rear-facing window of bedroom 2 of the ground floor family unit will be obscured to some degree by the proposed rear extension (which is wider than the original rear projection). This impact is considered to be, on balance, acceptable given that the bedroom is secondary and that this arrangement will not be imposed on existing residents.
- Some of the units will be 'stacked' or 'handed', which may lead to noise issues. Of particular concern is the stacking of units 1 and 3, and the handing of units 2 and 4. It is considered acceptable to address such issues through suitable insulation measures, details of which will be required by condition.
- The outlook and daylighting of the kitchen/ living room of the second floor 2-bed flat is limited to flank windows (facing neighbouring property at approx 2m distance) and rooflights. Layout changes and additional rooflights have been proposed since the initial submission to address these concerns, and the quality of accommodation is now considered to be acceptable, on balance.

### *Extensions:*

The proposal involves a part single-storey, part 2-storey rear extension to the existing 3-storey rear projection. The single-storey element is 3m deep as measured from the original rear wall of the rear projection. As the site falls to the rear, the extension will be 4.6m above ground level at the rear wall. This exceeds SPG5 guidance, however the neighbouring property has an existing extension of the same depth, and this property has the same relationship with ground and finished floor levels, therefore the height is considered acceptable. The extension is proposed to be wider

than the original rear projection, however a gap of 0.9m will be retained between the extension and the boundary.

The proposed first floor extension is to be the same width as the original rear projection, and is proposed to be 1.2m deep. The depth of the extension complies with 2:1 guidance relative to neighbouring rear habitable windows in the original rear projection. The depth does not comply with this guidance relative to the windows on the main rear wall of the neighbouring dwellings, however neither does the original rear projection. A judgement must be made, therefore, as to whether the 1.2m depth extension would materially increase any impact on these windows. Officers consider that it would not.

#### *Transportation/ parking:*

The property is situated on a Heavily Parked Street, within a Controlled Parking Zone (CPZ), and has good access to public transport (PTAL 4). There is currently no off-street parking on the property, nor is any practicable due to the small front garden area. In this situation, the number of flats acceptable in a conversion scheme would normally be limited, under UDP policy H19, to a level that would be considered to not have a detrimental impact on local traffic and parking. This would be one flat per 75 square metres of original floor area of the property - 2 flats in this instance. As more than 2 flats are proposed, additional control over on-street parking must be applied in order to ensure that the proposal does not result in excessive additional impacts on local traffic and parking.

This additional control is usually applied through a car-free scheme, secured by legal agreement. For administrative reasons, it is not practicable to apply such an agreement to some flats within a property, and not others. Therefore all flats within the proposed site must either car-free or not car-free. As this application is being considered concurrently with an almost identical application for the neighbouring property 8 Prout Grove (09/2634), which is under the same ownership as 6 Prout Grove, a solution is proposed which allows retention of normal rights to parking permits for residents of one property, and removes those for the other property. This is considered to be an acceptable solution, as it will result in no greater parking pressure than would result from the strict application of policy H19. This arrangement would also not be considered prejudicial to the future occupants of the car-free property, as they would take residence in full knowledge of the situation. The site also has very good access to public transport.

Officers wish to note that the particular relationship between the two applications at 6 and 8 Prout Grove creates a unique opportunity for this solution to be reached. If these applications were to be considered individually, or by different applicants or owners, each would require a car-free agreement in order to be considered acceptable in terms of transportation impacts.

#### *Landscaping:*

A front garden layout is proposed which incorporates refuse storage and additional soft landscaping, which is a significant improvement on the current front garden layout. The proposed rear garden will provide a private amenity area for the ground floor family-sized unit, and a communal amenity area for the upper flats to the rear. Cycle storage facilities will also be provided in the communal area. Access to the communal area is via the side alley. There are few flank windows in the proposed ground floor flat that would result in any disturbance or loss of privacy from this access arrangement, however a small amount of fencing/screening will be required adjacent to the proposed kitchen windows. Details of this, along with specifics of proposed planting, hardsurfacing materials etc are proposed to be required by condition.

#### *Impact on neighbouring amenity:*

As explained above, the proposed extensions are of an acceptable size, and are unlikely to result



in a significant impact on the amenities of neighbouring residents.

*Response to objections:*

Concerns relating to transportation and quality of proposed accommodation have been addressed already. With regard to the increased intensity of use, it is not considered that the levels of activity generated by the proposal would be inappropriate in a normal residential street, and it does not necessarily follow that increased numbers of residents would result in an increase in anti-social behaviour. The amount of refuse storage proposed is adequate, and enclosure and screening of this area will be required by condition as part of the front garden landscaping. Amenity space meets guideline requirements for the family unit, and is considered acceptable on balance for the smaller units. In terms of setting a precedent, any future application for flat conversion in the area would be considered on its own merits.

*Planning obligations:*

Financial contributions are sought toward education, sustainable transportation, open space and sports improvements in the local area. The standard charge would apply in this respect, which would be £3000 for each additional bedroom resulting from the conversion of the original dwelling. The Council has on record what can be considered to be original floor plans of the premises, which would indicate that the property had no more than 5 bedrooms, prior to the unauthorised change of use. The proposed development would have 7 bedrooms, therefore it is considered that a contribution of £6000 is appropriate.

A car-free agreement for this property will be required, as discussed above.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 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

**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):

Design, Access, and Planning Statement Dated December 2009;  
Renewables Feasibility Study dated July 2009;  
TP6 Sustainable development checklist;  
2009/633/P/01; 2009/633/P/11 Rev A;  
2009/633/P/02; 2009/633/P/12 Rev A;  
2009/633/P/03; 2009/633/P/13 Rev B;  
2009/633/P/04; 2009/633/P/14 Rev A;  
2009/633/P/05; 2009/633/P/15 Rev A;  
2009/633/P/06; 2009/633/P/17 Rev A;  
2009/633/P/07; 2009/633/P/18 Rev A;  
2009/633/P/08; 2009/633/P/19 Rev A;  
2009/633/P/09; 2009/604/P/01;  
2009/633/P/10.

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) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed within 6 months of the occupation of the development hereby approved.

Such scheme shall also indicate:-

(i) Walls and fences

Proposed walls and fencing, indicating materials and heights. This shall include privacy fencing/ screening between ground floor bedroom 2 and side accessway to rear garden.

(ii) Planting details

Including species, densities, and locations.

(iii) Physical separation

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

(iv) Hardsurfacing

Details of proposed areas of hardsurfacing (including within private and communal amenity areas), including proposed materials, and means of achieving sustainable drainage.

(v) Refuse enclosure

Details of design and appearance of proposed refuse bin enclosure in front garden.

(vi) Cycle storage

Details of secure covered cycle storage at the rear of the property.

(vii) Maintenance details

Details of the proposed arrangements for maintenance of the landscaping.

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

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

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

Reason: To safeguard the amenities of the occupiers.

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

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

- (7) The proposed ground floor flank wall windows shall be constructed with obscure glazing and be non-opening, or with openings and clear glazing at high level only (not less than 1.8m above floor level) and shall be permanently maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained. No windows or glazed doors (other than any shown in the approved plans) shall be constructed in the flank walls of the building as extended without the prior written consent of the Local Planning Authority.

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

#### **INFORMATIVES:**

- (1) The applicant is reminded that the current use of this property as a House in Multiple Occupation is unlawful, and is the subject of an extant Enforcement Notice. Steps should be taken immediately to either comply with the Enforcement Notice, or implement the permission hereby granted (bearing in mind that conditions must be discharged prior to the commencement of works). It is recommended that the applicant contact the Planning Enforcement Team on 0208 937 5280 to agree an acceptable timeframe for implementation, in order to avoid further enforcement action being taken.

#### **REFERENCE DOCUMENTS:**

Brent Unitary Development Plan 2004;  
SPG5 - Altering and Extending Your Home;  
SPG17 - Design Guide for New Development.

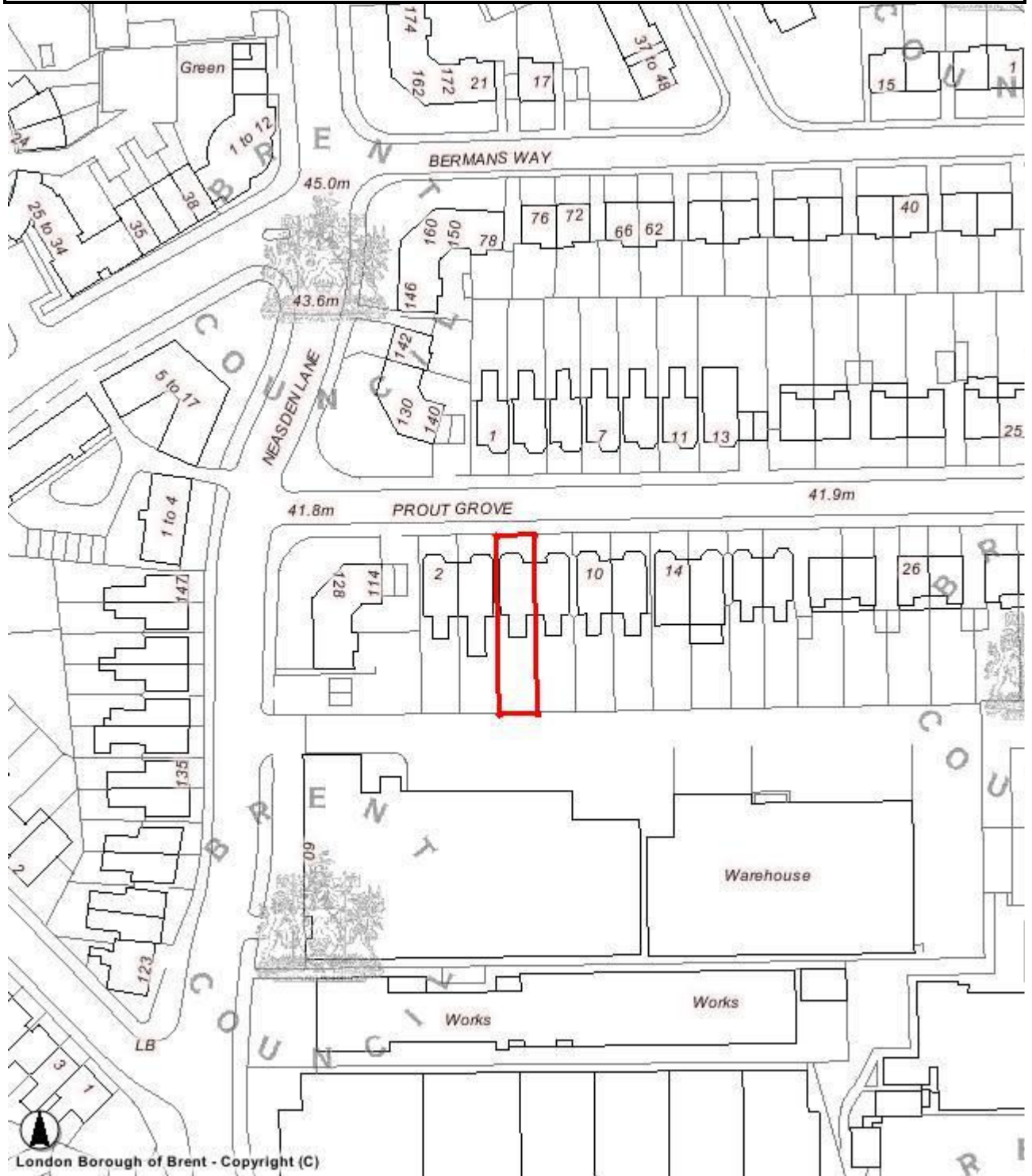
Any person wishing to inspect the above papers should contact Hayden Taylor, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5345



# Planning Committee Map

Site address: 6 Prout Grove, London, NW10 1PT

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## Committee Report Planning Committee on 16 March, 2010

Case No. 09/2634

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**RECEIVED:** 17 December, 2009

**WARD:** Dudden Hill

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** 8 Prout Grove, London, NW10 1PT

**PROPOSAL:** Erection of part single storey, part two-storey rear extension and conversion of dwellinghouse into 4 flats (2 two-bedroom, 1 three-bedroom and 1 studio), with provision of cycle and bin storage and associated landscaping

**APPLICANT:** Mr Antonious James

**CONTACT:** ASK Planning

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

---

### 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.
- Contribution of £9,000 to be utilised by the Council towards Education, sustainable transportation, open space and sports improvements in the local area.

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 premises consist of a large 2-storey semi-detached dwelling with rooms in the roof space, located on Prout Grove. The property has been converted into a house in multiple occupation (HMO), however its lawful use is as a single family dwellinghouse. The application site is not located within a Conservation Area, and does not contain any listed buildings.

### PROPOSAL

Erection of part single storey, part two-storey rear extension and conversion of dwellinghouse into 4 flats (2 two-bedroom, 1 three-bedroom and 1 studio), with provision of cycle and bin storage and associated landscaping

## **HISTORY**

Installation of rear dormer window to roof space and internal alterations to premises (6 and 8) – **Granted, 1969.**

**H6468 4581** – Alterations to form 2 self-contained flats and dustbin enclosure – **Granted, 1987.**

**E/07/0312** - Without planning permission, the material change of use of the premises from two self-contained flats to a house of multiple occupation incorporating 15 non self-contained flats and the erection of a rear dormer extension – **Enforcement notice appealed – Appeal dismissed.**

**09/1900** - Two storey rear extension and conversion of building into five self contained flats, provision of cycle and bin storage and associated landscaping – **Application withdrawn.**

## **POLICY CONSIDERATIONS**

### **Brent UDP 2004**

BE2 - Local context and character

BE7 - Public Realm - Streetscene

BE9 - Architectural quality

H17 - Flat conversions

H18 - Quality of flat conversions

H19 - Flat conversions - access and parking

TRN3 - Environmental impact of traffic

TRN4 - Measures to make transport impact acceptable

PS14 - Parking standards for residential development

### **SPG**

SPG5 - Altering and Extending Your Home;

SPG17 - Design Guide for New Development.

## **CONSULTATION**

Consultation period began 17 December 2009. 11 neighbouring properties consulted. 2 objections received, on the following grounds:

- Increased intensity of use would lead to noise and disturbance, anti-social behaviour etc, and would require excessive amounts of refuse storage etc;
- Inadequate amenity space for proposed number of flats;
- Increased parking pressure and traffic congestion, especially in conjunction with other new residential schemes in area;
- Poor standard of accommodation in terms of light;
- Concern that approval would set precedent for further conversions in street, exacerbating above concerns.

Transportation unit consulted - Object, unless car-free scheme implemented in order to address parking and traffic pressures.

Landscape Design team - No objection, but amendments to landscaping scheme recommended.

Environmental Health - No objection, condition proposed.

## REMARKS

### *Existing:*

The property is currently in use as a house in multiple occupation (HMO). This use is unauthorised, and is the subject of an extant enforcement notice requiring this use to cease, and revert back to the lawful use as a single dwellinghouse. The property has an original 2-storey rear projection. The roof space has been converted and extended with a full-width rear dormer window.

### *Principle of conversion:*

Brent's UDP recognises the benefit that the conversion of large dwellings into self-contained flats can have in terms of meeting demand for new housing within the Borough. Proposals for flat conversion are therefore supported in principle, provided that they do not result in the loss of purpose-built small family dwellings (which are in shortage), and would not result in unacceptable transportation impacts. The original property has an original floor area in excess of 140 square metres, and is therefore not considered to be a small family dwelling. Transportation impacts are considered acceptable, on balance, and will be addressed later in the report. The principle of conversion of the property is therefore considered acceptable.

### *Quality of accommodation provided:*

The proposal involves the provision of a ground floor 3-bed family unit, a first floor studio unit, a first floor 2-bed unit, and a second floor 2-bed unit. All of these comply with minimum floor space standards as out in SPG17. Extensions to the property are required in order to provide these flats, however these are not considered to be excessive or harmful, and will be addressed separately below. All flats are considered to have adequate layouts with suitable access, circulation and storage space. All habitable rooms have adequate outlook and daylighting. The quality of accommodation proposed is considered generally acceptable, although a balanced view has been taken in respect of the following elements of the proposed conversion:

- The rear-facing window of bedroom 2 of the ground floor family unit will be obscured to some degree by the proposed rear extension (which is wider than the original rear projection). This impact is considered to be, on balance, acceptable given that the bedroom is secondary and that this arrangement will not be imposed on existing residents.
- Units 1 and 3 have a degree of 'stacking', which may result in noise and disturbance issues. It is considered acceptable to address such issues through suitable insulation measures, details of which will be required by condition.
- The outlook and daylighting of the kitchen/ living room of the second floor 2-bed flat is limited to flank windows (facing neighbouring property at approx 2m distance) and rooflights. Layout changes and additional rooflights have been proposed since the initial submission to address these concerns, and the quality of accommodation is now considered to be acceptable, on balance.

### *Extensions:*

The proposal involves a part single-storey, part 2-storey rear extension to the existing 2-storey rear projection. The single-storey element is 3m deep as measured from the original rear wall of the rear projection. As the site falls to the rear, the extension will be 4.6m above ground level at the rear wall. This exceeds SPG5 guidance, however the neighbouring property has the same finished floor and ground levels as the application site, therefore the height is considered acceptable. The extension is proposed to be wider than the original rear projection, however a gap of 0.9m will be retained between the extension and the boundary.

The proposed first floor extension is to be the same width as the original rear projection, and is proposed to be 1.2m deep. The depth of the extension complies with 2:1 guidance relative to neighbouring rear habitable windows in the original rear projection. The depth does not comply with this guidance relative to the windows on the main rear wall of the neighbouring dwellings, however neither does the original rear projection. A judgement must be made, therefore, as to whether the 1.2m depth extension would materially increase any impact on these windows. Officers consider that it would not.

#### *Transportation/ parking:*

The property is situated on a Heavily Parked Street, within a Controlled Parking Zone (CPZ), and has good access to public transport (PTAL 4). There is currently no off-street parking on the property, nor is any practicable due to the small front garden area. In this situation, the number of flats acceptable in a conversion scheme would normally be limited, under UDP policy H19, to a level that would be considered to not have a detrimental impact on local traffic and parking. This would be one flat per 75 square metres of original floor area of the property - 2 flats in this instance. As more than 2 flats are proposed, additional control over on-street parking must be applied in order to ensure that the proposal does not result in excessive additional impacts on local traffic and parking.

This additional control is usually applied through a car-free scheme, secured by legal agreement. For administrative reasons, it is not practicable to apply such an agreement to some flats within a property, and not others. Therefore all flats within the proposed site must either car-free or not car-free. As this application is being considered concurrently with an almost identical application for the neighbouring property 6 Prout Grove (09/2622), which is under the same ownership as 8 Prout Grove, a solution is proposed which allows retention of normal rights to parking permits for residents of one property, and removes those for the other property. This is considered to be an acceptable solution, as it will result in no greater parking pressure than would result from the strict application of policy H19. This arrangement would also not be considered prejudicial to the future occupants of the car-free property, as they would take residence in full knowledge of the situation. The site also has very good access to public transport.

Officers wish to note that the particular relationship between the two applications at 6 and 8 Prout Grove creates a unique opportunity for this solution to be reached. If these applications were to be considered individually, or by different applicants or owners, each would require a car-free agreement in order to be considered acceptable in terms of transportation impacts.

#### *Landscaping:*

A front garden layout is proposed which incorporates refuse storage and additional soft landscaping, which is a significant improvement on the current front garden layout. The proposed rear garden will provide a private amenity area for the ground floor family-sized unit, and a communal amenity area for the upper flats to the rear. Cycle storage facilities will also be provided in the communal area. Access to the communal area is via the side alley. There are few flank windows in the proposed ground floor flat that would result in any disturbance or loss of privacy from this access arrangement, however a small amount of fencing/screening will be required adjacent to the proposed kitchen windows. Details of this, along with specifics of proposed planting, hardsurfacing materials etc are proposed to be required by condition.

#### *Impact on neighbouring amenity:*

As explained above, the proposed extensions are of an acceptable size, and are unlikely to result in a significant impact on the amenities of neighbouring residents.



*Response to objections:*

Concerns relating to transportation and quality of proposed accommodation have been addressed already. With regard to the increased intensity of use, it is not considered that the levels of activity generated by the proposal would be inappropriate in a normal residential street, and it does not necessarily follow that increased numbers of residents would result in an increase in anti-social behaviour. The amount of refuse storage proposed is adequate, and enclosure and screening of this area will be required by condition as part of the front garden landscaping. Amenity space meets guideline requirements for the family unit, and is considered acceptable on balance for the smaller units. In terms of setting a precedent, any future application for flat conversion in the area would be considered on its own merits.

*Planning obligations:*

Financial contributions are sought toward education, sustainable transportation, open space and sports improvements in the local area. The standard charge would apply in this respect, which would be £3000 for each additional bedroom resulting from the conversion of the original dwelling. The Council has on record what can be considered to be original floor plans of the premises, which would indicate that the property had no more than 5 bedrooms, prior to the unauthorised change of use. The proposed development would have 8 bedrooms, therefore it is considered that a contribution of £9000 is appropriate.

A car-free agreement will not be required for this property, as discussed above.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 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

**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):

Design, Access, and Planning Statement Dated December 2009;  
Renewables Feasibility Study dated July 2009;

TP6 Sustainable development checklist;  
2009/634/P/01; 2009/634/P/11 Rev A;  
2009/634/P/02; 2009/634/P/12 Rev A;  
2009/634/P/03; 2009/634/P/13 Rev B;  
2009/634/P/04; 2009/634/P/14 Rev A;  
2009/634/P/05; 2009/634/P/15 Rev A;  
2009/634/P/06; 2009/634/P/17 Rev A;  
2009/634/P/07; 2009/634/P/18 Rev A;  
2009/634/P/08; 2009/634/P/19 Rev A;  
2009/634/P/09; 2009/634/P/01;

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

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

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

- (4) The proposed ground floor flank wall windows shall be constructed with obscure glazing and be non-opening, or with openings and clear glazing at high level only (not less than 1.8m above floor level) and shall be permanently maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained. 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) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed within 6 months of the occupation of the development hereby approved.

Such scheme shall also indicate:-

(i) Walls and fences

Proposed walls and fencing, indicating materials and heights. This shall include privacy fencing/ screening between ground floor bedroom 2 and side accessway to rear garden.

(ii) Planting details

Including species, densities, and locations.

(iii) Physical separation

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

(iv) Hardsurfacing

Details of proposed areas of hardsurfacing (including within private and communal amenity areas), including proposed materials, and means of achieving sustainable drainage.

(v) Refuse enclosure

Details of design and appearance of proposed refuse bin enclosure in front

garden.

(vi) Cycle storage

Details of secure covered cycle storage at the rear of the property.

(vii) Maintenance details

Details of the proposed arrangements for maintenance of the landscaping.

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

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

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

Reason: To safeguard the amenities of the occupiers.

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

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

**INFORMATIVES:**

- (1) The applicant is reminded that the current use of this property as a House in Multiple Occupation is unlawful, and is the subject of an extant Enforcement Notice. Steps should be taken immediately to either comply with the Enforcement Notice, or implement the permission hereby granted (bearing in mind that conditions must be discharged prior to the commencement of works). It is recommended that the applicant contact the Planning Enforcement Team on 0208 937 5280 to agree an acceptable timeframe for implementation, in order to avoid further enforcement action being taken.

**REFERENCE DOCUMENTS:**

Brent Unitary Development Plan 2004;  
SPG5 - Altering and Extending Your Home;  
SPG17 - Design Guide for New Development.

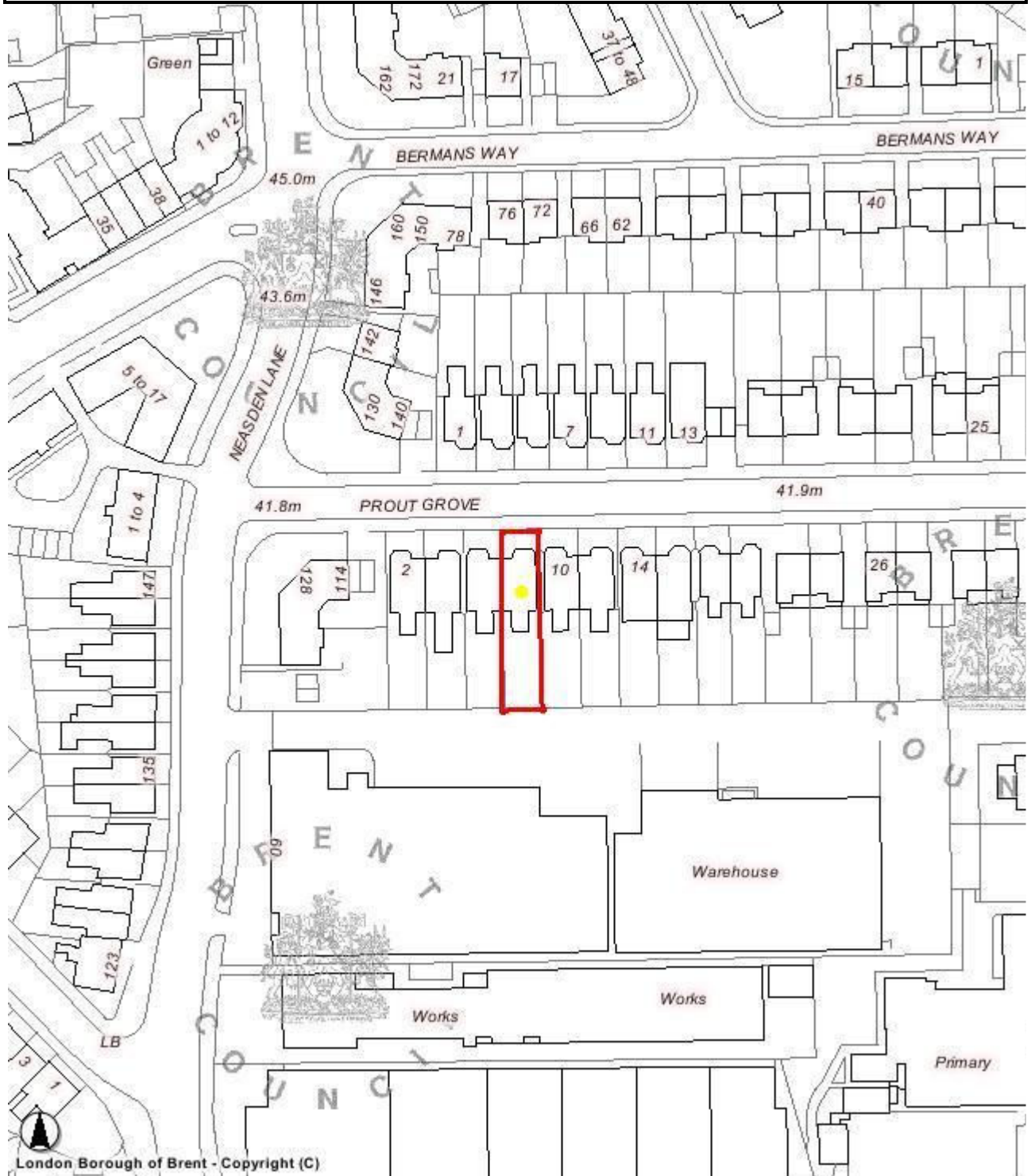
Any person wishing to inspect the above papers should contact Hayden Taylor, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5345



# Planning Committee Map

Site address: 8 Prout Grove, London, NW10 1PT

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## Committee Report Planning Committee on 16 March, 2010

Case No. 09/3007

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**RECEIVED:** 13 January, 2010

**WARD:** Kenton

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

**LOCATION:** Caretakers House, Mount Stewart Infant School, Carlisle Gardens, Harrow, HA3 0JX

**PROPOSAL:** Conservation Area Consent for demolition of former caretaker's house

**APPLICANT:** Ms Cheryl Painting

**CONTACT:** Frankham Consultancy Group Limited

**PLAN NO'S:**  
223611-A-920 Rev 1

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### **RECOMMENDATION**

Grant Conservation Area Consent subject to Referral to the Government Office for West Midlands.

### **EXISTING**

The application site comprises a two storey detached building that was formally in use as the caretakers house in connection with Mount Stewart School.

The site accessed off Carlisle Gardens and is located in the Mount Stewart Conservation Area. It is not a listed building.

### **PROPOSAL**

Conservation Area Consent is sought for the demolition of the caretakers house.

### **HISTORY**

- 09/2680: Full Planning Permission sought for demolition of former caretakers house and erection of a single storey children's centre with provision of buggy store and refuse storage areas to front and associated landscaping to site - currently under consideration.

- E8532 B91: Full Planning Permission sought for school keeper cottage (deemed permission) - Granted, 17/01/1951.

### **POLICY CONSIDERATIONS**

#### **National Planning Policy Guidance**

*Planning Policy Guidance 15: Planning and the Historic Environment*

In considering an application for the demolition of a building within a conservation area, the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole are required to be taken into consideration.

Special attention shall also be paid to preserving or enhancing the character and appearance of the conservation area.

### **Brent's UDP 2004**

BE27: Demolition & Gap Sites in Conservation Areas

Consent will not be given for the demolition of a building within a conservation area unless the building positively detracts from the character and appearance of the Conservation Area.

Where demolition is acceptable and this would form a gap site, then a full planning application is also required, showing details of what is to be substituted. Replacement buildings should be seen as a stimulus to imaginative, high quality design and an opportunity to enhance the area.

### **Design Guide**

Mount Stewart Conservation Area Design Guide

### **CONSULTATION**

Consultation Period: 18/01/2010 - 08/02/2010

Site Notice Displayed: 21/01/2010 - 11/02/2010

#### **Public Consultation**

30 neighbours consulted.

One letter of objection was received raising the following issues:

- This application is in furtherance of the Children's Centre, and is the first step towards its construction, and would appear as a slightly underhand means to push the project forward.

One further letter and a petition have been received which refer to both this application and the current application for the proposed childrens centre. These objections do not raise any specific points relating to the demolition of the existing building. The content relates to the development proposal on the site which is the subject of a separate application.

#### **Internal Consultation**

Transportation Unit - No objections raised subject to a submission of a Method Statement for the demolition works.

Environmental Health - No objections raised subject to a site investigation being carried out following the demolition of the house and prior to the commencement of building works, to determine the nature and extent of any soil contamination, together with any remediation measures and subsequent verification report.

(Officer comment: A contamination condition would be required on any future application to develop the site)

#### **External Consultation**

PAPA - no objections raised to the demolition works

Ward Councillors - no specific objections to the demolition of the building. The objection submitted relates to the development proposal on the site which is the subject of a separate application.

## **REMARKS**

### **Background**

This application seeks conservation area consent for the demolition of the former caretaker's house. The application is being reported to the Planning Committee independently of the full planning permission for a children's centre at the request of the application. This is due to the need to carry out the demolition works as a priority as it is a potential roosting site for bats. Members are advised that the consideration of this application does not grant consent for the proposed children's centre. This application will be brought before committee for consideration in due course. It will enable the building to be demolished and the future use or development of the site to be considered at a later date.

### **The case for demolition**

The case for demolition is set out below:

#### **1. Contribution of the former caretaker's house building on the character of the Conservation Area**

In considering an application for the demolition of a building within a conservation area, the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole are required to be taken into consideration.

The former caretaker's house was built in the early 1950s around the same time than Mount Stewart School. It is a two storey detached building with exterior walls that are rendered together with a pitched roof. The building is plain in its appearance with windows of a simple design. It does not contribute to the architectural character of the Mount Stewart Conservation Area in the same way than the residential properties along Carlisle Gardens. The character of the conservation area is designed by the high quality design of the residential properties, with decorative and attractive elevational treatment, including brickwork of a complex design, and windows displaying a high quality of craftsmanship. The former caretaker's house does not possess any of these characteristic features. The design of the building is therefore not considered to contribute towards the character of the Mount Stewart Conservation Area.

In terms of the wider effects of demolition on the building's surroundings and on the conservation area as a whole, the building is not considered to actively contribute to the character of the streetscene. The building is located behind the access gates for Mount Stewart Infant School, and when viewed from the street appears as a school building rather than an individual building on Carlisle Gardens. It is considered that its demolition will not be harmful to the established building line and pattern of development on Carlisle Gardens.

#### **2. Health and Safety**

As referred to above the building has been vacant for around 25 years. During that time it has not been maintained, and the agent has advised that recent investigations have revealed a rat infestation and deteriorating internal structure. Despite its doors and windows being externally secured, its proximity to the school means that in its current state, the poor condition represents a hazard to the wellbeing of the children, staff and visitors attending the school.

#### **3. Financial Feasibility**

The applicants have explored the financial implications of enclosing the site compared to the cost of demolition. The option of enclosing the site with high level security fencing to prevent any

access to the site would cost approximately £30,000. This would be a temporary measure and would not include costs for any future demolition. The cost for demolition is in the region of £21,000. This figure would be a significant saving over temporary enclosure of the site and is considered to be the most appropriate option given the health and safety risks of the site.

#### **4. Reuse of building for alternative uses**

Several options have been explored for a two storey development including the use of the existing building, to accommodate the children's centre. These options were found to be unviable, both spatially and financially, to accommodate a children's centre. No details have been provided regarding other alternative uses though it is likely similar constraints would apply due to the internal residential layout of the building.

#### **5. Programme Implications**

The agent has advised that with the condition of the house being unoccupied with several penetrations, the building lends itself to being occupied by bats. A recent survey indicates that there is currently no evidence of it being used by bats as a roost, however, April/May is the beginning of the bat season and should it become used as a bat roost, demolition would not be considered until early autumn at the earliest.

#### **Future options for the site**

This application for conservation area consent to demolish the former caretaker's house was submitted in conjunction with the full planning application for a proposed children centre. As referred to above, the consideration of this application does not grant consent for the children's centre. As a result of recent surveys which revealed a rat infestation which poses a health and safety risk and the possibility that bats could roost within the building in the near future, and the implications that this would have on implementation of any future proposal on the site, there is a pressing need to demolish the building.

As advocated in PPG15 and policy BE27 of the UDP, a gap site should not be left as a result of the demolition which would have an adverse affect upon the character and appearance of the conservation area. Full information will need to be provided for the site after demolition to surface the site (levelling and a grassed surface is recommended) unless the demolition is carried out in conjunction with an approved development.

#### **Conclusions**

In conclusions, an urgent need has arisen for the demolition of the former caretaker's house on the grounds of health and safety and the risk that bats could roost inside the building in the future, which would delay the future demolition of the building.

The building itself is of limited value to the Mount Stewart Conservation Area both architecturally and as a wider feature of the conservation area. Its demolition is considered acceptable and is not considered to harm the character and appearance of the Mount Stewart Conservation Area.

The demolition of the former caretaker's house is considered to meet the objectives of PPG15 and the guidance as outlined in Brent's UDP 2004. It will preserve or enhance the character and appearance of the Mount Stewart Conservation Area.

Approval is accordingly recommended for the demolition of the building subject to referral to the Secretary of State.

**RECOMMENDATION:** Refer to Secretary of State



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

Brent Unitary Development Plan 2004  
Central Government Guidance  
Mount Stewart Conservation Area Design Guide

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

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public

**CONDITIONS/REASONS:**

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

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

- (2) Prior to commencement of demolition works, a Method Statement shall be submitted to, and approved in writing by, the local planning authority.

The Statement shall provide for:

- the parking of vehicles of site operatives and visitors during demolition;
- the erection and maintenance of security hoarding during demolition;
- levelling of the site and grass surface following demolition.

The approved Statement shall be adhered to during all stages of the demolition works. Levelling works and a grass surface shall be provided within 6 months of completion of the demolition works in accordance with the approved Statement, unless demolition is carried out in conjunction with an approved development.

Reason: In the interests of the amenity and safety of the nearby school and residential properties and to protect the visual amenity of the area.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

PPG15  
Brent's UDP 2004  
Letters of objection

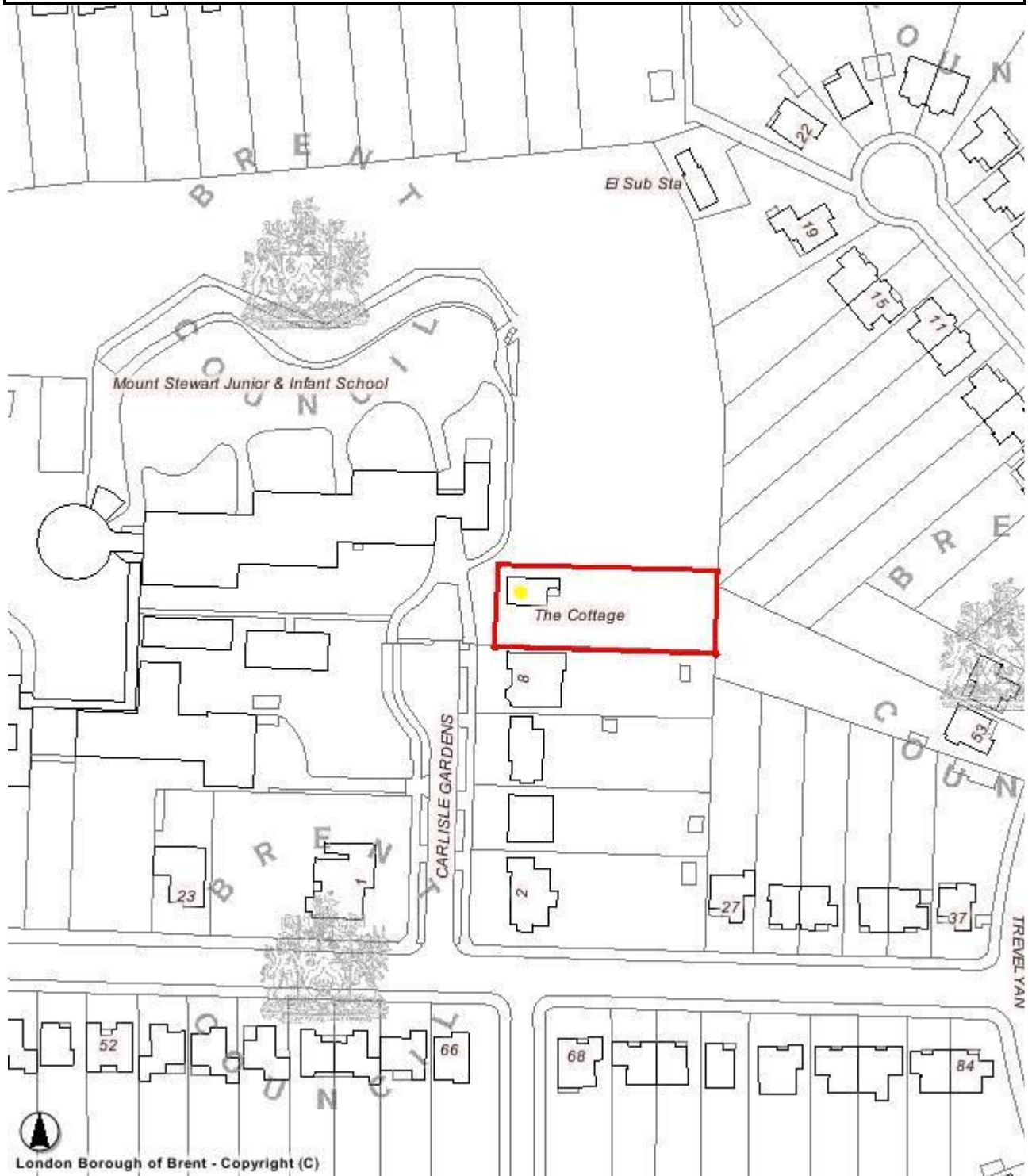
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



### Planning Committee Map

Site address: Caretakers House, Mount Stewart Infant School, Carlisle Gardens, Harrow, HA3 0JX

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## Committee Report Planning Committee on 16 March, 2010

Case No. 10/0020

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**RECEIVED:** 15 January, 2010

**WARD:** Willesden Green

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** KK Builder, Unit B Tower Works, Tower Road, London, NW10 2HP

**PROPOSAL:** Demolition of existing two-storey building and erection of 4-storey building comprising of office/storage space at basement level and ground floor level and 6 self-contained flats (6 x two-bedroom) at first, second and third floor level with associated roof garden and provision of refuse and cycle storage areas to front of proposed building

**APPLICANT:** Mr Vinod Gajparia

**CONTACT:** Martin Evans 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:-

- A contribution of £36,000 towards local infrastructure improvements, education/training, transportation, open public areas, sport within the local area. Due on implementation and index-linked from the date of committee.
- The residential element of the proposed development shall be 'car-free'.
- Join and adhere to the 'Considerate Contractors' scheme.
- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance

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

### EXISTING

The subject site, located on the north eastern side of Tower Road, is currently occupied by a two-storey office/storage building. Towards the north-west the subject site adjoins a single-storey MOT and car repair centre whilst towards the south-west the site adjoins an allotment garden. Towards the north-east lies the Brahma Kumaris University building which is generally 4-5 storeys in height. The remainder of the surrounding area is predominantly residential with a mixture of 2 and 3-storey residential buildings.

## **PROPOSAL**

Demolition of existing two-storey building and erection of 4-storey building comprising of office/storage space at basement level and ground floor level and 6 self-contained flats (6 x two-bedroom) at first, second and third floor level with associated roof garden and provision of refuse and cycle storage areas to front of proposed building

## **HISTORY**

Planning application (09/1494) was recently refused for the demolition of the existing two-storey building and erection of new five-storey building, comprising of an office/storage use at basement and ground-floor level and 8 flats on upper floors (three 2-bedroom, three 1-bedroom and two studio flats), front balconies at first-, second- and third-floor levels, front terrace at fourth-floor level and refuse-storage area to front of new building. The application was refused for the following reasons:-

*1. The proposed development would, by reason of its size and scale, proportions, materials and unrelieved flank elevations, fail to respect the character and context of the surrounding area and be overbearing and have a poor relationship with the residential properties, allotments and general streetscene along Tower Road, contrary to saved policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide For New Development".*

*2. The proposed development, by reason of the inadequate quantity and quality of amenity space provided and the poor relationship between sole habitable-room windows and the site boundaries and the overbearing neighbouring building, would create a number of substandard dwelling units, including some capable of providing family accommodation, lacking in amenity, outlook and daylight for potential occupiers, contrary to saved policies BE6, BE9 and H12 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide For New Development".*

*3. In the absence of a legal agreement to control the matter, the proposed development would generate an increased demand for on-street parking which cannot be accommodated within the locality, which is already heavily parked, without being detrimental to the safe and free flow of traffic, contrary to saved policies TRN23 and TRN24 of the London Borough of Brent Unitary Development Plan 2004.]*

*4. In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area, and increased pressure for the use of existing open space, without contributions to enhance open space, and increased pressure on education infrastructure, without any contribution to education improvements. As a result, the proposal is contrary to policies TRN4, OS18 and CF6 of Brent's adopted Unitary Development Plan 2004 and Supplementary Planning Document:"S106 Planning Obligations".*

There is no other planning site history that would be relevant to the determination of the current planning application.

## **POLICY CONSIDERATIONS**

### **The London Borough of Brent 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, which have been saved in accordance with the Planning and Compulsory Purchase Act 2004, are considered to be the most pertinent to the application.

<b>BE2</b>	Townscape: Local Context & Character
<b>BE3</b>	Urban Structure: Space & Movement
<b>BE5</b>	Urban Clarity & Safety
<b>BE6</b>	Public Realm: Landscape Design
<b>BE7</b>	Public Realm: Streetscape
<b>BE9</b>	Architectural Quality
<b>H12</b>	Residential Quality – Layout Considerations
<b>TRN3</b>	Environmental Impact of Traffic
<b>TRN10</b>	Walkable Environments
<b>TRN11</b>	The London Cycle Network
<b>TRN23</b>	Parking Standards – Residential Developments
<b>TRN24</b>	On-Street Parking
<b>TRN34</b>	Servicing in New Development
<b>EMP9</b>	Development of Local Employment Sites
<b>PS14</b>	Parking Standards – Residential Development (Use Class C3)

### **Supplementary Planning Guidance**

Supplementary Planning Guidance Note 17:- 'Design Guide For New Development'  
Supplementary Planning Document:- s106 Planning Obligations SPD

### **SUSTAINABILITY ASSESSMENT**

The proposed development does not exceed the threshold that would require the submission of a formal sustainability assessment. However, the applicant has submitted a sustainability statement suggesting the development will incorporate solar panels, grey water harvesting and heat exchange units.

### **CONSULTATION**

#### **External**

Consultation letters, dated 25th January 2010, were sent to Ward Councillors and 33 neighbouring owner/occupiers. In response two letters of objection from local residents have been received. The concerns of the objectors include:-

- The proposed development would cause an increase in noise disturbance
- The proposed development would result in a loss of light to neighbouring occupiers
- The proposed development would cause parking and traffic problems within Tower Road.

Councillor Lesley Jones has also raised a number of concerns regarding the proposed development. These include:-

- Concerns that the excavation of a basement could harm the structural stability of nearby properties.
- Concerns that the proposed roof terrace would give rise to overlooking
- Towards the rear the proposed building could harm privacy and natural light.
- The balconies would not make a sufficient contribution to overall amenity space.
- Concerns that reference in the Design & Access statement to other permissions nearby are incorrect.
- Concerned regarding the applicants assessment of the character of the surrounding area.

#### **Internal**

#### Transportation Unit

The Council's Transportation Unit have raised no objection to the proposal subject to the

completion of a s106 legal agreement confirming the residential units as 'car-free' and providing the necessary contributions to local transport infrastructure.

#### Landscape Design Team

No objection to the principle of the development subject to conditions requiring further details of roof terrace and landscaping.

#### Environmental Health

No objections subject to conditions requiring the applicant to carry out a contaminated land investigation

No formal responses have yet been received from the Design & Regeneration Team and Streetcare. If responses are received prior to Committee these will be reported to Members in a supplementary report.

### **REMARKS**

#### **BACKGROUND**

The application is a resubmission following a recent refusal to grant planning permission for a similar but more intensive development on the site (see 'History'). In order to address the previous reasons for refusal a number of amendments have been made to the scheme. These include:-

- Reduction in the overall height from five to four storeys.
- Reduction in the number of residential units from eight to six.
- Provision of a roof terrace to increase amenity provision.
- Revised elevational treatments.
- Revised siting of windows to the rear elevation.

#### **PRINCIPLE OF RESIDENTIAL DEVELOPMENT**

The existing building is a local employment site consisting of a mixture of office and storage floor space. Policy EMP9 seeks to protect local employment sites unless there would be unacceptable environmental problems associated with the employment use or where it can be demonstrated that there would be no effective demand for employment uses on the site. Neither of these criteria apply in this case the site appears to be occupied for employment services without causing unacceptable environmental impact for the surrounding residential properties.

The existing building provides 370m<sup>2</sup> of employment floor space. The current proposal would see the reprovision of a mixture of B1/B8 floorspace although the overall amount would be reduced by approximately 28m<sup>2</sup>. The applicant has suggested that the redevelopment of the existing employment space would allow the actual number of employees on site to rise from 4 to 5 FTE's (full time equivalents). Overall, it is considered that the proposal would have an acceptable impact on the existing employment function on the site and that, on balance, this would be acceptable if the other elements of the scheme were also found to be acceptable.

#### **URBAN DESIGN**

The proposal envisages the partial demolition of the existing two-storey industrial building on site and the erection of a 4-storey plus basement building on the site. The front balconies to the first and second floors would be enclosed whilst those on the third floor would not, giving the fourth storey of the building a recessed appearance.

## CONTEXT

The subject site lies on the north-eastern side of Tower Road. The street frontage along this side of Tower Road consists of a run of three-storey residential properties towards the southern end, the allotment gardens, the subject site and the flank wall of the one and a half storey MOT garage located on the corner at the northern end of the road. The character of the streetscene on the opposite side of the road is more established, consisting of relatively modest two-storey semi-detached and terraced dwellinghouses. Towards the rear of the site lies the Brahma Kumaris Spiritual University building. The height of this building (approximately 16m) is roughly equivalent to a 5-storey building.

## SCALE

The subject site is in a prominent location within Tower Road, given its siting adjacent to the open space provided by the allotments and the single-storey MOT garage. The proposed building would be approximately 4m lower than the Brahma Kumaris University building located immediately behind the subject site but would be approximately 2.5m taller than the residential properties on the opposite side of Tower Road. Although taller than the nearest residential properties the proposed building would comply with the guidance on size and scale contained in SPG17. As such, it is considered that the proposed building would provide a suitable transition of scale between the rear of the Brahma Kumaris building and properties on Tower Road and would respect the scale of the surrounding buildings.

## ELEVATIONAL DETAIL

The proposed building would incorporate a contemporary design approach which is not considered to be at odds with the surrounding area within which there are already a number of modern developments. The front elevation, at first and second floor level will be treated with enclosed balconies which would have sliding timber screens which add an element of vertical emphasis to the facade of the building. Above this, at third floor level, the balconies would be more open to reduce the perceived mass of the proposed building. The south-eastern flank elevation, which would be exposed to the allotments would be punctuated with a number of secondary openings which would add visual interest when viewed from the street. The ground floor of the building, which would be split between the residential and commercial entrances to the development, would be softened by the introduction of a new boundary treatment consisting of a low wall with railings above behind which an evergreen hedge will be planted. Overall it is considered that the design of the proposed building is generally well considered and that it would respect the character of the surrounding area and enhance the streetscene.

## RESIDENTIAL QUALITY

The proposed development would provide 6 two-bedroom flats in total, . The proposed flats would generally have an internal floor area of approximately 61m<sup>2</sup> which exceed the minimum internal floor space requirements of 55m<sup>2</sup> for two-bedroom (three persons) set out in SPG17. Amenity space for the proposed flats is provided through a combination of private balconies and a communal roof terrace. Each flat would have a balcony with an area of 10.6m<sup>2</sup>, being 1.5m deep and 7.1m wide. The proposed roof terrace would provide communal amenity space of approximately 130m<sup>2</sup> (22m<sup>2</sup> per flat), although some of this area would be planted. The combination of private and communal amenity space would exceed the minimum requirement of 20m<sup>2</sup> per flat as set out in SPG17.

When considering the previous application on the site the relatively close proximity of the Brahma Kumaris building had caused problems, in terms of daylight and outlook to rear facing habitable rooms. The current application addresses this issue by resiting the habitable room windows towards the rear of the proposed building so that they face sideways towards the allotments. These windows would have an outlook towards the boundary with the allotment of between 9.5m and

5.3m which complies with the guidance contained in SPG17. It should also be noted that all of the habitable windows towards the rear of the property would serve second bedrooms. On balance, it is considered that the proposed siting of habitable room windows would provide sufficient outlook and daylight for potential occupiers.

It is considered that the layout and overall combination of internal and external space afforded to the proposed flats is considered to provide a satisfactory standard of residential quality.

### **IMPACT ON ADJOINING OCCUPIERS**

The nearest residential properties to the proposed development lie across Tower Road on the opposite side of the street. There are a number of windows to the rear of the Brahma Kumaris building which face the site although these windows do not appear to serve habitable rooms.

### **DAYLIGHT/SUNLIGHT & OUTLOOK**

The proposed building would be set under a line of 30 degrees taken from the ground floor windows of the residential properties opposite in compliance with SPG17. It is therefore considered that any loss of daylight would be reasonable. In terms of sunlight the proposed building is generally located towards the north-east of the nearest residential properties and due to the orientation of the buildings significant overshadowing is unlikely to occur.

### **PRIVACY**

The proposed building would have a number of balconies to the front elevation that would face the properties along Tower Road. However, the distance between the front edge of these balconies and the front facing windows of the buildings opposite would be approximately 19.5m. SPG17 advises that the window-to-window distance between front elevations should be determined by the road width. It is not considered that Tower Road is particularly narrow and the distance between the frontages is considered sufficient to ensure that adequate privacy is maintained.

The proposed building would also have a roof terrace. The proposals indicate that planting will be used to screen the front edge of the terrace and this should be secured by condition if planning permission were to be granted.

### **NOISE**

The proposed development would include a commercial unit of a comparative size to the existing building. It is not therefore considered that the proposed building would cause any significant increase in noise disturbance to existing properties. It is also noted that the proposed building would not be attached to any existing residential property.

As Members will be aware noise created during construction is not normally a material planning consideration. However, it should be noted that the applicant will be required to join and adhere to the 'Considerate Contractors' scheme as part of the s106 agreement to seek to minimise the likelihood of any nuisance to people living nearby.

### **TRANSPORTATION**

The residential element of the proposed development would have a maximum parking standard of 4.2 spaces which would create a significant demand for parking. No off-street parking has been provided as part of the proposed development and Tower Road is listed as a 'heavily parked street'. Given the site location within a CPZ and an area with good public transport accessibility (PTAL4) the Council's Transportation Unit have indicated that they would accept a 'car-free' s106 agreement for the residential element of the proposal. The applicant has agreed to this in principle and any permission should be subject to such an agreement whereby future occupiers would not



be entitled to residents parking permits. It is also noted that if the scheme were car-free that a significant increase in traffic would be unlikely to occur.

The commercial element of the proposed development does not provide any designated parking for employees but this is considered reasonable as the existing use already has three business parking permits. Servicing would be provided by a drive-in bay intended for a transit sized vehicle. Whilst the amount of floorspace being provided would normally require servicing facilities for an 8m ridged vehicle, the Transportation Unit have suggested they would accept servicing by a transit-sized vehicle in this case as the physical layout of Tower Road would make servicing by an 8m rigid vehicle impractical.

A refuse/recycling store for the proposed flats would be provided at the front of the property which would allow easy collection. Cycle storage of one store per unit will also be provided within the entrance lobby of the proposed flats.

## **S106**

The Council's Supplementary Planning Document on s106 Planning Obligations suggests that new residential developments should provide a fiscal contribution of £3,000 per bedroom, for the net increase of bedrooms on the site. This contribution is to be used to mitigate the impact of the development on local transport, education, openspace and sports infrastructure. The proposed development would therefore require a contribution of £36,000 to comply with the SPD and the applicant has agreed to make this level of contribution in principle. Any permission should be subject to agreed contribution being secured by way of a s106 legal agreement.

## **CONSIDERATION OF OBJECTIONS**

The concerns of objectors relating to noise, loss of light, privacy, parking and traffic have been considered in the report above.

The structural stability of the proposed development, and particularly the basement, is not normally a planning consideration as these matters would normally fall under to remit of Building Control.

SPG17 recognises that balconies can make a useful contribution to the overall amenity provision and they have been considered accordingly.

Whilst there may be some concern that the proposed Design & Access statement provided misleading information regarding the context of the application and the surrounding area it should be noted that Officers have conducted their own site visits and carried out their own independent assessment of the areas character. It should also be noted that, in general, precedence rarely carries significant weight as a material planning consideration and the application has been assessed accordingly.

## **RECOMMENDATION:** Grant Consent subject to Legal agreement

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

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

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

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

**CONDITIONS/REASONS:**

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

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

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

TOW-PL-GA-00-E	TOW-PL-GA-01-D
TOW-PL-GA-02-D	TOW-PL-GA-03-E
TOW-PL-GA-04-D	TOW-PL-GA-06-E
TOW-PL-GA-07-D	TOW-PL-GA-08-E
TOW-PL-GA-09-D	TOW-PL-GA-10-E
TOW-PL-GA-11-E	TOW-EX-GA-01
TOW-EX-GA-02	TOW-EX-GA-03
TOW-EX-GA-04	TOW-EX-GA-05
TOW-EX-GA-06	TOW-EX-GA-07-A
TOW-EX-GA-08-A	

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 loading area 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, unless otherwise agreed by the Local Planning Authority, be carried out entirely within the curtilage of the property.

Reason: To ensure that vehicles waiting or being loaded or unloaded are parked in loading areas so as not to interfere with the free passage of vehicles or pedestrians within the site and along the public highway.

- (5) The proposed secure cycle parking spaces and refuse storage area shall be constructed in accordance with approved plan TOW-PL-GA-02-D prior to occupation of the residential element of the development hereby approved. Thereafter these facilities shall be retained unless prior written approval is obtained from the Local Planning Authority.

Reason: To ensure satisfactory amenities for potential occupiers.

- (6) The areas so designated within the site, including the roof terrace and forecourt areas, shall be 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 approved landscape details shall be to be completed prior to first occupation of the residential element of the development. 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 and in the interests of the amenities of the occupants of the development.

- (7) Further details of screening to the proposed roof terrace shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. The approved screening shall be installed prior to first occupation of the residential element of the development hereby approved.
- (8) Prior to the commencement of building works on the basement area, a site investigation shall be carried out by a person approved by the Local Planning Authority to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found.

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

- (9) Further to condition 8, any remediation measures required by the Local Planning Authority shall be carried out in full. Prior to occupation a verification report shall be provided to the Local Planning Authority stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

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

- (10) The windows on the main south eastern face of the building shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.8m above floor level) and shall be permanently maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

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

#### **INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

London Borough of Brent Unitary Development Plan 2004  
Supplementary Planning Guidance 17: -Design guide For New Development  
Supplementary Planning Document:- s106 Planning Obligations  
Three letters of objection.

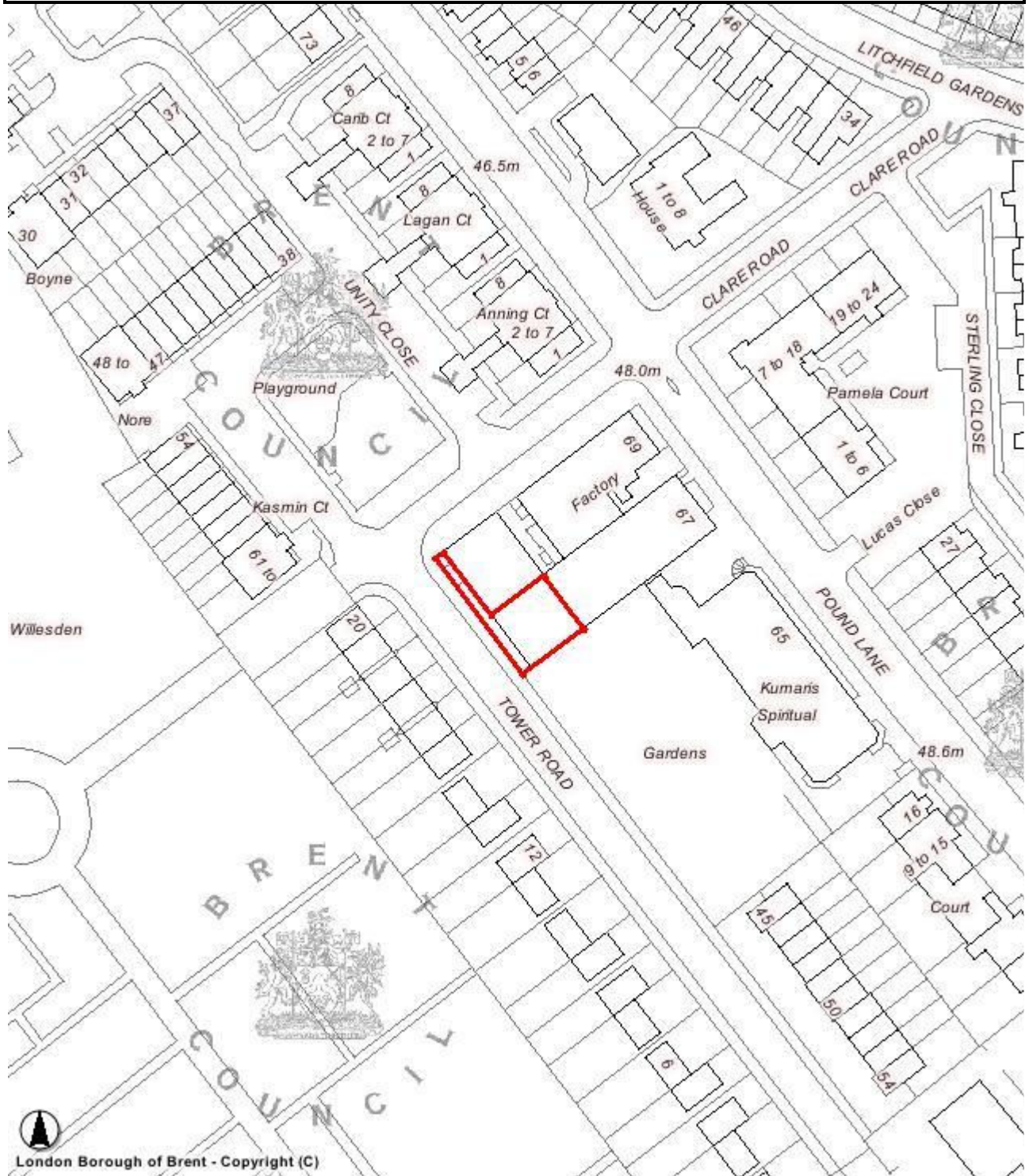
Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service,  
Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



# Planning Committee Map

Site address: Kk Builder Unit B Tower Works, Tower Road, London, NW10 2HP

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## Committee Report Planning Committee on 16 March, 2010

Case No. 10/0124

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**RECEIVED:** 20 January, 2010

**WARD:** Brondesbury Park

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

**LOCATION:** Bowling Green Pavilions, Chatsworth Road, London, NW2 4BL

**PROPOSAL:** Erection of a single-storey building for use as a nursery school (Use Class D1) and erection of pitched roof to existing clubhouse

**APPLICANT:** Crickets Montessori Nursery School

**CONTACT:** Gerald Eve

### PLAN NO'S:

Elevations (Proposed Nursery)  
Plan (Proposed Nursery)  
Proposed Layout  
Existing Elevations (Pavilion)  
Proposed New Pitch Roof (Pavilion)  
Existing & Proposed Plans (Pavilion)

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### RECOMMENDATION

Refusal

### EXISTING

The subject site located on the north-eastern corner of the junction between Chatsworth Road and Mapesbury Road, is occupied by the Brondesbury Bowling Club. The Brondesbury Bowling Club is bound by the railway line towards the north and the residential property, 49 Chatsworth Road, towards the east. The existing site generally consists of the bowling green, a single-storey pavillion building towards the north and a strip of open land towards the east. The subject site is designated in the Adopted Brent Unitary Development Plan as forming part of the Wildlife Corridor which runs along the nearby railway embankment and rear gardens. The area surrounding the site is predominantly residential.

### PROPOSAL

Erection of a single-storey building for use as a nursery school (Use Class D1) and erection of pitched roof to existing clubhouse

### HISTORY

There is no history of any recent planning applications on the site.

Officers have engaged in pre-application discussions with the applicant prior to the submission of the current planning application. During these discussions a wide range of issues were discussed and concerns were raised by Officers regarding the principle of development on the site, given its designation as Urban Greenspace and as part of a Wildlife Corridor within the Unitary

Development Plan. Concerns were also raised regarding the impact of the proposed development on the amenity of neighbouring occupiers.

## **POLICY CONSIDERATIONS**

### **London Borough of 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 policies are considered to be the most pertinent to the application. These policies have been saved by way of a direction made under paragraph 1(3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004.

BE2	Townscape: Local Context & Character
BE6	Public Realm: Landscape Design
BE9	Architectural Quality
EP2	Noise & Vibration
TRN3	Environmental Impact of Traffic
TRN4	Measures to make Transport Impact Acceptable
TRN22	Parking Standards - Non-Residential Developments
TRN24	On-Street Parking
TRN34	Servicing in New Developments
PS12	Parking Standards - Non-Residential Institutions (Use Class D1)
OS11	Urban Greenspace
OS14	Wildlife Corridor
CF11	Day Nurseries

### **Supplementary Planning Guidance**

Supplementary Planning Document 17:- Design Guide For New Development

### **Local Development Framework - Core Strategy**

As the Council has now submitted its Core Strategy to the Secretary of State for independent examination, and the examination in public (EIP) has now concluded, it is considered that the policies contained in this document carry a level of material weight. Policy CP18 Protection of and Enhancement of Open Space, Sports and Biodiversity is considered relevant to the current application.

## **SUSTAINABILITY ASSESSMENT**

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

## **CONSULTATION**

### **EXTERNAL**

Consultation letters, dated 25th January 2010, were sent to 200 neighbouring owner/occupiers and a notice, advertising the application, was displayed outside of the site. In response 100 letters of support, 2 letters with comments and 5 letters of objection have been received in response.

The majority of the letters of support are in the form of a standard letter signed and addressed by representees. The standard letter sets out the constraints of the current nursery site, the benefits of the care that is provided and highlights the limited nursery provision in the local area. Supporters consider that the proposed site would be accessible by public transport and that the application would benefit the existing Bowling Club.



The concerns raised by objectors include:-

- The proposed development would cause parking and traffic flow problems within the locality of the site.
- The proposed development would result in the loss of urban greenspace.
- The proposed pitched roof to the existing club house would detract from the open nature of the site
- The proposed development would cause noise disturbance to surrounding properties.

The subject site lies within Brondesbury Park Ward but is close to the boundary with Mapesbury Ward. As such, Councillors from both Wards have been consulted in a letter dated 25th January 2010. Kilburn Ward Councillors Mary Arnold and Anthony Dunn have also been sent consultation letters at their earlier request.

In response, letters of support for the application have been received from Councillor Carol Shaw (Brondesbury Park) and Councillor Mary Arnold (Spokesperson for Education, Children & Families). Councillor Bob Wharton has contacted Officers to ensure that the head of Brent's Early Years Service has been consulted (see below).

## **INTERNAL**

### **PLANNING POLICY & RESEARCH**

Raise objection to the proposal which they consider would be harmful to the Council's objective of protecting open space. They state that the incremental loss of greenspace in this location , which is deficient in public open space provision (local & district), should be resisted.

### **LANDSCAPE DESIGN TEAM**

Raise objection to the proposal due to the location of the site within a Wildlife Corridor. The objection is amplified by the absence of suitable landscaping proposals for the site, consideration of the impact on trees, and the absence of details for refuse/recycling and cycle storage.

### **TREE PROTECTION OFFICER**

Has provided comments on the likely impact of the proposal on trees on, and just outside of the site. These will be discussed in the main body of the report.

### **TRANSPORTATION**

No objection to the proposal subject to the suitable revision of the submitted School Travel Plan and its securement in the form of a s106 agreement. Cycle and refuse storage should also be secured by condition for the proposal to be acceptable.

### **EARLY YEARS SERVICE (CHILDREN AND FAMILIES)**

Have expressed support for the application on the basis of the proposed developments contribution to child care provision within the local area.

## **STANDARD CONSULTEE**

### **NETWORK RAIL**

No objection to the application

It is evident from the letters of support submitted by the parents who currently have children at the existing nursery, and those whose children have previously attended that the nursery is popular and well thought of officers do not challenge this. However the key issue here does not concern the quality of childcare, but rather must focus on whether or not the right site for such a use in planning terms. As a result whilst the strength of support here is noted, it should not alter the principle policy considerations dismissed below. These considerations would need to be discussed even if a particular applicant was notable to call on the level of support organised by this childcare provider.

## **REMARKS BACKGROUND**

The proposal seeks permission for the erection of a single-storey nursery building on land forming part of the Brondesbury Bowling Club. The nursery building is required to accommodate the relocation of Cricket's Montessori Nursery School. The nursery school is currently located in the pavilion at the South Hampstead Cricket Club on Milverton Road, NW6 and is attended by approximately 30 children. The proposed relocation would allow the nursery attendance to expand to approximately 45 children. Officers have engaged in extensive pre-application discussions with the applicant regarding the proposed relocation of the nursery and the possibility of securing an acceptable site within the Borough.

## **PRINCIPLE OF DEVELOPMENT**

The proposals would involve the subdivision of the strip of open land that runs along the eastern side of the bowling club site adjacent to the boundary with 49 Chatsworth Road. The subdivided area would provide a site, approximately 12m wide and 58m long, to be used to provide the proposed nursery. Whilst the application site is considered to be the curtilage of the Bowling Club as a whole, owing to the proposals to replace the roof of the existing pavilion, it is considered that the proposed development would result in the subdivision of the site into two distinct planning units, the bowling club and the proposed nursery. These uses would be entirely self-contained and would not in any way be ancillary to one another. As such, when considering the principle of development, in terms of the nursery site, it is considered that the current association of the land to the Bowling Club should be attached very limited weight. The development of the land within the curtilage of the site to be used to provide the nursery should therefore be considered on its own merits.

## **URBAN GREENSPACE**

The site of the proposed nursery is a strip of open land, consisting mainly of a general grassed area with a limited number of trees and other landscaping features. The rearmost part of the site, which has been fenced off, is generally overgrown and there appears to be a small dilapidated shed building. The applicant argues that the subject site constitutes previously developed land, as defined in Annex B of PPS3, by virtue of the shed building that would have been ancillary to the use of the bowling club. However, this view is not shared by Officers who consider that given the open and undeveloped nature of the land, under the exemptions set out in Annex B, that the site would constitute urban greenspace.

Policy OS11 of Brent's UDP sets out that proposals to develop urban greenspace should not normally be accepted unless the greenspace can be replaced on a site nearby or in an area of openspace deficiency and the site has no recreational, amenity or nature conservation value. It is important to note that the policy requires both criteria to be met. The subject site is located within an area of local and district open space deficiency and, whilst it is acknowledged that the presence of Japanese Knotweed has diminished the sites nature conservation value, it is considered that the site does, despite being in private ownership, have a value in terms of recreation and amenity. It is considered that the proposal would fail to meet both criteria set out in policy OS11.

## WILDLIFE CORRIDOR

The subject site lies within the Wildlife Corridor, as designated in the UDP. Policy OS14 sets out that Wildlife Corridors will normally be protected from developments that would sever or otherwise unacceptably harm the importance for wildlife conservation or visual amenity.

The Wildlife Corridor runs along the nearby railway embankment and rearmost part of the adjoining gardens at a relatively constant width before expanding to encompass the entire bowling club site. The proposed nursery building would be set away from the boundary with the railway embankment by approximately 20m and would not obstruct the general assignment of the wider Wildlife Corridor along Chatsworth Road. As such, on balance, it is not considered that the proposed nursery would sever, or significantly infringe, on the Wildlife Corridor. As mentioned above, the site has an on-going problem with Japanese Knotweed which may well have diminished the nature conservation value of the rearmost part of the site. It is also noted that, unlike much of the Wildlife Corridor, the section of railway embankment adjacent to the site has not been designated as having Borough (Grade I) Nature Conservation Importance. The proposed occupation of the site by a nursery, which would primarily operate during the day, would also have less impact on nocturnal wildlife than a more intensive form of development, such as housing. It is considered that the open and green nature of the site does have some importance in terms of contributing to the visual amenity of the Wildlife Corridor, particularly when viewed from the nearby railway bridge on Mapesbury Road. However, on balance, it is not considered that the proposed development, because of its siting away from the railway embankment and in relation to the bowling green pavilion, would cause such significant harm to the wider visual amenity of the Wildlife Corridor that it would be considered to contravene policy OS14.

## LANDSCAPING

At present, other than two trees, there is little in the way of substantial landscaping features on the site. The applicant has provided details of the on-going process to remove the Japanese Knotweed from the site which is expected to conclude in summer/autumn 2010.

No details of the proposed landscaping of the site or for the protection of trees has been submitted as part of the site which is of concern, particularly given the location of the site within a Wildlife Corridor. The applicant has stated that a sedum roof would be incorporated into the proposed nursery. The Council's Tree Protection Officer has suggested that the tree along the boundary with 49 Chatsworth Road would likely need to be removed to accommodate the proposed development.

## IMPACT ON ADJOINING OCCUPIERS

The site of the proposed nursery would be located adjacent to the neighbouring residential property at 49 Chatsworth Road. 49 Chatsworth Road has been converted into flats and the garden has been subdivided into two sections. It appears that the ground level to the rear of 49 Chatsworth Road is significantly lower than the ground level of the proposed nursery site. Unfortunately, the plans submitted as part of the application do not confirm the height of this difference. Officers have asked the applicant to confirm this level difference. There are habitable room windows at the rear of 49 Chatsworth Road to both the ground and first floors.

The proposed nursery building would consist of rectangular single-storey building with a mono-pitch roof. The roof of the proposed building has significant overhanging eaves, particularly to the front and rear. The main body of the building would have a footprint of approximately 11.5m in width and 20m in depth. The roof to the proposed building would have a footprint of approximately 12.5m in width and 27m in depth. The roof of the proposed building would slope upwards from a height 3m, towards 49 Chatsworth Road, to an overall height of 4.2m towards the bowling club. The proposed nursery building would be set off the joint boundary by approximately 1.5m. The existing property at 49 Chatsworth Road is set off the boundary by approximately 1m.

The roof of the proposed nursery building would project beyond the rear wall of 49 Chatsworth Road by approximately 14m.

As discussed, above there is a significant level difference between the subject site and 49 Chatsworth Road, giving the proposed nursery building a perceived height of greater than 3m for the full projection of 14m when viewed from the ground floor windows and rear garden of 49 Chatsworth Road. In terms of outlook, it is considered that the proposed nursery building would have an overbearing impact on the occupiers of 49 Chatsworth Road.

In terms of disturbance, resulting from noise and activity generated by the proposed nursery, the applicant has submitted a noise assessment as part of the application. The noise assessment includes an analysis of predicted noise levels to the neighbouring property as a result of the proposed development and concludes that in terms of the equivalent continuous noise level, which could be considered as the average noise, that there would be a minimal increase as a result of the proposed development. It also notes that the existing average noise level to the rear garden of 49 Chatsworth Road would exceed the recommended upper limit of BS 8233.

However, it is noted that the rear garden of Chatsworth Road directly faces a busy railway line where the actual noise levels would be likely to fluctuate quite significantly from the average throughout the day, from high levels of noise disturbance when trains are passing to much lower levels when they are not. Despite average trends, it is considered that in terms of general disturbance the impact of the proposed nursery, in terms of noise and activity would be quite noticeable to neighbouring occupiers during play times, particularly when trains are not passing, which would be harmful to the amenity of neighbouring occupiers. This, when considered in association with the physical impact of the proposed building, reinforces the view that this is not an acceptable site for a use of this kind.

The existing bowling pavilion is a significant distance from the nearest residential property and it is considered that the proposed pitched roof would have a minimal impact on adjoining occupiers. For clarity, officers that the proposed roof raises no issues and is acceptable.

## **TRANSPORTATION**

The proposed use of the site would be likely to result in a significant increase in demand for parking and an increase in traffic flows in the surrounding area, particular at drop off and collection times. The proposed development does not provide any additional off-street parking facilities to accommodate this additional demand. This section of Chatsworth Road is not designated as being heavily parked and there is a controlled parking zone in operation from 10:00 to 15:00 Monday to Friday. There are a limited number of pay-and-display spaces directly outside of the site.

Whilst it is acknowledged that some general increase in demand for parking could be accommodated within the locality, given the proposed number of children who will attend the nursery it is considered that if more sustainable forms of transportation were not adopted by staff, parents & children attending the nursery, that the increase in traffic flows and demand for parking would be likely to result conditions that would be prejudicial to pedestrian & highway safety, the amenities of local residents and the general quality of the environment. In order to address this issue the applicant has submitted a draft Travel Plan which seeks to encourage more sustainable forms of transportation. The Travel Plan has been assessed by the Council Transportation Unit using the TfL "attribute" system and failed to pass. However, the opinion of the Transportation Unit is that the Travel Plan could be revised to score a pass. In order for the Travel Plan to be effective in ensuring that the proposed Travel Plan would adequately mitigate the potential transportation problems that the nursery could cause Officers would expect the plan to be secured by way of a s106 legal agreement. However, as the current application has been recommended for refusal no agreement has been made between the Council and the applicant. In the absence of such an agreement it is considered that the proposal would give rise to unacceptable highway conditions within the locality of the site.

## **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Refuse Consent

### **CONDITIONS/REASONS:**

- (1) The proposed development of the site, which is considered to constitute valuable urban greenspace in recreational and amenity terms, is considered harmful to opportunities to improve or provide open space uses, within an area of local & district open space deficiency, which would be of benefit to the enjoyment, health and wellbeing of local residents contrary to policy OS11 of the London Borough of Brent Unitary Development Plan 2004 and policy CP18 of the emerging Local Development Framework Core Strategy.
- (2) The proposed development would result in an unreasonable loss of amenity to neighbouring residential occupiers of 49 Chatsworth Road, in terms of outlook and visual amenity by reason that the overall size and unsympathetic siting of the proposed building would constitute an overbearing and intrusive form of development and in general amenity terms by virtue of the likely noise and disturbance that would be caused during play times, contrary to policies BE2, BE9, EP2 and H22 of the London Borough of Brent Unitary Development Plan 2004.
- (3) In the absence of a legal agreement to control the matter, the proposed development would fail to provide adequate measures, in the form of a Travel Plan, to mitigate the impact of the proposed development, in terms of an increased demand for on-street parking and increased traffic congestion, which cannot be accommodated locally to the detriment of pedestrian & highway safety, the amenities of local residents and the quality of the local environment contrary to policies TRN3, TRN4, TRN23 and TRN24 of the London Borough of Brent Unitary Development Plan 2004.

### **INFORMATIVES:**

None Specified

### **REFERENCE DOCUMENTS:**

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: Bowling Green Pavilions, Chatsworth Road, London, NW2 4BL

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## Committee Report Planning Committee on 16 March, 2010

Case No. 10/0166

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**RECEIVED:** 25 January, 2010

**WARD:** Queen's Park

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

**LOCATION:** 27 Chevening Road, London, NW6 6DB

**PROPOSAL:** The erection of a rear dormer window, chimney and a single storey side extension to existing rear outrigger to the rear elevation of the dwellinghouse

**APPLICANT:** Mr Alex Hickman

**CONTACT:** Oliver Perceval Architects

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

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### RECOMMENDATION

Approve

### EXISTING

The site is located on Chevening Road and is occupied by a two-storey mid terraced dwellinghouse. The property is located within the Queen's Park Conservation Area.

### PROPOSAL

The erection of a rear dormer window and a single storey side extension to existing rear outrigger to the rear elevation of the dwellinghouse

### HISTORY

There is no planning site history relevant to the determination of this planning application.

### POLICY CONSIDERATIONS

#### The London Borough of Brent 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, which have been saved in accordance with the Planning and Compulsory Purchase Act 2004, are considered to be the most pertinent to the application.

**BE2** Townscape:Local Context & Character  
**BE9** Architectural Quality  
**BE25** Development in Conservation Area  
**BE26** Alterations & Extensions to Buildings in Conservation Areas

#### Queen's Park Conservation Area Design Guide



## **CONSULTATION**

Consultation letters, dated 1st February 2010, were sent to 7 neighbouring owner/occupiers and a site notice was posted to the front of the property on 17th of February 2010. The concerns raised include:-

- The rear extension would substantially affect the view from and light into neighbouring window.
- The rear extension would increase noise/smell pollution post completion
- The extension will be built on the neighbouring property

On the 25th of February 2010, the above mentioned 7 properties were re-consulted on an amended scheme which reduced the size of the single storey extension and altered the dormer element of the scheme. To date the Council have not received any letters of representation.

## **REMARKS**

The proposal seeks planning permission for the erection of a rear dormer window, chimney and a single storey side extension to existing rear outrigger to the rear elevation of the dwellinghouse.

### **Side Infill Extension**

A single storey extension is proposed to the side of the dining/play room at the rear of the building. A courtyard area of 4m in length will be retained between the rear window of the utility room, facing the passage along the rear projection, before the side extension begins. This allows light and outlook to both the utility room and reduces the impact of the proposed extension on the neighbouring property. The extension is 4.5m in length, projecting from the end of the 4m courtyard along the side of the outrigger to match the existing rear building line of the property. The proposed extension will not project beyond the rearmost point of the existing building.

Along the boundary with 29 Chevening Road the extension has been amended to be 2m in height i.e. from internal floor level. The external ground level drops away by 0.26m, however this difference is also evident at 29 Chevening Road and therefore officers do not consider the height to cause detrimental harm to the neighbouring property. The extension then steps up to a height of 2.45m at a distance of 0.85m in from the joint boundary before sloping upwards to a maximum height of 2.8m where it abuts the side elevation of the existing building.

A window at first floor level will be blocked up with stock bricks. The window currently servicing the utility room will be replaced with a door leading into the courtyard, whilst the existing door and window servicing the kitchen will be replaced with a window. No additional harm to neighbouring properties is considered to be created from these changes. The elevation of the extension facing back into the courtyard would consist mainly of a glazed doors, the roof is also predominately glazed and the width of the rear elevation at ground floor, including both the existing building and side extension, is proposed as aluminium glazing.

As Members will be aware, whilst side infill extensions are usually resisted there have been recent cases where subject to a sympathetic design, including the formation of a 4m courtyard and an appropriate height along the joint boundary, such extensions have been granted planning permission. Whilst acknowledging that precedent is not normally a material planning condition, the design merits of the current proposal include a low height along the joint boundary, construction using visually light materials and the formation of courtyard with a 4m depth. It is considered that, on balance, together these elements would help to minimise any impact of the proposed extension on the amenity, in terms of light and outlook, of the adjacent neighbouring occupier. The same design considerations also result in a modest proposal which is considered to be reasonably sympathetic to the character of the building and the layout of this row of traditional terraces. Furthermore as stated above the site is located within the Queens Park Conservation Area where the Council has a duty to ensure that developments do not harm the character of the locality.



## **Roof Alterations**

To the main rear roofplane a dormer window measuring two thirds (3.5m) of the existing roofplane (5.3m) is proposed. The dormer is positioned centrally and is set up adequately from the eaves and down from the ridge. Three timber sash windows are proposed to the facade of the dormer with tiles proposed to the rest of the face and its side elevations. Its design is considered to comply with the guidance contained in the Queens Park Conservation Area Design Guide and Supplementary Planning Guidance 5:- 'Altering and Extending Your Home'.

A site visit revealed the original chimney had been removed, the proposal speaks of rebuilding the chimney, that would mirror the design of the original feature. Owing to the Queens Park Design guide requiring chimneys to be retained, officers support the replacement of the chimney

Overall, the proposals are considered to comply with the policies contained in Brent's UDP 2004 as well as the Queens Park Design Guide and 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  
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home  
Queens Park Conservation Area Design Guide

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

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

## **CONDITIONS/REASONS:**

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

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

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

CT - 013A  
CT - 015A  
CT - 005A  
CT - 002A  
CT - 014A  
CT - 004B  
CT - 012B  
CT - 016  
CT - 005  
CT - 007  
CT - 008A

CT - 007A  
CT - 011  
CT - 006A

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

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

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

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

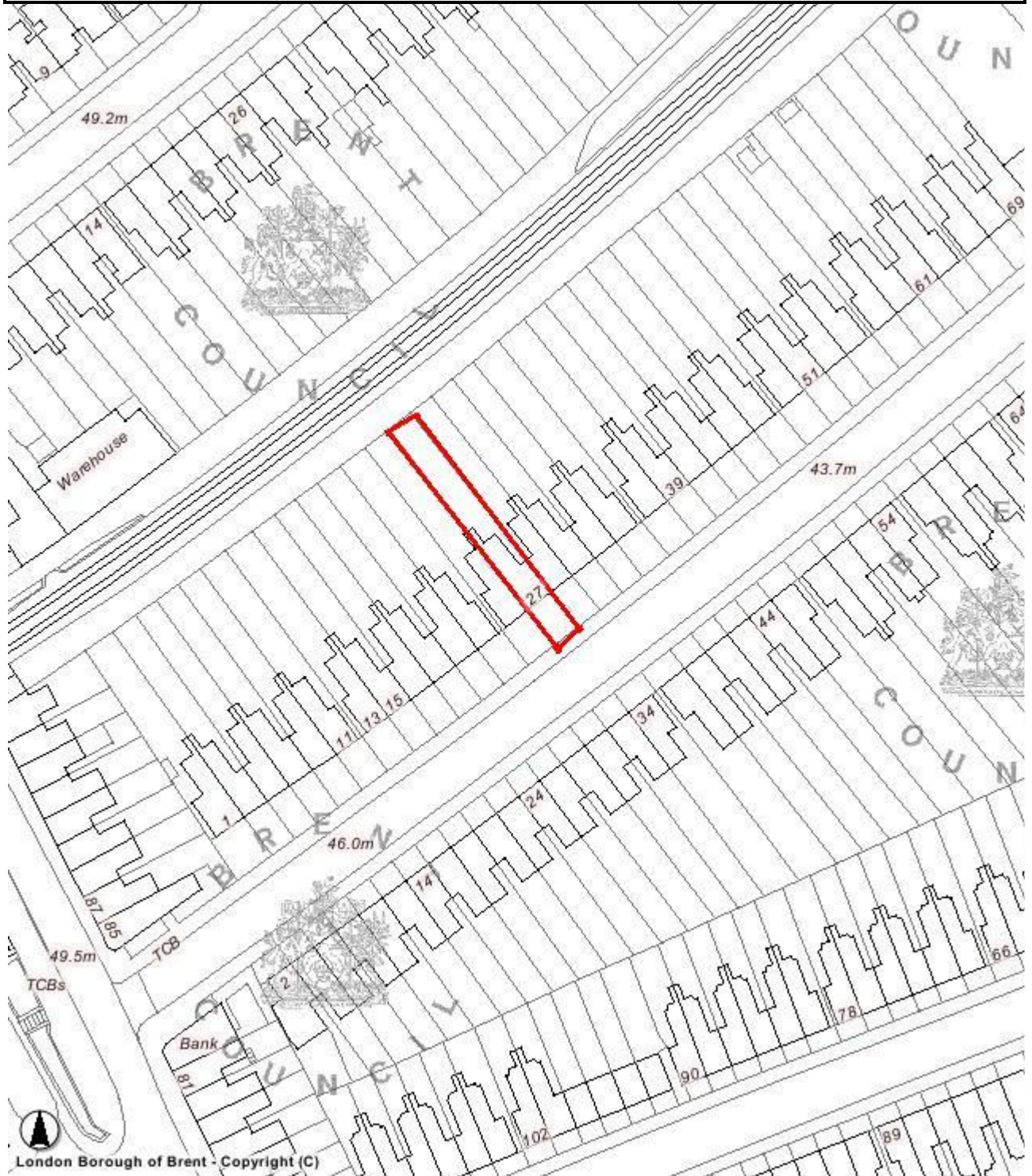
Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245



# Planning Committee Map

Site address: 27 Chevening Road, London, NW6 6DB

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## Committee Report Planning Committee on 16 March, 2010

Case No. 09/2455

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**RECEIVED:** 15 January, 2010

**WARD:** Willesden Green

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** 82 Chaplin Road, London, NW2 5PR

**PROPOSAL:** Redevelopment of building, including extension to facing courtyard walls and reduction in number of office units from 8 to 6, with installation of new front UPVC windows and 5 rooflights

**APPLICANT:** Mr Vijay Kara

**CONTACT:** Mr Dennis Newman

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

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### RECOMMENDATION

Approval.

### EXISTING

The subject site relates to a two storey U shaped building (use class B1) located on Chaplin Road. The surrounding area is predominately residential with two storey terraced residential properties. The subject site is not located in a conservation area, nor is it a listed building.

### PROPOSAL

Redevelopment of building, including extension to facing courtyard walls and reduction in number of office units from 8 to 6, with installation of new front UPVC windows and 5 rooflights.

### HISTORY

- 01/2191: Full Planning Permission, Dismissed at appeal following refusal of permission - Conversion of existing property to form four dwelling-houses, erection of third storey and side extensions, provision of 2 parking spaces and common garden space.
- 89/0458: Full Planning Permission, Granted - Retention of two storey building for office use, installation of 11 dormer windows and provision of six parking spaces.

### POLICY CONSIDERATIONS

#### Brent Unitary Development Plan 2004

**BE2** Townscape: Local Context and Character  
**BE9** Architectural Quality  
**TRN22** Parking Standards: Non-Residential Developments

## **Supplementary Planning Guidance 17 'Design Guide for New Development'**

### **SUSTAINABILITY ASSESSMENT**

Not applicable.

### **CONSULTATION**

Consultation letters dated, 25th January 2010, were sent to 24 neighbouring owners/occupiers. Two letters of objection were received, the following comments were raised:

- Demolition work has already commenced at the subject site, without permission and safety measures;
- Skips have obstructed the road;
- The height of the wall at the rear of the property had increased by 4ft which restricts daylight;
- The property does not have space for 6 vehicles, the number of vehicles is a concern for pedestrian safety due to the rear access of back gardens;
- Can residents be reassured that the proposed office units will not be used as residential lets?

Councillor Lesley Jones has concurred with the objections raised above, the main concerns are the impact of the proposed refurbishment upon neighbours where some windows experience overshadowing and gardens are overlooked. In addition, the applicant has stated that no alterations are proposed to the existing vehicular access however, new gates have been installed.

#### **Response to objectors:**

Officer site inspection noted that demolition works have already commenced. A condition (number 4) shall be attached to this permission for construction standards of practice to ensure that neighbouring amenities are not unduly affected.

Following comments from objectors, the originally proposed height increase of 0.2m at the rear boundary facing gardens of Chaplin Road has been decreased to the existing height of 6.2m and windows to the side flank facing rear garden areas of Chaplin Road have been removed.

Other matters are addressed below.

### **REMARKS**

The subject site is a two storey U shaped building, accessed via a narrow 2.38m gated access from Chaplin Road. The site was occupied by uses within B1 Use Class (mainly office) and has been vacant for a period of time. The applicant has proposed the redevelopment of the existing building involving: the extension of courtyard facing walls by 1.2m; a reduction in units from 8 to 6; installation of front PVCu windows; and five rooflights.

The subject site is not identified as a strategic employment area but is capable of providing employment in the locality and therefore the Council will seek to retain such sites which do not cause unacceptable environmental problems, as per adopted policy EMP9 of the UDP 2004. Whilst a reduction of units is proposed the internal floorspace increases by approximately 19m<sup>2</sup> and therefore the proposed reduction of units is considered acceptable. Planning obligations, through a section 106 legal agreement, are not required as the premises are not larger than 500m<sup>2</sup>. The floorspace has been increased through the enlarging the width of the existing U shaped structure leaving a 5.4m x 12.0m courtyard with cycle and bin storage.

### **Redevelopment of existing building**

The original structure is 6.2m in height at the residential boundary of Chaplin Road, featuring a sloping roof measuring 7.0m at its highest point. The proposal reduces the maximum height to 6.2m, this would be an improvement upon the existing structure in terms of residential amenity, and is therefore welcomed. The front walls of the existing building will be extended by 1.2m, although this reduces the internal courtyard for vehicle manoeuvre this does not impact residential amenity or the character and appearance of the area. Officers would be concerned if any building increased in height due to the impact that it would inevitably have on people living nearby. However, this is not the case here.

Adopted policy EMP10 of the Unitary Development Plan 2004 seeks to ensure that residential areas are not unduly impacted from employment developments and should have regard to its appearance; noise; dust; pollution; hours of use; access and servicing. Due to its location, the employment use will be restricted within Use Class B1, by condition and therefore full planning permission will be required for any proposed change of use not within this use class. The site being a Local Employment Site, is considered to be appropriate for a B1 use.

### **Parking, Refuse & Recycling**

Transportation Officers note that the proposed 6 units used within B1 uses will attract a maximum of 6 parking spaces. As at present, these parking spaces cannot be accommodated on-site due to space restrictions and the Controlled Parking Zone 'GC' will prevent non-residential parking on-street. There will be no increased impact on parking pressures as a result of this proposal. The area is however, located within an area of good public transport accessibility and therefore alternative means of transport is acceptable.

The B1 office units proposed require the provision of two transit sized bays, which although difficult, can be accommodated within the courtyard. Due to site restrictions details of a management plan for servicing will need to be submitted and approved in writing by the Local Planning Authority. Officers have noted that the location of bin storage exceeds the maximum carry distances, however the location proposed is the closest possible without obstructing vehicle access. Although the proposal includes the provision of cycle storage, two spaces per unit should be provided and therefore a condition will be attached for further details to be submitted. Although the arrangements are tight, it is considered that it is possible to provide the facilities required.

### **Replacement windows & Rooflights**

The replacement and installation of windows could be detrimental to the amenities of neighbouring occupiers in terms of overlooking. In consideration to policy EMP10 of the UDP 2004, existing windows at ground and first floor level have been subsequently removed, on the flank wall facing the rear gardens of Chaplin Road. The proposal includes the installation of four rooflights/lanterns sited on the first floor roof, these will project 0.3m from the flat roof to provide increased daylighting within office units and stairwells and will not increase the impact.

### **Summary**

The proposed refurbishment of the two storey office block would not result in a building which is higher than the existing structure and should not therefore, cause undue loss of amenity to neighbouring residents. The proposal increases the proportion of floorspace by approximately 19 square metres but due to the restricted courtyard area it would not result in an increase of parking, Chaplin Road is within a Controlled Parking Zone and therefore non-residential parking will be prevented on-street. In consideration of the above, the application is deemed acceptable in relation to policies BE9 and EMP10 of the UDP 2004.

**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  
Employment: in terms of maintaining and sustaining a range of employment opportunities  
Transport: in terms of sustainability, safety and servicing needs

## CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.
- Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.
- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 09/05/1 REVB; 09/05/02.
- Reason: For the avoidance of doubt and in the interests of proper planning.
- (3) Details of a management plan for servicing the B1 office units are to be submitted to and approved in writing by the Local Planning Authority, before the development hereby approved is commenced. The approved details shall be permanently retained thereafter and the area shall not be used for any purpose other than the parking of cars and shall not be altered except with the prior written permission of the Local Planning Authority.
- Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to ensure a satisfactory standard of amenity.
- (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) Details of the provision of a minimum of 12 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (6) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the use hereby permitted shall only be for the purpose of Use Class B1.

Reason: No separate use should commence without the prior approval of the Local Planning Authority for the following reasons:-

- (a) so as to enable other uses to be considered on their merits;
- (b) so that the use does not prejudice the amenity of the area by reason of over intensive use of the property;
- (c) because of the limitations of the site;
- (d) so that the use complies with the Council's adopted policies;
- (e) so as to restrict the use of the premises to one compatible with the surrounding area because other uses within the same Use Class or another Use Class are not necessarily considered to be acceptable in this location.

#### **INFORMATIVES:**

None Specified

#### **REFERENCE DOCUMENTS:**

- Brent Unitary Development Plan 2004
- Two letters of objection  
Councillor objection

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



# Planning Committee Map

Site address: 82 Chaplin Road, London, NW2 5PR

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## Committee Report Planning Committee on 16 March, 2010

Case No. 09/2450

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**RECEIVED:** 30 November, 2009

**WARD:** Tokyngton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** Palace of Arts & Palace of Industry Site, Engineers Way, Wembley, HA9 0ES

**PROPOSAL:** Erection of a part eight-storey and part ten-storey Brent Council Civic Centre building, comprising office space (Use Class B1), community and performance space (Use Class D1 and D2, including library, Registrars Office, Community Hall and Council Chamber), Use Class A1/A2/B1 floorspace at ground floor level, a cafe (Use Class A3), wedding garden and a winter garden area, with provision of 158 car-parking spaces, 250 bicycle-parking spaces and 32 motorcycle-parking spaces in basement, and associated landscaping to site

**APPLICANT:** London Borough of Brent

**CONTACT:** Scott Wilson

**PLAN NO'S:**  
Please see condition 2

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### RECOMMENDATION

Grant planning permission.

### SECTION 106 DETAILS

This application was submitted on behalf of the London Borough of Brent and as such, cannot be accompanied by a Section 106 agreement to secure measures and financial contributions to off-set the off-site impacts of the development.

The level of developer contribution associated with this development, in accordance with the Council's SPD on Section 106 contributions, would be a total of £410,650 towards sustainable transport, Air Quality monitoring, environmental improvements in the locality and training. However, where planning applications secure significant improvements to community facilities or local infrastructure, or the provision of new facilities or infrastructure, a reduction in the Section 106 contributions is typically applied. A recent example of the application of this is the application for the redevelopment of Dexion House which included a community pool and leisure centre.

Some of the community facilities that are provided within this development constitute the re-provision of existing facilities that will be lost from other Council buildings in the locality, such as the Civic Hall and Committee Rooms, the Community Hall and the Registrars Office and the re-provision will justify the loss of the community facilities in the other buildings without the requirement for Section 106 contributions to mitigate against their loss. However, the proposal

makes significant improvements to those facilities, including access to the facilities and in some cases, increases in their capacity.

New facilities that benefit the local and wider community are also provided in this development, such as the 1,755 sqm floorspace for the library/CSC. Furthermore, the foyer will be made available for other community purposes, such as Wembley Live events.

The value associated with the provision of the new community facilities and the improvements to existing facilities, combined with the contributions specified for bus stop improvements and training, exceeds the total that would have been associated with the standard charge.

The Civic Centre project team has accordingly committed to the payment of the following financial contributions that would have otherwise been secured within a Section 106 agreement.

- a) A payment of £100,000 or equivalent value of training and employment schemes associated with the construction of the development and/or the day to day operation of Brent Council, with payment due upon first occupation of the building hereby approved, or the equivalent value of training and employment scheme delivered prior to and/or during construction or within the first 5 years following first occupation of the building;
- b) A contribution not exceeding £XX toward the upgrading and/or relocation of bus stops in the vicinity of the site, or such works undertaken by the Council as agreed by the TfL not exceeding this value, with the works or payment due within 12 months of the agreement between TfL and the London Borough of Brent regarding the siting and nature of the bus stops;
- c) A contribution not exceeding £XXX, or measures and/or works undertaken by the Council not exceeding this value, towards sustainable transportation, required only if the target is not met for the reduction in “car driver” modal share at year 5 as set out in the approved Travel Plan. The works, measures or contributions shall mitigate against the impacts of the failure to achieve this target.

The figures XX and XXX are to be agreed with TfL and set out within the Supplementary Report.

## **EXISTING**

The subject site is situated on the north side of Engineers Way, directly opposite the Wembley Arena and Arena Square, an area of privately owned public open space within the Quintain “Stage 1” site area. The Wembley Arena, previously known as The Empire Pool, is a Grade II Listed Building

The Empire Pool is described as follows:

*Designed by Sir E Owen Williams and built in 1934. It has a reinforced concrete frame of 3 hinged arches spanning 240 feet which was the largest concrete span in the world at that time. The pool was 200 feet long and 60 feet wide with a deck for ice skating. The end of the building opens and used to lead to sun-bathing terraces and lawns. The sides have 15 massive concrete buttresses. The ends are gabled with 20 narrow lights of increasing height from the edges to the centre. Used for 1948 Olympic Games.*

The subject site is currently clear and is used as a car park and adjoins two other areas of cleared land and the former “Palace of Industry” building that is now used for warehousing (Use Class B8).

The site is situated within the North West District as identified in the Wembley Masterplan 2009 and it falls within Flood Risk Zone 1 (Low probability of flooding, annual risk less than 1 in 1000).

The site is situated close to but outside the following protected views of the Stadium: Short Distance View 2 (Wembley Park Station, UDP Map WEM2) and View 5 (Engineers Way at the junction with Empire Way, UDP Map WEM2) as defined within UDP Policy WEM19. The site is partially within Long Distance View 1 (Barn Hill, Wembley, UDP Map WEM1) and 8 (Honeypot Lane, Harrow, UDP Map WEM1), also defined within this UDP policy.

The site has good public transport accessibility, and has a PTAL of 4.

**PROPOSAL**

The applicants propose the construction of an 8-10 storey building with mezzanine level above ground floor and plant on the roof. The L shaped “Administrative” element of the building is 10-storeys in height, whilst the atrium which encloses the foyer and civic “drum” is 8-storeys in height.

The primary focus of the building is to the South, with the main entrance facing Arena Square. Entrances to the building are also located on the North, West and Eastern sides of the building

Administrative offices	(Use Class B1)	14,527 sqm
Library/Council Services Centre	(Use Class D1, A3)	1,755 sqm
Community Hall and Winter Garden	(Use Class D1, D2)	1,894 sqm
Civic Hall and Committee Rooms	(Use Class D1)	1,087 sqm
Registrars Office	(Use Class D1)	659 sqm
Members’ Accommodation	(Use Class B1)	699 sqm
Café (ground floor)	(Use Class A3)	185 sqm
Café (first floor)	(Use Class A3)	187 sqm
Retail/Office	(Use Class A1, A2, B1)	1,200 sqm

The retail/office element of the building is situated within the eastern elevation and will front what is set out as a new retail street within the Wembley Masterplan.

The basement is to include a total of 158 car parking spaces, of which 11 will be large enough for disabled access or “parent and children” spaces. A total of 16 electric car charging points will be provided. Other facilities that are provided within the basement include motor cycle parking (32 spaces), staff (150 spaces) and public cycle parking (60 spaces), servicing bays, plant rooms, store rooms and showering/changing facilities. A further 40 public cycle parking spaces are provided at ground floor level, adjacent to the building.

**HISTORY**

There is no planning history that is relevant to this application.

**POLICY CONSIDERATIONS**

**NATIONAL**

Planning Policy Statement 1 – Creating Sustainable Communities

Planning Policy Statement 4 – Planning for Sustainable Economic Growth  
Planning Policy Statement 12 – Local Spatial Planning  
Planning Policy Guidance 13 – Transport  
Planning Policy Guidance 15 – Planning and the Historical Environment  
Planning Policy Statement 22 – Renewable Energy  
Planning Policy Guidance 24 – Planning and Noise  
Planning Policy Statement 25 – Planning and Flood Risk

## 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 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.

### 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 9 (reducing the need to travel), STR11-17 (protecting and enhancing the environment), STR25 (meeting employment need), STR27 (regeneration of Wembley as a regional sport, entertainment, leisure and shopping destination), STR31 and 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

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

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  
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 Classes B1, A2, B2 and B8  
PS7 Parking standards – Shops (Use Class A1), less than 2000 sqm  
PS9 Parking standards – Food and drink (Use Class A3)  
PS10 Parking standards – Assembly and Leisure (Use Class D2)  
PS12 Parking standards – Non-residential Institutions (Use Class D1)  
PS15 Parking for disabled people  
PS16 Cycle parking standards  
PS17 Servicing Standards – Use Class A1 less than 2000 sqm  
PS19 Servicing Standards Use – Class B1, A2, B2, B8  
PS20 Servicing Standards – Food and Drink (Use Class A3)  
EMP3 Childcare facilities in Employment Developments  
EMP4 Access to Employment Opportunities  
EMP9 Development of Local Employment Sites  
EMP14 Design of Business Developments  
EMP15 Location of B1 Business Development  
SH3 Major Town Centres and District Centres  
SH5 Out of centre retail developments  
SH10 Food and Drink (A3) Uses  
SH11 Conditions for A3 Uses  
SH19 Rear servicing  
TEA1 Location of large-scale Tourist, Visitor and ACE uses  
TEA4 Public Art  
CF1 Location of Large Scale Community Facilities  
WEM1 Regeneration of Wembley  
WEM2 Pedestrian Route/Promenade  
WEM7 Access to development – the National Stadium Policy Area  
WEM11 On-street parking controls for Wembley  
WEM12 Short stay car parking in the Wembley Regeneration Area  
WEM16 Urban design quality – Wembley Regeneration Area  
WEM17 The public realm – Wembley Regeneration Area  
WEM19 Views of the Stadium  
WEM22 Libraries in Wembley  
WEM27 Opportunity sites at the Junction of Olympic Way and Engineers Way

**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  
SPD Section 106 Planning Obligations

### ***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 2009***

The Council has recently adopted a revised version of the Wembley Masterplan, which superseded the 2004 Masterplan. The subject site falls within the North West district, cited within the Masterplan as the "new heart of the Borough, focused around a new 21<sup>st</sup> century Civic Centre".

Key principles for this district include:

- *A new signature Civic Centre that reflects in its challenging architecture the aspirations and ambition of the Council.*
- *A public square of sufficient size to reflect its public function and provide formal landscape setting appropriate to the scale and role of the new Civic Centre.*
- *A bustling new pedestrian shopping street with an intimate and enclosed character.*
- *Improvements to the landscape quality on Empire Way and a gradual and comfortable change in building scale.*

The Wembley Masterplan 2009 specifies the following with regard to the Civic Centre: *Brent Civic Centre and Central Library will bring together the services of Brent Council under one roof, incorporating a state-of-the-art modern library and a range of civic and community spaces. The new Civic Centre will be located on Engineers Way, adjacent to Arena Square and Wembley Arena and will be an important destination for local people. It will provide the impetus and opportunity for further public services to the local population and could help to stimulate an office market.*

With regard to Scale, the Masterplan specifies:

*The general pattern of development across this district could reduce gradually in scale from east to west and from south to north, from the new Civic Centre on the corner of the Boulevard and Engineers Way at 10 storeys, down to and along Empire way predominantly at 4-6 storeys.*

The Masterplan identifies the Civic Centre, together with 6 other sites as “*key development sites*” for the creation of buildings with “greater architectural expression” and “a legible urban landscape”.

The Masterplan also specifies that the North West District will include a “*bustling new pedestrian shopping street with an intimate and enclosed character*”. The indicative location for this street is along the western side of the Civic Centre site, and the retail unit as proposed within this application would front that street.

## **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.

### **The Emerging Local Development Strategy (LDF)**

The Examination in Public has recently been held for the LDF Core Strategy and the Council is awaiting the response from the Inspector. However, the Unitary Development Plan remains to be the current adopted development plan and this application has been considered in relation to the saved policies within the UDP specified above.

The LDF Core Strategy includes a number of policies which relate directly to the Civic Centre and the proposed retail unit. A number of key policies that help to provide a policy basis for the development within the Core Strategy, including the following:

#### Strategic Objective 1 LDF Core Strategy

##### *To Promote Economic Performance & Regeneration – by*

- *Creating five main growth areas of mixed use, mixed tenure development, the largest being Wembley which will be the main focus of new retail and town centre uses, expanding the town centre eastwards into the Stadium area*
- *10,000 new jobs within the Wembley Area over 20 years, half of which will be created by 2017.*
- *Completing three large scale hotels in the Wembley area and one large regional visitor attraction.*
- *Increasing newly approved retail floorspace in Wembley by 25%.*

The monitoring target for the increase in newly approved retail floorspace in Wembley specifies a level of 25 % or 30,000 sqm, whichever is greater.

Policy CP1 Spatial Development Strategy includes the following text

*Wembley will deliver the majority of the borough’s development and employment growth, will contain most of the borough’s new retail growth and office development, and will become the primary location for new hotels enabling associated uses such as conferencing...*

The Pre-ambule to CP 7 specifies:

*The Masterplan proposes linking the two retail areas of Wembley and Wembley Park. The development of this new retail street is a long term proposal and its development is contingent on creating a continuous retail link from the High Road. As this is achieved the designated town centre*

*boundary at Engineers Way may be shifted further north.*

Policy CP7 of the emerging LDF Core Strategy specifies that the Wembley Growth Area: *Wembley will drive the economic regeneration of Brent. It will become a high quality, urban, connected and sustainable city quarter generating 10,000 new jobs across a range of sectors including retail, offices, conference facilities, hotels, sports, leisure, tourism and visitor attractors, creative and cultural industries and education facilities reflecting its designation as a Strategic Cultural Area for London. Around 70 hectares of land around the Wembley National Stadium and Wembley town centre will be redeveloped for at least 11,500 new homes to 2026, supported by infrastructure identified within the Infrastructure and Investment Framework.*

This policy goes on to list the associated Infrastructure, and that list includes “A new civic centre”. Figure 4.2 of the emerging LDF Core Strategy details the location of the Civic Centre and the location currently proposed is in accordance with this figure.

CP 16 Town Centres and the Sequential Approach to Development

*Wembley town centre is designated as the principal centre within the Borough. The council will promote Wembley as the preferred destination for major new retail, leisure and other town centre development.*

*Major new retail or leisure development will only be permitted in other town centres and then edge-of-centre locations, if it can be demonstrated that no sequentially preferable sites are available in, then on the edge of, Wembley town centre.*

## **SUSTAINABILITY ASSESSMENT**

The applicants have submitted a Sustainable Design and Construction Statement and an Energy Strategy.

### **Sustainable Design and Construction Statement**

The Statement sets out the overarching sustainability principles to be incorporated within the scheme and includes issues such as energy efficiency and demand, water conservation and flood risk, waste, construction materials, transportation, nature conservation and biodiversity, internal environment, community involvement, sustainable construction practices, and the BREEAM assessment/rating for the development.

The key issues that are set out within this document include:

- **Energy** – decentralised energy, on-site renewables (both discussed later in this report), the ability to link to a district energy network and the Carbon Index for the site (25);
- **Water conservation** – water efficient fittings, rainwater harvesting, metering and sub-metering
- **Surface water run-off and flood defence** – reduction in run-off by up to 50 % at peak times, through landscaping, permeable gravel/sand and water re-use
- **Nature conservation, biodiversity and land use** – planting and ecological enhancement measures, including wedding garden, winter garden, green roofs
- **Waste** – External markets identified to reduce waste going to landfill, installation of infrastructure to support the Envac Waste system if extended to this area, anaerobic digestion facilities for food waste, opportunities for incineration of non-recyclable waste
- **Sustainable Materials** – Preference for materials with low-embodied impacts, specified with BRE Green Guide A-C rating where practicable, materials sought within 30 km of site, all timber to be FSC certified

- **Sustainable Construction Practices** – Considerate Constructors Scheme with score of 36.5, monitoring and target setting for CO2 emissions and water consumption and a Site Waste Management Plan
- **Sustainable Transport** – Linkages with pedestrian footpaths and cycle-ways (including those envisaged within Wembley Masterplan), Green Travel Plan, new bus stops near to Centre, cycle storage, changing and showering facilities
- **Community Involvement** – Civic Centre to provide for a range of community and corporate functions, such as performances, festivals, presentations, seminars and weddings. It is specified that the Centre will benefit all equality groups

The Statement commits to a BREEAM rating of “Excellent” and would be in accordance with the emerging LDF. However, an aspiration for a rating of “Outstanding” has been specified, and if this is achieved, the proposal will go considerably beyond the minimum standard set out within the LDF. A BREEAM Bespoke pre-assessment is incorporated within the Statement which demonstrates a score of 89.3 % which equates to a BREEAM rating of “Outstanding” (> 85 %).

### ***Sustainability Checklist***

The applicants scored their own checklist at 66 % (Very Positive). Your officers have evaluated the form and have graded it at 63 % (also Very Positive). Whilst there is a slight reduction from the applicant’s own score, the proposals are considerably higher than the minimum level that is considered acceptable (50 %) and your officers consider that the Sustainability Checklist is acceptable. Details of how the specified measures are incorporated into the proposal should be secured through the submission of a Sustainability Implementation Strategy. This is normally secured through the Section 106 agreement. However, as this is the Council’s own application, it is recommended that a condition is attached regarding this.

### ***Energy Strategy***

The Strategy sets out the way in which the proposal will be in accordance with the Mayor of London’s be lean, be clean, be green hierarchy which specifies that developments should:

1. Use less energy (sustainable design and construction)
2. Supply energy efficiently (de-centralised energy – CHP or CCHP, sitewide, cluster or on-plot)
3. Use renewable energy (onsite renewables)

The Strategy examines the feasibility of CHP (Combined Heat and Power) or CCHP (Combined Cooling Heat and Power) and a number of technologies for the provision of “on-site renewables”.

The Strategy concludes that CCHP is feasible for the site and proposes the a CCHP system that uses Waste Vegetable Oil (WVO) as its fuel. The majority of CHP or CCHP systems that are currently installed in developments are run on gas and do not contribute to the London Plan on-site renewables target. However, WVO is considered to be a renewable energy source and the use of this type of system satisfies not only the energy efficiency policies, but also the 20 % target for on-site renewables. The proposal will provide emissions savings of 56.7 % over Building Regulations, and 38.4 % total carbon savings for the site.

The application also confirms that the development can be linked to a site wide heating network, should one be implemented in the future, and that this could serve all requirements for space heating for the development.

The Greater London Authority sought further clarification regarding the robustness of the use of WVO CCHP systems and the applicants subsequently submitted specification sheets for two models of biofuel CCHP engines. The submitted information demonstrates that the engines have been design for this type of fuel and as such, are suitably robust. The GLA have specified that they consider the information to be sufficient.

The Greater London Authority also sought clarity regarding the solar passive design features, further opportunities to reduce carbon, provision of a break down of energy/carbon by end energy use, monthly heating and cooling profiles, the carbon intensity of the biofuel and commitment to a back-up energy strategy. A response to these issues was sent to the GLA by the agents for this application and the GLA have commented that they consider the submitted details to be acceptable.

### ***Sustainability Conclusions***

The submitted details demonstrate that the proposal will be in accordance with current policies relating to Sustainability and will not only meet, but will exceed the levels specified within policy and guidance.

## **CONSULTATION**

### **Pre-application process**

The applicants have submitted a Statement of Community Involvement which sets out the consultation process that was undertaken prior to the submission of the planning application and highlights changes that have been incorporated into to the scheme as a result of the process. The consultation process, as set out within the Statement, commenced in April 2003 and involved numerous forms of communication, including (but not limited to):

- Exhibitions and workshops (public and staff)
- Drop in days
- Focus and Steering groups
- Steering groups
- Regular group meetings with partners, councillors and staff
- 1:1 meetings with specific Stakeholders Exhibitions at all Area Consultative Forum's in the borough
- Exhibitions and activities at major community events such as Respect and Big Lunch
- School visits and engagement activities for young people
- Regular Internet (for public) and Intranet (for staff) updates
- Regular updates in local press/community magazines

The Statement reports that the responses were overwhelmingly positive, and that all responses were recorded and passed to the architects to inform their design. Comments were made regarding a number of issues, which included (but again were not limited to) disabled access, cycle parking, space for religion/mediation uses and the number of parking spacers.

### **Statutory (application) consultation process**

Consultation letters sent: 30 November and 1 December 2009

Site notices erected: 30 November 2009

Advertised in local press: 10 December 2009

3<sup>rd</sup> party comments:

A total of 1,223 letters were sent to nearby and adjoining owners and occupiers.

Three letters of objection were received in response to this consultation process.

One letter questioned the potential construction cost of the development, specifying that the proposal is designed as an architectural exhibit with vast volumes of space whilst the Council needs a functional office block that would be considerably cheaper, with comfortable and efficient offices and larger spaces for public meetings, functions, registrars and the library.

The construction costs for this development cannot be considered within this planning application and this matter accordingly cannot affect the determination of this application, either positively or negatively.

A letter was received from a local resident who is the Spokesperson for Environment and Planning for the Brent Green Party. The spokesperson has specified that the Council has an obligation to consult all residents affected by the development, which in this instance, would include all residents of Brent. The letter refers to reports, meetings (including the Kingsbury ACF) and minutes prior to the submission of the application which confirm that the proposal affects all wards within Brent and that the Council has not consulted all wards. The letter also specifies that the proposal will have serious consequences for the Town Hall, and the application fails to take account of the impact on the Listed Building.

When considering a planning application, one can only consider the merits of the proposal in relation to planning. The proposal was advertised in the local press and site notices were erected. Consultation letters were sent to over 1,200 nearby owners and occupiers. The consultation process for this application is in accordance with, and in fact goes well beyond the requirements for consultation as set out within the Town and Country Planning (General Development Procedures) Order 1995, as amended, and the Council's Supplementary Planning Guidance No. 2 which sets out a rationale for public consultation associated with planning applications. Outside of the statutory planning process, a two page feature regarding the Civic Centre was included in the Brent Magazine, outlining the proposals and inviting those who are interested to comment. The Brent Magazine is distributed to all households in Brent.

A letter of objection was received from Wembley National Stadium Limited, noting the following issues:

- The TA does not take into account vehicular traffic associated with other uses of the Civic Centre, such as social events;
- No mitigation measures are proposed to address the levels of saturation associated with the pm peak at the Empire Way/Engineers Way junction;
- The applicants should confirm that the worst case scenarios (am or pm peak) does not occur during Event Days at the Wembley Stadium and Arena and suitable mitigation measures should be provided;
- The Travel Plan should contain bespoke measures for Event Days, particularly in relation to use of the car parks;
- The parking arrangements are unsatisfactory as the additional overspill parking, which the TA specifies is likely to be required from 2014 to 2019, should be in place prior to the opening of the Civic Centre;
- The Council is asked to ensure that it is satisfied that Quintain can provide the additional parking spaces notwithstanding its existing contractual obligation to WNSL;

- WNSL expect any conditions to include a complete prohibition on the use of parking spaces reserved for Stadium Visitors by Council staff.

The applicants have provided a response to the objection from WNSL, which is summarised as follows:

- The peak hours for car trips occur between 0800-0900 and 1700-1800. The car journeys for Civic Centre events will predominantly occur outside these hours. Peak hours for some events are described in the TA. It is anticipated that there will be additional network resilience outside peak hours to cope with the trips associated with the events;
- The TA refers to the proposed junction layout detailed in Appendix B to be constructed prior to the opening of the Civic Centre, providing additional capacity at the specified Junction, and the modelling indicates that it will function at the satisfactory levels of resilience;
- The Travel Plan already includes a number of measures targeting visitors, and additional measures, such as sending/e-mailing leaflets to event organisers that describe the limited parking and range of alternative transport options, highlighting the high public transport accessibility;
- The Council and Metropolitan Police already implement a number of area wide initiatives to ensure the operation of the Stadium on event days, such as advance warning of events and road closures for security reasons and to facilitate pedestrian movement;
- There is little opportunity to park on-street in the locality, and the Council is committed to extending a Controlled Parking Zone into the area;
- The Council are in discussions with Quintain regarding the location and phasing of the additional parking provision.

Given the low level of on-street parking in the vicinity, the commitment to the provision of a Controlled Parking Zone within the locality and the measures detailed in the Travel Plan, your officers do not consider that the development is likely to result in significant levels of over-spill parking in the nearby street network. Any contractual obligations that Quintain have to provide parking for the stadium cannot be considered within this planning application. Whilst the site currently has temporary permission for use as a parking area for stadium events, this use may only commence if the Multi-storey car park to the rear of the Wembley Plaza Hotel is demolished. The obligation to provide stadium parking falls with Quintain and not with the Council.

Similarly, whether Quintain allow Brent Council staff or others to park within the car parks that they use, on Stadium event days, for Stadium event parking is not a matter that can be considered within this application. The Quintain Stage 1 consent (reference 03/3200), for example, envisages the stadium event day parking spaces to be used as retail parking outside when not required for Stadium events.

### **Internal Consultees**

These have been incorporated into the Remarks section of this report.

### **External Consultees**

#### **Greater London Authority**

This application is referable to the Mayor of London under Category 1B and 1C of the Schedule to the Town and Country Planning (Mayor of London) Order 2008, being a development which includes a total floorspace of more than 15,000 sqm, and being outside the City of London and including a building which is more than 30 m high.

The Greater London Authority consider that the application complies with the London Plan and does not need to be referred back to the Mayor. The Council should, however, take account of the comments made in the body of the report and to agree conditions with TfL.

The comments made within the body of the report relate to Urban Design, Transport and Sustainability, and are discussed in more detail in the Remarks and Sustainability sections of this report.

### **Environment Agency**

As the site is within Flood Risk Zone 1 and has an area less than 1 Ha, the approval of a Flood Risk Assessment by the Environment Agency is not a statutory requirement. However, it is recommended that SUDs are maximised within the site and that the site aspires to achieve a Greenfield run-off rate in accordance with the Wembley Masterplan. The Environment Agency is pleased that this information has been taken into consideration.

### **Thames Water**

Thames Water have identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the local Planning Authority look to approve the application, Thames Water request that a condition is attached requiring the approval of a drainage strategy prior to commencement of works.

Informatives are also recommended.

### **English Heritage**

English Heritage have considered the information and do not wish to offer any comments on this occasion. This application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

### **CABE**

CABE Support the planning application in principle. Comments are made which constitute suggestions for refinement at the next level of detailed design development and CABE recommend that these issues are conditioned by the Local Authority. CABE consider that the proposals have the making of an open and democratic building, with the organisation and planning generally convincing and clear. CABE like the permeability of the building and the concept of the wedding garden. Overall, the building reads as a recognisably civic building, however, the north and west elevations could articulate the civic function more clearly. Its relationship to the surrounding streets and public open spaces could be improved as the public realm design develops.

The CABE comments are discussed in more detail within the Remarks section of this report.

### **REMARKS**

This application is for the construction of a new Council building to consolidate the Council's services from a number of locations, including the Town Hall, Brent House, Chesterfield House and Mahatma Gandhi House. The Council's democratic, administrative and public functions are to be provided from this new location.

This application that has been submitted on behalf of the Council is also being considered by the Council. However, the recommendations within this report are based purely on planning merit and



considered in the same light as an application that is submitted by a private developer. One may not discriminate either positively or negatively on the basis that it is the Council's own application, and factors that are not "planning matters" cannot be considered within this application. Such matters include the cost of the proposal, as raised within one letter of objection.

### **The proposed uses**

As set out within the proposals section of this report, the building is to include the following primary uses as described by the applicants:

- Administrative offices
- Library/Council Services Centre
- Community Hall and Winter Garden
- Civic Hall and Committee Rooms
- Registrars Office
- Members' Accommodation
- Café
- Retail
- Wedding Garden/outdoor functions area

The Civic Centre is accordingly considered to be a mixed use development providing uses that fall within Use Classes A1, A2, A3, B1, D1 and D2.

The Wembley Regeneration Area is designated within regional and local planning policy and guidance as an area that is appropriate for significant housing and employment growth as well as a regional sport, entertainment and leisure destination. The Wembley Masterplan 2009 details the subject site as the potential location for the Civic Centre whilst the emerging LDF provides a firm basis for the proposed uses.

#### **Office floorspace – Use Class B1**

The application proposes a significant quantum of Office (Use Class B1) floorspace (14,527 sqm). Policy EMP 15 of the UDP 2004 specifies that "*major purpose-built commercial and public office developments will be permitted in the National Stadium Policy Area*" and the proposal is in accordance with this policy. The Wembley Masterplan promotes the provision of office accommodation within this area, noting that office space is an important town centre function that should form part of the employment mix. It should also be noted that staff who occupy this floorspace will be re-located from other locations in the borough, including the Town Hall, Mahatma Ghandi House, Brent House and Chesterfield House.

#### **The Community Floorspace (Use Class D1 – Non-residential Institutions)**

This category includes the Library, Council Services Centre, Civic Hall, Committee Rooms, Registrars Office and Members' Accommodation. The Community Hall and Winter Garden will also be used for a mix of Community (Use Class D1) and Assembly and Leisure (Use Class D2) purposes. Many of the associated facilities are to be re-located from the Town Hall, such as the Civic Hall, Committee Rooms, Members' Accommodation, Registrars' Office and the Wedding Garden. However, the Civic Centre is to provide these facilities to modern standards, with a high quality of functional and aesthetic design, and with full disabled access.

The maximum capacity of the Community Hall is the same as the Paul Daisley Hall within the Brent Town Hall (1,000 people). However, the seated capacity (1,000 people compared with 950) and the full dining capacity (800 compared with 600) are greater in the new Community Hall when compared to the Paul Daisley Hall.

Policy WEM22 of the Brent UDP2004 specifies that a new strategic library serving the Wembley Area should be located within the Town Centre, with the preferred location being Central Square. The Central Square proposals did not include the provision of a library and the Council has now taken the opportunity to incorporate these facilities into the proposals for the Civic Centre. Policy WEM22 specifies that the library may include associated cultural/museum and educational facilities as well as a shop, crèche and cafe facilities. The civic centre includes the provision of cafe and retail facilities, and the flexible layout and community uses within the building provide the opportunity to incorporate cultural and educational facilities.

The two cafes (Use Class A3) that are proposed are small in size and are likely to serve both workers within the building and local residents.

The application includes 1,200 sqm of floorspace that is proposed as for flexible Use Class A1 (retail), A2 (financial and professional services) or B1 (Office) purposes. At present this has been detailed as one unit, but planning permission would not be required to subdivide this space into smaller units, if the need arises. The planning merit of a B1 use has already been discussed. With regard to the two town centre uses (Use Class A1 and A2), the unit is to front the new retail street detailed in the Wembley Masterplan. The LDF Core Strategy also envisages the expansion of the existing town centre into the Wembley Masterplan area, and this site would accordingly help to assist the provision of 30,000 sqm of additional retail floorspace identified within the Core Strategy. In relation to the adopted UDP 2004, Policy WEM27 highlights this area as part of a Major Opportunity Site at the junction of Olympic and Engineers Way that is *“promoted for uses which contribute towards the development of a visitor destination of regional importance, including major retail/leisure uses permitted by Policy WEM3, and other uses including offices, hotels and residential”*.

### **Design, Layout and Scale**

Hopkins Architects were selected on the basis of their concept design as part of a OJEU process (design competition) to appoint the design team for the Civic Centre Project. The design development process that followed the appointment of Hopkins Architects included significant amount of liaison with the public, building end users, pre-application discussions with Officers and two presentation of the proposal to the Brent Design Review Panel, a group of independent experts which includes architects, surveyors, environmental designers. During the application process, the proposal was also considered by the CABE Design Review Panel.

The proposed design provides the office floorspace within an L shaped block wrapped around a large atrium. The foyer within the atrium contains the Council reception desk and the *“civic steps”* which lead to the first floor podium, designed for informal meetings and as a foyer to the Community Hall.

The main entrance to the building is situated to the south, opposite Arena Square, whilst other entrances are situated within the North, East and West elevations. The vehicle entrance to the basement is within the Southern elevation, from Engineers Way. The layout of the building should be viewed in the context of the Wembley Masterplan, which envisages the provision of streets that surround the building, and a public square to the north of the building. The proposal will feed into the network of streets and spaces detailed within the Masterplan, and will help to provide a catalyst for their delivery. The indicative height of the building on this site, as detailed within the Masterplan, was 10-storesys. Your officers consider that the proposal is in compliance with the

principles of Masterplan.

To one side of the atrium, the library, Council Service Centre, Community Hall and Civic Hall are provided within highly visible “civic corner” of the building. This provides a focus to the building which highlights the civic nature of the use. The atrium is to be glazed within the southern and eastern elevations and will have an ETFE roof. The timber clad circular element is to be visible at first floor level and above, but does not project to ground floor level due to internal layout and lighting requirements of the library. The foyer element of the atrium is to be a multi-use space which will allow people to “*meet, watch events as part of the Wembley Live calendar and orient themselves with the building*”. The southern entrance to the building is set back from Empire Way to highlight the location of the entrance and to provide greater visual definition to the “civic corner”.

Stair wells break down the visual mass of the larger northern and western elevations, with further articulation provided through the use of architectural devices such as recessed bays which contain planting, louvres and vertical fins.

The Greater London Authority have commented that the building “*is of an appropriate height, and successfully addresses the scale of Arena Square and other buildings, while managing to adopt its own identity in the shadow of the stadium*”. They go on to say that “*the building is well considered and of a high quality and the massing principles are supported*”.

### **Brent Design Review Panel**

The Brent Design Review Panel considered that the scheme was of high quality, and comments that were made regarding refinements to the design and detailing of the proposal included:

- The prominence of the civic chamber;
- The role of the garden space;
- Proposals should demonstrate how the building fits in the surrounding area;
- The provision of active frontages around the building;
- Activity and interest within the Northern and Western elevations;
- The directions from which people will travel to the Civic Centre, and the legibility of entrances within the North and West elevations;
- The inclusion of a “destination” at the top of the stairs;
- The importance of the design of the “bridge” within the foyer;
- The use of glazing and the implications for solar gain in summer;
- The design, appearance and location of the vehicular ramp to the basement.

The comments from the Panel were made prior to the submission of the application and resulted in a number of amendments to the design and detailing of the building, which included (but were not limited to) changes to the design of the “civic corner” and the way this relates to the atrium roof and the detailing of the facades and the means by which these are articulated.

### **CABE Design Review Panel Comments**

Within the application process itself, the scheme was presented to the CABE Design Review Panel, who specified that they support the planning application in principle and that their comments constitutes suggestions for refinement at the next level of design development. CABE specified that the building has the makings of an open and democratic building, that they applaud the clarity of the building’s layout and distribution and that they liked its permeability and the concept of the wedding garden. Comments and questions regarding the further refinement of the proposal included:

- Discussion regarding the enclosure of the atrium;

- The environmental performance of the atrium space, and maintenance and cooling requirements;
- Management of the foyer area which is to be used for a number of purposes;
- Relationship between the foyer and the Wedding Garden;
- The prominence of the “civic corner”, and whether the “drum” should reach the ground;
- The impact of end users on the pristine elevations of the office floorspace;
- The design, articulation and materials at the top of the building;
- The nature of use and design of the Wedding Garden;
- The future relationship with the public open space to the north;
- The physical expression of environmental performance of the building.

Again, these comments have led to a number of amendments to the proposal, which included (but were not limited to) the set back of the southern entrance and atrium adjacent to the foyer to emphasise the entrance and “civic corner” and an increase in the width of the access way to the Wedding Garden. Some suggestions could not be implemented due to physical or operational constraints, such as the projection of the “drum” element of the “civic corner” as discussed earlier in this report, and the treatment of the roof of the building. The agents examined the potential to reduce the height of the rooftop plant. However, they have confirmed that this could not be achieved due to the limited size of the roof and the amount of plant required for the building. It is also not feasible to publicly display the environmental features of the building, as the CCHP unit is situated in the basement. The agents have, however, confirmed that information regarding the environmental performance will be presented within the foyer, as the Council’s intention is to deliver a building that is an “exemplar” example for environmental best practice and performance on sustainability issues.

Some of the design changes in response to the CABE comments have already been submitted within revised drawings. Further changes that are submitted prior to the Committee meeting will be discussed in the Supplementary Report.

### **Relationship with the Listed Building**

English Heritage have specified that the Council should determine the application accordance with national and local policy guidance, and on the basis of the Council’s specialist conservation advice. The proposal has been designed to address the Wembley Arena and the more recently created Arena Square, resulting in a good relationship between the Foyer and Civic Corner of the Civic Centre and the Square. Your officers consider that the proposal pays the appropriate regard to the location and setting of the listed building within an area that is envisaged to include a significant quantum of development in the future.

### **Daylight and Sunlight**

At present the building is surrounded by development land to the west, north, east and south-east. The Arena and Arena square are situated to the south. Whilst there are no current uses that are likely to be significantly affected by the proposal with regard to daylight and sunlight, the potential impact on the surrounding development land should be considered within this application.

The applicants have submitted a Daylight and Sunlight Study which examines the potential impact of the proposal using the criteria set out within the BRE Guidance relating to daylight and sunlight. The impacts of the proposal have been tested in relation to the forms of development and uses set out within the Wembley Masterplan.

## Sunlight

### Impact on open spaces

The Study demonstrates that the public open space detailed in the Masterplan to the north of the site will not be overshadowed to levels that exceed BRE Guidance as a result of this proposal, and that the proposal will meet the preferred level of sunlighting specified within the guidance.

### Impact on other future buildings

The Study shows that the proposal will not have an unduly detrimental impact on the majority of surrounding buildings (as detailed within the Masterplan), but the two lower floors within the Southern and Western elevation of the building that will adjoin the Civic Centre (fronting the new retail street) will experience levels of sunlight that fall below BRE guidance.

The southern façade forms the flank wall of a building which also faces across a street which is likely to include a street level servicing area for the retail units. As such, any windows of residential units that face this street are likely to be secondary rather than primary windows to those units. The ground floor of this building will be occupied partially or fully by retail unit(s) and as such, the reduction in sunlight is not considered have a significant unduly detrimental impact on the future use. It is unclear whether the first floor of the building will be used for residential or commercial purposes. However, the proportion of units which will fall below the BRE Guidance levels for Sunlight within that building are likely to be low. This condition is not considered unusual for dense urban redevelopment proposals.

## Daylight

The Study details the levels of sunlight received by the surrounding buildings detailed within the Wembley Masterplan. It shows that the ground/lower floor of the building directly to the east of the Civic Centre, on the opposite side of the new retail street, and that the ground/lower floor of the building directly to the north of this are likely to experience daylight below BRE Guidance levels. The associated uses are likely to be retail and the proposal accordingly is not considered to have a significant unduly detrimental impact on the development potential of that site.

The lower southern façade of the building fronting the retail street directly to the north of the Civic Centre building is likely to experience levels of Sunlight below BRE guidance. However, as discussed previously, this is a flank wall which fronts an at grade service area. Elements of the ground/lower floor of this building within the western elevation will also experience sunlight below BRE guidance levels. As discussed previously, the ground floor of this building is to be occupied partially or fully by retail unit(s) and the proposal is not considered to result in an unduly detrimental impact on the development potential of that site.

## **Landscaping**

The applicants have submitted a Landscape Strategy within the Design and Access Statement. This strategy sets out the rationale for hard and soft landscaping within the site, with the external areas and the winter garden. The details should be treated as a strategy rather than a fixed and finalised design as full details of the landscaping are typically sought through condition to allow the sufficient level of flexibility. However, your officers consider it vital to ensure that a strategy provides sufficient reassurance that the landscaping will be of an appropriately high quality and standard.

The soft landscaping, hard surfacing materials, boundary treatments and external furniture set out in the strategy are of high quality. However, your officers and CABE consider that the ground floor

landscaped space to the west of the building (the Wedding Garden and adjoining spaces) should provide more of a feature and focus within this façade which conveys the municipal nature of the building. The architects have specified that they will work up some additional information to demonstrate how this will be achieved, and this may include feature planting and/or public art.

Comments were also made by your Officers and CABE regarding the relationship between the main building and the Wedding Garden and the appearance of the vehicle ramp to the basement. The architects have confirmed that the width of this access way has been increase, and that the vehicle ramp and substation will be covered by climbing plants. Green walls will also surround the substation.

Your officers also consider that the detailing of the winter garden requires special consideration of the plant species and the ways by which the planting can allow the flexible use of the space as proposed. However, it is typical for such details to be provided through condition and your officers consider this to be appropriate.

Green roofspace has also been proposed which will help to contribute to biodiversity and reduce run-off from the site. Full details of the design of the green roof should be secured through condition.

The strategy for the landscaping of the site, subject to the amendments referred to above, is of an appropriately high quality and will make a significant contribution to the locality with regard to

### **Protected Views**

The protected views to Wembley Stadium that are close to the subject site are Short Distance View 2 (Wembley Park Station), Short Distance View 5 (Engineers Way at the junction with Empire Way), Long Distance View 1 (Barn Hill, Wembley) and Long Distance View 8 (Honeypot Lane, Harrow).

The subject site falls outside of the Short Distance views Nos. 2 and 5, and therefore does not have an adverse affect on these views.

The eastern element of the site falls within the sight lines to the stadium from Barn Hill (Long Distance View 1) whilst approximately half of the site falls within the sight lines from Honeypot Lane in Harrow (Long Distance View 8). With regard to the Long Distance Views, this policy seeks to ensure that views to the arch are protected as the majority of the views to the remainder of the stadium (e.g. the drum) will be obscured by the development the will eventually surround the stadium, as consented within application 03/3200 (known as the Quintain Stage 1 consent).

The maximum height of the proposed Civic Centre is approximately 81.5 m AOD, and therefore is above the drum of the stadium (approximately 78.5 m AOD), but well below the level of the stadium roof. As such, the proposal would only have an adverse impact on the views to the stadium arch from close distance views, and the proposal falls outside of the protected Short Distance Views. The view from Barn Hill is from a significantly greater height (approximately 83 m AOD), whilst the Honeypot Lane View (approximate height of 60 m OAD) is from a point approximately 5 km from the site, therefore the location and height of the view point does not adversely affect the views.

Your officers accordingly consider that the proposed building will not have a significant adverse impact on the protected views to the stadium.

### **Transport**

The subject site is located within the Wembley Regeneration Area, and in the fullness of time, is likely to be centrally located within a new element of the Wembley Town Centre with the Quintain Wembley Stage 1 uses (including a designer outlet centre, cinema, food and drink uses etc) to the south and the retail street to the north. The proposed building will accordingly be situated within a high density town centre location.

The building serves the entire borough and as such, a good level of public transport access to the site is crucial. The site has a Public Transport Access Level (PTAL) of 4 (good accessibility) with three stations (Wembley Park, Wembley Stadium and Wembley Central) and a number of bus routes relatively close to the site. Wembley is promoted as a public transport destination and your officers consider it to be an appropriate location for the Civic Centre.

The applicants have submitted a Transport Assessment and a Travel Plan to support this application.

### **Vehicle access**

The main vehicle access to the site is from Engineers Way within the southern site frontage. Access is controlled through barriers and a “manned” station at the top of the ramp. The entry barrier is set 10.3 m from the back-edge of the footway and 15.4 from the kerb line to allow vehicles to stand within this area without causing significant obstruction. Gates are also detailed at the back edge of the footway. However, these are for lock-down situations and will generally remain open. The total width of the ramp is 7 m with 3.1 m wide entrance/exit lanes adjacent to the barrier controls.

### **Car parking**

Total 158 car parking spaces are proposed within the basement, of which 12 are sized for disabled access or “parent and children” use. 16 electric car charging points are also detailed on the submitted drawings. Staff parking likely be allocated to “essential users” and mobility impaired

The Council’s UDP parking standards required a minimum of 5 % of the spaces to be suitable for disabled, which in this case would equate to 8 spaces. The 4 remaining spaces could therefore be provided for “parent and children” use. TfL commented that these spaces should be proximate to the entrance of the building. The agents have confirmed that the location of these spaces has been selected due to their close proximity to the lifts within the basement.

The applicants have demonstrated that the proposed level of parking is in accordance with the parking standards set out within the Brent UDP 2004 and the London Plan, and that the proposed level represents a significant reduction in the number of spaces when compared with those available at the buildings currently occupied by the Council. The reduction is supported by the Travel Plan measures that are discussed later in this report.

The TA proposes that a number of parking spaces will be available in nearby car parks in the Masterplan area to help manage the reduction in on-site parking from the levels currently available in the Council’s offices. However, the levels of off-site car parking provision will be reduced year on year as the Travel Plan measures and the Council’s Travel Policy take effect.

TfL have specified that they support this level of parking as it is in accordance with the London Plan, but they would welcome a further reduction in the parking provision. The agents have commented that the proposed number of spaces already represents a significant reduction when compared to current provision, but that any further reduction will be identified from the monitoring regime proposed within the Travel Plan. The applicants have confirmed that the Council are in discussions with Quintain regarding the location and phasing of the additional parking provision.

The applicants have demonstrated that the vehicle tracking for the basement and ramp is adequate.

### **Motor cycle parking**

The basement also includes motor cycle parking (32 spaces). Whilst the London Plan specifies that developments should provide for appropriate secure motor cycle parking in accordance with PPG13, no minimum or maximum levels are specified. The proposed motor cycle spaces are welcomed in the development and your officers consider the levels of parking to be acceptable.

### **Servicing**

A 12 m wide x 13.2 m deep servicing area has been proposed in the basement which can accommodate one 12 m vehicles and one 7.5 tonne van at any one time. The servicing demand is expected to be reduced from 79 vehicles per day for the 14 existing Council offices to 42 per day for the Civic Centre. Of this, approximately 4-5 of these vehicles are expected to be HGVs with approximately 37 by smaller goods vehicles. The TA details vehicle tracking for the basement and ramp.

Fuel deliveries for the proposed CCHP system are likely to occur once per month. The vehicles will not enter the basement, but will rather stand in an area adjacent to the Wedding Garden. Deliveries of diesel for the back-up generator are likely to occur 3-4 times per month. Fuel deliveries will occur outside of peak periods.

Servicing is also likely to take place at ground floor level at the north-eastern corner of the building when the new retail street is delivered. This area has been identified by Quintain as a location for a shared servicing area for the Civic Centre and adjoining retail units, used on a time limited basis (i.e. only during certain hours).

The building has also been designed so that it can be linked to the Envac Waste collection system, if this is extended into the area north of Engineers Way. The Envac System is currently in place for the two Quintain buildings to the south of Engineers Way (Quadrant Court and Forum House) and transfers waste from the various buildings to a centralised sorting and collection point.

TfL have recommended that a delivery and servicing plan is required through condition, in consultation with TfL.

### **Cycle parking**

The proposal includes a total of 250 cycle parking spaces.

Of this, 150 secure spaces will be provided for staff in basement together with changing, shower and locker facilities. The proposed provision would be sufficient to accommodate 9.375 % of total number of staff who would use the building at any one time and will accommodate the target 8 % shift in modal share to cycling that is set out within the Travel Plan. TfL specified that the



proposed levels of staff cycle parking (5 % of total occupancy) did not reflect the modal shift and recommended that these levels were increased to 10 % or that a cycle hire club is introduced. However, as discussed above, the proportion of cycle parking exceeds the Travel Plan target for modal shift and is only marginally below the 10 % level suggested by TfL.

A total of 100 public cycle parking spaces are proposed, with 40 of those sited externally at ground floor level and situated between the building and the basement ramp whilst the remaining 60 are provided within the basement.

One of the measures specified in the Travel Plan is the provision of pool cycles for staff use.

The proposed provision of cycle is considered to be in accordance with the Brent UDP 2004 and TfL cycle parking standards.

### **Pedestrians and Public Transport**

The Transport Assessment (TA) examines the current facilities for pedestrians and suggests potential areas for improvement. It concludes that pedestrian facilities are generally satisfactory due to the presence of infrastructure associated with Wembley Stadium events. Suggestions for improvements that could be made include:

- Investigation of the potential for increased surveillance;
- Bus stop improvements (corner of Empire and engineers way);
- Real time information facilities at public transportation waiting areas
- Improvements to the cross facilities on Empire Way near Wembley Stadium Station

Your officers consider that the continuing redevelopment development within the Wembley Regeneration Area will result in significant improvements to the levels of natural surveillance which is preferable to other means such as CCTV. The proposal has been designed to be in accordance with the new pedestrian and cycle routes identified within the Wembley Masterplan which will increase permeability whilst achieving good levels of natural surveillance.

TfL have highlighted the need for the existing bus stops on Engineers Way to be upgraded. The applicants have confirmed that they are willing to contribute towards the bus stop works. However, it is noted that some bus routes are likely to change as the redevelopment of Wembley progresses, including the provision of the "Boulevard" within the Quintain Stage 1 consent area. They accordingly recommend that the provision of funding for the works is secured through the planning consent, but that the works are not implemented until there is certainty regarding the long term location of the bus stops. Your officers consider that this approach is sensible.

The maximum level of the contribution is currently be discussed with TfL. The works will either be undertaken by TfL, or by the Council upon agreement from TfL.

The TA also demonstrates that there is sufficient capacity on the all public transport modes (having regard to bus, rail and tube capacity) to cope with the increase in demand associated with the proposed Civic Centre.

### **The road network**

The submitted TA examines the loading on the Empire Way/Engineers Way junction and concludes that the junction will reach 90 % saturation during the PM peak hour. The TA refers to the proposed junction layout detailed in Appendix B to be constructed prior to the opening of the

Civic Centre which will provide additional capacity and it specifies that the modelling indicates that it will function at the satisfactory levels of resilience recommended by TfL. The TA confirms that this scenarios also represents a “worst case scenario” as it does not take into account any transport interventions that will reduce traffic flows.

TfL have confirmed that they consider that they are confident that the development will not have an unacceptable impact on the strategic highway network and TfL Road Network due to the low levels of car parking proposed. TfL specified that the impact on the wider strategic network has not been assessed. However, the agents have confirmed that the TA assessed the potential impact of the proposal in accordance with the scope agreed with TfL, which did not include the A406 due to the distance from the site.

TfL have questioned whether the assumptions used for the Wembley Masterplan highway model were used for proposed development. Whilst the agents have confirmed that this is the case, the discussions between the agents and TfL are on-going and further information will be included in the Supplementary Report.

Stronger parking measures have also been recommended by TfL, relating to both events and day to day parking. They recommend that further information is provided regarding the implementation of a CPZ locally and the parking management plan. TfL also consider that staff should not be provided free or discounted parking for the off-site parking in the local area. Whilst there is currently very limited opportunity to park on-street locally, the agents have confirmed that the Council is committed to establishing a Controlled Parking Zone in this area. The other measures can be secured as part of the Parking Management Plan. Other measures to limit the parking demand for events at the Civic Centre are to be incorporated into the Travel Plan, including the distribution of information regarding the high level of public transport access to site and the limited availability of parking.

### **Travel Plan**

A Workplace Travel Plan has been submitted to support this application which further develops the measures set out within the current Council Travel Plan.

The Travel Plan has been developed to be in accordance with TfL guidance and examines the existing transport network, modes of transport currently used by staff, proposes measures to achieve modal shift from cars to sustainable means of transport, sets targets and specifies processes for monitoring and review.

Surveys indicated that the most common reason why staff drive to work is convenience, with 37 % of journeys made by single occupancy vehicles from within 5 km of the proposed Civic Centre. The Travel Plan accordingly makes the assumption that approximately 40 % of journeys could easily switch to alternative modes following the implementation of parking restraints. 20 % of staff indicated that they use their car to perform Council duties and the introduction of a car club (16 fleet parking spaces) and revisions to Council policy should help to ensure that this assumption is robust.

The Travel Plan sets targets for first occupation and years 1, 3 and 5 after occupation of the new Civic Centre, with the proportion of staff who drive to work reducing from 52 % in 2008, to 43 % in 2013 and down to 24 % in year 5. The Travel Plan sets targets for the other modes of transport, such as pedal cycles, walking, bus, rail and tube. This modal shift will be instrumental in

achieving the year on year reduction in the level of off-site parking specified previously in this report. The targets are compared to other Travel Plans in London and at another Council Office, and the Travel Plan specifies that these targets are achievable.

The Travel Plan also confirms that the Council are committed to providing funds to develop an annual marketing plan to help promote measures to staff, and funds will be sought for the role of a full time travel plan co-ordinator.

TfL consider that the approach to the Travel Plan will be critical to the success of this development, and specify that they wish to work closely with the Council in finalising and monitoring the Travel Plan. TfL have also requested that funding is made available to implement measures that are required if the targets are not met. The agents have confirmed that they consider this to be acceptable, subject to a cap on the total value of works or measures. Your officers are currently in discussions with the agents and TfL regarding the maximum value and this will be discussed in the Supplementary report.

### **Waste (Operation and Site Waste Management Plan)**

The applicants have submitted both an Operational Waste Management Strategy and Site Waste Management Plan.

#### Operation Waste Management Strategy (OWMS)

The OWMS sets out the proposed approach to waste management that will be implemented once the building has been completed and occupied. It estimates the amount of waste that is likely to be associated with the use and provides a strategy relating to the waste streams and segregation, bulking and storage, waste collection, training and education.

The Strategy provides estimates of the waste arising from the proposed uses, categorises these into waste streams and provides details of the management of that waste through measures such as the provision of facilities for recycling and off-site treatment of organic waste by “In Vessel Composting” or “Anaerobic Digestion”. The strategy outlines the means by which waste collection will be undertaken within the building itself, and how that waste will be bulked and stored. This includes, for example, the segregation of waste by type (recyclable, organic and residual waste) at source, colour coded storage bins and details of the predicted storage area associated with each type of bin.

The strategy also provides details of waste collection from the site, and education and training on waste management for employees and other workers in the building.

The strategy accordingly demonstrates the consideration of the requirements of the site for the storage and collection of waste in accordance with UDP Policy BE12 and SPG19.

#### Site Waste Management Plan (SWMP)

Whilst the Operational Waste Management Strategy deals with the on-going operational aspects of the building, the SWMP deals solely with the construction process.

London Plan Policy 4A.28 (Construction, excavation and demolition waste) specifies that “*DPDs should require developers to produce site waste management plans to arrange for efficient materials and waste handling, and require waste to be removed from the site, and materials to be brought to the site, by water or rail transport wherever that is practicable*” and the Preferred

Options version of the Development Policies DPD includes policies DP SD5 (Resource Efficiency –Sustainable Materials & De/Construction) which sets out the requirement for a Construction Management Strategy and/or includes a Site Waste Management Plan and sets targets for maximising recovery and the re-use of materials from demolition and minimises materials waste during construction. However, the Development Policies DPD has not been adopted yet and this policy should therefore be given very little weight at present.

The approval of a SWMP is also a statutory requirement for all construction projects with an estimated value greater than £300,000 under the Site Waste Management Plan Regulations 2008 and therefore is a requirement of the Civic Centre development. However, the Local Planning Authority has no authority to determine the SWMP under these regulations.

The Submitted Site Waste Management Plan therefore demonstrates that the proposal has considered and is in accordance with the principles, policies and regulations relating to waste minimisation and management policies. However, the SWMP cannot at present affect the determination of this planning application, other than the requirements set out within Policy BE12 of the UDP 2004 and SPG 19 which relate to the consideration of the potential for the reuse of materials, the environmental effects of building materials and methods to maximise recycling and re-use, as well as minimising waste during demolition and construction.

The submitted SWMP has been developed using the ICE Demolition Protocol, the WRAP Net Waste Tool in order to populate the WRAP SWMP template.

The specified objectives for the preliminary SWMP that has been submitted are:

- Identify the expected waste arising from construction;
- Identified potential measures to promote higher recycled content materials in the build and encourage secondary materials over primary resources;
- Prepare a SWMP to support the construction programme which identifies waste management routes that aspire to the waste hierarchy;
- Targets are recommended for:
  - Incorporation of demolition material in the build and/or recycling close to the site;
  - Recycled content of materials to be used in the building (from demolition and specified materials); and
  - Minimising the amount of wastage that arises from the construction process.

The Plan identifies the roles and responsibilities within the construction process, provides information regarding instruction and training, and sets out Key Performance Indicators for waste minimisation, recovery and recycling derived from BREEAM standards. The KPIs include a commitment to

Deliver a minimum recycled content of 10 % by value. The SWMP provides predictions of the waste arising from demolition and construction, and the recovery potential and construction material recycled content. An overview is provided of the arrangements for minimisation and management of wastes produced during construction.

Your officers consider that the SWMP provides sufficient information to demonstrate that the proposal has adequately considered the re-use of demolition material through the commitment to a target for recycled content and includes measures to minimise waste during construction in accordance with Policies BE12 and SPG19.

## **Flood Risk**

The subject site is situated in Flood Risk Zone 1 (low risk of flooding, less than 1 in 1000 probability) and the site area is below 1 Hectare. The Environment Agency (EA) has accordingly advised the Council that the EA is not a Statutory Consultee under Article 10 of the Town and Country Planning (General Development Procedure) Order 1995, as amended. As such, there is no requirement for the Flood Risk Assessment (FRA) to be approved by the Environment Agency. The EA recommended that SUDs are maximised within the site and that the site aspires to achieve a Greenfield run-off rate in accordance with the Wembley Masterplan, and commented that they are pleased that this information has been taken into consideration.

The PPS25 Companion Guide specifies that *“Run-off from previously-developed sites should be compared with existing rates, not greenfield rates for the site before it was developed. Developers are, however, strongly encouraged to reduce run - off rates from previously-developed sites as much as is reasonably practicable”*. The latter is encouraged within London Plan Policy 4A.14 which specifies *“...Developers should aim to achieve greenfield run off from their site through incorporating rainwater harvesting and sustainable drainage...”*. Your officers are not aware of any urban developments in Brent that have achieved Greenfield run-off rates, but promote this aspiration.

The Level 2 Flood Risk Assessment examines the risk of flooding to the development and outlines surface water management measures to be incorporated into the development to limit the risk of flooding outside of the subject site.

### **Risk of Flooding to the development**

The FRA highlights that the site has a low risk of fluvial flooding and is not at risk from tidal flooding. The risk of surface water flooding from surrounding land is also considered to be low and the predominant source of flood risk to the development is surface water flooding on the site itself.

### **Surface Water Management**

The FRA provides estimates of the Greenfield, existing development and proposed development run-off rates associated with a 100 year design event (with 30 % adjustment for climate change). A drainage strategy is proposed in accordance with the London Plan drainage hierarchy. Measures that are considered include water butts, infiltration and permeable paving, ponds, wetlands and water features, underground attenuation and surface water drainage outfall. The FRA specifies that water butts and underground attenuation are considered to be the most appropriate measures for the site as the impermeable clay subsoils and density of development on-site rule out other measures. However, the use of other SUDS techniques such as swales, filter strips and permeable paving will be considered in more detail in the detailed design of the building.

The proposal includes 180 sqm of green roofspace, and rainwater will be harvested from the roofspace, treated and stored in a tank and used to flush WCs and urinals.

The proposed measures would achieve 50 % attenuation and would accord with the London Plan and PPS25, whilst not achieving Greenfield run-off rates. Your officers consider that the proposal is in accordance with current policy levels of surface water attenuation and would result in a significant reduction in surface water run-off from the site.

### **Environmental Assessment (contamination)**

The submitted Environmental Assessment Report presents the findings of an intrusive Phase II environmental investigation that was performed on the site.

The Environmental Health officers have reviewed the Environmental Assessment Report undertaken by URS (ref: 49318660 / LORP0003) for the proposed Brent Civic Centre. This report provides the findings of an intrusive soil investigation which assessed the quality of soil in terms of contamination and the risk this may pose to future site users.

The report did not identify the need for any remedial environmental improvement measures. Given the findings of the investigation and the nature of the proposed development, I find this conclusion to be satisfactory. However, no site investigation is capable of assessing every part of the area to be developed and therefore the following informative is recommended for the attention of the applicant and developer:

### **Air Quality**

The subject site is situated within a designated Air Quality Management Area, with the designation relating in particular to nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>). The submitted Air Quality Impact Assessment examines the impact of the proposed CCHP on local air quality and the impact of nearby roads on the ambient air quality around the proposed building.

The assessment concludes that the baseline mean annual concentrations of nitrogen dioxide will achieve the National Air Quality Standards from 2014 due to the reduction in background levels and the adoption of vehicles with lower emissions. The annual mean concentrations of particulate matter in this location already achieve National Air Quality Standards.

The assessment shows that the NO<sub>2</sub> emissions from the CCHP unit can be effectively controlled and that the use of natural ventilation in the building is not constrained with the emissions from the CCHP unit at heights of at least 48 m above ground level (3 m above the top of the Civic Centre).

With regard to the design and appearance of the flues, Hopkins Architects have confirmed that these will be designed to be in keeping with the building.

The Environmental Health Officers have reviewed the Air Quality Assessment Report for the Civic centre and are satisfied with the conclusions drawn. Obviously the assessment is based on the documentation regarding the design of the build available to them at the time and although unlikely, any change to the design may have an impact on their ability to meet the air quality objectives in their results and the applicant should advise us of any change likely to affect this.

### **Lighting Assessment**

The submitted lighting assessment provides a strategy to address the potential for light pollution associated with the development. This strategy also looks to ensure the proposed lighting strategy will result in safe levels of light around the development and has regard to British Standards, guidance, the MET Police Secured by Design advice and policy BE8 of the Brent UDP 2004.

The Assessment sets out the minimum design levels for the different types of external space around the development and suggests the use of 4-6 m high luminaire columns to provide light this light uniformly. The internal lighting scheme detailed in the assessment looks to achieve 350 Lux at the working plane whilst minimising any chance of direct view of light sources from outside the building. Feature lighting, such as low intensity up lighting to selected tree groups is also

proposed to create visual interest.

The assessment confirms that the lighting levels will be sufficient to operate a good quality CCTV system, but that upwards light pollution will be within the minimum requirements of Environmental Zone 4 of 25 % and vertical illuminance is limited to 5 lux at a defined distance outside the boundary to avoid nuisance to residential premises.

Your officers consider that the submitted assessment provides adequately considers the potential impacts of lighting and recommend a condition to require the full details of the lighting fixtures together with a lighting contour plan to confirm the levels achieved around the site.

### **Utilities**

The submitted Infrastructure and Utilities Report examines the infrastructural implications of the proposal, having regard to electricity, gas, water, foul and surface water drainage and communication. The report has identified the need for diversion and/or disconnection works associated with the LV electrical supplies and street lighting and foul and surface water drainage. An overview of the infrastructural connections required is provided, and it should also be noted that an electrical substation is proposed adjacent to the Wedding Garden.

In response to the application consultation, Thames Water specified that they have identified an inability of the existing waste water infrastructure to accommodate the needs of this application and recommended that a condition is attached regarding details of on/off-site drainage works. This condition has been attached.

### **Other matters**

#### **Childcare**

Policy EMP 3 of the Brent UDP 2004 specifies that large schemes with significant employment levels should explore the scope for the provision of childcare facilities. No crèche facilities are proposed within the building. However, there is existing un-occupied crèche floorspace in the immediate vicinity (within Quintain's Forum House building) and should the need arise for the provision of childcare facilities, there would be scope for provision within this building.

#### **Equality Impact Assessment**

The applicants have submitted an Equality Impact Assessment, as this formed an important element of the selection process for the Civic Centre design team. Whilst this is an important factor for the Council to consider when designing the building, it is not a requirement of the planning process and it accordingly has not been considered or discussed within the report.

#### **Conclusion**

Your officers consider that the proposed Civic Centre building represents the provision of an exemplar building that is in accordance with the Local, Regional and National Planning policies, guidance and statements. The proposal will result in significant improvements to the availability and quality of facilities for local residents and staff within a highly sustainable building.

The approval of this planning application 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  
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  
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  
Tourism, Entertainment and the Arts: the need for and impact of new tourists and visitor facilities  
Transport: in terms of sustainability, safety and servicing needs  
Community Facilities: in terms of meeting the demand for community services  
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):

3000	4001 Rev C
3001	4002 Rev C
3025 Rev A	4003 Rev C
3101 Rev C	4100 Rev C
3102 Rev C	4101 Rev C
3103 Rev C	4200
3104 Rev C	5000
3105 Rev C	5001
3106 Rev C	HAL_BRCC_SK_084
3107 Rev C	HAL_BRCC_SK_085
3108 Rev C	HAL_BRCC_SK_086
3109 Rev C	HAL_BRCC_SK_087
3110 Rev C	HAL_BRCC_SK_088
3111 Rev C	HAL_BRCC_SK_089
3112 Rev C	HAL_BRCC_SK_090
3113 Rev C	HAL_BRCC_SK_091



Brent Civic Centre Travel Plan dated November 2009  
Brent Civic Centre Transport Assessment dated November 2009  
Brent Civic Centre Transport Assessment – Appendices dated November 2009  
Brent Civic Centre Air Quality Impact Assessment dated November 2009  
Brent Civic Centre Operational Waste Management Strategy dated November 2009  
Brent Civic Centre Site Waste Management Plan dated November 2009  
Brent Civic Centre Level 2 Flood Risk Assessment dated November 2009  
Brent Civic Centre Town Planning Report dated November 2009  
Brent Civic Centre Sunlight Daylight Study dated February 2010  
Brent Civic Centre Lighting Assessment dated November 2009  
Brent Civic Centre Design and Access Statement dated November 2009  
Brent Civic Centre Design and Access Statement Appendix D dated November 2009  
Brent Civic Centre Energy Strategy dated November 2009  
Brent Civic Centre Sustainable Design & Construction Statement dated November 2009  
Environmental Assessment Report, Brent Civic Centre, Wembley, dated 25 November 2009  
Statement of Community Involvement – Civic Centre dated 2009  
Building Engineering Services Infrastructure & Utility Report dated 25 November 2009

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

- (3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the use of the area denoted as "Retail" on the ground floor plan hereby approved shall only be for purposes within Use Classes A1, A2 or B1 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To allow an appropriate level of flexibility in the use of this floorspace as proposed within this application.

- (4) All parking spaces, turning areas, loading bays, access roads and footways shall be constructed and permanently marked out prior to first occupation of the building hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety within the site and along the neighbouring highway.

- (5) No goods, equipment, waste products, pallets or materials shall be stored or deposited in any open area within the site 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 including fuel 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.

- (6) The ground floor frontages of the retail and library floorspace within the eastern and southern elevations shall remain visually open with visibility between the streets and the internal use unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development that maintains active frontages within Engineers Way and the new retail street.

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

Reason: In the interests of traffic and pedestrian safety.

- (8) Details of materials for all external work, the internal and external treatment of the atrium and the exterior cladding of the "civic drum", 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.

- (9) The development hereby approved shall not commence unless a scheme for the landscape works and treatment of the surroundings of the proposed development and the winter garden has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (a) a planting plan, including (including species, plant sizes and planting densities);
- (b) proposed walls and fences, indicating materials and heights;
- (c) screen planting for the vehicle ramp and substation;
- (d) any proposed contours and ground levels;
- (f) areas of hard landscape works and proposed materials;
- (g) the detailing and provision of green roof(s);
- (g) details of the proposed arrangements for the maintenance of the landscape works.

Any planting that is part of the approved scheme that, within a period of five years after planting, is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season 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 to ensure that it enhances the visual amenity of the area.

- (10) The development hereby approved shall not commence, unless a Sustainability Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall demonstrate the way that the measures set out in the
- TP6 Sustainability Checklist,
  - the Energy Strategy,
  - Sustainable Design and Construction Statement, and
  - the Flood Risk Assessment

hereby approved will be incorporated into the proposal. If it is not possible or feasible to incorporate any of the measures that are proposed within these documents, then details of alternative measures or alternative means by which the impacts of the failure to implement the measures will be mitigated shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a sustainable development.

- (11) Following the completion of development, the owner shall commission at its own expense a review by a BRE-approved independent body which shall determine whether the measures set out within the Sustainability Strategy have been implemented and a minimum BREEAM standard of "Excellent" has been achieved. If the review determines that any of the measures set out within the Sustainability Strategy have not been implemented and/or a minimum BREEAM standard of "Excellent" has not been achieved, the owner shall either submitted for approval of the Council proposed measures for remedying such shortcomings and/or carrying out compensatory measures. These measures shall be set out within the review, and the review shall be submitted to and approved the Council within 6 months of practical completion of the building.

Reason: To ensure a sustainable development.

- (12) The development shall not be occupied unless a detailed car park management plan has been submitted to and approved in writing by the Local Planning Authority in consultation with TfL. The management plan shall include the means by which the parking spaces will be allocated, secured and enforced between the various users of the site and 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.

Reason: To ensure a satisfactory development that does not result in overspill parking within the surrounding area.

- (13) Prior to the commencement of works, a construction logistics and management plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London, and thereafter the development carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway free-flow and safety.

- (14) A Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with TfL prior to the occupation of the building hereby approved. The approved plan shall be fully implemented for the life of the development.

Reason: To ensure a satisfactory development that minimises any potential impacts on the road network.

- (15) The Travel Plan hereby approved shall be implemented from first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority in consultation with Transport for London. The travel plan shall be reviewed at years 1, 3 and 5 from first occupation, and the reviews shall be approved in writing by the Local Planning Authority in consultation with TfL as follows:
- a) A review of the Travel Plan measures over the first 12 months from first occupation shall be submitted to the Local Planning Authority within 15 months of the commencement of the use and the review shall be approved in writing within 18 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority;
  - b) A review of the Travel Plan measures over the first 3 years from first occupation shall be submitted to the Local Planning Authority within 39 months of the commencement of the use and the review shall be approved in writing within 42 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority;
  - c) A review of the Travel Plan measures over the first 5 years of operation shall be submitted to the Local Planning Authority within 63 months of the commencement of the use and the review shall be approved in writing within 66 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority;

Reason: In order to promote sustainable transport measures and in the interest of the free and safe flow of traffic on the local road network.

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

Reason: To ensure a satisfactory development that does not lead to sewage flooding and to ensure that there is adequate capacity in the sewerage network.

- (17) Measures for the control of pigeon roosting shall be submitted to and approved in writing prior to first occupation of the building and the approved details shall be implemented in full.

Reason: To ensure a good quality environment and satisfactory visual appearance.

- (18) Details of any external lighting shall, including the external lighting fixtures and a light contour plan for the land surrounding the building shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any works

on site and the approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

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

- (19) Details of the layout and design of the cycle storage areas 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 the configuration and layout of any such areas, and details of the cycle storage fixtures. 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.

- (20) The development hereby approved shall not commence until a scheme to establish a Controlled Parking Zone (CPZ) within the vicinity of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the process by which the introduction of a CPZ will be evaluated and implemented, and the timescales for this process. The approved scheme shall be implemented in full.

Reason: To ensure a satisfactory development that is not prejudicial to the free and safe flow of traffic.

- (21) The development hereby approved shall not be occupied unless a scheme for the provision of off-site parking spaces has been submitted to and approved in writing by the Local Planning Authority. The number of off-street parking spaces detailed within the scheme shall be in accordance with the Travel Plan, and shall decrease in accordance with the Travel Plan targets for "car driver" modal share. The approved details shall be implemented from first occupation of the building.

Reason: To ensure a satisfactory development that is not prejudicial to the free and safe flow of traffic.

- (22) Prior to the commencement of the development hereby approved, a site investigation shall be carried out by an appropriate person (approved by the Local Planning Authority) to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved by the local planning authority, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain/treat or remove any contamination found. The results of the investigation shall be submitted to the Local Planning Authority and any remediation measures required by the Local Planning Authority shall be carried out in full.

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

- (23) Prior to the occupation of the development, a completion report and certification of completion shall be provided to the Local Planning Authority by an appropriate person (approved by the Local Planning Authority) stating that the remediation

scheme for the associated phase of development has been fully carried out and the site is permitted for end use (unless the Local Planning Authority has previously confirmed that no remediation measures are required).

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

- (24) The development hereby approved shall not be occupied unless details of external CCTV cameras to be used on site are submitted to and approved in writing by the Local Planning Authority, and the approved details shall be implemented in full. These details shall include the specification and location of any external CCTV cameras.

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

- (25) The development hereby approved shall not be occupied unless a Community Access and Provision Plan, including hours of community access and details of the community facilities to be provided within the building has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full.

Reason: To ensure a satisfactory development that benefits the local community.

- (26) No plant machinery or equipment shall be installed externally on the building unless details of the equipment, the expected noise levels to be generated and any measures to mitigate against the external transmission of that noise, have been submitted to and agreed in writing by the Local Planning Authority unless agreed otherwise in writing by the Local Planning Authority. Thereafter the plant/equipment shall be installed in accordance with the approved details and maintained in accordance with the relevant manufacturer's guidance  
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".  
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) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the

boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water, Developer Services will be required. They can be contacted on 08454 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- (2) 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.
- (3) 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, 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 020 8507 4321.
- (4) It is important that the workers are vigilant for signs of potential contamination in the soil during excavation works. This may include obvious visual or olfactory residues, fuel or oil stains, asbestos, buried drums, buried waste, drains, interceptors, tanks or any other unexpected hazards that may be discovered during site works. If any unforeseen contamination is found during works Environmental Health must be notified immediately. Tel: 020 8937 5252. Fax 020 8937 5150. Email: [env.health@brent.gov.uk](mailto:env.health@brent.gov.uk)

#### **REFERENCE DOCUMENTS:**

Please see Policy section of this report.

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

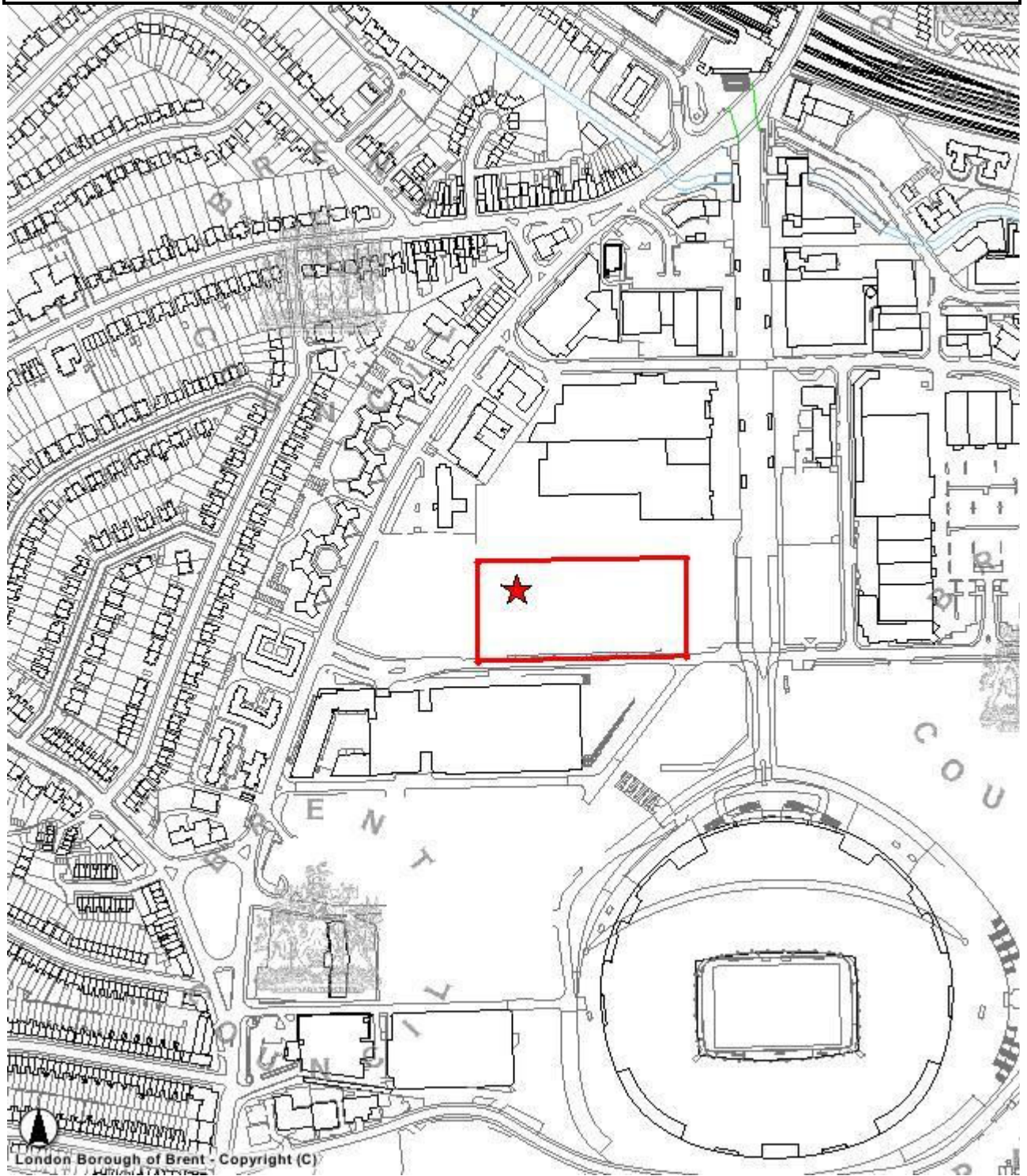




## Planning Committee Map

Site address: Palace of Arts & Palace of Industry Site, Engineers Way, Wembley, HA9 0ES

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This map is indicative only.



## Committee Report Planning Committee on 16 March, 2010

Case No. 09/2645

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**RECEIVED:** 6 January, 2010

**WARD:** Stonebridge

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** Community Centre, Crystal House, 2 Agate Close, London, NW10 7FJ

**PROPOSAL:** Change of use of the ground floor from a medical centre (Use Class D1) to mixed use retail (Use Class A1) or a medical centre (Use Class D1)

**APPLICANT:** London and Regional Properties

**CONTACT:** Cushman & Wakefield

**PLAN NO'S:**  
Location Plan  
Ground floor doctors surgery 5486 (L) 190Rev B  
Planning Statement

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### RECOMMENDATION

Refuse consent

### SECTION 106 DETAILS

In this instance it is considered that the use of the entire floorspace 350sqm as retail and its loss as a medical / community facility is not acceptable in principle, but if it were to be, compensation for its loss would be sought in accordance with Policy CF3. The application requires a Section 106 Agreement, in order to secure the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £400,000 due on material start and, index-linked from the date of committee for community facilities/ primary health care provision in the local area

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

### EXISTING

The proposal relates to the ground floor of Crystal House a new 3 storey block located on the corner of Twyford Abbey Road and Bodiam Way (the bus only link) in which there was proposed to be a medical centre/ doctor's surgery on the ground floor and community centre use on the upper two floors. The building is part of a larger residential development approved in 2004 as part of the redevelopment of the former Guinness Brewery site. The site is within Park Royal in an area identified as Park Royal Western Gateway Opportunity Site.

This application relates specifically to the ground floor of Crystal House which is currently vacant but has planning permission for use as a doctors' surgery or for other medical uses and for no other purpose within Class D1.

## PROPOSAL

Change of use of the ground floor from a medical centre (Use Class D1) to mixed use retail (Use Class A1) or a medical centre (Use Class D1)

## HISTORY

The site has a long planning history. The following are most relevant to the current proposal:

- 09/0614 Variation of condition 25 of planning permission 04/0401 (to allow the community centre to be closed at 23.30 Monday to Wednesday and at 01.00 on Thursday to Sunday and all patrons shall leave the premises within 30 minutes of closing and the premises shall not re-open or be used before 08.00 on any day) withdrawn
- 07/2087 Change of use of part of the ground floor to retail (Use class A1) - pending
- 07/2088 Change of use of part of the ground floor to offices (use class B1 or A2) - withdrawn
- 05/1307 Variation of condition 23 (to allow doctors' surgery to be used for other medical uses) of planning permission reference 04/0401 for demolition of Guinness Sports and Social Club building and 2 squash courts and redevelopment of land to West of Abbeyfields Close and to rear (South) of Abbeyfields Close and Moyne Place to provide a total of 192 residential units (80 affordable) and community facility, doctors' surgery and childcare facility (as set out in the agents letter dated 25 April 2005). – granted  
Condition 23 was revised to the following :
- Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) the use of the doctors' surgery hereby permitted shall only be used for that purpose or for other medical uses and for no other purpose within Class D1 of the said Order, except with the prior permission of the local planning authority obtained through the submission of a planning application.*
- Reason : To accord with the terms of the application, to enable the local planning authority to maintain control over any future use of the premises in the interests of the amenities of the occupiers of neighbouring properties and to ensure adequate parking and servicing is available for alternative uses.*
- 04/0401 Full planning application for “Demolition of Guinness Sports and Social Club building and 2 squash courts and redevelopment of land to West of Abbeyfields Close and to rear (South) of Abbeyfields Close and Moyne Place to provide a total of 192 residential units (80 affordable) and community facility, doctors' surgery and childcare facility” was Approved Subject to Legal Agreement.
- 02/0016 Reserved matters - Residential development on land to the rear of Abbeyfields Close and Moyne Place to provide 42 units within 5 buildings consisting of the erection of a part two-storey and three-storey terrace of 1 three-bedroom house, 1 four-bedroom house, 2 three-bedroom maisonettes, 2 four-bedroom maisonettes and 4 one-bedroom flats (Block 1), a two-storey terrace of 3 four-bedroom houses and 2 three-bedroom

houses (Block 2) a three-storey terrace of 1 five-bedroom house, 4 three-bedroom maisonettes and 2 two-bedroom flats (Block 3) a part two-storey and three-storey terrace of 4 three-bedroom houses, 4 three-bedroom maisonettes and 2 two-bedroom flats (Block 4) and a four-storey terrace of 5 three-bedroom maisonettes and 5 one-bedroom flats (Block 5) as part of Phase 1 reserved matters pursuant to condition 1 (time limit) and condition 2(i) (phase 1 residential) (access road) of planning permission 98/0016 dated 15/07/1999 for new access road from A40 and outline planning application for mixed-use development on a 22.18-hectare site, including 116,100m<sup>2</sup> of offices (Use Class B1); 61 residential units; Underground station including ancillary retail; 150-bed hotel; indoor leisure facilities and open space; with associated access/servicing, landscaping and car-parking, including demolition of existing brewery and leisure buildings. Granted

98/0016 Outline planning application for new access road from A40 and outline planning application for mixed-use development on a 22.18-hectare site, including 116,100m<sup>2</sup> of offices (Use Class B1); 61 residential units; Underground station including ancillary retail; 150-bed hotel; indoor leisure facilities and open space; with associated access/servicing, landscaping and car-parking, including demolition of existing brewery and leisure buildings (as amended by plans and documentation dated 12 October 1998, 23 October 1998, 6 November 1998, 12 November 1998 and 18 November 1998) - Approved on 15 July 1999.

#### Adjacent building

08/3190 Change of use of ground floor of Aqua House from nursery to 5 self contained flats and formation of existing door to a window on ground floor north west elevation of residential block and subject to a Deed of Agreement dated 16th July 2009 under Section 106 of the Town and Country Planning Act 1990, as amended Approved 30<sup>th</sup> July 2009

### **POLICY CONSIDERATIONS**

#### **PPS4- Planning for Sustainable Economic Growth**

#### **London Plan 2004 as consolidated with amendments**

##### **Policy 2A.8** Town Centres

**Policy 3D.1** Supporting town centres

**Policy 3D.2** Town centre development

**Policy 3A.18** Protection and enhancement of social infrastructure and community facilities –resist facilities loss

**Policy 3A.21** Locations for health care- prioritise health care

**Policy 5F.1** The strategic priorities for West London

#### **Brent's Unitary Development Plan 2004**

**STR2** – Retail uses or uses that attract a lot of people will be directed sequentially

**STR3** - In the interest of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).

**STR11** - The quality and character of the Borough's built and natural environment will be protected

and enhanced; and proposals which would have a significant harmful impact on the environment or amenities of the Borough will be refused.

**STR14** - New development will be expected to make positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to: townscape (local context and character) urban structure (space and movement), urban clarity and safety, the public realm (landscaped and streetscape), architectural quality and sustainability, detailed in part II of the plan.

**STR29** a development should enhance the vitality and viability of the Borough's Town Centres

**STR30** a widespread distribution of local shopping facilities and other local services will be maintained.

**BE2** Local Context

**BE3** Urban Structure: Space & Movement

**BE4** Access for disabled people

**BE5** Urban clarity and safety

**BE6** Landscape design

**BE7** Streetscene

**BE9** Architectural Quality

**BE12** Sustainable design principles

**BE17** Building services Equipment

**EP2** Noise and Vibration

**EP3** Local air quality management

**H22** Protection of Residential Amenity

**TRN3** Environmental Impact of Traffic

**TRN4** Measures to make transport impact acceptable

**TRN11** The London Cycle Network

**TRN22** Parking Standards – non-residential developments

**TRN34** Servicing in new developments

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

**SH5** Out of Centre Retail Developments

**EMP4** Access to Employment Opportunities

**CF2** Location of small scale community facilities

**CF3** Protection of community facilities. The loss of a community facility falling within the D1 use class will be resisted unless the facility is appropriately replaced or adequate compensation is made for its loss, or unless both the site and any buildings are unsuitable for redevelopment for community uses.

Exceptionally a reduction in the size of a communal facility may be permitted where the size of a community facility is too large for modern needs and the development is essential to secure community use (with equivalent community access) on the remainder of the site.

**CF5** - Community facilities will be secured in very large scale residential or mixed use schemes where these are necessary to meet the needs of the new community and the need for them arises as a result of the development.

**CF13** - In partnership with the health care providers the improvement of primary health care facilities is supported. The development or extension of healthcare/GP surgeries will be permitted in residential areas and in town and local centres where there is no significant loss of residential amenity, would not create highway safety or traffic problems and facilities are accessible to the whole community

Purpose built group practices are generally encouraged

Where necessary, a condition may be applied limiting the use to that applied for.

**PR1** - Major developments within Park Royal will be expected to make a substantial contribution towards the overall enhancement and regeneration of the area. Planning obligations will be secured for the improvement of local infrastructure and public transport, where the transport impact of the proposal justifies such measures.

**PR2** - The following transport improvements serving Park Royal will be pursued : new upgraded stations including the Park Royal Interchange, bus priority/service improvements on key routes linking stations employment areas and their residential hinterland, an improved cycle network and pedestrian routes, action to restrict the use and parking of cars within the area by extending the scope of existing parking controls, construction of the Western Gateway Link, promotion of the area travel plan initiative,. Such measures will be secured where they are necessary to mitigate the transport impact of development to acceptable levels.

**PR5** - Park Royal Western Gateway Opportunity Site - Major development including a business park. This should incorporate a new Park Royal Interchange Station on the Central Line with a link to the Piccadilly Line. A minimum of 2 hectares of additional public open space should be provided together with compensatory loss for the loss of playing fields. This public open space should form a link to the areas of Metropolitan Open Space designated in Ealing (Jellicoe Mounds and Twyford Abbey).

Development is subject to any application being accompanied by an urban design framework showing how different phases will be developed and the relationship between the built and landscaped areas and major development is subject to the construction of the Western Gateway Link Road and 'Concord Link' (within Ealing) and shall include a link road from Coronation Road to Rainsford Road (whilst retaining the railway sidings) and there should be traffic restrictions on Twyford Abbey Road and Coronation Road. It should include sufficient improvements to the trunk road network to enable the development to be accessed safely without unacceptably causing congestion.

## **Brent Council's Supplementary Planning Guidance and Documents**

**SPG12** Access for disabled people

**SPG17** Design Guide for New Development

**SPG19** Sustainable design, construction and pollution control

**SPD** Section 106 Planning Obligations

## SUSTAINABILITY ASSESSMENT

n/a

### CONSULTATION

73 properties have been notified on 11/01/10, including occupiers of Opal House, Aqua House, Azure house. It is understood that the London Borough of Ealing has also notified some residents within their Borough. In addition site notices were erected on 15/01/10.

2 letters of support received

- Support the idea for the provision of both a doctors and convenience store.
- There has been problems with a vacant ground floor unit in the past with antisocial behaviour. However, a well-managed establishment would not lead to such problems.
- Most customers will be on foot and therefore the proposal will not lead to parking problems

9 letters of objection including a representative for the west Twyford Residents Association, raising the following issues:

- Local residents suffer from the lack of a doctor, could Brent and Ealing share this facility? There is currently a need for a local doctors/ dentist facility. Shops are already available on all 4 corners of Hanger Lane
- Twyford Abbey development in Ealing and First Central development in Brent are imminent- massively increasing the local population.
- Concern that if the change of use is granted, the D1 use will be ignored.
- Seek delay of the decision and clarification regarding what “retail” is proposed. This could be widely interpreted, for example a small convenience store/ grocers/ newsagents may be welcomed by Brent and Ealing residents but they would object to other uses such as the sales of alcohol in a residential area.
- Concern that a shop may lead to young people hanging around, particularly with the number of low-cost residential units being proposed in the area.
- Concern about the long opening hours of a convenience store
- The proposal may result in parking problems- functions at Crystals community centre have caused issues in the past on local roads overspill – with no traffic calming measures. Here is a lack of parking provision proposed for a shop
- Brent and Ealing Councils should work towards meeting residents’ needs, local residents have lost lots including open fields, sports facilities, and a community centre
- A retail use will attract signage, litter and noise
- First Central have a proposed retail outlet in this development, which should be used rather than the application site
- The residential use of West Twyford was reinforced with covenants preventing the use of properties as commercial enterprises
- The community centre is operated as a business, and is on its third tenant, and not part of the community. The proposed nursery, doctors surgery and park have yet to materialise despite the s106
- No all local residents are aware of the proposal, which affects a community use, and this is unfair, and should not be a delegated matter. The application affects the whole of West Twyford and has wide implications
- The proximity of a proposed shop to a primary school, may lead to accidents as children cross the road to use it.
- The unit has been vacant for some time, but other D1 uses could benefit the local community

Ealing Cllr Nigel Sumner –raises concerns about the proposal as this links to the early Guinness s106 and there are local residents’ concerns about future development in the area and renegotiations on s106 obligations

Ealing Council- raise no objection

Planning Policy Officers -object to the proposal, consider community uses on site should be further explored, and up to 350sqm A1 floorspace will be harmful and fail the sequential test- failing to comply with planning policies

Transportation –No objections subject to the provision of appropriate servicing/ parking/ refuse/ recycling and secure cycle storage on site.

Brent PCT - there is clear local need for PCT provision which will increase further when the rest of this development is built out. The local PCT provision is being concentrated at the Central Middlesex Hospital (CMH). Therefore if this D1 space was to be loss they would require a substantial contribution towards off site medical and PCT facilities at CMH.

## **REMARKS**

### **Introduction**

This application seeks a change of use of the ground floor from a medical centre (Use Class D1) to mixed use retail (Use Class A1) or a medical centre (Use Class D1.) The ground floor of the building encompasses 350sqm and since the erection of the building, this floor has remained vacant. The lawful planning use of the existing ground floor is as either a doctors' surgery or for other medical uses and for no other purpose within Class D1. The applicants therefore seek a flexible consent, that the floorspace may be used as either retail, or a medical centre, or any combination of the two uses.

### **Community medical facility**

Crystal House was approved as part of the redevelopment of the former Guinness Brewery site. Condition 23 of application 04/0401 sought to restrict the use of the designated area, (the application site,) which was later varied to allow the provision of either a doctor's surgery or a medical centre. It is considered that this facility is important social infrastructure to help establish this part of Park Royal as a good place to live and work. Policy 5F.1 of the London Plan states that a priority in Western London is to ensure that the expansion of population expected in West London is accommodated in sustainable communities, taking into account *their needs for social and community infrastructure* and capacity building, and capturing significant benefits from the economic generators within the sub-region for residents (officer's italics.)

Unitary Development Plan Policy CF3 states that the loss of D1 floorspace will be resisted unless the facility is appropriately replaced, or adequate compensation is made for the loss. Policy 3A.18 of the London Plan seeks to resist the net loss of community facilities such as healthcare. Policy CF13 of the UDP seeks to encourage the provision of primary care facilities, and in particular purpose-built group practice facilities.

The D1 medical provision on site was originally secured to mitigate the extra impact of both the local residential and office users. Any reduction of this medical provision must be considered in terms of the residential units that have already been constructed, and that the permission for the rest of the office space employing thousands remains extant. Members should also note that more residential units were ultimately provided on site (131units) than the numbers originally envisaged within the outline application (61 units) leading to a total of 192 units. The nearest GP surgery to the application site is in excess of 1400m from the site. Furthermore additional growth is expected on the First Central site, where an additional planning application is awaited. The applicants state that this will include "a significant number of residential units and circa 90,000sqm of office floorspace." This is expected to heighten local need for a medical facility. Local residents also mention the advent of Twyford Abbey residential development in Ealing.

The applicants have stated that Ealing PCT no-longer require the floorspace as they are not promoting this model of healthcare. Brent PCT has confirmed that there is a local need for primary healthcare, however they may not wish to occupy the floorspace. It is understood that Brent local PCT provision is being concentrated at the Central Middlesex Hospital (CMH). Therefore if the

medical facility on site is not to be occupied by the PCT, they would require a substantial contribution towards off-site medical and PCT facilities at Central Middlesex Hospital, which will provide local primary health care. This different approach to medical facility provision is in line with London Plan Policy 3A.21 which prioritises facilities in town centres/ places of good public transport, particularly in accordance with the local NHS plan.

Within the Planning Statement accompanying the application, the applicants state that they do recognise the need for a local Medical Centre, which is why they are seeking dual use consent. In reality though, if a flexible consent is granted officers are concerned that there would be no reason for the applicants not to let the entire 350sqm floorspace as a retail premises. Indeed, the applicants have stated that they have been unable to gain PCT support either from Brent or Ealing to take-up the facility. This would potentially lead to the facility being lost with no compensation to allow provision elsewhere. The applicants seek to demonstrate that the floorspace has never been occupied, and argue allowing the change of use of this space would only be the loss of a potential community use rather than actual. However, officers disagree with this assessment.

Policy CF5 states that community facilities will be secured in very large scale residential or mixed use schemes where these are necessary to meet the needs of the new community and the need for them arises as a result of the development. Planning permission would not have been granted for Crystal House without a specified planning use. The committee report associated with application 04/0401 summarised that the proposed doctor's surgery was appropriate to its context, particularly when at that time the availability of GP facilities in West Twyford was (and remains) limited. The loss of a community facility/ medical centre, which is considered an established use, should therefore be addressed in policy terms, which includes compensation when appropriate.

In accordance with Policy CF3 and CF13 of Brent's Unitary Development Plan the Local Planning Authority would seek a commuted sum of £400,000 to compensate for the loss of 350sqm of dedicated doctor's surgery/ medical centre, (D1 floorspace.) Brent PCT has stated that they would use this money towards off- site medical and PCT facilities at Central Middlesex Hospital, where they are concentrating such facilities. This would be sought through a s106 associated with the grant of any future planning application on site. It is considered that without appropriate compensation there will be a net loss of an established community facility, which is harmful to the social infrastructure of the area.

The Local Planning Authority is concerned that the majority of community facilities envisaged at the time of the 2004 planning permission for the site have not been realised. The facilities are considered important to the viability of the wider area. During summer 2009 the Local Planning Authority became aware that the community centre occupying the first and second floor of Crystal House was no-longer operative. Officers have also had concerns that the facility has been operating as a commercial enterprise rather than strictly operating as a community facility. There have been concerns about the social infrastructure on offer to local residents and employees.

The 2004 planning permission for the development was considered on the basis of the proposal at that time. This included the doctor's surgery (later medical centre,) as there was a limited availability of GP facilities in West Twyford, community centre, and crèche. The crèche was considered appropriate for employers/employees within the new and existing employment sites in Park Royal and for residents of the area.

The Local Planning Authority had previously asked the applicants to consider the use of the ground-floor as for alternate community uses, and in particular a nursery as this is no-longer being provided in Aqua House. The findings within Appendix 5 of the submitted Planning Statement have been considered, which demonstrate that the applicants have endeavoured to market the unit as a nursery. It is unknown how much contact was made with crèche providers and what information was provided to them. However, it is understood that past reticence to the site was in part caused by a lack of external play-space. To this end, the Local Planning Authority have suggested the use of the wide paved/landscaping strip to the west of Crystals House and adjoining Bodiam Way in



order to create capacity for an external play-space associated with the adjoining building. This will require reconfiguration of the area, including the resiting of a footpath alongside Crystals House. Nevertheless this area has potential to create a playspace of approximately 70sqm. It is considered that if the ground-floor of Crystals House were to be marketed for a nursery with the incorporation of this landscaped verge as a playspace, then the proposal would be likely to generate more interest. The applicants have not responded to this recently raised issue at the time of writing this report.

The proposal allows the applicants the option to implement either the community facility or retail unit and the flexibility of such a dual consent for the entire floorspace would mean that the Local Planning Authority would have no way to safeguard any community floorspace provision for the ground-floor.

The applicant's Planning Statement intimates that the presence of the first and second floor Crystals House community centre means that other community uses are not viable for the ground-floor. This has not been substantiated. The Council has received recent enquiries about nurseries. It is preferred if the ground-floor space is used for other D1 uses, such as a nursery or education/ training centre, rather than losing the space as an established facility for community benefit. The community facilities were laid out in accordance with the applicants' proposals rather than being specified by the Local Planning Authority. It is considered premature to agree to the loss of a community facility particularly with the expected development on the future First Central site. Until the character and quantum of the future development is known it would be difficult for the Local Planning Authority to permit the further loss of a community asset, when the likely demand for such a facility is anticipated to increase. This approach is in accordance with Policy CF5 of Brent's Unitary Development Plan that requires that community facilities are secured in large-scale residential or mixed-use schemes to meet the needs of the new community.

#### **Alternate retail facility**

The Council's Policy division comment that the proposal, which could incorporate 350sqm of retail (A1) floorspace in an out of centre location is greater than would normally be considered to meet local need and would therefore harm the vitality and viability of existing local centres.

Policy SH5 of Brent's Unitary Development Plan specifies that out-of-centre proposals for the development of retail uses will only be permitted where:

- a) there is a need for the proposal in the format proposed;
- b) there is no sequentially preferable site available;
- c) the proposal by itself or cumulatively would not have an unacceptable impact on the vitality and viability of Town or District Centres;
- d) the site is or could be made accessible by means of a choice of transport including having moderate or better public transport accessibility and suitable pedestrian and cycle access exists or could be provided.

The applicants specify within the submitted Planning Statement that the proposal meets the local need for retail convenience within the Borough. However, the survey of local parades demonstrates that this additional floorspace can be accommodated within Brent's and Ealing's existing local centres. The applicants provide assessments of Ashbourne Parade on Hanger Lane, Norbeck Parade, Hanger Green, Abbey Parade and a parade on North Circular Road. They discount Hanger Green as it is 1.2km from the site, which they consider greater than walking distance. Your officers have assessed these local centre findings and agree with the names of units that have been provided. The survey shows that Abbey Parade is the closest to the application site, at a distance of 520m from the site and Ashbourne Parade is the furthest at 700m. The survey findings show that there are vacant units on North Circular Road parade and Hanger Green centre. The applicants have therefore failed to demonstrate why they are not seeking to occupy sequentially preferable locations within established local centres. The proposed development would introduce an out-of centre retail use in a location which, by reason of its

proximity to established local centres, is considered likely to draw custom from these centres and as such, detract from their vitality and viability.

The applicants make reference to the 400m distance cited within Policy SH17 of Brent's Unitary Development Plan as a measure of a reasonable walking distance but this policy does not state or imply that there is a direct need for a shop within 400m of every new dwelling. The policy states that the loss of an isolated shop more than 400m from other parades would be noticeable. Therefore units within other established local centres that are located more than 400m from Crystal House (the application site,) may be considered sequentially preferable sites, despite the applicant's interpretation of Unitary Development Plan policy.

A recent appeal decision issued on 25/09/07 regarding a convenience retail shop (application reference 06/3246, and appeal reference APP/T5150/A/07/2042360,) demonstrated that a Planning Inspector found that whilst the proposed 315sqm retail store would have a limited catchment this was sufficient to result in "significant competition" to nearby centres including a district centre 450m from the application site. He concluded that the location and catchment of the 315sqm store "would result in the long-term viability of (their) convenience shops being threatened adversely affecting the inter-related trade of their other shops and services and reducing the retail attraction of (both) centres as a whole." This would harm the long-term vitality and viability of the centres. It follows that the (larger) proposed retail unit on the application site of up to 350sqm A1 floorspace is also likely to significantly affect local centres 520m from the application site.

Brent's Core Strategy has recently been to an examination in public but it is not yet formally adopted. The Unitary Development Plan has recently been reviewed to identify the saved policies and therefore is still considered an up-to-date development plan. The applicants also make reference to PPS6. However, since their planning statement was submitted, this has been superseded by PPS4 - Planning for Sustainable Economic Growth. This makes the assessment of "need" less important and instead considered the "impact" of a retail proposal. This includes impact on local (town) centres' vitality and viability. The sequential test remains an important consideration for the siting of a proposed town centre use.

Whilst the officers note the applicant's local convenience retail need arguments, they consider that, on balance, the harm caused by the impact of a floorspace of 350sqm A1 as an out-of-centre retail use is likely to have unacceptable impacts upon the vitality and viability of existing centres, particularly those with vacant units. The proposal is accordingly considered contrary to guidance within PPS4, policies 2A.8, 3D.1 and 3D.2 of the London Plan and policies STR2, STR29, STR30 and SH5 of the Brent Unitary Development Plan 2004.

### **Transportation**

The application does not detail relevant servicing/ parking requirements, this is contrary to policies TRN11, TRN22, TRN34 of Brent's Unitary Development Plan.

The existing D1 floorspace requires up to 2 parking space, but a proposed retail unit would only need the provision of one space including consideration of a disabled parking space. The proposed A1 use would also need access to a servicing bay for up to transit sized vehicles. The Council's Highway Engineers find that refuse and recycling storage have not been detailed. At least 2 secure cycle spaces should be provided for the unit. Therefore the main difference arising from the proposal is the provision of a servicing bay (3m x 5.5m) bay which would be required to be maintained clear from obstructions and available for the use of the unit as A1.

The Planning Statement comments that a report by Mott McDonalds commissioned by the applicant concludes the transport implications of the proposal are neutral, and the Council's Engineers accord with this. The red-line only incorporates Crystal House building. However as the applicant owns surrounding land, (although this is not indicated in the application,) it is considered that such information including a servicing management plan could be conditioned/ sought through obligation prior to the commencement of the use if the application was to be approved. Accordingly this will not form a reason for refusal.

### **Response to representations**

Many of the objectors comments have already been addressed in the body of this report. However, it should be clarified that a retail use class A1 could encompass a shop selling alcohol and the planning system does not have control over the types of products on sale and this issue would therefore not be possible to deal with by planning condition.

It should also be noted that the s106 associated with the original planning applications for the site: 98/0016 and 04/0401 make reference to the community centre and nursery, but do not refer to the provision of a doctor's surgery. This requirement was introduced as condition 23 of application 04/0401.

### **Conclusion**

The loss of a community floorspace without recourse and the provision of up to 350sqm of A1 floorspace, which is considered greater than required for local convenience need and harmful to existing local centres is considered contrary to planning policy for the reasons set out above. The application is recommended for refusal.

**RECOMMENDATION:** Refuse Consent

### **CONDITIONS/REASONS:**

- (1) The proposal by failing to provide sufficient guarantee that an adequate level of floor space for community use would be retained could result in the potential loss of the existing community facility without appropriate re-provision in the area or adequate compensation for its loss in an area deficient of community facilities is contrary to policy CF3 and CF13 of the Council's adopted Unitary Development Plan and Policies 3A.18 and 3A.21 of the London Plan and the adopted S106 Planning Obligations Supplementary Planning Document
  
- (2) The proposed retail development, by reason of the potential amount of A1 floorspace in an out-of-centre location, and the failure to consider sequentially preferable sites would be detrimental to the vitality and viability of existing local shopping centres in the vicinity, detracting from the attractiveness of those centres, contrary to guidance within PPS4, policies 2A.8, 3D.1 and 3D.2 of the London Plan and policies STR2, STR29, STR30 and SH5 of the Brent Unitary Development Plan 2004.

### **INFORMATIVES:**

None Specified

### **REFERENCE DOCUMENTS:**

PPS4- Planning for Sustainable Economic Growth  
London Plan 2004 as consolidated with amendments  
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

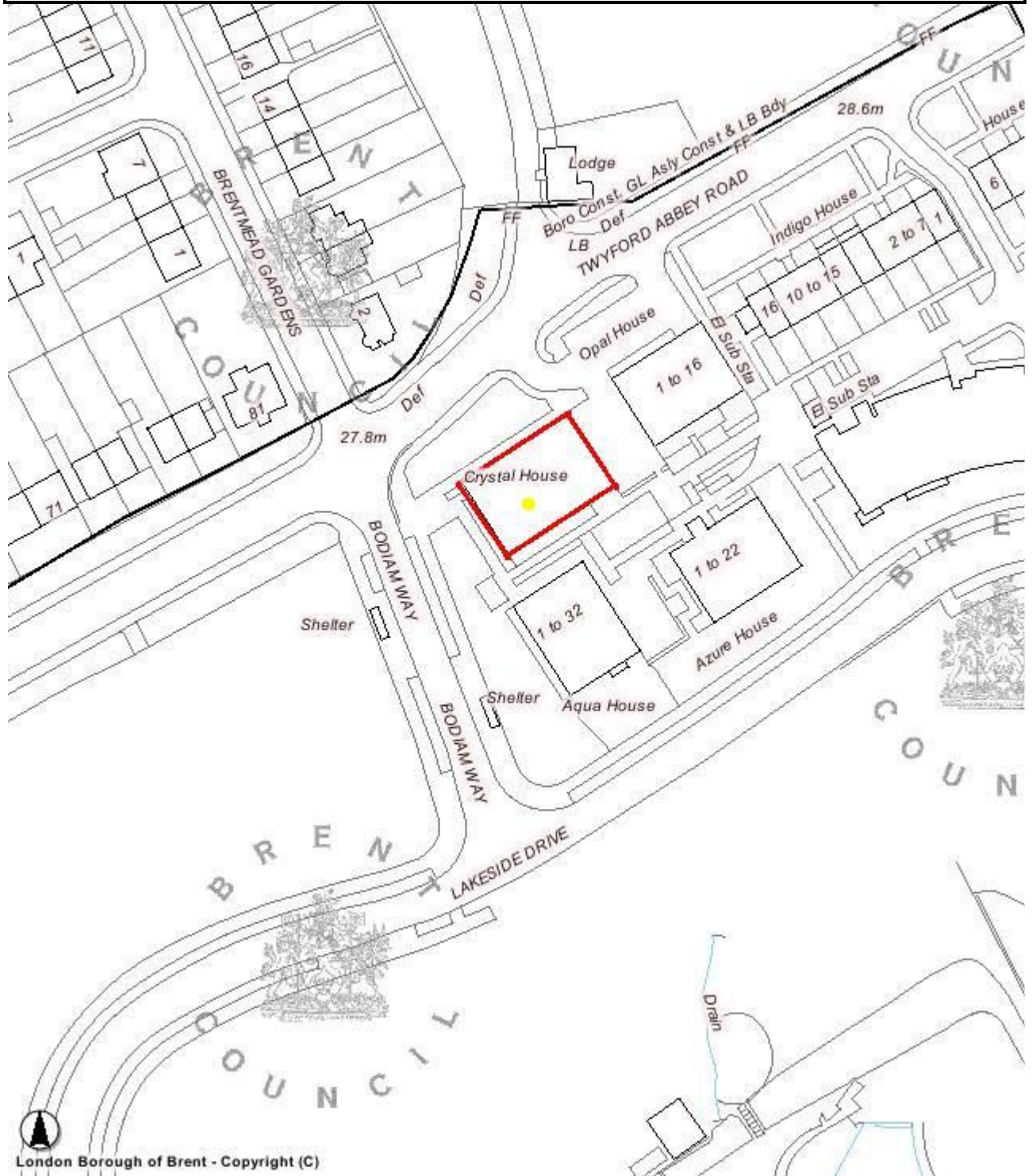
Any person wishing to inspect the above papers should contact Amy Collins, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



# Planning Committee Map

Site address: Community Centre, Crystal House, 2 Agate Close, London, NW10 7FJ

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This map is indicative only.

## Committee Report Planning Committee on 16 March, 2010

Case No. 09/3013

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**RECEIVED:** 5 January, 2010

**WARD:** Alperton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** Chequers, Managers Flat and Store, 149 Ealing Road, Wembley, HA0 4BY

**PROPOSAL:** Demolition of existing buildings and erection of a 3-, 4- and 5-storey building, comprising 2 commercial units (Use Classes A1, A2, A3 or A4) at ground-floor and ancillary basement level and 30 self-contained flats (one 1-bed, nineteen 2-beds and ten 3-bedroomed units,) at upper-floor levels, a car-free development with formation of new vehicular and pedestrian accesses, cycle and refuse stores to side and communal amenity space to rear

**APPLICANT:** Botwellears Ltd and Network Housing Group

**CONTACT:** Forge Architects

**PLAN NO'S:**  
Please refer to condition 2

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### RECOMMENDATION

(a) To delegate authority to the Director of Planning to determine this planning application and to grant planning permission subject to the completion of a satisfactory Section 106 agreement on the heads of terms as set out below (or amended heads of terms as agreed by the Director of Environment and Culture or duly authorised person), the exact terms thereof agreed by the Director of Planning on advice from the Borough Solicitor; but

(b) if the legal agreement has not been entered into by the application's statutory expiry date of 06/04/10, 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 or withdrawn for the reason in b) above to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that a satisfactory section 106 has been entered into.

### SECTION 106 DETAILS

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

1. Payment of the Council's legal and other professional costs in
  - (a) preparing and completing the agreement and
  - (b) monitoring and enforcing its performance
2. Affordable Housing – 100% to be agreed with the council
3. A reduced RSL contribution of £2400 per bedroom index-linked from the date of committee

for Education, Sustainable Transportation, including Car Clubs, Air Quality and Open Space & Sports in the local area.

4. Car Free, the residents can not apply for residents' parking permits.
5. Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved, Code for Sustainable Homes Level 3 and BREEAM Very Good, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
6. Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that this is unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
7. A contribution of £20,000, index-linked from the date of committee for improvements to local play and public amenity areas
8. Join and adhere to the Considerate Contractors scheme.

And to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission by the end of the 13-week application process or by another date if agreed in writing with the Local Planning Authority, 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 currently consists of a vacant 3-storey public house with rear garden space, the adjacent manager's house and store building. The site is located on the corner of Ealing Road and Stanley Avenue and is adjacent to the Ealing Road Town Centre primary shopping frontage. The site is not within the designated Ealing Town Centre in Brent's Unitary Development Plan, but will be in the Town Centre in the revised forthcoming LDF. The development site is approximately 400m from Alperton Tube Station. The neighbouring properties on Ealing Road and Stanley Avenue are two storey semi-detached dwellings while Ealing Road town centre is characterised by two/three storey terraced properties and generally has town centre uses on the ground floor with residential above.

## **PROPOSAL**

Demolition of existing buildings and erection of a 3-, 4- and 5-storey building, comprising 2 commercial units (Use Classes A1, A2, A3 or A4) at ground-floor and basement level and 30 self-contained flats (one 1-bed, nineteen 2-beds and ten 3-bedroomed units,) at upper-floor levels, a car-free development with formation of new vehicular and pedestrian accesses, cycle and refuse stores to side and communal amenity space to rear

## **HISTORY**

Members will be aware of several recent applications for similar developments on the site.

### **09/06/09- (Ref: 09/0355) - Refused**

Demolition of existing buildings and erection of a 3-, 4- and 5-storey building, consisting of 2 commercial units (Use Classes A1, A2, A3 or A4) at ground floor with an ancillary basement level and 32 flats on upper-floor levels, formation of new vehicular and pedestrian accesses, provision of 2 disabled car-parking spaces to front, cycle and refuse store to side, communal amenity space to rear and associated hard and soft landscaping

This application was similar to those previously submitted and incorporated a basement. Members were minded to grant at planning committee but the s106 legal agreement was not signed before the statutory expiry date resulting in the application being refused under delegated powers.

**30/10/2008 - (Ref: 08/2194) – Refused**

Demolition of existing buildings and erection of a 3-, 4- and 5-storey building consisting of 32 flats (comprising 5 x one-bedroom, 19 x two-bedroom and 8 x three-bedroom flats) at first-floor to fourth-floor level and 2 commercial units at ground-floor level (Use Classes A1, A2, A3 & A4) plus ancillary basement support space (including storage, sanitary accommodation, kitchen and preparation areas to serve the two commercial units above), with formation of new vehicular and pedestrian accesses, provision of 2 disabled-parking spaces, storage for 40 bicycles, residential refuse & recycling store and 2 commercial refuse stores, communal amenity space to the rear, and hard and soft landscaping to the site (as accompanied by Design and Accessibility Statement dated August 2008, Sustainability & Carbon Emission Reduction - Strategy, and Mechanical Ventilation Strategy)

This application was very similar to application 08/0822 in that it proposed a basement, (in addition to the development above-ground that was minded to be approved under 07/2368,) which provided space for associated plant and an additional 497sqm of floor space for the two proposed commercial units, raising the total commercial floor space in the scheme to 987sqm. Other minor changes were also proposed such as an enlargement to the service bay in order to overcome the previous refusal reason of 08/0822.

Officers recommended that this application was approved subject to s106 and conditions. At Planning Committee on 07/10/08 Members were also minded to approve the application. However since the end of 2007 the Local Planning Authority had altered its policy for dealing with Major applications subject to a s106 legal agreement. In the interests of maintaining the Planning Service's performance measured against the government's national indicator's (NIs) it has become general practice for officers to make a dual recommendation to approve applications subject to the completion of a section 106 agreement within the statutory 13 week period or if the applicant fails to do this, to give the Director of Environment & Culture, or any other duly authorised person, the delegated authority to refuse the application.

**18/07/2008 - (Ref: 08/0822) – Refused**

This was a revision to the earlier minded to approve scheme (07/2368). This was refused by planning committee.

Demolition of existing buildings and erection of a 3-, 4-, and 5-storey building consisting of 32 self-contained flats and 4 commercial units, comprising 2 units at ground-floor level, occupying 570m<sup>2</sup> of commercial floor space, and 2 units at basement level, occupying 560m<sup>2</sup> of commercial floor space (with Use Classes A1, A2, A3 & A4); 5 x one-bedroom flats, 19 x two-bedroom flats and 8 x three-bedroom flats at first-floor to fourth-floor level, formation of new vehicular and pedestrian accesses, provision of 2 disabled parking spaces, cycle store with 40 cycle spaces, refuse and recycling store, communal amenity space to rear, and hard and soft landscaping to the site (Revised Application including basement extension to proposed ground-floor commercial units).

This revised application sought to create a substantial basement area in addition to the development above ground that Members were minded to approve under proposal 07/2368. The proposed basement aimed to provide an additional 417sqm of floor space for the commercial units, which raised the total commercial floor space in the scheme to 987sqm. Other minor changes were proposed including alterations to the access arrangements to the residential element of the scheme.

Although officers considered the additional floor space would not increase the servicing requirements for the scheme, Members felt that the additional basement floor space had the

capacity to provide an additional two separate commercial units which would require additional servicing space that the applicant was not providing. This revised scheme was therefore refused by Planning Committee on 18/07/08.

**06/11/07 - (Ref: 07/2368) - Pending**

Members were minded to approve this application at Planning Committee on 06/11/07 subject to a s106, which has yet to be signed.

Demolition of existing buildings, erection of 3-, 4-, and 5-storey building comprising 32 self-contained flats and 2 retail units, consisting of 570m<sup>2</sup> retail floor space at ground-floor level, 5 x one-bedroom flats, 19 x two-bedroom flats and 8 x three-bedroom flats at first-floor to fourth-floor level, formation of new vehicular and pedestrian accesses, provision of 2 disabled parking spaces, cycle store with 39 cycle spaces, refuse and recycling store, communal amenity space to rear and hard and soft landscaping to site (as amended by plans received 23/10/2007) subject to a signed deed of agreement under section 106 of the town and country planning act 1990, as amended.

**21/06/07 - (Ref: 07/0741)- Withdrawn**

This application was withdrawn by the applicant.

Demolition of existing building and erection of a 3-, 4- and 5-storey building consisting of 471m<sup>2</sup> retail floorspace at ground-floor level and 34 residential flats on upper floors (comprising 6 x one-bedroom flats, 20x two-bedroom flats and 8 x three-bedroom flats), formation of new vehicular and pedestrian access, provision of 2 disabled car-parking spaces, cycle store, commercial and residential refuse and recycling stores, provision of communal amenity space to rear and landscaping to site.

**POLICY CONSIDERATIONS**

**PPG16 - Archaeology and Planning**

**PPG24 – Planning and Noise**

**Mayor's SPG** - Providing for Children and Young People's Play and Informal Recreation – Mayor's Supplementary Planning Guidance (2008)

**Unitary Development Plan 2004**

**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 their local context, making a positive contribution to the character of the area.

**BE3** - relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

**BE4** - states that developments shall include suitable access for people with disabilities.

**BE5** - Proposals should, amongst other things, clearly defined public, private and semi-private spaces in terms of their use and control.

**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, boundary treatments to complement the development and enhance the streetscene.

**BE7** – A high quality of design and materials will be required.



**BE9** - Creative and high-quality design solutions (for extensions) 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 materials.

**BE12** - states that proposals should embody sustainable design principles commensurate with the scale and type of development.

**EP2** - Noise & Vibration -noise generating development will be permitted unless it would create noise above acceptable levels

**EP3** - requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.

**H11** - Housing will be promoted on previously developed urban land which the Plan does not protect for other land uses.

**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 where cars are subsidiary to cyclists and pedestrians, appropriate car parking and cycle parking ,where dedicated on-street parking is maximised as opposed to in curtilage parking and avoids excessive tarmac and provides an amount and quality of open landscaped area 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.

**H14** - States that planning permission will be refused where development would under-utilise a site.

**H15** - States that the density and height of any buildings should be subsidiary to the street fronting development.

**TRN3** - Where a planning application would cause or worsen an unacceptable environmental impact from traffic generated it will be refused, including where:

(a) The anticipated level of car generation/attraction is greater than the parking to be provided on site in accordance with the Plan's standards and any resulting on-street parking would cause unacceptable traffic management problems; and/or

(b) The proposal would have unacceptable environmental problems such as noise or air quality (especially affecting air quality management areas); and/or

(c) The development would not be easily and safely accessible to pedestrians and/or cyclists; and/or

(d) Additional traffic generated would have unacceptable consequences in terms of access/convenience for pedestrians and/or cyclists; and/or

(e) The proposals would produce unacceptable road safety problems; and/or

(f) The capacity of the highway network is unable to cope with additional traffic without producing unacceptable levels of traffic congestion – especially where this would hinder the ability of the Strategic Road Network and/or London Distributor Roads to cope with through trips, or would introduce through traffic onto local roads; and/or

(g) The proposal would cause a significant increase in the number and/or the length of journeys made by the private car.

**TRN11** - Developments shall comply with the Councils minimum cycle parking standard (PS16); with parking situated in a convenient, secure, and where appropriate sheltered location.

**TRN23** - Parking standards for residential developments require that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.

**TRN35** - On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.

**SH10** - A3 uses are acceptable providing they comply with policies SH7 or SH9. In considering proposals account will be taken of proximity to residential, the nature and size of proposed use, the concentration of such uses in the area, hours of operation and practicality of providing extract ducting.

**SH31** - Further expansion of Ealing Town Centre beyond the defined boundaries will be resisted.

**Supplementary Planning Guidance(SPG) 17** - "Design Guide for New Developments".

**Supplementary Planning Guidance(SPG) 19** - "Sustainable Design, Construction & Pollution Control".

**Supplementary Planning Document** - S106 Planning Obligations

## **SUSTAINABILITY ASSESSMENT**

The initial sustainability strategy was not considered satisfactory, and a revised strategy has been submitted. On the submitted Sustainable Development Checklist the applicants score themselves at 56%. Officer have assessed the checklist and score thwe applicants 23%, which is fairly detrimental. The main issue to overcome is that the applicants hav not sugned up to the dmolition protocol. However, if they do, their score will signifincatly increase.This is considered resolvable through the s106.

The applicant has considered energy efficiency, with apporprate insulation and monitoring. They will achieve Code for Sustainable Homes 3, with an aspiration of level 4, and BREEAM Very good. This will be secured through s106.

The applicant has undertaken a revised Energy Strategy using the correct methodology and has evaluated potential onsite renewable options to meet the 20% requirement. Officer agrees with the assessment, 3 forms of onsite renewable (PV, PV & Air Source Heat Pumps (ASHP) or biomass boiler) are considered feasible to provide the required 20% offset carbon on site.

The other renewable enregy sources that have been evaluated are set out below:

District Heating – no proposals nearby currently

1. CHP - Not considered feasible due to small site, small number of units and low heat demand during summer months
2. Cooling measures – natural ventilation is proposed
3. Renewables

Ground Source Heat Pumps were previously considered however due to lack of available space this option has now been ruled out.

PV with ASHP or Biomass are considered to be feasible onsite. Officer agrees these options are the most suitable for the site. Due to the restricted space and impact of deliveries, the applicant considers biomass may not be the most effective solution. No details of plant room or storage have provided. Also an air quality assessment should be undertaken if biomass boiler is pursued as the site is in AQMA.

There is roughly 820m<sup>2</sup> flat roof space available, officer's assessment is that although there is limited roof space, it still be possible to the meet 20% target through use of PV panels only.

### Proposed Energy Strategy: Summary Table

		% reduction
Baseline CO2 emissions Residential - 78,871kgCO2 Commercial – 34,294kgCO2	113,165 kgCO2	
Design CO2 emissions	103,433 kgCO2	8.9%
CO2 savings from proposed renewables – 3 options considered:		
• PV panels & ASHP	29,012	28%
• PV only	21,507	20.7%
• Biomass boiler	23,474	22%

Therefore all 3 proposed strategies would meet the London Plan requirement of 20% carbon reductions onsite through renewables. It is considered that the final approach may be agreed through s106, particularly given the past history of planning applications on this site.

### CONSULTATION

The consultation process included notification letters sent on 11/01/10 148 residents, 4 members, Transportation, Landscape Design, Urban Design, Environmental Health, Thames Water and Crime Prevention adviser. A press notice has been published on 14/01/10, and site notices erected on 15/01/10

The following comments have been received:

**Housing department-** support the application

#### Environmental Health –

Seeks further details of ventilation and effluvia treatments, proposed ducting should terminate at least 1m above the roof ridge height. Recommends post-completion noise tests to demonstrate adequate noise insulation. Consider servicing hours to prevent noise nuisance, limit plant noise levels, limit hours of servicing, self-closing doors for the commercial units. Other conditions should require construction/ demolition works and deliveries to be undertaken within set hours. The development is within an Air Quality Management Area and therefore is likely to contribute to background pollution levels and/ or introduce new receptors to an AQMA. To mitigate against such effects the applicant should consider measures to prevent dust entrainment. The Environmental Health officer also comments that there may be asbestos present and therefore require a new condition regarding safe asbestos removal.

#### Landscape Designer

The landscape scheme should be of high quality. Raises objection to the loss of existing screening landscape features, hard surfacing should be fully detailed, play equipment should be detailed,

tree planting should be enhanced, and sustainable drainage should be considered in addition to new planting.

### **Highways Engineer**

Transportation have no objections, subject to the application scheme being "car-free" and a contribution being paid towards non-car access improvements in the vicinity of the site, in addition to conditions regarding surfacing crossovers, servicing area restrictions and boundary treatments.

### **English Heritage**

English Heritage notes that the site of the proposal has potential for archaeological remains. The present public house replaces an earlier one, which is thought to have been built in 1751. However the site lies at the centre of a medieval hamlet known as Alperton and being at the junction of two medieval roads there may have been earlier occupation of the land. The proposed development may, therefore, affect remains of archaeological importance. They recommend that a condition be attached securing the implementation of a programme of archaeological work prior to the redevelopment of the site and a further condition regarding the archaeological recording of the historical building.

**Thames Water-** suggested informatives

### **Local**

7 letters of objection have been received. The objections raised include:

- Object to height of proposal, 5 storeys is not appropriate to the area, and will dominate the sky-line
- The higher development will make the area less safe, blocking views
- Object to congestion caused by 30 flats and associated residents, there are already problems including traffic congestion, parking issues and fumes/air quality particularly with the local temple and schools. The development will harm local streets
- Rented accommodation is spoiling the character of the area, with old furniture etc on display
- The cycle and refuse stores appear untidy
- Reserved disabled parking spaces on Stanley Road is unfair on existing residents, such parking should be near a GP surgery
- The proposal will harm local privacy and daylight received by local residential properties.
- Existing on-site trees should be protected, virtually all are to be removed- could they be saved with good husbandry?
- It will change the character of the area from residential to commercial.
- The proposed design should be in keeping with its surroundings, it appears like an unsightly block of flats
- There are already casualties on Ealing Road
- There are already local thefts, drug dealing, mugging and violence
- There are sufficient drinking establishments in the area already, drunks may concentrate here in the future, especially with proposed basement
- Loss of historic building (pre-1930s)
- The side of the flats lead onto Stanley Avenue
- The development will lead to increased litter and graffiti, local pollution
- The current site is not 3 storeys, but 2 storeys
- The basement is too large and may be used as a night club
- The existing garden is likely to benefit from a range of species including mammals, birds, and insects, and the development will lead to the loss/ harm of these species
- The scheme will devalue local properties (officer note- this is not a material planning consideration)

14 letters of support/ no objections have been received and 4 petitions in support from 80 properties including dwellings in Station Grove, Alperton Mini Market, Lyon Park Avenue, Eagle Road, Ealing Road, Jesmond Avenue, Clifton Avenue, Jordan Road, Sunleigh Road, Mount

Pleasant, Stanley Avenue, Quainton Road, Barons Avenue, Beresford Avenue, Brentford Avenue, Burnside Crescent, Hillfield Avenue, Crabtree Avenue, Valley Gardens, Maybank Avenue, Park Chase, Portland Crescent, Pleasant Way, and Clayton Avenue.

The correspondence comments:

- The proposal will add to local character and viability
- The proposal will be a visual improvement on the existing building
- A modernised building will add to local residential value
- The new facilities will be good for people living in the local area
- Basements for storage are common for commercial units along Ealing Road and should be supported
- The proposal provides much-needed homes for first-time buyers

## **REMARKS**

The site has a detailed planning history and is similar in many ways to previous proposals. Past applications have been reported to planning committee and Members have previously supported officers' recommendations to be minded to approve the application subject to the completion of the agreed legal agreement (s106) and conditions. The applicants were previously unable to sign the within the statutory time limit for several previous proposals including the most recent applications 08/2194 and 09/0355. These applications were refused under delegated powers and all 4 reasons related to the failure of the applicant to complete the legal agreement. This is in accordance with the dual recommendation protocol that delegates authority to officers to refuse applications should an applicant fail to complete a satisfactory legal agreement. This specifically aims to ensure that all Major Cases are determined within their statutory timeframe. Officers are therefore minded to make a further dual recommendation to approve the application subject to the s106 being signed before the statutory time limit of 06/04/10. If the s106 is not agreed in this period, then the application should again be refused in accordance with the adopted Development Plan for the failure to agree to the s106.

### **Principle of Development**

#### **Proposed commercial uses**

This application proposes to demolish the existing on-site buildings and erect a 3-5 storey building incorporating a basement. This will consist of two commercial units at ground and basement levels, with a proposed range of uses A1, A2, A3 or A4. This is the same in principle as previously proposed, (and supported by officers and members,) but overall there is a small overall reduction (35sqm) to the proposed commercial floor space now proposed.

The existing Unitary Development Plan policy suggests the proposed site is outside the Ealing Road Town Centre boundary and should be subject to the sequential approach in relation to the commercial units. However, the emerging Development Policy Document is proposing to include the site in the revised Ealing Road town centre boundary as the site is indeed immediately adjacent to the town centre and is therefore considered appropriate for town centre uses. Thus this aspect of the development is considered in conformity to the emerging development plan designation. The Core Strategy now has greater weight as the document has been through an Examination in Public recently. It is considered that a mixed use development is in principle acceptable subject to conditions that ensure that there is no noise nuisance arising from the proximate uses.

As previously within applications 08/2194 and 09/355 the basement layout has been altered from that which caused Members concern under the proposal 08/0822. The revised basement layout makes it unlikely that this area could be used to provide separate commercial units. There is no external access to the basement from the front of the proposed building and the basement plan now demonstrates that the space is divided into spaces clearly identified as being ancillary to the main commercial uses on the ground-floor above, in addition to providing plant room space for the residential units. The use of the basement will be restricted by condition.

### **Proposed residential uses/ mix of units**

The principle of new residential development in this area is accepted and also in conformance with planning policy guidelines. The applicants have confirmed that 100% of the units meet Lifetime Homes standard. Furthermore, the applicants have demonstrated 3 adaptable units within the development. The proposal incorporates 30 units and therefore the 3 units represent 10% wheelchair accessible units in line with London Plan requirements. Evidence of this will be required as a new condition. It should be noted that these units are entirely within the shared ownership part of the development, whereas ideally the units should be spread between tenures. Nevertheless the building will be under the control of an RSL and this was not a pre-requisite to past planning applications. Therefore in this instance the Local Planning Authority has adopted a pragmatic approach and finds this provision acceptable in these circumstances.

Previously 32 units with a mixture of 1,2, 3 bedrooms were proposed on site. Of these, a total of 14 units (44% by number, 49.5% by habitable room) were to be affordable. The current proposal is for 100% affordable housing. This consists of one 1-bed, nineteen 2- beds and ten 3-bedroomed units. These are split between different tenures with 12 intermediate units on upper floors and 18 shared ownership units on the first and second floor. By unit number this is a 40%: 60% tenure split between the intermediate: shared ownership units. The 3-bedroom units are all within shared ownership tenure. The Council's Housing department supports the proposed unit mix and tenures and notes that one of the applicants are Network Housing, with whom they have an established relationship.

### **Design of Buildings, Impact on the Street scene and neighbouring properties**

The current application adopts the same approach as previous applications to the design concept of the development. The main difference is the specific materials details have not been supplied in the current application, but the applicants have been asked to provide this. The following comments have therefore been largely reported to Members previously. The proposal site is a corner site on the junction of Ealing Road with Stanley Avenue. Ealing Road is classified as a London Distributor Road. Within the LDF the site is inside Ealing Road Town centre's boundary. The surrounding area is predominantly classified in the Unitary Development Plan as an area of low townscape quality although directly adjacent to the site there are some buildings which previously formed part of a Conservation Area.

The proposed building, which is modern in design, is in block form 3-5 storeys in height with recessed third and fourth floors. The massing of the building is such that it is concentrated towards the corner of Ealing Road with Stanley Avenue. The proposed fourth floor is set back to reduce the impact of the development on the street scene. Furthermore the use of cladding panels distinguishes this floor from lower storeys. The building is then stepped down so that the three storey sections are legible with the two storey dwellings adjacent to the site both on Ealing Road and Stanley Avenue. At the corner, the first to third floors partly cantilever over the ground-floor, visible from the eastern elevation, which serves to punctuate the massing further.

There has been some attempt to replicate the vertical rhythms characteristic of the neighbouring buildings. On the north and west elevations facing the public realm, dark facing brickwork provides relief from the pale buff brickwork. The cantilever approach on the corner creates interest whilst reducing the massing of the development. Projecting balconies and terraces assist the articulation of the building. Windows are provided on all elevations that further help to refine the design.

In line with guidelines within SPG17 the main entrances to the residential units are from the front of the development: from Stanley Avenue for the shared ownership housing and from Ealing Road for the rented entrance. Both entrances are well overlooked providing natural surveillance from the commercial units on the ground-floor and residential above. The shopfronts supply active frontages on Ealing Road and Stanley Avenue at ground floor. To the rear, upper residential floors overlook the private amenity space.

The applicants have provided a roof plan and sections that demonstrate that the flues and photovoltaic panels on the roof will not be visible to the streetscene and in long views of the site. This roof equipment will therefore not detract from the overall appearance of the site.

The proposed flank walls on Stanley Avenue are set 9.7m from the side wall of the neighbouring dwellinghouse at No. 2 Stanley Avenue and project 4m in front of the main front wall of this dwelling and 2.8m to the rear. It is considered that this will not result in an overbearing detrimental impact on this property given the distance of the higher development to the boundary. A 2.2m high cycle store also separates the neighbouring property from the main building proposed. There are east facing terraces on the third floor but this relationship has previously been accepted on past applications. This will create a satisfactory relationship subject to appropriate screening. The majority of east facing windows are over 20m from the shared boundary.

On Ealing Road there is a distance of 6.4m between the flank walls of the proposed building and No. 151 Ealing Road. The habitable room windows on the rear elevation of the proposed building are predominantly a distance 20m or more from the rear boundaries of the site. This will ensure the privacy is not detrimentally affected by the proposed development. Terraces at the third floor and fourth floor are largely in alignment with the neighbouring building, and so will not raise overlooking issues in relation to the neighbouring rear garden area. This relationship too has been previously accepted in principle within past planning applications. Balcony screens will form the subject of a condition.

The siting and footprint of the proposal does not appear to vary from previous proposals and therefore in principle has been accepted by officers and members within past applications reported to committee.

### **Quality of residential accommodation**

#### **Internal spaces**

The proposed 30 self-contained flats are a mixture of 1, 2 and 3 bedrooms. All of the proposed units exceed the minimum floorspace guidelines within SPG17 "Design Guide for New Development." The building configuration is largely the same as in previous applications, so that the quality of outlook/ daylight/ sunlight for proposed units has already been agreed in principle. Therefore although there are units that have a solely north-easterly aspect, the number of windows facing north-easterly has not significantly increased and this type of layout has previously been agreed on this site. No daylight/ sunlight report accompanies the application. The Local Planning Authority has become stricter on ensuring adequate levels of sun/daylight in new applications, but on this site the precedent has already been established. All habitable rooms have been provided with a degree of outlook as amended drawings have demonstrated that even kitchens will have access to windows/ daylight. It is noted that some of the combined living rooms/ dining rooms/ kitchens are deep, reducing the internal natural light levels but the provision of external windows to all of these living spaces is supported.

#### **External amenity space/ playspace**

The existing public house has an area of garden space to the rear which is currently overgrown with low levels of usage. The proposed development includes an area of shared amenity space to the rear of the building. This area remains the same as previously submitted in past applications. It represents a shortfall in provision compared with guidelines within SPG17 that seek 20sqm for flats not considered as family dwellings. The area is approximately 400sqm, which equates to 13.33sqm per flat proposed. The exact details of the proposed area layout will be dealt with by conditions. This is expected to demonstrate the quality of the area. Usually further information is sought upfront, but given the planning history of the site, conditioning further details is considered appropriate.

Unlike the previous applications all of the proposed residential units have been provided with either a private balcony/ terrace area. Although some balconies are small, the average balcony size is 6sqm. The terraces reach up to 27sqm. It is considered that this proposal is a significant

improvement upon previous iterations, where there were units with no external balcony provision. The fact that all of the proposed units are above minimum floorspace guidelines with SPG17 has also been considered. Furthermore the site of the proposed development is within 320m of One Tree Hill recreation space which is over 2ha in size

Applying the Mayor's SPG on playspace methodology, the scheme could accommodate 32 children. The SPG guides that under-5s provision should be on site and in this instance equates to 110sqm. The applicant has demonstrated this "playspace" area within the proposed amenity area. Full details of the layout will be submitted at condition stage in addition to boundary treatments in order to safeguard the amenities of neighbouring occupiers. Older children may have off-site provision depending on distances to local established play areas. The applicant has provided drawing 1140-E-150 that demonstrates 500m from the site to Mount Pleasant open space and 305m to One Tree Hill recreation ground, but an overall walking distance from the site to the One Tree Hill play area of 522m. The Mayor's SPG requires playspace for 5-11 year olds within 400m. Therefore there is no appropriate play space within this distance. 11-16 year olds require playspace within 800m. The applicants have demonstrated this existing provision. Therefore there is a shortfall of playspace on-site/ in the vicinity for 5-11 year olds, which fails to meet the Mayor's SPG

Officers have therefore sought an additional £20,000 on top of the standard charges normally sought through Brent's Planning obligation SPD in order to compensate for the low level of provision of amenity space and playspace on-site to enhance local parks/ playspaces. The applicants have informally indicated their agreement to this.

### **Noise**

The Council's Environmental Health department have raised concerns regarding whether there will be sufficient insulation between the ground-floor commercial units and first floor residential flats to prevent the transmission of sound. There is also some stacking of habitable and non-habitable rooms in between different floors of residential accommodation. The site is in an area known to have high background traffic noise levels. On other developments in the area, "category C" readings have been monitored according to PPG24. In Category C areas, planning permission should not normally be granted unless conditions are used in order to ensure that adequate attenuation measures are used in the proposal to protect the proposed residential amenities against external noise levels to an adequate level. The applicants have not submitted an acoustic report, but given the history and precedent of accepting residential uses on this site, in this instance it is considered appropriate for a condition to secure a Noise Report to measure the existing noise levels and propose commensurate attenuation measures in order to safeguard the residential amenities of future occupiers. The applicants have agreed to this, and it is known that this is reasonably achieved by conditions in other developments in the area.

In order to limit noise nuisance to residential properties on site and adjacent arising from servicing, hours of servicing shall be restricted as within previous applications from 8am to 6pm by a proposed condition. Proposed plant noise will also be limited by condition to safeguard residential amenities.

### **Parking and Servicing**

The site is partly within an area with a PTAL rating of 4 (at its Southern end) and partly within an area with a rating of 3, with Alperton Underground station (Piccadilly line) and six bus services within 640m (8 minutes walk), and is also within Controlled Parking Zone E, thus the proposed location is suitable for a car-free agreement. The applicants have indicated their agreement to this as a head of term in a legal agreement associated with the application.

The Highway comments remain largely the same as within earlier applications. Parking spaces on Stanley Avenue are not heavily parked. The Council's Highway Engineer has commented that disabled people would be exempt from the car-free development and therefore able to use the existing spaces outside the development on Stanley Road where there is capacity for such



parking. Previous applications also proposed this solution, which is accepted.

The proposal provides up to 40 secure, (enclosed) cycle spaces for the residential units on site, which complies with policy guidelines. The free-standing cycle store has a maximum height of 2.25m. It is designed with a green roof, which is considered appropriate and will be conditioned. The other cycle store is integral to the building, accessed from the rear. 8 stands in front of the development provide up to 16 publicly accessible cycle spaces for the commercial units.

The applicants have provided an appropriately sized shared servicing bay for the 2 commercial units, which can accommodate 2 transit sized vans, or a 10 m rigid lorry. The commercial floor space falls below the 1000sqm threshold, above which the Council would consider seeking additional space for the parking of servicing vehicles. Despite the proposals falling below the indicative trigger, during a previous application, 08/0822 Members refused the application on servicing grounds. Therefore (as before in applications 08/2194, 09/0355) the applicants have demonstrated that the proposed servicing area can accommodate simultaneously one full size rigid lorry and a transit sized delivery vehicle. The amount of proposed servicing now significantly exceeds the minimum generally considered acceptable for the amount and type of commercial space being provided according to adopted Unitary Development Plan guidelines. Members were minded to approve the proposal with the revised layout during applications 08/2194 and 09/0355.

Revised plans show an indicative access route through to the rear of Unit 1, which will prevent front servicing from Ealing Road with appropriate conditions. A condition requiring the submission of further details of the boundary treatment around the service bay, to ensure it is not misused, together with a condition limiting its only use to the loading and unloading of goods will be attached to any forthcoming planning permission. This was previously proposed on earlier submissions.

As within earlier schemes on site, the parking bays along Stanley Avenue will need to be amended to facilitate access to the service bay, whilst the two existing crossovers to Ealing Road will also need to be re-instated to footway at the developer's expense prior to occupation of the development. A condition requiring this will be attached to any planning approval. The repaving of the footway around the frontage would be welcomed by the Council's Highway Engineers. They comment that a detailed scheme should be submitted for approval showing the surfacing treatment around the boundary with the public/ private highway.

Therefore as submitted the only difference between the current proposal and previous applications was the lack of provision of a rear access path to allow rear servicing of unit 1. This has now been addressed and the proposal is therefore considered satisfactory from a highway perspective.

### **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. The applicants will consider Sustainable Urban Drainage Systems by condition and have proposed a green roof for the detached cycle store.

### **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 153 units per hectare within the London Plan tolerances (55-225u/ha;) and 530.61 habitable rooms per hectare, which is also within the tolerances normally permitted within the London Plan (200 – 700 hr/ha.)

### **Other matters**

Environmental Health recommends a condition regarding on-site asbestos removal, which is now proposed to safeguard site users and adjoining residential developments. The site is within an Air Quality Management area and accordingly informatives to limit dust spread from the construction

works have been proposed. It is not considered necessary to condition this as the information is covered by other legislation.

### **Response to Objections**

Objectors have raised concerns that there will be problems with increased traffic in this location as a result of the lack of parking within the proposed development site. While there is no parking provided as part of this proposal the site has a PTAL rating sufficient to allow for a car-free scheme, which will be secured through s106. There is also a contribution agreed as part of the s106 towards non-car access/highway safety improvements and parking controls in the local area. This complies with adopted Unitary Development Plan guidelines.

In response to the loss of the existing building, English Heritage notes that this site has been the location of a public house dating back to 1751. The present building, although old, is not considered to have any historic or architectural features in need of protection and is not worthy of being listed. A condition has been attached to ensure that a programme of archaeological work is implemented prior to the construction of the proposed building in order to safeguard features of archaeological importance. Whilst 1-4 Stanley Avenue are registered on the local list, this relates to the buildings' own character and since they are not statutorily listed, their setting does not need to be safeguarded by preventing development on the opposite side of the road.

In relation to concerns about noise and air pollution during construction a condition has been attached to limit the detrimental effect of construction works on adjoining residential occupiers. Furthermore the noise generated by any proposed plant/ ventilation/ extraction units as part of the development will also be subject to restrictions in a condition to prevent future noise nuisance to adjoining properties. The residential parts of the development will be managed by Network Housing and so is not anticipated to have problem refuse stored in front of the site.

The proposal if approved, would lead to s106 contributions towards facilities likely to be used by future residents in the area, including monies towards education, sustainable transport and open space & sports. It should also be noted that the proposed 2 commercial units may be occupied by a restaurant/ public house, which will compensate for the loss of the existing facility.

Further concerns raised by third parties include the proposed building being out of character with the surrounding area. In response to this the existing public house has a pitched roof with a ridgeline height of 12m and an eaves height of 6.4m. The existing building is setback from Stanley Avenue and Ealing Road and does not address the streetscape. The proposed stepped 3-5 storey building varies from 9.6m- 15.8m high, it follows the build-line of the dwellings on Ealing Road and will provide a more active frontage within the primary shopping frontage of Ealing Road Town Centre. While the proposed height is higher than that of the existing building as it is within a town centre location and is close to tube and bus links, it is considered to be an appropriate site for higher density development.

The Council's Highway Engineer has commented that dedicated disabled spaces do not need to be provided on street, as Stanley Avenue is not considered busy enough to warrant this. Therefore existing local residents are unlikely to be prejudiced by the development.

The proposed development will provide an increase in informal surveillance of Ealing Road and Stanley Avenue as a result of the active frontages and residential windows overlooking both streets. Therefore there it is considered that there will not be an associated increase in crime and vandalism as a result of the proposed development. Furthermore the basement will not encourage crime as it cannot be accessed from the front and will be conditioned to be strictly ancillary to the ground-floor commercial units. It could not form a nightclub, which has a different planning use class to those proposed. The proposed development is considered to be of a size and scale appropriate for the site's location within a future town centre and is stepped down towards the neighbouring two storey residential dwellings on Ealing Road and Stanley Avenue. It is not considered to cause a significant loss of light, outlook and privacy for the residents of neighbouring

properties, as set out above.

The proposal will only lead to a small reduction in the garden area, this is not considered significant to warrant refusal on the loss of the existing garden. The existing trees on site are not considered of sufficient quality to warrant preservation through a TPO, but 2 will be retained. A BS 5837:2005 compliant tree survey accompanying the application justifies this, as the majority of "trees" on site are Leyland Cypress, classified as an overgrown hedge. The only deciduous trees to be lost are a suppressed lime and sycamore. A pollarded street lime street tree will be retained, and so will a leaning pear, which although has some decay, has sufficient merit to keep. The proposal will result in the introduction of additional trees around the site, which in turn should provide a better habitat for wildlife. Full landscaping details will be the subject of a condition, as will a tree protection scheme during construction works, to ensure the 2 trees that are to be retained are not harmed during the construction period.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

PPG16 - Archaeology and Planning

PPG24 – Planning and Noise

The London Plan as consolidated with amendments since 2004

Mayor's SPG - Providing for Children and Young People's Play and Informal

Recreation – Mayor's Supplementary Planning Guidance (2008)

Brent's Unitary Development Plan 2004

Supplementary Planning Guidance - (SPG) 17 - "Design Guide for New Developments".

Supplementary Planning Guidance - (SPG) 19 - "Sustainable Design, Construction & Pollution Control".

Supplementary Planning Document - S106 Planning Obligations

**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 A1 1140\_E\_100

EXISTING SITE PLAN A1 1140\_E\_101

EXISTING STREET ELEVATIONS A1  
1140\_E\_102

Local play facilities diagram A3  
1140\_E\_150

PROPOSED SECOND FLOOR

PLAN A1 1140\_P\_203 A

PROPOSED THIRD FLOOR PLAN

A1 1140\_P\_204 A

PROPOSED FOURTH FLOOR

PLAN A1 1140\_P\_205 A

PROPOSED ROOF PLAN A1

1140\_P\_206 C

PROPOSED BASEMENT PLAN A1  
1140\_P\_200 A  
PROPOSED GROUND FLOOR PLAN A1  
1140\_P\_201 A  
PROPOSED FIRST FLOOR PLAN A1  
1140\_P\_202 A

PROPOSED NORTH & WEST  
ELEVATIONS A1 1140\_P\_300 B  
PROPOSED SOUTH & EAST  
ELEVATIONS A1 1140\_P\_301 A  
PROPOSED SECTIONS A1  
1140\_P\_400 B

Design & access statement  
Energy Demand and Sustainability Assessment for 20% Renewable Target  
received 26/02/10  
Scheme comparison letter  
Affordable housing statement  
Sustainability checklist  
Tree survey report A4  
Tree survey schedule  
Mechanical ventilation strategy  
Topographic survey

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

- (3) Prior to the commencement of the use of any part of the approved development the loading bay shall be constructed and permanently marked out in accordance with the approved plans. Thereafter it shall be retained and used solely for its designated use in connection with the development hereby approved and for no other purpose.

Reason: To enable vehicles using the site to stand clear of the highway so that the proposed development does not prejudice the free-flow of traffic or the conditions of general safety along the neighbouring highway.

- (4) During demolition and construction on site:-  
(a) - The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site;  
(b) - Construction/ refurbishment/ demolition works and ancillary operations that are audible at the site boundaries, shall only be carried out between the hours of 0800 - 1800 Mondays - Fridays,  
0800 - 1300 Saturdays and At no time on Sundays or Bank Holidays; unless otherwise agreed in writing by the Local Planning Authority

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

- (5) No use of the ground-floor commercial premises shall take place until such time as the external doors for the ground-floor commercial uses have been fitted with self-closing devices and thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority

Reason: To safeguard the amenities of adjoining occupiers and minimise emission of odours and/or noise to the neighbouring area

- (6) Deliveries/ unloading/ loading associated with the application site shall only be between the following hours:  
08:00 – 18:00 - Monday to Saturday

Not at all - Sundays/Bank Holidays  
Unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to safeguard local residential amenities

- (7) No additional windows, glazed doors or other openings (other than any shown in the approved drawings) shall be constructed above ground-level in the building, without the prior written consent of the Local Planning Authority.

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

- (8) All existing vehicular crossovers rendered redundant by the development hereby approved, shall be made good, and the kerb reinstated, at the expense of the applicants, prior to the first occupation of the development/ commencement of the use.

Reason: In the interests of highway and pedestrian safety.

- (9) Notwithstanding the submitted drawings this consent does not extend to any shopfront or advertisement proposed or indicated for the site which would need to be the subject of a separate planning, or advertisement consent.

Reason: For the avoidance of doubt and in order to allow the Local Planning Authority to exercise proper control over the development.

- (10) The proposed basement shall only be used to provide ancillary floor-space in conjunction with the ground-floor units and cannot be subdivided to provide self-contained units without the prior written consent of the Local Planning Authority. The use of the basement shall be restricted to storage, plant, sanitary accommodation, kitchens and preparation areas to serve the commercial units above unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the over-intensification of commercial use at the site

- (11) The rear access path between the servicing area and commercial unit 1 shall be provided prior to the occupation of the building/ commencement of the use and thereafter maintained unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to enable rear servicing and prevent servicing of the unit from Ealing Road, which would lead to highway obstructions, harmful to highway safety and the free-flow of traffic

- (12) The residential units hereby approved shall not be occupied unless details are submitted to the Local Planning Authority which confirms 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.

- (13) Notwithstanding details annotated on the submitted drawings, no development shall commence unless details of materials for all external work (including walls, doors,

windows, balcony details), with samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development carried out in accordance with the approved details.

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

- (14) No development shall commence unless all areas indicated for hard and soft landscape works on the approved plan including the communal amenity area shall be suitably landscaped with trees/shrubs/plants and hard surfacing in accordance with a detailed scheme, which shall to be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any construction work on the site, and such landscaping work shall be completed prior to occupation of the buildings and thereafter maintained in accordance with the approved scheme.

The scheme shall also detail but not be limited to:-

- a) other appropriate matters within the context of a landscaping scheme, such as details of seating, external lighting;
- b) planting plan and schedule
- c) details of the proposed green roof of the secure cycle store and its future maintenance schedule
- d) hard surfacing of public and private footpaths including how the site is to be delineated from the public highway and consideration of permeable materials

Any trees, shrubs and plants 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 and plants of similar species and size to those originally planted.

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

- (15) 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 playspace 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.

- (16) No development shall commence unless a scheme for the protection during construction of the retained pear and lime trees on the site (identified in the Tree Survey accompanying the application,) which shall make reference to guidelines within BS 5837:2005 – Trees in relation to Construction; shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the scheme shall be implemented in accordance with the approved details.

Reason: To ensure that existing landscaping features are retained and protected from damage during the course of construction works.

- (17) No development shall take place unless there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments to be erected or retained. The boundary treatment shall be completed before occupation of the buildings, or commencement of the use, or in accordance with a programme agreed in writing with the Local Planning Authority. 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.

Boundary details shall include but not be limited to:

- a) All external boundaries of the site
- b) treatment of the balconies/ terraces, including methods of screening the areas to limit overlooking and safeguard future occupiers' privacy
- c) a method of bounding the edge of the proposed servicing area to ensure that it remains unobstructed

Reason: To safeguard the character of the area and the reasonable residential amenities of local residents.

- (18) No development may be undertaken, unless the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. This should be in the form of an archaeological project design in accordance with English Heritage guidelines. Thereafter works/ development should only be undertaken in accordance with the agreed details

Reason: To ensure that this site, in an Archaeological Priority Area, is properly investigated and, if necessary, excavated before development begins, in accordance with policy BE31 of the adopted London Borough of Brent Unitary Development Plan 2004 and the advice of PPG16: *Archaeology and Planning*.

- (19) No development may be undertaken, until the applicant has secured the implementation of a programme of archaeological recording of the historic building, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. Thereafter works/ development should only be undertaken in accordance with the agreed details

Reason: The historic building is of archaeological interest and alterations should be recorded in accordance with policy BE31 of the adopted London Borough of Brent Unitary Development Plan 2004 and the advice of PPG16: *Archaeology and Planning*.

- (20) Prior to development commencing, further details of

a) the proposed refuse and recycling facilities for commercial and residential units  
b) the proposed publicly accessible bicycle parking spaces and  
c) private secure bicycle storage facilities  
shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the buildings are occupied.

Reason: These details are required to ensure that a satisfactory development is achieved to prevent the accumulation of waste and in the interests of sustainable development.

- (21) Prior to the commencement of any A3/A4 use,
- a) details of suitable and sufficient apparatus for the neutralisation of all effluvia from the processes of cooking, shall be submitted to and approved in writing by the Local Planning Authority and shall be installed prior to commencement of the use and thereafter maintained.
  - b) any musical amplification systems that may be used in the commercial units shall be maintained at a level that is at least 10dB below the external background noise level of the nearest noise sensitive premises. Should the predicted noise levels exceed those required by 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: To safeguard the amenities of the occupiers of adjoining properties.

- (22) a) No development shall commence unless agreed otherwise in writing by the Local Planning Authority, the applicants shall submit a Noise Report that shall detail the background noise level of the site and provide precise details (and drawings where necessary,) of Acoustic Measures to be used to insulate the proposed residential units to a noise level approved by the Local Planning Authority (including consideration of special glazing for proposed windows and the use of acoustic trickle vents or other equivalent ventilation equipment and insulation between floors where appropriate.) This shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and thereafter the works shall only be undertaken in accordance with the approved details.
- b) Following completion of the building works a post-completion report demonstrating that "the approved" internal noise levels (in accordance with BS8233:1999 Sound insulation and noise reduction for buildings) have been achieved in 10% habitable rooms including units on the first floor, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the units
  - c) Should the predicted noise levels exceed those required by 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: The site is subject to high noise levels, where planning permission may only be granted with appropriate conditions that provide commensurate protection against noise according to PPG24

- (23) No development shall commence unless the applicant employs a qualified asbestos contractor to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials. Any asbestos-containing materials must be removed from the site and documentary evidence submitted to the Local Planning



Authority for approval prior to the commencement of the demolition works proposed. Thereafter the asbestos removal shall be undertaken in accordance with the approved details

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

#### **INFORMATIVES:**

- (1) With regard to the surface water drainage it is the responsibility of the developer to make proper provision for drainage. It is recommended that the applicant should ensure that storm 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 Groundwater. 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.
- (2) Thames Water do not object to the sewerage infrastructure
- (3) Water supply is covered by the Veolia Water Company. Their address is Veolia Water Company, The Hub, Tamlin Way, Hatfield. Herts, AL10 9EZ
- (4) The applicant must employ measures to mitigate against the impacts of dust and fine particles generated by the building works in the site, to minimise dust arising from the operation in an Air Quality Management Area. Unless otherwise agreed in writing by the Local Planning Authority this should 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.

#### **REFERENCE DOCUMENTS:**

PPG16 - Archaeology and Planning

PPG24 – Planning and Noise

The London Plan as consolidated with amendments since 2004

Mayor's SPG - Providing for Children and Young People's Play and Informal Recreation – Mayor's Supplementary Planning Guidance (2008)

Brent's Unitary Development Plan 2004

Supplementary Planning Guidance - (SPG) 17 - "Design Guide for New Developments".

Supplementary Planning Guidance - (SPG) 19 - "Sustainable Design, Construction & Pollution Control".

Supplementary Planning Document - S106 Planning Obligations

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



## Committee Report Planning Committee on 16 March, 2010

Case No. 09/1201

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**RECEIVED:** 20 May, 2009

**WARD:** Preston

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 61-69 Lumen Road, East Lane Business Park, Wembley, HA9 7PX

**PROPOSAL:** Removal of Condition 1 limiting the planning permission dated 24th January 2008 for use of the site to provide open storage (Ref: 07/3003) to a temporary period of 3 years; and variation of Condition 4 of the same permission, replacing controls over the specific uses of each sub plot with a general control over noise generated by all uses on the site.

**APPLICANT:** G.M.Warren

**CONTACT:** GVA Grimley Ltd

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

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### RECOMMENDATION

Approval

### EXISTING

The proposal relates to a large industrial site located within the East Lane Business Park, one of the Council's designated Strategic Employment Areas. The site has been cleared of permanent structures and is now used for a variety of open storage uses arranged in 9 separate compounds. The uses currently operating on the site include the storage of building material and machinery, the parking and storage of cars awaiting sale, storage of accident damaged vehicles.

The application site has an area of 2.1 hectares and is located in the far north-west corner of the East Lane Business Park.

The site is bounded to the north and west by residential properties located in First, Second and Third Avenues and in Eskdale Road. A 5 metre wide landscaped buffer zone has been planted between the site and adjoining residential neighbours.

The site is served by 2 vehicular accesses ( East Lane on the south and Pellat Road adjoining Preston Road on the east side). The main vehicular access in to the site is from East Lane which operates under barrier control which remains open for site traffic throughout the working day. The second vehicular access from Pellat Road is also barrier controlled and has a width restriction in order to slow traffic and to prevent larger vehicles from trying to gain access to the site from Pellat Road.

### PROPOSAL

This application seeks removal of condition 1 (limiting the permission to a period of three years)

and variation of condition 4 (limiting the plots/ compounds to specific uses within land use class B8) of planning permission ref: 07/3003 granted in January 2008.

## **HISTORY**

The following planning history is most relevant to the proposal:

- 30/04/2009 Details pursuant to condition 9 & 10 (relating to replacement fencing and additional planting along western boundary of the site) of Full Planning Permission reference 07/3003, dated 24 January 2008, for retention of the use of land (comprising plot A to J) on either side of Lumen Road between Westlake Road and Pellatt Road for Use Class B8 - open storage purposes, including the reception, storage and onward transmission of building materials and machinery (but excluding any storage of skips and waste materials) in plot D, E, H & J; the parking and storage of cars for sale off the site in plot C & I, storage of accident-damaged cars in plot B, storage of business vehicles (not for sale) in plot F and G, retention of reduced single-storey height portacabins providing ancillary office space and facilities; and for the creation of a 5m wide, soft-landscaped buffer zone along the north boundary of the site and new boundary treatment (as accompanied by Noise Assessment Final Issue No. 2/ Noise - 1, Noise Control Assessment 5th October 2007 Final Issue No. 2 4408142/ Noise 2, Flood Risk Assessment June 2007 Final Issue No. 2 44408142 / MARP0001, Transport Statement June 2007 SN/2007 -214, A Travel Plan October 2007 sn/2007-214 and Planning Statement October 2007) as amended by further information received on 17/12/2007 & 20/12/2007 and subject to a Deed of Agreement dated 24th January 2008 under Section 106 of the Town and Country Planning Act 1990, as amended - Approved (ref: 08/0877).
- 28/04/2009 Variation of condition 4 of planning permission 07/3003 dated 24/01/2008 to allow the use of compound for the parking of minibuses and coaches – Approved (ref: 08/1684)
- 24/01/2008 Retention of the use of land (comprising plot A to J) on either side of Lumen Road between Westlake Road and Pellatt Road for Use Class B8 - open storage purposes, including the reception, storage and onward transmission of building materials and machinery (but excluding any storage of skips and waste materials) in plot D, E, H & J; the parking and storage of cars for sale off the site in plot C & I, storage of accident-damaged cars in plot B, storage of business vehicles (not for sale) in plot F and G, retention of reduced single-storey height portacabins providing ancillary office space and facilities; and for the creation of a 5m wide, soft-landscaped buffer zone along the north boundary of the site and new boundary treatment (as accompanied by Noise Assessment Final Issue No. 2/ Noise - 1, Noise Control Assessment 5th October 2007 Final Issue No. 2 4408142/ Noise 2, Flood Risk Assessment June 2007 Final Issue No. 2 44408142 / MARP0001, Transport Statement June 2007 SN/2007 -214, A Travel Plan October 2007 sn/2007-214 and Planning Statement October 2007) as amended by further information received on 17/12/2007 & 20/12/2007 and subject to a Deed of Agreement dated 24th January 2008 under Section 106 of the Town and Country Planning Act 1990, as amended – Approved (ref: 07/3003).
- 11/09/2007 Retention of the use of land either side of Lumen Road between Westlake Road and Pellatt Road for B8 purposes including the reception, storage and onward transmission of building materials and machinery, the parking and storage of cars, other vehicles and skips; the retention of portacabins providing ancillary office space; and for the creation of a landscape buffer and new boundary treatment - Withdrawn (ref: 07/2013)

- 29/06/2006 Use of site as a waste-transfer station for the reception, storage and transfer of waste, open storage of skips and other containers, vehicle parking (skip lorries and parking for staff and visitors) and erection of part single-storey and two-storey portable buildings for use as offices, WC and storage, and erection of walls, fences and gates – Refused (Ref: 05/1784)
- 03/11/2006 Enforcement notice (ref: 04/0560) is served for in respect of material change of use of land either side of Lumen Road between Westlake Road and Pellatt Road without planning permission to a mixed use as a waste-transfer station for the reception, storage and transfer of waste, open storage of skips, containers and other similar apparatus, vehicle parking, vehicle storage and salvage, the parking and storage of heavy plant and machinery and the erection of portable buildings for use as offices, WC and storage, and erection of walls, fences and gates. An appeal against the Enforcement Notice has been lodge and it is to be heard via Public Enquiry on 20/11/2007.
- 25/07/1967 Erection of single storey extension – Approved
- 12/06/1963 Vehicle maintenance building – Approved

## **POLICY CONSIDERATIONS**

The following are the policy considerations relevant to this application:

### Brent Adopted Unitary Development Plan (UDP) 2004 Policies

BE1 – An ‘Urban Design Statement’ should be submitted for all new development proposals.

BE2 - Proposals should be designed with regards to their local context, making positive contribution to the character of the area.

BE6 – A high standard of landscape design is required as an integral element of development schemes.

BE7 – A high standard of design and materials will be required for the street environment.

BE9 - New buildings, extensions and alterations to existing buildings, should embody a creative and appropriate design solution, specific to their site’s shape, size, location and development opportunities.

BE12 – Proposals should embody sustainable design principles, commensurate with the scale and type of development.

EMP5 - It states the areas that have been designated as Strategic Employment Areas and are defined on the Proposal Map.

EMP8 - In the Strategic and Borough Employment Areas the employment uses such as Industry (Class B2), Warehousing (Class B8) and closely related uses not falling within a use class but which are commonly found on industrial estates (such as haulage yards, bus garage and MOT testing stations) will be permitted.

EMP10 - Development within employment areas/ sites should not have an unacceptable environmental impact on other employment uses and in any nearby residential properties in terms of appearance, noise, dust, pollution, hours of use, access and servicing.

EMP11 – In Strategic and Borough Employment Areas redevelopment for industry and warehousing will be encouraged and development that contributes to improved access and appearance is supported.

EMP12 - There should be an integrated approach to advertisements, landscaping, street furniture, public art, lighting and signage in employment areas. Subject to resources, enhancement schemes for these features will be carried out. Proposals should neither detract from the achievement of such schemes nor reduce the benefits which could be gained.

EMP13 - Applications in Strategic and Borough Employment Areas for quasi-industrial uses such as open yard and car servicing will be considered in relation to their impact on neighbouring uses and on the functioning of the area as a general industrial area.

Opportunities and resources will be identified to provide sites for the accommodation of open yard uses where significant planning benefits can be achieved through their removal from inappropriate locations.

EP1 – Where a development is judged likely to have significant effects upon the environment by virtue of factors such as its nature, size and/or location, a statutory environmental statement will be required to be submitted with the application. This should also assess the need for the development and alternatives to it, mitigation and monitoring measures.

EP2 – Noise &/or vibration generating development will be permitted unless it would create, or worsen, noise levels above acceptable levels. In particular they will not be permitted where they would harm existing or proposed noise sensitive development (e.g. housing, hospitals, and schools) in the area, and if this cannot be acceptably attenuated.

EP3 – In considering development proposals and in preparing traffic management measures regard will be had to impacts upon air quality – especially affecting or in Air Quality Management Areas – Development proposals should not harm the achievement of National Air quality Objectives.

EP4 - Developments should be located and operated so as to limit pollution (including smell and dust) to levels specified in National Air Quality Objectives and especially where it affects Air Quality Management Areas.

EP9 - Development will be refused (following consultation with the Environment Agency) which would pose an unacceptable risk to the quality of groundwater or which would have a detrimental effect upon the quality of surface water.

EP10 - Development will be refused which harms watercourses. In particular:  
(b) Drainage into surface water will be limited to that which is essential and which does not harm the water environment.

TRN1 – Planning applications will be assessed, as appropriate, for their transport impact, including cumulative impacts – on the environment and on the road network, and all transport modes, including: public transport, walking and cycling.

TRN3 – Where a planning application would cause or worsen an unacceptable environmental impact from traffic generated it will be refused.

TRN4 – Where transport impact is unacceptable, measures will be considered, individually or in combination, which could acceptably mitigate this and enable the development to go ahead and where necessary secured at the developers expense.

TRN22 – Non- residential development should make provision for vehicular parking in accordance

with the maximum standards set out in Appendix TRN2. The application of these standards may be varied depending on the level of public transport accessibility to the site and the contribution that the development would make to reduce the use of the private car.

TRN34 – The provision of servicing facilities is required in all development covered by the Plan's standards in Appendix TRN2, and the loss of such facilities will be resisted.

## **SUSTAINABILITY ASSESSMENT**

Not Applicable

## **CONSULTATION**

The following have been consulted on the proposal:

- Nos. 1 & 2 Bell Lane, Wembley
- Nos. 17, 18, 61-69, Generay, Metroline and Brent Transport Services Lumen Road
- Nos. 2, 6, 7, 10, 12, 17, 19, 21, (Unit 1 to 25, 1A, 7A, A21, A22, A23, A24, A25, A26, A27, A28, D21, D22, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 41, 42, 43, 44, 45, 46 & 47) at 56 Magnet Road
- Nos. 1, 2, 115 & 197 Boundary Road
- Nos. 1, 2, 3, 4, 5, 5A, 6, 7, (unit G01 to G05 & unit 101 to 103, 202 to 206, 301 to 304) at 10 & 11 Courtney Road
- Nos. 15, 17, 18, 61-69, Generay, Metroline Compound & Brent Transport Services Lumen Road
- Nos. 1-2, 3-6, 7, 8, (units 1) at 9, (room 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, unit 12) at 11, 12, 13, 13A, 14, 15, 16, 16A & 16B, Main Drive
- Nos. 1, 2, 4, 11 to 20, 23, 72, 110 & 113, Osram Road
- Nos. 1, 2, 56A & 56B Pellat Road
- Nos. 1 & 12 Poplar View
- Nos. (Room J, L, M, N) at 1, 2, 3, 4u & 9 Tower Lane
- Nos. 1 to 29 & 31 First Avenue
- Nos. 1, 2, 2A, 2B & 3 to 23 Second Avenue
- Nos. 1 to 32, 34, 36, 38 & 40 Third Avenue
- Nos. 1, 100-101 & 117, Tilling Way
- Nos. 58 Westlake Road,
- Nos. 1 to 10, 12, 13, 15, 16, 17, 17A & 18 Quad Road
- Nos. 1, 2, 8, 12, 16, 21, 22, 24, 25, 26, 29, 30, 31, 32, 33 & 34 Walton Gardens,
- Nos. 16, 20, 23, 30, 33, 34, 35, 37, 39, 42, 44, 45, 46, 48, 54, 56, 61, 62, 65, 68, 69, 74, 76, 79, 80, 82, 83, 84, 85, 86, 87, 88, 90, 93, 97, 101, 105, 107, 108, 109, 110, 112, 113, 123, 132, 137, 147 & 161 Chamberlayne Road
- No. 9 Allonby Road
- Nos. 20 & 29 Toley Avenue
- No. 9 Gabriel Close
- No. 14 Derwent Gardens
- Nos. 18 Montpelier Rise
- No. 1.5.8 Wembley Commercial Centre, East Lane
- No. 41 & Century Bowling & Social Club Logan Road
- No. 56 Vista Way
- Nos. 56 & 212 Preston Road
- Nos. 2, 3, 51, 54, 57, 58, 61, 64, 70, 74, 75, 77 & 80, Edison Drive
- Nos. 217, 221 & 227 Carlton Avenue East
- Ward Councillors
- South Kenton & Preston Park Residents Association.

In total 3 objections letters (from 109 & 110 Chamberlayne Avenue and The South Kenton and Preston Park Residents' Association) have been received.

The South Kenton And Preston Park Residents' Association – The association only concern is that they do not wish to see any amendments that would allow the return of storage of building construction materials, plants and machinery to those areas defined. There are no objections to the storage of motor vehicles, as long as there are no unacceptable noise levels, such as engines left running, radios blaring out music etc. especially during non-social hours. The association also says that since the implementation of the original conditions (i.e. referring to conditions attached to previous planning permission ref: 07/3003), local residents have enjoyed normal living conditions, especially those living in First Avenue, Second Avenue, Third Avenue and Eskdale Close.

Residents in Chamberlayne -raised objections to the proposal on the grounds that this is a residential area, commercial land use would decrease the quality of life for the locals, affect the environment and would increase traffic, congestion and noise in the area.

Environmental Health – has no objections to removal of condition 1. However, there was objection to the variation of Condition 4 based on original "Noise Assessment Report". The objections to condition 4 has now been withdrawn based on updated "Noise Assessment Report" and conditions recommended by them.

## **REMARKS**

### **Background**

The application site is part of the former GEC Industrial Estate, now part of the East Lane Business Park. The site has been cleared of its former industrial buildings and now provides open storage and is sub-divided into smaller compounds enclosed by 2.5 to 3m high boundary fences. The compounds prior to the granting of the current temporary planning permission were occupied by a number of unauthorised uses including the reception, storage and transfer of waste, the storage of skips, containers and other similar apparatus, vehicle parking, vehicle storage and salvage, and the parking and storage of heavy plant and machinery.

These unauthorised uses operated without any planning controls and gave rise to a number of complaints from neighbouring residential occupiers. The complaints (such as unsightly appearance of skips and portacabins stacked above fence height; smell, dust, pollution and health hazard associated with storage of waste materials; early morning noise from activities carried outside the compounds including vehicles using Pellat Road and vehicles left running outside the compounds on Pellat Road, clanking and dragging of skips into the compound etc) are largely related to the nature of uses, hours of operation and manner in which the operations were carried out. As a result, enforcement notices were served against the unauthorised uses.

The planning application submitted under ref: 07/3003 was for *"Retention of the use of land (comprising plot A to J) on either side of Lumen Road between Westlake Road and Pellatt Road for Use Class B8 - open storage purposes, including the reception, storage and onward transmission of building materials and machinery (but excluding any storage of skips and waste materials) in plot D, E, H & J; the parking and storage of cars for sale off the site in plot C & I, storage of accident-damaged cars in plot B, storage of business vehicles (not for sale) in plot F and G, retention of reduced single-storey height portacabins providing ancillary office space and facilities; and for the creation of a 5m wide, soft-landscaped buffer zone along the north boundary of the site and new boundary treatment."* The application was reported to the Planning Committee and was approved by the Members on 24/01/2008 subject to number of restrictive conditions including limiting the permission for 3 years, restricting noisy activity within 50m from the residential boundary, restricting each plot to the uses proposed at the time, no storage above the height of the compound fence and provision of 5m wide landscape buffer zone along the noise sensitive north boundary of the site. The enforcement notices originally served were overridden by the planning permission granted to the planning application ref: 07/3003 in so far as the activities prescribed in the permission overrode the requirement of the enforcement notices.



The planning application 07/3003 was approved because it provided opportunities to control the proposed uses and their associated impacts and to introduce other benefits (such as a 5m wide soft landscape buffer zone along the north boundary of the site, repairs to boundary fences including replacement in some instances, re-arrangement of uses and removal of previous nuisance uses so that it improves the appearance, places less obtrusive uses near residential boundaries, controls noise and disturbance by means of attached conditions and Section 106 requirement).

Since the approval of the above mentioned planning permission ref: 07/3003, number of measures around the application site have been taken to minimise the impact on the amenities of the neighbouring occupiers. They include:

- Creation of 5m wide soft landscaped buffer zone along the north boundary of the site which abuts dwellinghouses in First, Second and Third Avenue.
- The fencing around the plots have been repaired /replaced to further contain the noise within the plots
- The lease/tenancy agreements for most noise generating occupiers have not been renewed and therefore these noisy operators from the site have been removed.
- There are signs placed in Pellat Road (i.e. along North side of the site) to inform its users of the restriction placed on the hours of operation within 50m of the residential properties located on the north side of the site.

These measures in addition to number of restrictive conditions imposed seem to have worked since the temporary planning permission granted under ref: 07/3003 in minimising the noise impact on the amenities of the occupiers of the surrounding residential properties in particular those located closer to the site (i.e. those along north boundary of the site). Environmental Health also confirm that since the temporary planning permission was granted they have not received any complaints from nearby residents.

### **The Proposal**

This application is now seeking removal of Condition 1 (limiting the permission granted under ref: 07/3003 to 3 years only which is due to expire on 16/01/2011) and variation of Condition 4 (that restricts individual plots within the site for specific purpose) of planning permission ref: 07/3003. The descriptions of both these conditions and their reasons are set out below:

#### *Condition: 1*

*This permission shall be for a limited period of 3 years only, expiring on 16 January 2011, when (unless a further application has been submitted to and approved by the Local Planning Authority) the uses hereby approved shall be discontinued.*

*Reason: To ensure the long term viability of the Strategic Employment Land for employment purposes.*

#### *Condition: 4*

*Plots C and I shall be used only for the purpose of storage of cars for sale off the site, plot B for storage of accident damaged cars and courtesy cars; plots D, E, J & H for storage of building construction materials, plant and machinery (excluding storage of skips and as waste transfer station) and plots F & G as storage of vehicles not for sale on site and for no other purpose (including any other purpose in Class B8) specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.*

*Reason: To ensure that no other use commences without the prior permission of the Local Planning Authority in order to ensure that the use of the land does not prejudice the enjoyment of the amenities of the neighbouring residential occupiers and to enable other uses to be considered on their merits.*

It is therefore important that when considering this application the proposal maintains the same level of noise and other controls as existing on the site so that it would not give rise to any noise complaints from the occupiers of nearby residential properties.

The applicant has set out the planning case for the removal of condition 1 and variation of condition 4.

#### Condition 1

Condition 1 attached to planning permission ref: 07/3003 states that the planning permission is limited to a period of 3 years only and will expire on 16<sup>th</sup> January 2011. The applicant's reason for applying for removal of this condition is "to ensure that the long term viability of the Strategic Employment Land for employment purposes". The condition at present restricts the ability of the owner to attract tenants to the site affecting the viability of this part of East Lane Business Park. The London Plan and Brent adopted Unitary Development Plan 2004 seek to stimulate the economy by promoting and managing existing employment sites. East Lane Business Park is key employment location which helps to sustain the North London economy. The removal of this condition would ensure the ongoing viability of the strategic employment location in accordance with local and strategic planning policy.

#### Condition 4

The applicant considers that while the condition 4 attached to planning permission ref: 07/3003 allows for a range of open storage uses to take place at the site; it is unduly restrictive in that it restricts certain uses to specific plots. While it is understood that this condition is imposed to restrict the nature of operations that are carried out close to residential properties, and to mitigate the potential impact of the development, to ensure that the use of the land does not prejudice the enjoyment of the amenities of the neighbouring residential occupiers and to enable other uses to be considered on their merits. However, this condition fetters the ability to secure tenants for the plots of land through restricting land uses. It is therefore through this application suggested that this condition should be varied by a replacement condition that would control the level of noise while allowing for B8 open storage uses across the site without restriction. The alternative condition should have the effect as existing in that it should continue to protect the residential amenity of adjacent occupiers by applying attenuation and management measures which limit the noise from operations at Lumen Road. The proposed amended condition suggested by the applicant is set out below:

*A daytime 1-hour average noise level limit of 51db(A) measured in the gardens of residential properties. A night time 5-minutes average noise level limit of 51dB(A) in the gardens of residential properties*

In support of this application, a further updated "Noise Assessment Report" has been submitted. The applicant in their submission has also demonstrated that they have assessed condition 4 attached to the planning permission ref: 07/3003 and their above mentioned suggestive alternative condition limiting noise level against Circular 11/95 to further demonstrate whether these conditions would meet the "Six Test for Conditions" (i.e. necessary, relevant to planning, relevant to development to be permitted, enforceable, precise and reasonable in all other respects). It is suggested that condition 4 attached to planning permission ref: 07/3003 does not currently meet the criteria of "Six Test for Conditions" set out in Circular 11/95. However, the replacement condition limiting noise level would meet the above criteria and fulfil the Council's objectives of protecting the amenity of the adjacent residential occupiers and therefore suggests that the proposed replacement condition would be better than existing condition 4.

#### **Environmental Health**

The Council's Environmental Health Officer has examined the original and updated "Noise Assessment Report", the applicant's submission and their suggestive alternative to condition 4 attached to planning permission ref: 07/3003.

Originally, Environmental Health raised objection to the variation of Condition 4 on the grounds that the applicant have suggested noise levels to be controlled based upon recommendations from the noise assessment prepared in October 2007 as indicated in Appendix A that was submitted with the application. However, the report (2 Criteria) states that the background noise level was measured at an alternative comparable location in North Wembley and not in the grounds of residential properties and the levels proposed are that which would likely give rise to complaints.

The activities and noise source mentioned in the October 2007 noise assessment report (Appendix A) are different from the activities conducted on the site currently. The assessment did not take place from the grounds of residential properties. The night time background level measured was affected by rain and wind noise.

It was therefore suggested that a new noise assessment should be carried out in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas". The development must not proceed without the Local Planning Authority's approval of the proposed scheme. It is recommended that an approved Acoustic Consultant produce a report.

Environmental Health had suggested that if any noise levels are proposed they should be 10dB(A) or greater below the measured background noise level at the nearest noise sensitive premises – a positive indication that complaints are unlikely. This was not indicated by the proposed condition originally submitted by the applicant in their letter ref SGB/SS08/A646834 dated 19 May 2009.

Following, the above Environmental Health comments, an addendum to the above mentioned noise assessment prepared in 2007 was submitted. The new updated noise report (ref: Lumen Road/Noise/Sep 09/Rev 1 dated 2<sup>nd</sup> September 2009 from Graham Cowling) carried out an assessment of potential noise levels from the likely operations at the site. The report concluded that the Modelling of expected noise from proposed B8 usage within the compounds at Lumen Road has that worst-case noise will be below a "complaint likely" level, and that, in the majority of cases; 1-hour daytime noise level would be below background noise level.

Occasional deliveries of single vehicles at night could cause worst case noise level 3 dB(A) above the "complaints likely" level, in fact such noise levels are below those which could be generated by traffic on the access roads.

The recommended wording for alternative to condition 4 attached to planning permission ref: 07/3003 is as follows:

*A daytime 1-hour average noise limit of 51dB(A) measured in the gardens of residential properties.  
A night time 5-minute average noise level limit of 51dB(A) measured in the gardens of residential properties.*

Environmental Health has commented on an addendum to the above mentioned noise assessment prepared in 2007 and proposal to "noise limits" to be set in the alternative condition as follows:

Condition: 1

There are no objections to the removal of this condition on environmental grounds; the issues regarding impacts on amenity from noise nuisance should be adequately covered by the proposed change to Condition 4 provided below.

Condition 4

Environmental Health confirms that according to their records, they have received no additional complaints regarding noise from the operations at the site and they would seek to ensure that the current level of amenity enjoyed by the local residents can be maintained. In addition, they are of the opinion that the potential noise problems which might arise from operations can be prevented by good site management and maintenance and as a result it is suggested that the following condition be attached to the permission granted:

Condition

*Prior to the commencement of the use hereby permitted a Noise Management Plan shall be submitted to and approved by the Local Planning Authority detailing all noise mitigation measures, including a programme of noise monitoring, to be implemented to ensure that the level of noise emitted from the site shall not exceed 51dB LAeq(1hr) between 07.00hrs and 23.00hrs and 45.0dBA LAeq (5min) between 23.00hrs and 07.00hrs.*

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

Condition

*Prior to the commencement of the use hereby permitted a Noise Management plan shall be submitted to and approved by the Local Planning Authority detailing all noise mitigation measures to be implemented to ensure that the level of noise emitted from the site shall not exceed 51dB LAeq (1hr) between 07.00hrs and 23.00hrs and 45.0dBA (5min) between 23.00hrs and 07.00hrs*

*Continuous noise monitoring shall be undertaken for a period of 12 months and periodically thereafter to demonstrate compliance with the above levels.*

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

It should be noted that since the plots will be leased by different operators we would anticipate that any monitoring regime agreed would be continuous on a short term basis and undertaken periodically thereafter to ensure that these levels are consistently met.

We would require the applicant to ensure that all monitoring records be kept on site for inspection by the Local Authority for at least 3 years.

The noise levels should be determined at the nearest noise sensitive premises and measurements and assessments according to BS4142.

The application is therefore recommended for approval subject to above mentioned conditions and conditions attached to previous planning permission ref: 07/3003.

**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
- 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 and Extensions

**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):

-01 Revision B - Elevations  
-02 Revision B - Topographical Survey  
-2 x A4 Size Ordnance Survey Map showing the Location of the Site  
-Appendix A - Lumen Road Noise Control Assessment dated 5th October 2007 Final Issue No. 2 /44408142 / Noise 2  
-Appendix 2 - Appeal Decision Notice relating to Kirkton Industrial Estate, James Chalmers Road, Arbroath DD11 2LR

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

- (3) Prior to the commencement of the use hereby permitted a Noise Management Plan shall be submitted to and approved by the Local Planning Authority detailing all noise mitigation measures, including a programme of noise monitoring, to be implemented to ensure that the level of noise emitted from the site shall not exceed 51dB LAeq(1hr) between 07.00hrs and 23.00hrs and 45.0dBA LAeq (5min) between 23.00hrs and 07.00hrs.

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

- (4) Prior to the commencement of the use hereby permitted a Noise Management plan shall be submitted to and approved by the Local Planning Authority detailing all noise mitigation measures to be implemented to ensure that the level of noise emitted from the site shall not exceed 51dB LAeq (1hr) between 07.00hrs and 23.00hrs and 45.0dBA (5min) between 23.00hrs and 07.00hrs

Continuous noise monitoring shall be undertaken for a period of 12 months and periodically thereafter to demonstrate compliance with the above levels.

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

- (5) Any part of the Land within the subject site that is less than 50 m from the boundary with a residential property shall not be used for operational purposes including the starting up or moving of plant, machinery or vehicles other than between the hours of 0800 and 1900, Monday to Saturday and 1000 and 1600 on Sundays and Bank Holidays except on Wembley Stadium major event days whereby the land may be used for the parking of cars for Wembley Stadium Support Staff between the hours of 0730 and 2400 unless otherwise agreed in writing by the Local Planning Authority. The 50m boundary distance shall be marked on site in a form to be agreed with the Local Planning Authority.

Reason: To safeguard the amenities of the neighbouring residential occupiers.

- (6) No repair or testing of construction plant and machinery shall be carried out on any part of the Land within the subject site that is less than 50 m from the boundary with a residential property

Reason: To avoid unacceptable levels of noise and disturbance to surrounding residential areas.

- (7) No goods, equipment, pallets or materials shall be stored or deposited to a height of over 2.5 metres above ground level or over the height of the existing boundary fence enclosure of each plot within the site and such storage shall be confined to the boundaries of each plot.

Reason: To safeguard visual amenities and the efficient operation of activities within each plot and the site

- (8) All soft landscape works for the proposed 5m wide soft landscaped buffer zone along the north boundary of the site hereby approved shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the approval of this application and thereafter maintained to the satisfaction of the Local Planning Authority. Any trees or 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 to the satisfaction of the Local Planning Authority, with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: To ensure that proposed development/use does not prejudice the amenity of the locality and to ensure a proper standard of separation from neighbouring residential properties.

- (9) The construction of the site drainage system shall be carried out in accordance with details submitted to and approved in writing by the Planning Authority before the development commences

Reason: To prevent pollution of the water environment.

- (10) Notwithstanding the plans hereby submitted and approved, existing width restriction on Pellat Road shall be retained and shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To prevent future use of this route by heavy goods vehicles and to ensure that the proposed development does not prejudice the free flow of traffic, or conditions of general safety for pedestrian on the adjoining residential streets/public highway.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

1. Adopted Unitary Development Plan 2004
2. 3 letters of objections from 109 & 110 Chamberlayne Avenue and The South Kenton and Preston Park Residents' Association

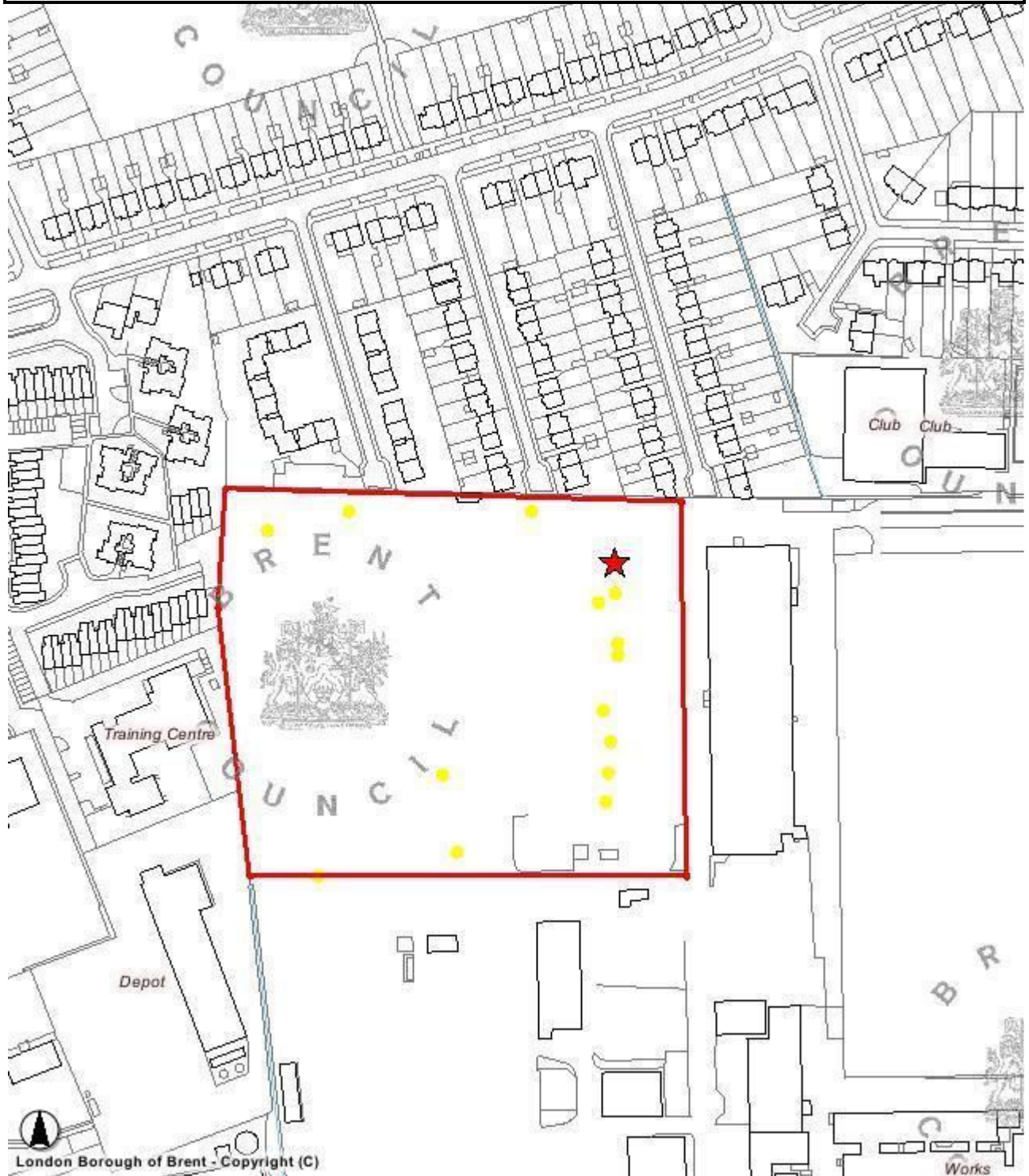
Any person wishing to inspect the above papers should contact Mumtaz Patel, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5244



## Planning Committee Map

Site address: 61-69 Lumen Road, East Lane Business Park, Wembley, HA9 7PX

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## Committee Report Planning Committee on 16 March, 2010

Case No. 09/2506

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**RECEIVED:** 23 December, 2009

**WARD:**

**PLANNING AREA:**

**LOCATION:** Elizabeth House, 341 High Road, Wembley

**PROPOSAL:** Demolition of existing building and erection of a part 5- to 13-storey building with communal terraces, comprising a total of 115 flats (54 x one-bedroom, 46 x two-bedroom and 15 x three-bedroom) on upper floors, ground-floor commercial unit (Use Classes A1, A2, A3), basement parking and associated landscaping and amenity space

**APPLICANT:** Octavia Housing

**CONTACT:** StudioAitken

**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:-

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Provision of 37% (Habitable Rooms) Affordable Housing
- (c) A contribution of £436, 800 (£3,000) per additional private bedroom/£2,400 for Affordable Housing), broken down as:
  - Prior to Occupation, £100,000 worth of training for Brent Residents, including Notting Hill Construction Training Initiative
  - A contribution of £336, 800 index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area. 50% on Material Start and 50% 1 year after Material Start
- (d) Sustainability – submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 4, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (e) Offset 44% of the site's carbon emissions through the provision of a CHP, PV panels and 7.6% through onsite renewable generation
- (f) Join and adhere to the Considerate Contractors scheme
- (g) Removal of the right of residents to apply for parking permits
- (h) Prior to Occupation, submit, gain approval for and adhere to a Residential Travel Plan, including the provision of an on-site car club space, that is of sufficient quality to score a

PASS rating using TfL's ATTrBuTE system;

- (i) Prior to Occupation enter into a S38/278 of the Highways Act 1980 to cover resurfacing and widening of the public footpath adjoining the site, amendments to the vehicular accesses to the site (incl reinstatement of all redundant lengths to footway) and dedication of an additional strip of at least 3m width along the front boundary of the site as publicly maintainable highway

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**

Elizabeth House lies on the south side of the High Road with a public footpath and Brent House to the West and St Joseph's Catholic Church to the East. To the South the site backs on to the playground of St Joseph's Junior School. On the opposite side of High Road, the site faces retail and commercial premises, some of which have accommodation above.

The site itself exists as a petrol filling station on the front, with a 4-storey building, containing office accommodation and a total of 12 flats above (6x 2bed and 6x3bed) to the rear with basement parking and also a block of 12 garages within a detached building along the rear boundary of the site, backing onto the school playground.

## **PROPOSAL**

Demolition of existing building and erection of a part 5- to 13-storey building with communal terraces, comprising a total of 115 flats (54 x one-bedroom, 46 x two-bedroom and 15 x three-bedroom) on upper floors, ground-floor commercial unit (Use Classes A1, A2, A3), basement parking and associated landscaping and amenity space

## **HISTORY**

05/01220 – Erection of 2 side/forward three-storey extensions above the existing offices to form 2 blocks of 6 one-bedroom flats (12 in total) – Withdrawn 23/03/2005

03/3362 – Erection of additional 5<sup>th</sup> Floor with curved aluminium roof to create four flats (two 2bedroom and two 3-bedroom) Granted 11/03/2004

H6013 4219 – Change of use from showroom/garages to offices and showroom with parking accommodation. Granted 07/10/77

E7178 8728 – Office extension to premises. Granted 02/12/74

24680H9681 – Petrol station, flats, filling station. Granted 26/06/63

## **POLICY CONSIDERATIONS**

The following policies and standards contained within the Council's Adopted Unitary Development Plan 2004 are considered to be relevant to consideration of the application.

### **Brent's Unitary Development Plan 2004**

#### **Strategy**

- |      |                                                                             |
|------|-----------------------------------------------------------------------------|
| STR3 | Development of previously developed land will be maximised.                 |
| STR5 | Seeks to promote a pattern of development that reduces the need to travel.  |
| STR9 | GLA Roads and London Distributor Roads are designated as part of the London |

	Road Network and the Council will ensure that development proposals and traffic management measures should not conflict their role of carrying essential through traffic, whilst discouraging through traffic on local roads
STR11	Protection and enhancement of the quality and character of the Borough's built and natural environment.
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 and contributing to attractive and successful outdoor spaces.
STR20	Where suitable and practical, housing development on sites capable of accommodating 15 or more units, or 0.5 hectares or over, should include the maximum reasonable proportion of affordable housing consistent with the Plan's affordable housing provision levels.

The following Part 2 polices apply and are briefly summarised below:

### **Built Environment**

BE1	Requires the submission of urban design statements.
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 and not cause harm to the character and/or appearance of an area.
BE3	Urban Structure: Space & Movement – relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
BE4	Accessible development for disabled people.
BE5	Development should be designed to be understandable to users, free from physical hazards and reduce opportunities for crime.
BE6	High standard of landscaping will be required as integral element of new development.
BE7	High quality of design and materials required for the street environment.
BE8	Sensitively designed proposals, which create and improve lighting, will be encouraged.
BE9	New buildings should be designed to embody a creative and high quality design solution specific to the sites shape, size, location and development opportunity and be of a scale, massing and height appropriate to their setting, civic function and location.
BE10	High Buildings – (over 25m) – are appropriate where their visual impact can be accommodated. Preferred locations are the Wembley Regeneration Area & Park Royal Area
BE11	Intensive and Mixed-Use Developments – states that proposals for higher densities than that prevalent in the surrounding area will be encouraged in appropriate locations, which will include town centre locations in Areas of Very Good & Good Public Transport Accessibility, and transport interchanges
BE12	Sustainable Design Principles – states that proposals should embody sustainable/environmental design principles commensurate with the scale and type of development.
BE15	Transport Corridors & Gateways – Particular regard will be had to the design and attractiveness of development proposals within the vicinity of the visible from Transport Corridors which are priorities for townscape and public realm enhancement where opportunities arise, including Harrow Road.

## **Environmental Protection**

### **EP6 – Contaminated Land**

#### **Housing**

- H9 Dwelling Mix – a mix of family and non-family units will be required, having regard to the local circumstances and site characteristics.
- H10 Containment of Dwellings– New residential development should be self-contained.
- H11 Housing on Brownfield Sites
- H12 Residential Quality – Layout Considerations
- H13 Residential Density – states that the primary consideration in determining the appropriate density of new residential development will be achieving an appropriate urban design which makes efficient use of land and meets amenity needs of potential residents. The most dense developments will be appropriate in those parts of the Borough with good or very good public transport accessibility. Surrounding densities should be at least matched unless this would harm residential amenity. The density of a site should also have regard to the context and nature of the proposal, the constraints and opportunities of the site and the type of housing proposed.
- H14 Minimum residential Density – states that planning permission will be refused where development would under-utilise a site, where there are no pressing consideration to protect the character of an area.

#### **Transport**

- TRN1 Planning applications will be assessed, as appropriate, for their transport impact, including cumulative impacts on the environment and on the road network, and all transport modes, including: public transport, walking and cycling.
- TRN2 Development should benefit the public transport network.
- TRN3
- TRN4 Measures to make an unacceptable transport impact acceptable will be required.
- TRN10 The “Walkability” of public environments should be maintained and enhanced.
- TRN11 Development should comply with the Councils minimum standards for cycle parking.
- TRN20
- TRN23 Parking Standards for Residential Development (PS14)
- TRN31 Car parking should be carefully designed to be safe, well landscaped, have convenient links and not be visually intrusive.
- TRN34
- TRN35 Access to parking areas and public transport should facilitate access for disabled people and the mobility impaired. (PS15)

#### *Parking Standards*

- PS7 Shops (A1) less than 2000m<sup>2</sup>
- PS9 Food and Drink Uses (A3)
- PS14 Residential Development
- PS15 Standard for Wide Bay Parking
- PS16 Cycle Parking
- PS17 Shop Servicing- units less than 2000m<sup>2</sup>

#### **Town Centres and Shopping**

- SH1 Network of Town Centres
- SH2 Major Town Centres

SH3	Major Town Centres and District Centres
SH10	Food and Drink (A3) Uses
SH11	Conditions for A3 Uses

### **Wembley Regeneration Area**

WEM1	Regeneration of Wembley
WEM3	Location of Large Scale Retail, Leisure and Entertainment Uses
WEM4	Residential Development within the Wembley Regeneration Area
WEM7	Access to Development – The National Stadium Policy Area
WEM9	Comprehensive Development – The National Stadium Policy Area

### **Brent Council Supplementary Planning Guidance and Documents**

SPG17	Design Guide for New Development
SPG19	Sustainable design, construction and pollution control
SPD	Section 106 Planning Obligations

### **Planning Policy Guidance and Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS1	Supplement: Planning and Climate Change
PPS12	Planning Policy Statement 12: Local Spatial Planning
PPG13	Transportation
PPS22	Renewable energy
PPG24	Planning and Noise

### **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*

- *Housing – Supplementary Planning Guidance (2005)*
- *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

### **SUSTAINABILITY ASSESSMENT**

The applicants have submitted a TP6 "Sustainability Checklist" an Energy Statement, and a Code for Sustainable Homes and BREEAM Document. The applicants have given themselves a score of

50%. The Council's score is 50%. The applicants have agreed to provide CSH Level 4 and have demonstrated that they are on track to achieve this level. This is to be included within the Section 106 Agreement as is standard.

## **CONSULTATION**

Site notices were erected on 31/12/2009

Press date 07/01/2010

Consultation letters were sent out on 30/12/2010 to 557 properties.

## **Third Party Comments**

5 letters of objection were received. Issues raised are summarised as follows

- Impact of parking on nearby streets (eg Oakington Manor Drive) Current parking spaces proposed is insufficient for the number of units proposed
- No parking for visitors
- Loss of petrol station – nearest petrol station is at Wembley Park which the objector considers too far for her
- Forum House on Empire Way has empty flats, and does not make 'business sense' to allow further flats to be built
- A 13 storey building on this site would 'mar the landscape' and make the area 'appear visually crowded and cramped'
- The construction of the new building will cause problems like traffic, pollution and access issues to the already congested and crowded Wembley High Street area. If the development goes ahead, it will cause residents (like 'myself' – objector's words) leave the area
- Densely populating such a small area will bring with it more social problems to an already challenged borough such as crime, anti-social behaviour and health problems (created through overcrowding and construction work)
- Objection to the building of more residential properties, with no improved services such as schools to take the extra people
- This will add more crime and make local people more afraid for their security
- The building will dwarf the adjoining St Joseph's Catholic Church and it will be taller than Brent House
- Design- The proposed building would not enhance the appearance of this end (eastern) of High Road, Wembley.

## **Internal comments**

### Environmental Health

The following comments have been made:

- Noise Assessment – the applicants do not provide options they may implement to address the compromised amenity of residents at the front of the site caused by road traffic. It is suggested that the applicants provide a schedule indicating which dwellings will be subject to additional acoustic ventilation. It is also suggested that that the applicant be required to undertake post-completion testing of most affected dwellings to confirm the glazing installed is sufficient to reduce external noise impact Prior to occupation of the dwellings.
- Commercial Ventilation Proposal – further information is required regarding the location of the louvred opening, and the exact location of the proposed discharge of the extract in relation to adjacent amenity areas. It cannot therefore be determined whether this is appropriate for the location and the likelihood that the arrangement would not give rise to odour or noise disturbance. It is typically expected that the ducting to terminate at least 1m above roof ridge height and any departure from this standard needs to be considered

- carefully
- Where the applicant is unable to provide information prior to the grant of permission we would seek to secure the installation of an appropriate system via condition; seek to meet with the applicant at the earliest opportunity to discuss our requirements in detail; seek to prevent the use of the system prior to operation of the premises; seek to ensure that where this, and any similar plant is installed it is located away from the adjacent residential dwelling
  - Smoking – The applicant should verify whether for the retail/restaurant plans include a smoking area (and therefore the applicant will need to submit details of compliance with the requirements of the current smoke-free legislation)
  - Ventilation of the basement car park – The applicant should verify if and how they intend to achieve this. Location of any louvers associated with this would need to be located so as to prevent the transmission of noise or odour from this area.
  - Contaminated Land – 2 conditions are recommended, as are standard for the likely contamination of this type of site. The applicant has submitted a site investigation which would satisfy the first of these conditions, however a remediation strategy is

### Highways

No objections subject to:-

- (a) a Section 106 Agreement to secure (i) a Residential Travel Plan that is of sufficient quality to score a PASS rating using TfL's ATTrBuTE system; (ii) a 'car-free' agreement (iii) an agreement under Sections 38/278 of the highways Act 1980 to cover resurfacing and widening of the public footpath adjoining the site, amendments to the vehicular accesses to the site (incl. reinstatement of all redundant lengths to footway) and dedication of an additional strip of at least 3m width along the front boundary of the site as publicly maintainable highway and (iv) a financial contribution of £127, 000 towards non-car access/highway safety improvements in the vicinity of the site;
- (b) a condition requiring minor amendments to the site layout to:- (i) enlarge the proposed vehicular access to provide 8m kerb radii and an associated entry table with tactile paving, (ii) straighten the kink in the access road to the basement car park; (iii) extend the length of the basement access ramp in order to relax the gradient to 20%; (iv) resite all supporting pillars in the basement at least 460mm back from the front of parking spaces; (v) provide electric vehicle charging points within the car park and (vi) provide a Car Club parking space at ground level; and
- (c) an informative advising the applicant that the provision of tree planting within the existing limited width fooway in front of the site would not be acceptable.

### Landscape Designer

No issues with the proposed development in principle. However, a few minor alteration are required to ensure a high quality amenity space for residents

- High Road Frontage – The current layout of the High Road frontate does not provide an adequate amenity space for residents or the public. The space appears focused on hard landscape and is not in keeping with the aims of the Council for the High Road.
- London Plane trees should be planted along the back of the footpath along the High Road
- Opportunities for the addition of seating in the civic space should be explored.
- Podium deck Residential Gardens – The current levels indicated for planting is insufficient. Further information is required to ensure the required soil depth are achievable
- The private terrace divided between the two four bedroom apartments is unusable and unsuitable amenity space. This arrangement needs to be addressed and altered
- The hedging to the private amenity areas appears to be under 500mm. This is too narrow for a sustainable hedge. More information is required on these planters and the soil volumes and plant species

- 10<sup>th</sup> Floor Terrace – The design and layout of this amenity space needs to be re-addressed. As this terrace will be higher it is advised to ensure that the space could provide some protection from the sun and/or wind to allow ensure it could be used in a variety of weather.
- Informal play opportunities will be encouraged on this terrace as is described on the second floor terrace.
- A larger proportion of soft landscaping is required and the addition of trees and larger shrubs would be encouraged.

### Housing Department

- Supports the application.
- The proposed scheme provides some affordable housing, which was originally approximately 30% of the units. However, this has altered since revisions which have been made. The final mix of tenure will be reported to the committee in the supplementary report.
- The Council has assessed the 3 Dragons Financial Toolkit submitted with the application, as well as supporting cost and valuation materials, and concluded that this is maximum reasonable amount of affordable housing that can be delivered on the site given the financial viability of the scheme. This is a Housing Association led scheme and zero developer profit is assumed.

### **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. Whilst the application is broadly acceptable to strategic planning terms, the application does not on balance comply with the London Plan. The following changes might, however, remedy deficiencies, and could possibly lead to the application becoming compliant with the London Plan:*

- *Urban Design – The applicant should designate 200 sq.m of play space for children under five years old. The applicant should submit details of existing local play facilities which can be used by children over five years of age*
- *Climate Change mitigation – Additional information is required before the application is referred back to the Mayor, to ensure the proposal complies with London Plan Policies. This includes information regarding the energy centre, to show indicatively that enough space has been allocated for the proposed systems, such as the combined heat and power plan, thermal store, boilers and future district heating connection equipment. In addition several conditions are suggested to ensure compliance with London Plan Policies.*
- *Climate Change Adaptation – It is not clear whether the proposal includes grey water recycling facilities. As such, it is not possible to ascertain whether the proposal complies with London Plan policy 4A.14 and 4A.16 of the London Plan.*

#### Transport for London

TfL support the development in principle providing the following issues are addressed:

- A reduction in car parking is required.



- Any parking on site should also include the provision of electric vehicle charging points in line with the standards set out in the draft replacement London Plan policy 6.13 *Parking*. One electric vehicle charging point should be provided for every five residential parking space with an additional 20% passive provision.
- The type of cycle parking proposed needs to be altered. The current type proposed is a good temporary solution, but these types of spaces are not acceptable for the residential element of the development. TfL suggest a different style or type of bicycle rack is provided in a secure location with the use of CCTV as an additional security measure.
- Significant work is required on the travel plan before it can be considered in line with TfL's Guidance for residential travel planning in London detailed in London Plan policy 3C.2 Matching development to transport capacity and the draft replacement London Plan policy 6.3 Assessing transport capacity. The travel plan should be funded, secured, enforced, monitored and reviewed as part of the Section 106 agreement.
- A delivery service plan and construction logistic plan need to be secured by appropriate planning obligations

Thames Water- recommend informatives and a drainage condition

Architectural Liaison Officer – recommendations made for the operation of accessibility within the proposed new building.

## **REMARKS**

### **Background**

Elizabeth House is located within the Wembley Regeneration Area as defined in the UDP and the Wembley Growth Area as defined in the London Plan and Brent's draft LDF). The site is located in the Council's Wembley Missing Link study area which will eventually provide a masterplan to deal with the area of Wembley located between the existing town centre and the new development emerging around the Stadium. The site also forms part of a draft Site Specific Allocation which supports residential development on the site of both Brent & Elizabeth House.

### **Summary of development**

The development comprises a 13 storey tower, matching the height of Brent House with a smaller 5 storey wing adjacent to St Joseph's Church. The proposal comprises 115 flats, a 310 square metre retail unit on the ground floor, basement car parking for 66 vehicles, 134 cycle parking and 10 motorcycle spaces.

A communal landscaped garden is provided to the rear of the development and a landscaped forecourt is provided to the front.

### **Housing Issues**

#### **Mix**

115 flats are proposed comprising 54 x one-bedroom, 46 x two-bedroom and 15 x three-bedroom units.

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 up to 50% of affordable housing within new schemes.

The developer is Octavia Housing Association who are a long established partner of the Council.

The final proportion of affordable units that will eventually be secured is dependant on the level of HCA funding that can be secured. If no HCA funding is secured then 35% of the development (by habitable room) would be provided as affordable housing. Officers are satisfied that the minimum proportion of affordable units proposed is acceptable within the financial constraints of the scheme.

### Size of units.

The scheme proposes generous sized units which in the main exceed the size standards set out in SPG17.

The two sets of figures below compare the SPG17 recommended minimum unit sizes with the range of unit sizes proposed within the scheme:

- 1 bedroom flat – 45 square metres ---- (45 to 50 square metres).
- 2 bedroom (3 person) flat – 55 square metres ---- (58 to 66 square metres).
- 3 bedroom flat - 80 square metres ---- (85 to 105 square metres).

### Design Issues

The height, size and design of the proposed building are all key issues in the determination of this application.

The height of the proposed building has been informed by the desire not to exceed the height of the adjacent Brent House. The highest element of the proposed tower matches the top of the plant room located on the roof of Brent House. The building has been designed to provide an effective transition between St Joseph's Church and the much higher Brent House. In order to achieve this the building steps down to a 5 storey wing adjacent to the church.

The Team Manager of the Design & Regeneration Section has been involved with the evolution of the proposal and has concluded that the scale, form and height are appropriate to the site and the broader streetscape for this part of the Borough. The design is considered to represent a high quality building based on well composed elevations, high quality architectural detailing and an acceptable palette of materials.

### Impact upon Residential Amenity

In terms of the impact of this proposal on residential amenity there are two issues that require consideration. Firstly, the impact of the development upon existing neighbours within the locality and secondly, the impact upon the living conditions of future occupants of the proposed flats.

The nearest residential neighbours are properties located in Chatsworth Avenue whose back gardens face towards the site. However the nearest of these is at least 40 metres away from the edge of the site and are separated from the site by the bulk of St Joseph's Church. The scheme is therefore considered to have no significant impact on the amenities of residential neighbours.

As described above the scheme has been designed to respect the scale of the adjoining church and the impact of the proposed building on St Joseph's is considered acceptable. The proposed building is set ten metres in from the boundary with Brent House and it is therefore not considered to have an adverse impact on its development potential.

The scheme has been amended to ensure that all the units within the development will have an acceptable degree of privacy, an acceptable outlook and will receive an acceptable level of day light in line with BRE guidelines.

## **Landscaping/Amenity Space**

The scheme includes 926 square metres of private amenity space and 1242 square metres of communal amenity space. The open space comprises:

- Private gardens – 213 square metres
- Communal gardens – 500 square metres
- Private balconies – 713 square metres
- Communal terraces – 500 square metres
- Civic space – 242 square metres

The level of provision proposed is considered acceptable and meets the Council's minimum of 20 square metre external amenity space per flat as specified in SPG17. The arrangement of the communal amenity space to the rear of the site has been revised in order to meet the GLA's play space requirements.

The New civic space to the front of the building will include a number of ornamental trees in containers as well as two larger trees. Full details of the landscaping of all the private and communal amenity spaces will be secured through a condition.

## **Transportation Issues**

The scheme includes 66 basement car parking spaces which is considered more than sufficient given the sites very good PTAL rating (5). The level of cycle parking meets the Council's standard. The Council's transportation unit are satisfied with the servicing arrangements for the flats and retail unit. 11 wider disabled spaces are provided which at 20% of the total more than exceeds the Council's standard. The site layout has been amended in line with advice received from the Council's Transportation Unit and the vehicular access to the site and to the basement is now considered acceptable. A car club space is located within the sites frontage.

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**

- (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.

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

10987-A-00-100 Rev A	10987-A-01-004
10987-A-00-001 Rev A	10987-A-01-005
10987-A-05-099 Rev A	10987-A-06-500
10987-A-05-100 Rev L	WT1884L02 Rev C
10987-A-05-101 Rev K	WT1884D02
10987-A-05-102 Rev J	WT1884D03
10987-A-05-103 Rev J	WT1884D04
10987-A-05-104 Rev J	Planning Statement
10987-A-05-105 Rev H	Design & Access Statements
10987-A-05-106 Rev G	Transport Assessment by Campbell Reith
10987-A-05-107 Rev G	Outline Travel Plan by Campbell Reith
10987-A-05-108 Rev G	Sustainability Strategy
10987-A-05-108 Rev G	Code for Sustainability Homes Pre-Assessment
10987-A-05-109 Rev G	Arboricultural Report by Broad Oak Tree Consultants
10987-A-05-110 Rev G	Site Waste Management Plan – Proforma
10987-A-05-111 Rev G	Ecological Report by Ecology Consulting
10987-A-05-112 Rev G	Noise Report by Bikerdike Allen Partners
10987-A-07-100 Rev C	Land Quality Statement by Campbell Reith
10987-A-07-101 Rev D	Drainage Report by Campbell Reith
10987-A-07-102 Rev C	Ventilation and Extraction Report
10987-A-07-103 Rev C	Air Quality Assessment by Bureau Veritas
10987-A-01-001	Economic Toolkit
10987-A-01-002	Sustainable Development Checklist
10987-A-01-003	Landscape Proposals by Whitelaw Turkington

Reason: For the avoidance of doubt  
(2)

- (3) 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.

- (4) 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

- (5) 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.

- (6) 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, including such details of the ground floor residential amenity area and upper floor terraces. 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.

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

- (7) 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 2 “semi-mature” trees to be planted in the ground, and a further appropriate number of ornamental trees in planters along the frontage with High Road 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. 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: In the interests of safeguarding local amenity and the character of the streetscene and safeguarding important landscape features

- (8) 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.

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.

- (9) 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. The approved playspace scheme 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.

- (10) No works shall commence on the development hereby approved (excluding demolition) unless 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, 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.

- (11) 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

- (12) No works shall commence on the development hereby approved (excluding demolition) unless 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.

- (13) No works shall commence on the development hereby approved (excluding demolition) unless further details of the provision of a minimum of 126 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. 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.

- (14) No works shall commence on the development hereby approved (excluding demolition) unless 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.

- (15) 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

- (16) No works shall commence on the development hereby approved (excluding demolition) unless 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

- (17) No works shall commence on the development hereby approved (excluding demolition) 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 a design noise level of 63dB(A) or 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.



- (18) No development shall commence until the applicant submits air quality assessment details and associated methods to mitigate against poor quality air for the proposed 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

- (19) No works shall commence on the development hereby approved (excluding demolition) unless 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

- (20) a) No works shall commence on the development hereby approved (excluding demolition) unless 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 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

- (21) 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.

#### **INFORMATIVES:**

None Specified

#### **REFERENCE DOCUMENTS:**

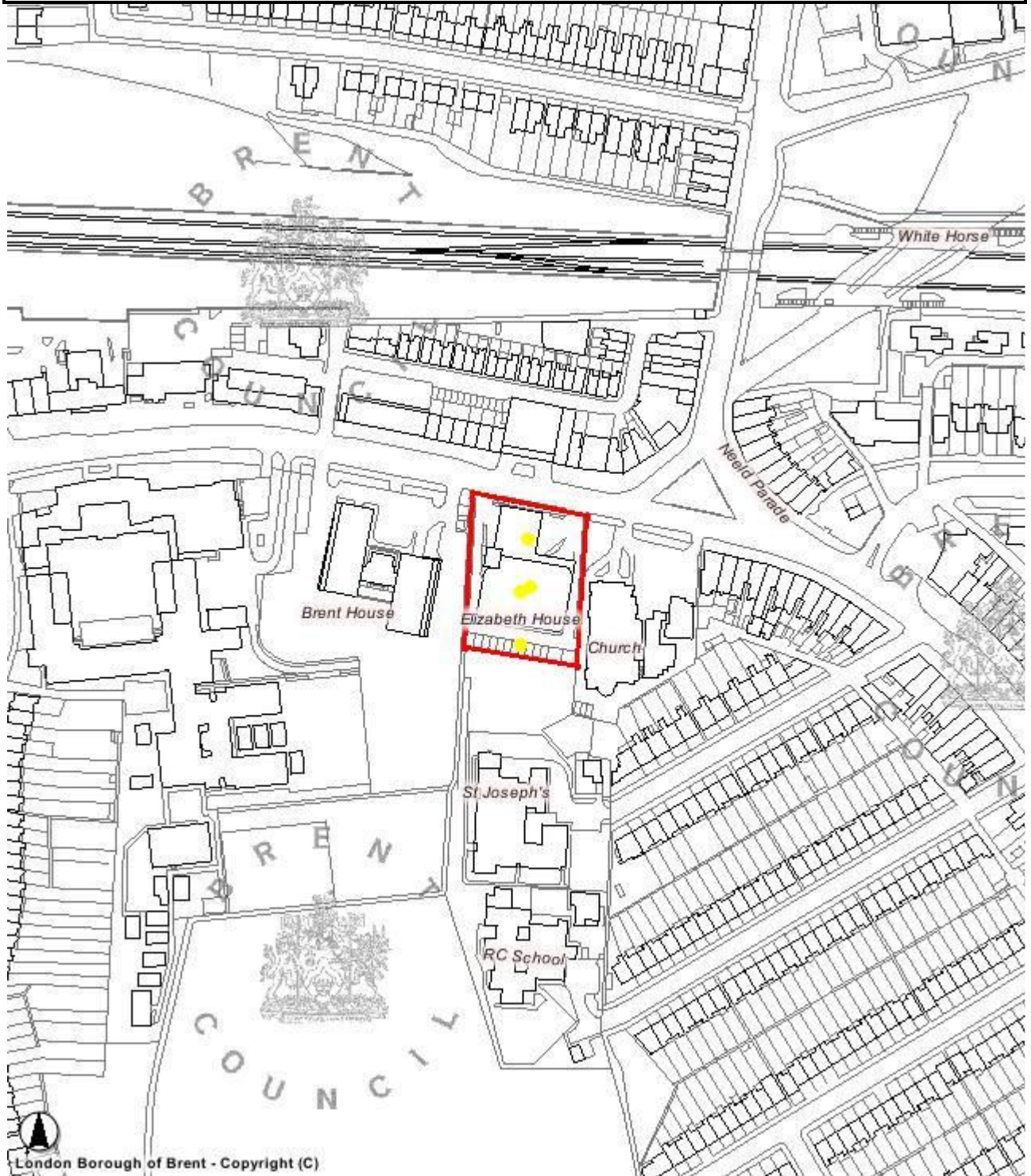
Any person wishing to inspect the above papers should contact Avani Raven, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5016



## Planning Committee Map

Site address: Elizabeth House, 341 High Road, Wembley

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## Planning Committee

16<sup>th</sup> March, 2010

### Report from the Chief Planner

Wards Affected: Preston

#### Report Title: 19 Brook Avenue

#### 1.0 Summary

- 1.1 This report deals with the extensive planning and enforcement history of the extensions to 19 Brook Avenue, Wembley, HA9 8PH and update members on the current enforcement position.

#### 2.0 Recommendations

- 2.1 To note that the part single-storey, part two-storey extension to side and rear of dwellinghouse is considered to have been re-built in accordance with planning permission 99/2269.
- 2.2 To note that the dormer window has been built under permitted development and does not require planning permission.
- 2.3 To agree that no further enforcement action be taken in respect of the above extensions.

#### 3.0 History

- 3.1 A Lawful Development Certificate was granted under reference 99/1922 on 18<sup>th</sup> October, 1999 for the formation of gable end and installation of rear dormer window and front roof-light to provide habitable room within roof space.
- 3.2 Planning permission was granted under reference 99/2269 on 16<sup>th</sup> February, 2000 for the erection of part single-storey, part two storey extension to side and rear of dwellinghouse.

- 3.3 Work commenced on implementing planning permission 99/2269 in 2001. However it was not built in accordance with the approved plans and consequently an enforcement notice was issued on 6<sup>th</sup> October, 2001 which required the extension to be removed. An appeal was made against the enforcement notice and the appeal was dismissed on 28<sup>th</sup> May, 2002 with a variation in the requirements of the enforcement notice to require that the extension should be modified to accord with the plan approved in planning permission 99/2269.
- 3.4 The compliance period of the enforcement notice was 6 months and this meant that the enforcement notice was due to be complied with by 28<sup>th</sup> November, 2002.
- 3.5 The enforcement notice was not complied with and the Council commenced prosecution proceedings against the owner on 27<sup>th</sup> February, 2003. The owner was convicted of breaching the enforcement notice on 30<sup>th</sup> May, 2003 and order to pay a fine of £1,500 and the Council's costs of £1,500.
- 3.6 In the meantime, planning applications were made to attempt to remedy the situation but these were refused on 7<sup>th</sup> October, 2002 and 21<sup>st</sup> February, 2003 (References 03/0375 and 02/2111)
- 3.7 Following the refusal of these two planning applications, the owner commenced works on reducing the size of the extension. However he did not reduce it in size sufficiently enough to comply with the approved plans and further prosecution proceedings were brought against him on 2<sup>nd</sup> February, 2005. The owner was again convicted of breaching the requirements of the enforcement notice on 18<sup>th</sup> November 2005 and ordered to pay a fine of £3,000 and costs of £1,470
- 3.8 At about the same time, he built a dormer window which was not part of the original approval and could not be considered permitted development at that time as the property had already been significantly extended. Consequently, the Council issued another enforcement notice on 28<sup>th</sup> January, 2005. An appeal against this enforcement notice was dismissed on 2<sup>nd</sup> February, 2006 and this notice was required to be complied with by 2<sup>nd</sup> May, 2006.
- 3.9 The project was then taken over by the owner's son. He claimed that he was unable to implement the enforcement appeal decision of the Planning Inspector dated 28<sup>th</sup> May, 2002 as it was not possible to alter the extension, as currently built, to accord with the approved plans.
- 3.10 Therefore a new further application (reference 05/0186) was made in 2005 to make further modifications to the approved plans. Officers had lengthy discussions with him during the processing of this application which resulted in the case being reported to Planning Committee on 12<sup>th</sup> December, 2006 with a recommendation for approval. However members decided to refuse the application. He appealed this refusal and the appeal was dismissed on 18<sup>th</sup> July, 2007.

- 3.11 Following this refusal, another application was submitted on 15<sup>th</sup> November, 2007 (reference 07/3232). This was reported to committee with a recommendation for approval but was refused on 4<sup>th</sup> June, 2008.
- 3.12 Following these decisions, the owner decided to knock down the whole extension and dormer window in its entirety but keep the foundations in place. Thus the extension and dormer window enforced against no longer existed and effectively the enforcement notice was complied with as of August, 2008.
- 3.13 The owner then rebuilt the dormer window under permitted development. As the property no longer had any extensions to it, he was able to build that previously granted a Certificate of Lawfulness in 1999 (reference 99/1992.)
- 3.14 The dormer window was completed before work was commenced on rebuilding the extension in accordance with the original planning permission (99/2269). Enforcement Officers have monitored the rebuilding works and it is generally in accordance with the original approved plans.
- 3.15 Neighbours have raised three main issues regarding the rebuilding work and these are as follows:-

- **Distance between the extension at 19 Brook Avenue at the boundary of No. 18.**

When measured to the front of the property the distance between the side brick walls is approximately 11cm. This reflects the approved plans. The side extension at 18 Brook Avenue has a coping stone on top of the side wall. This coping stone protrudes approx 1cm beyond the side wall. This results in the gap being reduced in some instances. The approved plan does not mark the next door neighbour's property and therefore it is unclear if the boundary line is the side wall of the extension at 18 Brook Avenue or the edge of the coping stone. In any event your officers do not feel that any such minor variations are significant enough for them to be considered a variation from the approved plan.

- **Parapet Wall and Gutter**

The approved plans show an eave projection which is not detailed enough to show a gutter. Last autumn, a parapet wall was built which was a departure from the approved plans. The owner was advised that planning permission was required for this deviation from the approved plan.

Subsequently he chose to remove the parapet wall and install a traditional 10cm gutter. The owner of 18 Brook Avenue considers that this gutter overhangs his boundary. Your officers consider that as there is an approximate 10cm gap between the extension at 18 Brook Avenue and 19 Brook Avenue, there should be room for this gutter without overhanging the boundary, though with fixings, the gutter may exceed 10cm by a few millimetres. However the position of the boundary is unclear and both the extensions at 18 and 19 Brook Avenue are not built in an exact straight line and at one point the separation distance falls to 9cm and in other parts it is as much as 11cm. It is impossible to tell whether the gutter as currently installed overhangs the boundary or not.

The Building Control Service of the Council have advised that at the time of writing, they have been unable to determine whether the side gutter complies with Building Regulations. If it does comply with Building Regulations and it is not removed, this element is considered satisfactory. If it does not comply with Building Regulations, an alternative solution will have to be found. Provided that these alternative solutions do not involve the construction of a parapet wall, it is likely that these will not require planning permission. Indeed even if no gutter is provided, then this will still comply with the terms of the planning permission. In any event, the issue of the type of guttering used does not fall within remit of planning control. Should a parapet wall be subsequently proposed, then it is considered, that subject to its design, this would be a satisfactory solution in planning terms.

- **Use of the garage as a habitable room**

The neighbours have expressed concern that the garage will be converted into a habitable room. The owner has informed officers that he may wish to convert the garage in the future and if so he will make a planning application for this conversion. However at the time of writing this report, the room is empty and could be used as a garage once the driveway has been built as there are currently several courses of bricks in the way to prevent access to the garage. The owner and the neighbours have been advised that the Council's policies normally permit the conversion of garages provided the front garden area is sufficiently landscaped and is designed to accommodate parking for two vehicles.

3.16 The dormer window was constructed under permitted development and accords to the Certificate of Lawfulness that was granted under reference 99/1992 and the extension now accords to the planning permission that was approved under reference 99/2269.

3.17 Even though the planning permission was granted approximately 10 years ago, Brent's guidance has not changed much since that time and it could still be considered acceptable today in the circumstances of the design of the building. The planning permission was implemented within 5 years of it being granted as the same foundations as the previous extension were utilised.

3.18 The Certificate of Lawfulness granted in 1999 would also have been permitted today. Indeed the rules on dormer windows are now less strict than they were 11 years ago.

#### **4.0 Conclusions**

4.1 The extension and dormer have finally been built in accordance with the planning permission and are not in breach of planning control. Members are therefore asked to endorse this and agree that no further planning enforcement action should be taken at the premises in respect of these particular extensions.

## **5.0 Financial Implications**

5.1 If further enforcement action were pursued, Officer's opinion is that the Planning Inspectorate may consider an award of costs on any appeal made.

## **6.0 Legal Implications**

6.1 None Specified

## **7.0 Diversity Implications**

7.1 None Specified

### **Background Papers**

Planning Applications: 07/3232, 05/0186, 03/0375, 02/2111, 99/2269,  
Certificate of Lawfulness Application: 99/1922  
Enforcement Appeal Decisions: E/05/0039, E01/0064


### **Contact Officers**

Any person wishing to inspect the above papers should contact Tim Rolt,  
Planning Enforcement Manager, Tel: 020 89375242 Email:  
tim.rolt@brent.gov.uk

**Chris Walker**  
**Chief Planner**

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	<p style="text-align: center;"><b>Planning Committee</b> 16<sup>th</sup> March, 2010</p> <p style="text-align: center;"><b>Report from the Chief Planner</b></p>
<p style="text-align: right;">Wards Affected: Northwick Park</p>	
<p><b>Report Title: Playgolf Northwick Park - UPDATE REPORT</b></p>	

## Introduction and site description

Playgolf Northwick Park opened as a golf course with ancillary clubhouse building and driving range in 2005 following the grant of planning permission in May 2001 to establish a golf course and driving range on the area of Metropolitan Open Land, (MOL) along with associated access roads and parking areas, a drainage ditch and ponds (water hazards) and maintenance areas. Northwick Park is designated in the UDP as Metropolitan Open Land (MOL), a site of nature conservation importance, and public open space. Watford Road represents the western boundary between the Boroughs of Brent and Harrow. The MOL incorporates two public rights of way (PROW 36 and 37), one of which (PROW37) intersects the golf course driving range.

The site now operates as a 9-hole golf course, although originally it opened as a 6-hole course. There is also an adventure (mini) golf course and a baseball batting court on the site. The 2-storey clubhouse building is partially built into the ground and includes a 60-bay floodlit driving range over two levels that plays out onto a 225m long range enclosed by nets 20m in height (see 07/0172). The clubhouse building now provides reception and changing facilities, as well as an ancillary restaurant, golf shop, multi-purpose gym and rooms for functions/ conferences. There is a main car park for up to 60 spaces and a subsidiary

“overflow” car park for a further 40 cars and a further special events parking area, along with roadway lighting and signage.

Since the opening of the golf centre the site has been subject to a number of ongoing planning and other issues, including complaints against alleged breaches of planning, pollution complaints, commencement of new unauthorised uses, and public right of way matters, as well as subsequent planning applications, enforcement action and appeals. This report seeks to gather together all the outstanding matters and set out the Local Planning Authority’s position on those relevant to planning, and where applicable take action to ensure the golf centre’s compliance with relevant conditions and permissions. Last year a new company called Leisure Golf Limited has taken over control of the management of the site. Recently this has resulted in the site’s name changing from Northwick Park Playgolf to Playgolf Harrow. The Local Planning Authority has taken this change in management of the site as an opportunity to pursue any unresolved planning matters on site and have raised concerns submitted by local residents with the company.

The report will address each of the principal unresolved planning matters individually, detailing the planning context. Recommendations will be made for unresolved matters where necessary.

### **History**

The main history, not including all details pursuant to conditions applications is set out below:

**99/2397** – Planning permission was **granted** in May 2001 for construction of a golf centre comprising part single-/part two-storey building for use as clubhouse and floodlit practice facility/driving range, provision of ball-stop fencing, landscaping, car-parking, new access roads and new 9-hole golf course.

**02/1293** – Planning permission was **refused** in September 2002 Construction of 2-storey golf club building with 60-bay floodlit practice facility/driving range cafe, fitness suite and external climbing wall, together with construction of external baseball batting cages, car-parking area and new site access (amendment to planning permission 99/2397).

The Planning Committee had resolved to grant permission but it was refused by direction of the Mayor of London

**03/1102** – Details **approved** in June 2003 of conditions 4 (materials) and 6 (landscaping). These details were not implemented as they related to a 9-hole golf course.

**(E/06/0111)** – An enforcement notice was served in April 2006 for retention of a baseball batting cage, associated lighting and structures. The structures and lighting were to be removed within 2 months of the date of the notice (taking

effect on 21 May 2006). The Enforcement Notice was appealed and the appeal **allowed**, subject to conditions.

**Enforcement Notices** were served in April 2006 with respect to the following:

1. Baseball batting cage, associated lighting and structures requiring removal within 2 months.

**(E/06/0111)**

2. The hardsurfacing and lighting of an area to the North of club house for use as an overspill car park requiring removal within 2 months. **(E/06/0172)**

3. The erection of a picket fence, wooden cabin and lighting to the West of the clubhouse to create an adventure golf course requiring removal within 1 month.

**(E06/0195)**

Appeals were lodged against the Notices and the appeals subsequently withdrawn following the decisions on the following applications:

**06/0762** – Planning permission **refused** in October 2006 for retention of caged baseball batting court and kiosk and associated floodlighting and landscaping. The decision and enforcement notice (E/06/0111 above) were appealed and the appeals **allowed** on 13 April 2007 subject to conditions.

**06/0768** – Planning permission **granted** subject to conditions in December 2006 for retention of hard surface and lighting to North of clubhouse to create an overflow car park, subject to conditions.

**06/0769** – Planning permission **granted** subject to conditions in December 2006 for retention of the adventure golf course, subject to conditions.

**06/0677** – Advertisement Consent **granted** subject to conditions in December 2006 for retention of double-sided, internally illuminated, free-standing sign at either side of site entrance, subject to conditions.

**07/0172** – Retention of ballstop netting to driving range granted in October 2007 with no associated conditions

**07/2628**- Planning application granted April 2008 for deletion of condition 1(i) (b) ' works to allow the dome shaped netting to be lowered when not in use' and condition 2 ' the dome shaped netting shall be lowered to the full extent specified when the court is not in use ' of Planning inspectorate appeal decision Ref: APP/T5150/C/06/2016378 and Council Ref: E/06/0111.

**07/2630** – Planning permission granted subject to conditions in April 2008 for retention of existing gymnasium at the Playgolf Northwick Park Golf Centre (Class D2).

**07/2628** - Planning permission granted subject to conditions in April 2009 for retention of existing restaurant with bar at the Playgolf Northwick Park Golf Centre (Use Class A3) and subject to a Deed of Agreement dated 22nd January 2009 under Section 106 of the Town and Country Planning Act 1990, as amended

**Policy Considerations**  
**Brent's Unitary Development Plan 2004**

**STR5** - A pattern of development which reduces the need to travel especially by car, will be achieved through:

- (a) locating major trip generating activity in areas most accessible to public transport, in particular at the transport interchanges .
- (b) giving priority to public transport , walking and cycling.
- (c) encouraging developments with a mix of uses in appropriate locations.
- (d) increasing residential densities, particularly in walkable neighbourhoods.
- (e) securing significant public transport improvements.

**STR6** - On-street parking controls and off-street parking standards will be used to restrain traffic.

**STR11** - The quality and character of the Borough's built and natural environment will be protected and enhanced, and proposals which would have a significant harmful impact on the environment or amenities of the Borough will be refused.

**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, or have an unacceptable visual impact on Metropolitan Open Land. 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.

**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, 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 treatments which complement the development and enhance the streetscene and 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 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.

**BE8** - Development proposals should conserve energy through the use of low energy or renewable systems where appropriate and should preserve the darkness of the night time sky, particularly near Metropolitan Open Land and Public Open Space and lighting should be controlled to avoid nuisance to road users, harm to residential amenity and/or detriment to local distinctiveness, with the use of conditions where necessary.

**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.

**BE34** - Particular regard will be had to the impact of development proposals on the listed views of the important landmarks of St Mary's Church, Harrow on the Hill. Assessment of impact will include that on the backdrop and setting of these views.

**TRN1** -Transport impact assessed, including cumulative impacts on the environment, on the road network and all transport modes including public transport, walking and cycling. Developments having a potentially significant impact on the transport network should submit a Transport Assessment, incorporating proposed traffic reduction by the developer (e.g. green transport plans). Where this transport impact is demonstrated to have an unacceptable public transport or environmental impact the application will be refused unless measures are secured as part of the application making this acceptable.

**TRN2** - Development should benefit and not harm the operation of the public transport network and should be located where the public transport accessibility is sufficient to service the scale and intensity of the use, in particular, the capacity of the public transport network within convenient and safe walking distance of the site should be sufficient to accommodate any increase in passenger trips to an acceptable level of service, any significant increase in traffic generated by the development and/or associated highway works should not cause material harm to the speed and/or reliability of bus services.

**TRN3** - Proposals that cause or worsen an unacceptable environmental impact from traffic will be refused, including where car generation is greater than the parking to be provided on site in accordance with the standards and any resulting on-street parking would cause unacceptable traffic management problems, it would result in unacceptable environmental problems such as noise and air quality, the development would not be easily and safely accessible to pedestrians and/or cyclists, additional traffic would have unacceptable consequences for access/convenience of pedestrians and/or cyclists, it produces unacceptable road safety problems, the capacity of the highway network is unable to cope with additional traffic without producing unacceptable congestion especially through traffic, there is a significant increase in the number/length of journeys made by private car.

**TRN4** - Where transport impact is unacceptable, measures will be considered which could acceptably mitigate this and enable the development to go ahead, secured at the developers' expense including public transport improvements sufficient to service the scheme or to integrate it with the surrounding area, the extension or bringing forward of on street parking controls/waiting restrictions, improvements to pedestrians and/or cycle facilities, traffic calming measures, acceptable road safety and essential highway improvements, not necessarily restricted to junctions and road lengths adjacent to the development, providing these improvements are limited to measures necessary to make the transport impact acceptable and management measures necessary to reduce car usage to an acceptable level (e.g. green transport plans). Such measures should be necessary for the scheme to go ahead and be related to the development, should be consistent with any existing or proposed parking controls and Local Area Transport Strategy covering the area and should not unacceptably divert traffic

problems elsewhere. Wherever possible, measures should be completed before the development is completed/operational.

**TRN12** - Priority will be given to road safety issues, particularly those affecting the convenience and safety of vulnerable road users such as pedestrians and cyclists.

**TRN14** – New highway layouts, visibility splays and accesses to and within developments should be designed to satisfactory standards in terms of safety, function acceptable speeds, lighting and appearance. There should be efficient internal circulation integrating with the existing road network in a convenient manner, including for emergency service vehicles, pedestrians, cyclists and buses.

**TRN17** – New roadspace will be resisted unless necessary, inter alia, to provide essential access to or within regeneration areas, to provide essential access to and within a development site.

**TRN22** - Non-residential developments should make provision for parking in accordance with the maximum parking standards. Their application may be varied depending on the level of public transport accessibility to the site and the contribution the development would make to reducing the use of the private car. The level should not be below the minimum operational levels including required disabled parking.

**TRN31** - Car parks should be carefully designed to be safe, appropriately screened and landscaped, have convenient pedestrian links to the development and should not be located or of a scale to be visually obtrusive or cause water run-off problems.

Car parks of greater than 50 spaces may be required to be structured, whilst being designed to be attractive and safe.

**TRN35** - Access to parking areas and public transport within development should facilitate access for disabled people and others with mobility difficulties.

Designated car parking spaces should be set aside for the exclusive use of disabled persons and comply with the Council's standards (PS15).

**SH5** – Out-of-centre proposals for the development of retailing and other key town centre uses will only be permitted where there is a need for the proposal, there is no sequentially preferable site available, the development would not adversely affect town centres, the site is accessible by a choice of means of public transport. Wherever possible such developments should be combined with other out of centre developments.

**PS10** - 1 space per 60 patrons, based on the maximum patron capacity plus 1 space per 200 square metres non seating/assembly area.

Maximum employee parking of 1 space per 5 employees.

**PS15** - 10% of spaces within 30 metres of the dwellings should be capable of being widened to 3.3 metres. Minimum of 1 space for developments of 10 units or more and should be marked and reserved for disabled persons.

**OS1** - Northwick Park, including the Ducker Pond, is designated and protected as Metropolitan Open Land.

**OS2**- The predominantly open character of Metropolitan Open Land will be preserved. Uses which may be acceptable on MOL are restricted to public and private open space and playing fields; agriculture, woodland and orchards; rivers, canals, reservoirs, lakes, docks and other open water; golf courses; allotments and nursery gardens; cemeteries; and nature conservation

**OS3** - Within Metropolitan Open Land development will not be permitted unless any proposed building is complementary to the land uses listed in policy OS2; and any development is small in scale and is required to preserve or enhance activities associated with the particular open space.

**OS6** - Development of public open space will not be permitted unless it is required to maintain or enhance activities associated with the open space.

**OS21** - The character of paths and other routes which form part of Brent's Network of Metropolitan Walks will be protected . Development on or near to the route will be expected to take full account of Brent's Metropolitan Walks network.

**OSP6** - Proposal - Golf Course, Driving Range and ancillary facilities appropriate to Metropolitan Open Land. Development Objectives - Approved planning brief. To maintain nature conservation features, provide appropriate vehicular and maintain pedestrian access, not visually intrude upon open character of area. Improvements to recreational facilities in the Borough.

### **Planning Considerations**

The following matters remain unresolved.

#### **Outstanding conditions- details not discharged**

##### **1) 99/2397 –condition 16 regarding drainage ditch protection nets and details of any bridges no culvert permitted**

*The drainage ditch that runs through the driving range shall have a low ball stop netting on both banktops, to stop balls running and rolling back into the watercourse and access bridges from banktop to banktop (and not involving the culverting of the watercourse) across it, the details of which shall be submitted to and approved by the local planning authority before work on laying out the driving*



*range green commences. Work shall be carried out in accordance with details thus approved.*

*Reason: To ensure adequate protection for the drainage ditch and its ecology and to provide an appropriate means of bridge access over it which mitigates the impact on the water environment.*

No details have been formally discharged

Leisure Golf Limited has commented that the drainage ditch that runs through the driving range has already been provided with a semi-circular tunnel of netting along the whole sections of exposed watercourse. This has proven to be effective both for protection of the ditch and watercourse and for easy of removal and collection of balls. Drawings and photographs of the construction, layout and materials used were to be submitted to the LPA for formal approval by mid-January 2010. No information has been submitted.

However, in a previous summary report to Members officers commented that “the covering of the watercourse with a concave net does not strictly comply with condition 16 which seeks a “low ball stop netting on both bank tops”, the reason being to protect the ditch. However the concave net appears to be more effective in preventing golf balls entering the ditch and thereby more effective at protecting it. Conversely it is not considered that a concave net which has a reasonably open mesh size could otherwise harm the ecology of the ditch. No action is therefore considered appropriate to secure removal of the netting and replacement with low ball stop nets. There has been no other development that could be referred to as culverting.” Therefore following past consideration, no further action needs to be taken on this point.

## **2) 06/0769 – Condition 3 - lighting of adventure golf course**

*Full details of the lighting shall be submitted to and approved by the local planning authority and shall be provided in accordance with the approved details.*

*Reason : To restrict the degree of lighting to that which is adequate necessary for this activity and the interests of the visual amenity of the locality.*

Playgolf has removed the floodlighting originally installed (on 8ft posts) and replaced this with low level lighting. An increased number of lower-level lights have been installed, but the brightness of these lights has been a cause of some complaint. Submission of the lighting details of the adventure golf course, (as revised) is overdue.

Leisure Golf Limited has stated that they will undertake a more detailed review of the adventure course lights to accurately record measured values and assess where repositioned posts and/or light fittings will make light levels more even, appropriate and efficient. No date has been specified for this submission to the Local Planning Authority and confirmation of this is still sought.

**3) 06/0768 - Condition 6 – Management plan for the special parking area**

*The use of the 'special events parking area' shall cease within two months of the date of the planning permission hereby granted unless a management plan detailing the occasions and nature of the use when the 'special events parking area' is to be made available for use in conjunction with the use of this site has been submitted to the local planning authority and the approved management plan shall be implemented within 1 week of its approval.*

*Reason : To limit the area available for parking for the authorised uses at this site in pursuance of the Council's traffic restraint policies and to limit the frequency of use of this special events parking area to exceptional circumstances in view of the location within an area of Metropolitan Open Land in the interests of the visual amenity and open character of this area.*

No details have been formally discharged. On 11/11/08 Playgolf submitted a letter and attachments relating to all conditions associated with 06/0768. This incorporated a car park survey but the full details of this survey were not provided, such as when the survey was undertaken, who undertook it, whether the total reflected a daily total or not, and what special events were undertaken. This did not provide the Local Planning Authority with sufficient comfort. Likewise, the submitted Management Plan was found to be insufficiently detailed.

Leisure Golf Limited have stated that they were not aware of restrictions on the availability of parking under application 06/0768. At the beginning of 2010, they have planned to undertake a car park assessment. They intend to use an external car parking control company to regulate the parking behaviour of their customers in addition to considering how to monitor non-patron parking on site. They are considering ways to encourage public transport use. They intend to submit a detailed car park management plan by the end of January 2010. No such details have been received by the Local Planning Authority at the time of writing this report. This issue needs to be resolved to control the total number of parking spaces available.

**4) 07/2629 - Condition 5 - no area outside restaurant can be used other than as defined in a management plan to be submitted**

*No area in connection with the restaurant area outside the main building shall be used other than as defined in a management plan to be submitted to and approved in writing by the Local Planning Authority.*

*Reason: To control the use of the restaurant activities and their potential impact on the Metropolitan Open Land.*

No details have been formally discharged. Leisure Golf Limited have met the restaurant tenants and intend to jointly create a management plan that defines that considers operating conditions outside the main building that may be used in conjunction with the restaurant. No date for the submission of such details has

been provided. This issue needs to be resolved to control the operation of the restaurant in terms of its relationship to the wider building and use.

#### **Non-compliance with submitted details**

##### **5) Use of the Overflow car park and special events area and lights**

The Overflow Car Park and the Special Events Area appear to be in regular use as car parks as no Management Plan has been agreed. The planning permission requires these areas to be treated distinctly. The lack of control over this area has been the subject of complaints to the Local Planning Authority, and particular concerns have been raised about parking on unauthorised areas of the site and overall parking levels. The management condition should have been satisfied within 2 months of 22/12/06, the site is now in breach of the condition 6 of planning permission 06/0768. The fencing between the Overflow Car Park and the Special Events Area has been recently removed, which is not acceptable.

Planning permission 06/0768 Condition 2 restricted hours of the 2 remaining higher-level lighting columns on the overflow/ special events area, so that they should be switched off when the car-park is not in use, and in any event shall be turned off between the hours of 23.00 and 07.00. This has not been occurring and should be addressed immediately.

As above, Leisure Golf Limited stated that they intend to submit a detailed car park management plan by the end of January 2010. They comment that the fencing between the Overflow car park and Special Events car park was damaged by vandals. Repairs to the fence were part of an insurance claim but are now almost complete. The fencing should hopefully be reinstated to its original condition by the end of December 2009. They are not aware that the high-level lights in the overflow car park had been used between the hours of 23.00 and 07.00 since the timing of these is controlled and managed by an electronic programme. They recognise the importance of obeying the conditions limiting the use of these lights and, as a routine, check the controls regularly. The lights may have been put on override when thefts from vehicles has taken place and security and/or the police presence requested it.

##### **6) Adventure Golf Course Lights**

The adventure golf course lights have been mentioned above, and further information is awaited. A further complaint from the public has been raised with reference to the time that the lights are to be turned off. The planning consent limits the adventure golf lights use up to 21.00, but the lights are in use for longer than this, which should be remedied.

Leisure Golf Limited comments that they also control the Adventure Golf course lighting electronically. No extension of use is permitted beyond 21.00

### **7) Green Roof to main building**

This was required under the original planning permission for the site. The absence of a green roof is a cause for concern in view of the roof has apparently been seeded on 2 occasions, but these attempts have not taken. It is likely that this is in part from a lack of maintenance. A green roof is a requirement of the original consent 99/2397 condition 2. Assurances to the council were given by Playgolf, but the roof treatment remains outstanding.

The green roof on the clubhouse building was and is still considered important to justify the siting of the clubhouse in an area of Metropolitan Open Land, (MOL.) In particular it was considered to help assimilate the building into its "green" context. Within details pursuant application 03/0784 relating to condition 2 of 99/2397 the applicants submitted details of an Erisco Bauder green roof system and this was approved. The Local Planning Authority has been led to believe that the roof has been hydroseeded on more than one occasion. This is when a mix of seeds and cuttings is applied to the growing medium and a fine cellulose mulch/fertilizer mix is sprayed over the surface. Such a treatment would however still need to be maintained/ watered. The roof still appears untreated as there has been a total failure of germination.

The LPA sought an extensive, growing roof that would appear vegetated from a distance. This is particularly important as the site is visible in longer views such as from Harrow on the Hill. The earth bund at the front of the site was meant to help screen the sizeable clubhouse, which would itself be camouflaged by a growing roof. The continued lack of a green roof on site means that the building harms the appearance of the MOL and means that the building lacks ecological value. In the Council's Landscape Designer's opinion the LPA should seek a biodiverse range of species on the roof which would maximize the ecological and visual benefits of the feature.

Leisure Golf Limited comment that the previous failure of seeding has been a cause for concern. They want to properly evaluate the needs for maintenance of a green roof and its requirement for irrigation and operator access. They want to aim for a Spring 2010 planting and intended to present their chosen scheme to the council during February 2010. No such details have been received. Subject to further legal advise, it is intended to seek to resolve this in 2010.

### **8) Landscaping maintenance**

Historically, the site was originally granted permission as a 9-hole course, it was later varied to 6

holes, and has then reverted back to 9 again. The most recent approved landscaping schemes were submitted under application 07/2618 but these schemes relate to a 6-hole course. There has been no officially approved landscaping details submitted relating to a 9-hole golf course since this time, although a drawing was submitted on 17/10/08. Whilst the site has been landscaped, as it now benefits from a 9-hole course, further landscaping details

are required. There are a number of planning permissions that require satisfactory landscaping conditions:

*99/2397- the original golf course and club house- conditions 6 (details of landscaping) and 15*

*(landscape management plan)*

*06/0768- retention of an overflow car park - condition 4 (landscaping and planting)*

*06/0769 - retention of an adventure golf course - conditions 1 (boundary treatments) and 2*

*(landscaping and planting)*

*Inspector's decision APP/T5150/C/06/2016378 relating to E/06/0111 - retention of a baseball batting court - condition 1(i)(c) (landscaping and planting)*

If a 9-hole course and other activities are to be acceptable on site, they must be suitably landscaped in accordance with approved details. Furthermore, some of the landscaping that have been approved around specific features has not been undertaken in accordance with details that have been approved, and there have been a number of planting failures. Overall, the losses of approved shrubs and trees at the Northwick Park site approximates to 25% of the total tree and shrub planting. This is not in accordance with the approved Landscape Management Plans. There does not appear to have been any maintenance of planting around the adventure golf course and shrub losses in this area have been even more extensive; likewise tree losses on the front bund are particularly high. The front hedge onto Watford Road still has a number of gaps. A survey of the current landscaping on site should now be undertaken, and a satisfactory whole-site proposed soft landscaping layout incorporating infill/ replacement/ new planting and an associated maintenance schedule should be submitted for the 9-hole course, club-house, baseball court, adventure golf area and overflow/ special events car parks. The landscaping has been unsatisfactory for some time.

Leisure Golf Limited comments that they have arranged to engage competent and specialist advice regarding landscaping to ensure that all of the relevant conditions are met adequately. However, no such details have been provided to date, and no date of submission has been indicated.

### **9) Use of the main building**

The building is currently used for conferences, but the club-house's use for golf is the main permitted planning use. It is important to ensure that the use of the building for conferences is ancillary to the main golf use. The site managers have been asked to provide information regarding recent conferences events.

Leisure Golf Limited comments that they want to develop golf-connected aspects of the business as much as possible. The building's activities will be summarised for the year ending 2009. However, no date has been supplied for the provision of this information to the Local Planning Authority.

#### *Hours of use of restaurant*

Planning permission 07/2629 condition 1 limited the restaurant use so that the restaurant *must not operate outside the hours of 0730 and 2300, Sunday to Thursday, and 0730 and midnight on Friday, Saturday and Sunday*. The Local Planning Authority has received reports that the approved hours are being exceeded.

Leisure Golf Limited comments that they will remind the tenant of the planning hours restrictions and this is an important sublease clause.

#### *Hours of use of the gym*

Planning permission 07/2630 condition 1 limited the gym use so that the gym *must not operate outside the hours of 0730 and 2300, Sunday to Thursday, and 0730 and midnight on Friday and Saturday*. The Local Planning Authority has received reports that the approved hours are being exceeded.

Leisure Golf Limited comments that they will remind the tenant of the planning hours restrictions and this is an important sublease clause.

#### **Other recent third party complaints**

##### **10) The “tip” area adjacent to the Ducker**

The Playgolf site had a tipping area that was not authorised near to the Ducker area to the rear of the site. This should be removed/ cleaned up. The “tip” area consists of: barbed wire, chain link fencing, fence posts, the previous covering of the waterway crossing the driving range (plastic nets and metal posts), golf balls, bottles, tins, plastic wrappers and general rubbish. In addition, there is a large red lorry parked to the rear of the site that has been insitu over 2 years. This cannot continue, does not benefit from planning permission and the area should be cleaned up.

Leisure Golf Limited comments that the area has now been cleaned up and the area is monitored weekly to ensure that untidiness does not recur.

##### **11) Overall light use on site.**

Lights serving the access road are left on overnight. The management company have been asked to consider whether the number of lights left on could be reduced/ all lights turned off except those necessary for security outside of opening hours.

Leisure Golf Limited comments that they are reviewing all lighting regimes and intending that only an absolute minimum number of lights remain in use overnight for security use and that none are high-intensity lights.

##### **12) Public footpath issues**

Footpaths PROW 36 and 34 that run across the site should be regularly cleared of litter/ maintained clear from planting.

Leisure Golf Limited comments that they are liaising on this subject. Litter and overgrowing shrubs, branches and unwanted growth is removed regularly.

### **13) Maintenance of the floor of the baseball batting cage**

The baseball batting cage floor paint is not being maintained, and is peeling. Objections indicate that this leads to glare.

Inspector's decision APP/T5150/C/06/2016378 relating to E/06/0111 - retention of a baseball batting court - condition 1(i)(d) (regarding paint /covering the base of the court) required special treatment of the court surface. The Local Planning Authority agreed that the floor of the batting court "outfield" (i.e. the circular area not including the cages in which the batters stand) would be painted in Brunswick green. The floor of the batting cages themselves would not be painted as this presents a potential health and safety hazard for batters when wet. The correct area was originally painted, but this is now peeling.

Leisure Golf Limited comments it is their intention to repaint the baseball floor surface as soon as practically possible but their contractor has advised that we must await an adequate period of dry weather before this can be carried out successfully.

### **Conclusions**

Overall the Local Planning Authority will continue to discuss the outstanding matters set out above with Leisure Golf Limited. However, given the lack of information submitted recently regarding the site, despite the assurances and indicative submission dates provided by Leisure Golf Limited, the Local Planning Authority thought it necessary to provide this as an update report to Planning Committee. In addition, Members should note that the Council is receiving ongoing queries from residents regarding the site and it is therefore important that all outstanding matters are considered in a public context.

### **Recommendation:**

Officers should continue to pursue resolution of all the outstanding issues outlined above, and if they consider that Leisure Golf Limited are not addressing these properly, to proceed with such enforcement action as considered appropriate to secure compliance.

### **Financial implications**

There are no specific financial implications arising from this report however the work specified within this will require some officer resources

### **Diversity Implications**

None

**Background Papers**

Unitary Development Plan and planning applications specified above

**Contact Officers**

Any person wishing to inspect the above papers should contact Stephen Weeks [stephen.weeks@brent.gov.uk](mailto:stephen.weeks@brent.gov.uk) or Amy Collins [amy.collins@brent.gov.uk](mailto:amy.collins@brent.gov.uk) at Brent's Planning Service



Received PLANNING Appeals between 1-Feb-2010 and 28-Feb-2010

**Planning Committee: 16 March, 2010**

**Application Number:** 09/1204      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 01/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 10 Alverstone Road, London, NW2 5JT  
**Proposal:**

Demolition of conservatory at rear patio level, increase in height of patio by 0.07m, retention of single-storey rear extension with reduced height, installation of boundary treatment between No. 10 and No. 12 Alverstone Road, and introduction of boundary fence

**Application Number:** 09/1414      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 25/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 4 Beechworth, Willesden Lane, Kilburn, London, NW6 7YZ  
**Proposal:**

Installation of replacement UPVC windows and new door to ground-floor flat

**Application Number:** 09/1506      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 09/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 20 Berens Road, London, NW10 5DT  
**Proposal:**

Single-storey rear extension to dwellinghouse

**Application Number:** 09/1628      **Team:** Northern Team      **Application Type** S78 FUL  
**Appeal Received:** 25/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 40 Woodcock Dell Avenue, Harrow, HA3 0NS  
**Proposal:**

Erection of single-storey rear conservatory to dwellinghouse

**Application Number:** 09/1748      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 17/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 50 Leigh Gardens, London, NW10 5HP  
**Proposal:**

Conversion of dwellinghouse into 2 self contained flats and erection of single storey side and single storey rear extension

**Application Number:** 09/1914      **Team:** Northern Team      **Application Type** S78 FUL  
**Appeal Received:** 02/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 118A Dartmouth Road, London, NW2 4HB  
**Proposal:**

Demolition of first floor rear conservatory, erection of new first floor rear extension, installation of new side rooflight, replacement of all front side and rear windows with timber double glazed windows and replacement timber door to side access of first floor flat

Received PLANNING Appeals between 1-Feb-2010 and 28-Feb-2010

## Planning Committee: 16 March, 2010

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**Application Number:** 09/1999      **Team:** Western Team      **Application Type** S78      FUL  
**Appeal Received:** 08/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 954 & 954A, Harrow Road, Wembley, HA0 2PY  
**Proposal:**

Demolition of existing side garage and erection of single and two-storey side and rear extension to a property comprising 2 x 1-bedroom self-contained flats, to create an additional 1 x 3-bedroom flat on the ground floor and 1 x 2-bedroom flat on the first floor, formation of new vehicular and pedestrian access onto Church Gardens, provision for 4 off-street car parking spaces and amenity space in the rear garden and associated landscaped area.

---

**Application Number:** 09/2064      **Team:** Northern Team      **Application Type** S78      FUL  
**Appeal Received:** 25/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 156 Draycott Avenue, Harrow, HA3 0BZ  
**Proposal:**

Change of use of existing detached games room in rear garden to temporary living accommodation for disabled occupant (as accompanied by General Specification Notes; and "Extensions to 156 Draycott Avenue dated December 2008")

---

**Application Number:** 09/2119      **Team:** Western Team      **Application Type** S78      FUL  
**Appeal Received:** 09/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 62 Station Grove, Wembley, HA0 4AN  
**Proposal:**

Retention of ancillary outbuilding, with proposed internal alterations, in rear garden of dwellinghouse

---

**Application Number:** 09/2136      **Team:** Northern Team      **Application Type** S78      FUL  
**Appeal Received:** 10/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 2A Preston Way & 283-287 odd, Preston Road, Harrow  
**Proposal:**

Demolition of 4 existing dwellings and erection of a two-, three- and four-storey building to provide 33 flats (17 one-bedroom, 10 two-bedroom and 6 three-bedroom) and a basement car-park, with formation of new vehicular access from Preston Way, associated services and landscaping

---

**Application Number:** 09/2158      **Team:** Southern Team      **Application Type** S78      FUL  
**Appeal Received:** 26/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** LEES TRAVEL, 2C Dyne Road, London, NW6 7XB  
**Proposal:**

Erection of second floor front extension with roof terrace to create self contained flat to existing building, new ground floor entrance to provide access to first floor self contained flat and refurbishment of existing ground floor A1 unit (car free development)

---

**Application Number:** 09/2177      **Team:** Northern Team      **Application Type** S78      FUL  
**Appeal Received:** 16/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 4 Tracey Avenue, London, NW2 4AT  
**Proposal:**

Erection of first-floor rear extensions, increase in height of existing roof, installation of two rear dormer windows and two front rooflights, two flank rooflights facing No. 3 Tracey Avenue and one flank rooflight facing No. 5 Tracey Avenue to dwellinghouse

Received PLANNING Appeals between 1-Feb-2010 and 28-Feb-2010

## Planning Committee: 16 March, 2010

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**Application Number:** 09/2216      **Team:** Northern Team      **Application Type** Other CLD  
**Appeal Received:** 25/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 34 Oxenpark Avenue, Wembley, HA9 9SZ  
**Proposal:**  
Certificate of Lawfulness for a proposed single storey outbuilding in rear garden of dwellinghouse (as revised by plans recieved on 11/11/09)

---

**Application Number:** 09/2256      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 12/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** Flats 1-6 Inc, 4 STEVENS COTTAGES, High Road, London, NW10  
**Proposal:**  
Change of use of two storey building and two storey side extension into 5 self contained flats and retention of detached ancillary outbuilding (revised description).

---

**Application Number:** 09/2463      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 22/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 50 Leigh Gardens, London, NW10 5HP  
**Proposal:**  
Conversion of dwellinghouse into 2 self contained flats and erection of single storey side and single storey rear extension and conservatory

---

**Application Number:** 09/2530      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 04/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 16 Kings Road, London, NW10 2BL  
**Proposal:**  
Erection of a two-storey side extension, a rear dormer window, installation of 2 front, 2 rear and 2 side rooflights, provision of cycle storage and 1 off-street car-parking space at the front, and conversion of the building into 1 three-bedroom flat on the ground floor and 1 three-bedroom maisonette on the upper floors

---

**Application Number:** 09/3096      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 02/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 34 Christchurch Avenue, London, NW6 7QR  
**Proposal:**  
Erection of a two-storey, three-bedroom, single family dwellinghouse

---

**Application Number:** 09/3120      **Team:** Northern Team      **Application Type** S78 FUL  
**Appeal Received:** 26/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 105 Hay Lane, London, NW9 0LL  
**Proposal:**  
Retention of and alterations to front porch of dwellinghouse

---

**Application Number:** 09/3229      **Team:** Northern Team      **Application Type** S78 FUL  
**Appeal Received:** 25/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 28 Ridge Close, London, NW9 0UD  
**Proposal:**  
Part demolition of single storey outbuilding and conversion to one self contained flat with associated landscaping and amenities in rear garden of dwellinghouse

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Received PLANNING Appeals between 1-Feb-2010 and 28-Feb-2010

Planning Committee: 16 March, 2010

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**Application Number:** 09/3403      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 01/02/2010      **Appeal Against:** Refusal of planning permission  
**Location:** 105 Neasden Lane, London, NW10 2UE  
**Proposal:**

Proposed erection of two storey side extension and first-floor extension to premises and change of use of premises to use class A2 (financial & professional services)

Received ENFORCEMENT Appeals between 1-Feb-2010 and 28-Feb-2010

Planning Committee: 16 March, 2010

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**Application Number:** E/09/0568 **Appeal Against:** Enforcement Appeal **Team:** Western Team

**Appeal Started:** 03/02/2010

**Location:** 138 Elmstead Avenue, Wembley, HA9 8NZ

**Description:**

The erection of rear extension to the premises.

---

**Application Number:** E/99/9999 **Appeal Against:** Enforcement Appeal **Team:** Western Team

**Appeal Started:** 18/02/2010

**Location:** London Borough Of Brent First Floor, Brent House, 349-357 High Road,

**Description:** Wembley, HA9 6BZ

TEST CASE IGNORE - Entered by Tariq

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Decisions on PLANNING Appeals between 1-Feb-2010 and 28-Feb-2010

Planning Committee: 16-Mar-2010

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**Application Number:** 09/0467 **PINSRefNo** A/09/2109829/WF **Team:** Southern Team  
**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 04/02/2010  
**Location:** 196 Church Road, London, NW10 9NP  
**Proposal:**  
Retention of single-storey rear extension to ground-floor flat

---

**Application Number:** 09/0550 **PINSRefNo** A/09/2108754/NWF **Team:** Southern Team  
**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 09/02/2010  
**Location:** 3 High Road, London, NW10 2TE  
**Proposal:**  
Retention of shop front

---

**Application Number:** 09/1163 **PINSRefNo** A/09/2115927/NWF **Team:** Southern Team  
**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 19/02/2010  
**Location:** 805 Harrow Road, London, NW10 5PA  
**Proposal:**  
Installation of automated teller machine (ATM) in front elevation of shop

---

**Application Number:** 09/1238 **PINSRefNo** A/09/2113099/NWF **Team:** Western Team  
**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 02/02/2010  
**Location:** 133 & 135, Ealing Road, Wembley, HA0  
**Proposal:**  
Proposed installation of grille shutters to front of shop's existing forecourt canopy

---

**Application Number:** 09/1945 **PINSRefNo** H/09/2114715 **Team:** Northern Team  
**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 08/02/2010  
**Location:** Street Record, Edgware Road, Cricklewood, London, NW2  
**Proposal:**  
Installation and display of freestanding internally illuminated advertisement hoarding at land on 393 Edgware Road nw2

---

**Application Number:** 09/1992 **PINSRefNo** D/10/2119497 **Team:** Southern Team  
**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 11/02/2010  
**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

---

**Application Number:** 09/2114 **PINSRefNo** A/09/2116867/WF **Team:** Southern Team  
**Appeal Decision:** Appeal withdrawn **Appeal Decision Date:** 05/02/2010  
**Location:** 73A Dudden Hill Lane, London, NW10 1BD  
**Proposal:**  
Retrospective application for the erection of a gable end roof and proposed reduction in size of existing rear dormer window to first floor flat

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Decisions on PLANNING Appeals between 1-Feb-2010 and 28-Feb-2010

Planning Committee: 16-Mar-2010

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**Application Number:** 09/3288 **PINSRefNo** D/10/2119736

**Team:** Southern Team

**Appeal Decision:** Appeal Dismissed

**Appeal Decision Date:** 11/02/2010

**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



Decisions on ENFORCEMENT Appeals between 1-Feb-2010 and 28-Feb-2010

Planning Committee: 16 March, 2010

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**Application Number:** E/07/0516 **PINSRefNo** C/09/2112636 **Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 02/02/2010**Location:** 3 Tudor Close, London, NW9 8SU**Proposal:**

Without planning permission, the formation of a hardstanding to the front garden of the premises.

---

**Application Number:** E/07/0840 **PINSRefNo** C/09/2109509 **Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 05/02/2010**Location:** 75 Crundale Avenue, London, NW9 9PJ**Proposal:**

Without planning permission, the erection of a building in the rear garden of the premises.

---

**Application Number:** E/08/0426 **PINSRefNo** C/09/2111906 **Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 08/02/2010**Location:** 54 Tadworth Road, London, NW2 7UD**Proposal:**

Without planning permission, the erection of a building in rear garden of the premises.

---

**Application Number:** E/08/0562 **PINSRefNo** C/09/2108926 **Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 19/02/2010**Location:** 27 Kingsway, Wembley, HA9 7QP**Proposal:**

Without planning permission, the material change of use of dwellinghouse into 4 self-contained flats.

---

**Application Number:** E/08/0580 **PINSRefNo** C/09/2111662 **Team:** Southern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 04/02/2010**Location:** 196 & 196A-B, Church Road, London, NW10**Proposal:**

The erection of a ground floor rear extension to the premises.

---

**Application Number:** E/08/0614 **PINSRefNo** C/09/2113949 **Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 01/02/2010**Location:** 9 Station Crescent, Wembley, HA0 2LB**Proposal:**

Without planning permission, the material change of use of the premises from single family dwellinghouse into 2 self-contained flats.

---

**Application Number:** E/09/0269 **PINSRefNo** C/09/2113752 **Team:** Western Team**Appeal Decision:** Appeal withdrawn**Appeal Decision Date:** 09/02/2010**Location:** 17 Shelley Gardens, Wembley, HA0 3QF**Proposal:**

Without planning permission, the material change of use of the premises from residential to mixed use as residential and car repairs including the storage of broken vehicles.

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**PLANNING SELECTED appeal DECISIONS between  
1-Feb-2010 and 28-Feb-2010  
Planning Committee: 16 March, 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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<b>Our reference:</b> 09/1992	<b>Appeal Decision:</b> Appeal Allowed	<b>Appeal Decision Date:</b> 11/02/2010
<b>Team:</b> Southern Team		
<b>Location:</b> 11 Donaldson Road, London, NW6 6NA		
<b>Proposal:</b>		

Erection of single storey side extension to rear projection of dwellinghouse and installation of Juliet doors to rear ground floor

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**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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# Appeal Decision

Site visit made on 2 February 2010

by **Roger Pritchard 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  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**11 February 2010**

## Appeal Ref: APP/T5150/D/10/2119497

### 11 Donaldson Road, London, NW6 6NA

- 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 Stuart Kinney-Graham against the decision of the Council of the London Borough of Brent.
- The application Ref 09/1992, dated 10 August 2009, was refused by notice dated 7 October 2009.
- The development proposed is a full length side extension.

## Decision

1. I allow the appeal, and grant planning permission for a full length side extension at 11 Donaldson Road, London, NW6 6NA in accordance with the terms of the application, Ref 09/1992, dated 10 August 2009, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Ref J583/1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A and 9A.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling.
  - 4) Before the first occupation of the extension hereby permitted the rooflights shall be fitted with obscured glass and shall be permanently retained in that condition.

## Main issues

2. I consider the main issues to be the effect of the proposed development on –
  - i. The character and appearance of the host dwelling and surrounding area; and
  - ii. The living conditions of the occupants of a neighbouring dwelling, 13 Donaldson Road.

## Reasons

3. The proposed development would construct a full-length, single storey side extension behind a late Victorian, mid-terrace dwelling. 11 Donaldson Road is

neither listed nor in a Conservation Area. Like most dwellings in the vicinity, the property has a two storey outrigger that it shares with its neighbour to the south-east, 9 Donaldson Road. The proposed extension would fill the gap between this outrigger and the boundary with the host property's other neighbour, No 13. A new set of 'French' windows would be fitted to the rear elevation of the existing outrigger, but I do not consider that this is a matter that needs to concern me.

4. The Council has commented that it has no objection in principle to the extension of any dwelling. Moreover, this is not a Conservation Area, and any rear extension would not be visible from the public domain. Although I was unable to see any comparable developments during my site visit, I did note other changes to properties in the vicinity, particularly the presence of a significant number of dormers in rear roofspaces.
5. I therefore consider that alteration of such properties is to be expected and that there is no reason why the proposed development would result in any material harm to the character and appearance of either the host property or the surrounding area. In this respect, I conclude that the proposed development would not conflict with Policy BE2 of the adopted London Borough of Brent Unitary Development Plan (UDP).
6. The Council's adopted Supplementary Planning Guidance 5 (SPG 5), *Altering and Extending Your Home*, to which I give significant weight, advises that single storey side or infill extensions will not normally be acceptable. The design of this form of Victorian terrace requires a compromise between the additional floorspace provided by the outriggers and allowing sufficient light and outlook into the gaps between them. The gaps in Donaldson Road are relatively narrow and any proposal to infill them must run the risk of materially harming the living conditions of the neighbouring properties through a reduction in light and outlook.
7. However, I recognise that the appellant has taken a number of measures designed to mitigate the impact of the proposal on the neighbouring dwelling, No 13. The ground is to be excavated to reduce the extension's height at the common boundary, from which a mono-pitch roof would slope upwards and away, and materials have been chosen to lighten the visual effect. I also accept that the orientation of the two properties, the rear elevations of which face north east, already reduces the light reaching the rear of No 13 and that the impact of the extension would therefore be minimal in this respect.
8. I accept the Council's view that proposals for any extensions that infill the gaps between outriggers and adjacent boundaries of terraced dwellings of the form of these properties in Donaldson Road need to be considered very carefully. The provisions of the adopted SPG reflect that issue. Nevertheless, it is my judgement that, in this specific case, the outcome of the proposed development would not breach those provisions of Policy BE9 of the adopted UDP that seek to protect neighbours from the loss of sunlight, daylight, privacy or outlook.

#### **Other Matter**

9. The appellant has pointed out that he considers that an alternative extension of greater height, if of less depth could be erected without the need for planning

permission. I accept that if the proposal before me did not succeed, there is a reasonable likelihood that the alternative fallback would be built. I consider that alternative would have a significantly greater impact on the living conditions of the occupants of No 13 than the appeal proposal because of its effects on adjacent windows and the greater sense of enclosure it would create. I also note that the current occupants of No 13 share this view. I therefore consider this to be a material consideration which adds to the justification for allowing this appeal as an exception to the advice in the Council's adopted SPG.

### **Conditions**

10. Apart from standard conditions setting a time limit for the development, and ensuring that it is carried out in accordance with the submitted plans, I accept the Council's suggestion that additional conditions requiring the use of materials compatible with the existing dwelling and fitting obscure glass to the the rooflights of the extension are necessary for the protection of the living conditions of the occupants of the neighbouring dwelling, 13 Donaldson Road. I shall impose both.

### **Conclusion**

11. For the reasons given above I conclude that the appeal should be allowed.

*Roger Pritchard*

INSPECTOR

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