



Planning Committee

Wednesday, 14 April 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

The press and public are welcome to attend this meeting

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

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting		1 - 14
Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
3. Bowling Green Pavilions, Chatsworth Road, NW2 4BL (Ref. 10/0124)	Brondesbury Park;	19 - 34
NORTHERN AREA		
4. 25 Aston Avenue, Harrow, HA3 0DB (Ref. 10/0146)	Kenton;	35 - 40
5. Stag Lane Clinic, 245 Stag Lane, NW9 0EF (Ref. 10/0252)	Queensbury;	41 - 46
6. John Billam Playing Fields, Woodcock Hill, Harrow (Ref. 10/0438)	Kenton;	47 - 64
SOUTHERN AREA		
7. 189 Chevening Road, London NW6 6DT (Ref. 09/2206)	Queens Park;	65 - 70
8. Formerly The Shamrock, Carlton Vale, London NW6 5DA (Ref. 10/0003)	Kilburn;	71 - 78
9. Top Floor Flat, 60 Salusbury Road, London NW6 6NP (Ref. 10/0221)	Queens Park;	79 - 82
10. 185A Chevening Road, London NW6 6DT (Ref. 10/0248)	Queens Park;	83 - 88
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WESTERN AREA		
12. 1-28 Charles Goddard House, High Road, Wembley HA0 (Ref. 10/0293)	Wembley Central;	95 - 108
13. Sudbury Primary School, Watford Road, Wembley HA0 3EY (Ref. 0192)	Sudbury;	109 - 120
14. 2 NCR Business Centre, Great Central Way, London NW10 0AB (Ref. 10/0063)	Stonebridge;	121 - 128
15. 17 Denis Avenue, Wembley, Middlesex HA9 8AZ (Ref. 09/2542)	Tokington;	129 - 136

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| 16. | 59 Oakington Avenue, Wembley, Middlesex HA9 8HX (Ref. 10/0012) | Preston; | 137 - 146 |
| 17. | 17 Denis Avenue, Wembley, Middlesex HA9 8AZ (Ref. 09/3261) | Tokyngton; | 147 - 156 |
| 18. | 62 Station Grove, Wembley, Middlesex HA0 4AN (Ref. 10/0137) | Wembley Central; | 157 - 164 |

SPECIAL ITEM

- | | | | |
|-----|---|----------|-----------|
| 19. | 19 Brook Avenue, Wembley, Middlesex HA9 | Preston; | 165 - 170 |
| 20. | Any Other Urgent Business | | |

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

SITE VISITS – SATURDAY 10 APRIL 2010

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
09/3261	17 Dennis Avenue, Wembley, HA9 8AZ	17	Tokyngton	9:35	147-156
09/2542	17 Dennis Avenue, Wembley, HA9 8AZ	15	Tokyngton	9:35	129-136
	19 Brook Avenue, Wembley, HA9 8BH		Preston	9.50	165-170
10/0192	Sudbury Primary School, Watford Road, Wembley, HA0 3EY	13	Sudbury	10:30	109-120
10/0438	Land of former Scout Hut, John Billam Playing Fields, Woodcock Hill, Harrow	6	Kenton	10:50	57-64
10/0343	91 Chevening Road, London, NW6 6DA	11	Queen's Park	11:30	89-94
10/0248	185A Chevening Road, London, NW6 6DT	10	Queen's Park	11:45	83-88
09/2206	189 Chevening Road, London, NW6 6DT	7	Queen's Park	12:00	65-70

Date of the next meeting: Tuesday, 4 May 2010

The site visits for that meeting will take place the preceding Saturday **1 May 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 Paul Daisley Hall.
- A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Tuesday, 16 March 2010 at 7.00 pm

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

ALSO PRESENT: Councillor Mary Arnold, Councillor John Detre, Councillor Anthony Dunn, Councillor Robert Dunwell and Councillor Carol Shaw

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

13. Palace of Arts & Palace of Industry (Ref. 09/2450)

All Councillors declared personal interests as members of the Council of the London Borough of Brent, the applicant.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 24 February 2010 be approved as an accurate record of the meeting.

3. **11 Sherborne Gardens, London, NW9 9TE (Ref. 09/3292)**

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager Rachel McConnell informed the Committee that a copy of the amended drawings had been sent to the adjoining neighbour who still maintained that the proposal would lead to loss of light, a matter which she added had been adequately addressed in the main report.

Mr Bakrani the adjoining neighbour objected to the proposed development on grounds of significant loss of light to his adjoining property due to the height of the proposal and particularly the first floor side extension.

DECISION: Planning permission granted subject to conditions.

4. 37 Mount Stewart Avenue, Harrow, HA3 0JZ (Ref. 09/2439)

Retention of single and two storey side extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

5. 1-3, The Mall, Harrow, HA3 (Ref. 09/2650)

Demolition of existing buildings and erection of two 3-, 4- & 5-storey blocks totalling 143 dwellings, comprising 21 x one-bedroom flats, 23 x two-bedroom flats, 31 x three-bedroom flats, 11 x four-bedroom maisonettes, 2 x five-bedroom maisonettes (affordable) and 12 x one-bedroom flats & 43 x two-bedroom flats (private housing), with 26 surface and 80 basement car-parking spaces, amenity space, children's play area and bin stores.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and 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 Rachel McConnell drew members' attention to an amended description for the proposed development and clarified the queries raised by members at the site visit. She confirmed that the closest part of the proposed development to No 37 Moot Court would be about 18-19m which was within the Council's SPG17. She drew members' attention to additional objections to the scheme including those raised by Councillor Dunwell and officers' responses to them as set out in the tabled supplementary report. The Area Planning Manager also drew members' attention to the amendment suggested by the Borough Solicitor and an additional condition on Air Quality Assessment.

In accordance with the provisions of the Planning Code of Practice, Councillor Dunwell, an adjoining ward member stated that he had been approached by the residents. Councillor Dunwell objected to the proposed development on grounds of over-development of the site, significant overlooking and the lack of a transport assessment. The proposed development, in his view, would exacerbate the parking problems created in the area by the adjoining Jewish Free School (JFS).

Mr Alfred Munkenbeck the applicant's agent stated that the scheme which complied with SPG17 was an appropriate development in an area that was close to good public transport network.

In the discussion that followed, Councillor R Moher suggested a review of the nearby pedestrian crossing in Fryent Way to prevent traffic congestion around the Kingsbury Circle area. The Chair also suggested a review of the Section 106 legal agreement with JFS to ascertain their compliance. He also suggested a further condition that control parking zone (CPZ) permits should not be issued to the residents of this development. The legal representative advised against the suggestion to deny permits to residents as the area was currently not within a controlled parking zone.

Members discussed the possibility of a car club as a means of addressing the potential parking problems and the need to ensure the provision for disabled parking.

DECISION: Planning permission granted subject to amended description, conditions as amended in condition 10, additional condition on Air Quality Assessment, informatives, the completion of a satisfactory Section 106 or other legal agreement as amended in the Heads of Terms and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

6. 6 Prout Grove, London, NW10 1PT (Ref. 09/2622)

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.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and 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.

DECISION: Planning permission granted subject to conditions and 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.

7. 8 Prout Grove, London, NW10 1PT (Ref. 09/2634)

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.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions, 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.

DECISION: Planning permission granted subject to conditions, 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.

8. Caretakers House, Mount Stewart Infant School, Carlisle Gardens, Harrow, HA3 0JX (Ref. 09/3007)

Demolition of Caretakers House, Mount Stewart Infant School, Carlisle Gardens, Harrow, HA3 0JX.

OFFICER RECOMMENDATION: Grant Conservation Area Consent subject to conditions and referral to the Government Office for West Midlands.

Mr Adrian Levy objected to the proposed demolition on the grounds that there was no justification for the demolition at this stage until an associated planning application for a replacement building was also being considered. In urging members to defer the application, he added that there were no health and safety issues such as bats and rats in the existing building.

Mr Bill Kemp, Chair of Preston Amenities Protection Association (PAPA) echoed the views expressed by the objector and urged members to refuse the application.

In responding to the issues raised, the Head of Area Planning Steve Weeks stated that a scheme for a replacement building was currently being assessed by officers. He submitted that the demolition of the house and the landscaping of the site would make a positive contribution to the Mount Stewart Conservation Area. The Chair expressed a differing view that the proposal would not enhance the area.

DECISION: Conservation Area Consent granted subject to conditions and referral to the Government Office for West Midlands.

9. KK Builder, Unit B Tower Works, Tower Road, London, NW10 2HP (Ref. 10/0020)

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.

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

With reference to the tabled supplementary report, the Area Planning Manager Rachel McConnell clarified the relationship between the proposed building and the existing Brahma Kumaris University building located adjacent to the rear of the

subject site. She also clarified that the contribution of £36,000 being sought from applicant under the Section 106 legal agreement would be used to mitigate against the likely impact of the proposed development on local transport, sports, open space and educational infrastructure. In reference to the disputed land, the Area Planning Manager added that issues relating to site ownership were outside the remit of the Committee and added that as the subject site had been revised to exclude the disputed land the latter site would not be required for the development.

In accordance with the provisions of the Planning Code of Practice, Councillor Jones, ward member stated that she had been approached by the applicant, residents and Brahma Kumaris University. Councillor Jones welcomed the “car free development” however she raised concerns on the following issues:

The excavation of a basement could harm the structural stability of nearby properties.

The proposed roof terrace would give rise to overlooking

The rear of the proposed building could harm privacy and natural light.

The balconies would not make a sufficient contribution to overall amenity space.

Concerned regarding the applicants assessment of the character of the surrounding area.

There were some inconsistencies in the Design and Access Statement.

Councillor Jones requested the Committee to ensure that the forecourt used by the garage was constantly cleaned up.

Mr Martin Evans the applicant’s agent stated that the application had been revised to overcome previous concerns on height, residential mix, roof terrace, elevational treatments and the siting of windows to the rear elevation. He added that the proposed development would provide mixed use, high quality accommodation with no detriment to the environment and amenities. Mr Evans confirmed that the applicant would clean the unsightly bins requested by Councillor Jones.

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

10. Bowling Green Pavilions, Chatsworth Road, London, NW2 4BL (Ref. 10/0124)

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

OFFICER RECOMMENDATION: Refuse planning permission

The Area Planning Manager, Neil McClellan informed members that the applicant had submitted two additional plans that sought to clarify the relationship between the proposed nursery building and the surrounding area particularly No 49 Chatsworth Road, the ground level and the projection of the roof. He continued that the height and proximity of the proposed building failed to comply with the

guidance contained in Supplementary Planning Guidance 17 (SPG17) in that it would have an overbearing impact on the outlook and visual amenity of adjoining occupiers.

Mr Robert Middleton speaking in support stated that the application would, in addition to creating more nursery places in an area that was deficient in that provision, enable the Bowling Club to benefit from a new roof without which the Club would need to close down.

Mr Andy McMullan the applicant's agent stated that the application which sought to re-use a brownfield site would create additional nursery places in the area. He added that the existing land which had no recreational value would be landscaped subject to further details to be secured through a condition. Mr McMullan also indicated that the applicant would accept a further condition to control any consequent on-street parking. The agent did not welcome suggestions by the Chair on how to ensure compliance with SPG17 in future applications by considering building on the pavilion site and re-siting the nursery, as it would involve a major landscaping scheme without meeting the existing needs of the Bowling Club.

In accordance with the provisions of the Planning Code of Practice, Councillor Shaw, ward member stated that she had been approached by the applicant. Councillor Shaw stressed the urgent need for a nursery provision in the area, a view that was also supported by the Council's Early Learning Years' Officer and the local residents. She continued that the proposal which would involve a single storey building would not result in any significant impact on the adjoining neighbour. Councillor Shaw pointed out that the site was not part of the wildlife corridor and that the proposal would not result in loss of public open space.

In accordance with the provisions of the Planning Code of Practice, Councillor Arnold, an adjoining ward member and the Labour Group spokesperson for Children's and Families stated that she had been approached by the applicant. Councillor Arnold noted that there had been no objections from neighbours to the proposal as it involved a single storey building. She urged members to grant planning permission for the proposal which was situated in an area deficient in the provision of nursery school places, an outcome that in her view would also have beneficial effect for the Bowling Club.

In accordance with the provisions of the Planning Code of Practice, Councillor Dunn, an adjoining ward member stated that he had been approached by the applicant. Councillor Dunn also urged members to grant planning permission as it would have no significant impact on urban green spaces and adjoining neighbours.

During members' discussion, Councillor Cummins indicated his support for the application pointing out that the site which was not within the wildlife corridor was not a public open space. He noted that the neighbours had not raised any objection to the proposal which would involve a single storey building and would address the need for nursery places in the area. Councillors R Moher and Hashmi also indicated their support for similar reasons.

In responding to the views expressed by members, the Head of Area Planning Steve Weeks, cautioned members to give consideration to the status of the land, the significant size of the building (14 metres long), the overall differences of the garden and the guidance contained within SPG17. He indicated that there may be scope for a joint development on the site but that it would need amended scheme.

Members were minded to grant planning permission contrary to officers' recommendation for refusal for the following stated reasons: the proposal would not have a significant impact on wildlife corridor; it would address the need for nursery places in the area (and an exception should be made in the application of policies regarding effect on the adjoining property in order to assist in meeting this need) and it would not encroach on open space available to the public (since the land is privately owned) and in any event the improvement to the open space helped to offset this..

In accordance with the Planning Code of Practice, voting on the officers' recommendation was recorded as follows:

FOR: Councillors Kansagra, Powney and HM Patel (3)

AGAINST: Councillors Anwar, Baker, Cummins, Hashmi, Hirani, Jackson and R Moher (7)

ABSTENTIONS: Thomas (1)

DECISION: Minded to grant planning consent contrary to the officer's recommendation and deferred to the next meeting.

11. 27 Chevening Road, London, NW6 6DB (Ref. 10/0166)

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.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

12. 82 Chaplin Road, London, NW2 5PR (Ref. 09/2455)

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.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning Steve Weeks informed the Committee that the applicant's agent had submitted a revised plan removing all windows to the flank wall facing rear gardens of Chaplin Road. This would ensure that the existing amenities of residents at Numbers 76 - 80 Chaplin Road would not be harmed by reason of overlooking. He added that the maximum height of the proposed development had been reduced from 7.0m to 6.2m which was the same as the original building. The Head of Area Planning drew members' attention to an amendment to condition 3 as set out in the tabled supplementary report.

In accordance with the provisions of the Planning Code of Practice, Councillor Jones, ward member stated that she had been approached by the residents. Councillor Jones welcomed the reduction of the height of the proposal which she felt would reduce overshadowing however she requested that an informative be added to ensure that there was a right of way to the vehicle access and that the contractor be required to sign up to the Considerate Contractors' Scheme.

In responding to the points raised by Councillor Jones, the Head of Area Planning stated that issues relating to right of way were a civil matter. He continued that condition 4 addressed the request for considerate construction.

DECISION: Planning permission granted subject to conditions.

13. Palace of Arts & Palace of Industry Site, Engineers Way, Wembley, HA9 0ES (Ref. 09/2450)

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.

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

The Area Planning Manager, Neil McClellan started by saying that the applicant had submitted revised drawings in response to CABE Design Review Panel and officers' enquiries on a number of areas including an "Energy & Sustainability Q&A" sheet details of which were set out in the tabled supplementary report. The responses were considered appropriate. In respect of members' enquiry about flood risk measures, he stated that although a number of measures to reduce flood risk had been incorporated, the Environment Agency had confirmed that as the site was below 1 hectare in size the statutory referral of the application to the Agency was not required. Members noted that the disabled parking proposed was in accordance with the Council's standards and was considered appropriate by the GLA/TfL. In respect of concerns about the location of fuel deliveries in Engineers Way, the Area Planning Manager submitted that this would be secured through the "Delivery and Servicing Management Plan" and recommended that an additional

condition be added regarding the treatment of the footway/highway if fuel deliveries were required within the Engineers Way frontage. He then referred to a number of comments made by Wembley National Stadium Limited and officers' responses to them as set out in the tabled supplementary report. The Area Planning Manager also drew members' attention to a number of additional and amended conditions and the deletion of condition 21 as set out in the supplementary report.

Dr Sarah Ali objected to the proposed development on the grounds that the Council had not adequately consulted with all residents within the Borough. He added that the feasibility study into the project had never been placed in the public domain to enable residents of the Borough to ascertain the cost implications and whether there was widespread acceptance of a new Civic Centre for Brent. Dr Ali urged members to defer the application until the issues he had raised had been addressed.

Mr Gareth Daniel Chief Executive of Brent Council speaking on behalf of the applicant started by saying that the proposal was a culmination of eight years worth of work and numerous consultations including reports to the Council's Executive meetings which were open to the press and public. He continued that the proposed building had been designed in partnership with experts in the field with sustainability measures receiving a top priority. He also emphasised the beneficial impact of the proposal on the regeneration of Wembley. In endorsing the recommendation for approval, Gareth Daniel added that the proposal was an integral part of the Council's overall business plan to deliver better quality services by enabling the Council to vacate its inefficient buildings with considerable cost savings.

DECISION: Planning permission granted subject to conditions including an additional condition 27, as amended in conditions 10, 11 and 23, the removal of condition 21 and informatives..

14. Community Centre, Crystal House, 2 Agate Close, London, NW10 7FJ (Ref. 09/2645)

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).

OFFICER RECOMMENDATION: Refuse planning permission.

The Head of Area Planning Steve Weeks informed the Committee about further comments received from objectors who were unable to attend to address the Committee but reiterated the depth of their opposition to the proposed change of use. He drew members' attention to a revised wording for reason 1 for refusal as set out in the tabled supplementary report.

DECISION: Planning permission refused with amended reason 1.

15. Chequers, Managers Flat and Store, 149 Ealing Road, Wembley, HA0 4BY (Ref. 09/3013)

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.

OFFICER 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 Interim 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, on advice from the Borough Solicitor.

DECISION: (a) Delegated 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 Interim 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, on advice from the Borough Solicitor.

16. 61-69 Lumen Road, East Lane Business Park, Wembley, HA9 7PX (Ref. 09/1201)

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.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

17. Elizabeth House, 341 High Road, Wembley HA9 6AQ (Ref. 09/2506)

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.

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

The Area Planning Manager Neil McClellan informed the Committee that the applicant had submitted revised plans/documents to reflect changes made to the layout. He continued that the daylight/sunlight report submitted had demonstrated that the scheme was in compliance with BRE guidelines. With reference to the supplementary report tabled at the meeting he drew members' attention to the list of additional conditions requested by the Council's Environmental Health Team in respect of site investigation works, controls over noise, vibration and emissions from extraction equipment, post completion noise testing and controls over demolition and construction works.

The Head of Area Planning highlighted the significance of the changes to the proposal in terms of improving the relationship and outlook for the proposed flats and the introduction of a range of landscaping to the frontage.

DECISION: Planning permission granted subject to conditions, additional conditions 23, 24, 25, 26, 27, 28, 29 as amended in conditions 6, 7 and 9, 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.

18. 19 Brook Avenue Wembley HA9 8PH

The Committee had before them a report that dealt 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.

The Chair raised the background to the current report and queried whether Members would benefit from a site visit to understand the changes that had taken place and any outstanding matters. Members agreed to defer for a site visit.

RESOLVED:-

That the report on 19 Brook Avenue, Wembley HA9 8PH be deferred for a site visit to enable members to assess the development and objections raised to it.

19. Northwick Park Golf Club, Watford Road

The Committee gave consideration to a progress report that summarised the outstanding matters relating to Leisure Golf since the centre was opened. The report also addressed each of the principal unresolved planning matters individually, detailing the planning context and made recommendations for unresolved matters. With reference to the tabled supplementary report the Head of Area Planning drew members' attention to the list of concerns that had arisen since the golf centre was opened and gave an assurance that officers would continue to pursue the outstanding matters with Leisure Golf Limited.

Ms Gaynor Lloyd a local resident confirmed the breach of planning conditions including unauthorised uses of the conference rooms for weddings and excessive number of cars in the car park.

In accordance with the provisions of the Planning Code of Practice, Councillor Detre, a ward member stated that he had been approached by the residents. In welcoming the report, Councillor Detre urged members to give their support and encouragement to officers to resolve the issues outstanding and to take enforcement action within a reasonable period of time if the breaches continued.

Members welcomed the progress report and,

RESOLVED:-

That Officers should continue to pursue resolution of all the outstanding issues outlined in the report, and if they consider that Leisure Golf Limited were not addressing these properly, to proceed with such enforcement action as considered appropriate to secure compliance.

20. Any Other Urgent Business

Article 4 Directions

The Head of Area Planning informed members that Article 4 Directions had been agreed for Roe Green and Mapesbury Conservation Areas.

The meeting ended at 9.50pm.

S KANSAGRA
CHAIR

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

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

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

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

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

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

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

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

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Committee Report Planning Committee on 14 April, 2010

Item No. 3
Case No. 10/0124

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)

Introduction:

The application is reported to Planning Committee under the provisions of Clause 24 of the Planning Code of Practice following the resolution at the previous meeting of the Planning Committee on 16th March 2010 of 'minded to grant' consent for the erection of a single-storey building for use as a nursery school (Use Class D1) and erection of pitched roof to existing clubhouse, contrary to the Officer recommendation to refuse consent.

This report discusses the implications of the committee's resolution, maintains the original recommendation to refuse, but sets out the planning conditions and Section 106 Agreement, that should be attached should the Planning Committee decide to grant planning permission. A copy of the report that went to the 16 March Planning Committee is attached as APPENDIX 1.

At the March Planning Committee, Members indicated that they were minded to grant planning permission contrary to officers' recommendation for refusal because:

- (1) the proposal would not have a significant impact on wildlife corridor;
 - (2) it would address the need for nursery places in the area (and an exception should be made in the application of policies regarding effect on the adjoining property in order to assist in meeting this need) and;
 - (3) it would not encroach on open space available to the public (since the land is privately owned).
- The view was expressed that, in any event, the proposal was considered to constitute an improvement to the open space which helped to offset any impact

Revised Drawings:

The applicants have submitted revised plans since the Planning Committee of 16th March 2010 revising the form of the proposed nursery building. They state that the amendments will assist in reducing the effects of the nursery building on the occupiers of No.49 Chatsworth Road. The

changes are:

- reduction in the front veranda to 1.5 metres (from 3.0 metres);
- reduction in the rear veranda to 1.5 metres (from 3.0 metres);
- moving the building in line with the main building line on Chatsworth Road (rather than the line of the side extension);
- these modifications bring the rear elevation of the building approx. 4.5 metres closer to Chatsworth Road.

These amended plans have now been formally substituted for the drawings that originally formed part of this application.

Impact on Neighbouring property:

Although the amendments set out above do reduce the overall length of the building as far as it relates to the rear wall of the adjacent residential property at No.49, Officers remain severely concerned at the relationship that is been proposed between the existing and proposed sites.

It has been confirmed with the applicant that the level of the ground on which the nursery would be built would be approximately 1.9m above the ground level of the rear gardens to the adjacent property at No.49 Chatsworth Road. Furthermore, even with the changes set out above, the proposed building would project approximately 10 metres beyond the main rear wall of the property at No.49 with the roof of that building (eg: the overhanging eaves) projecting to within approx. 0.1m of the joint boundary. It is considered by Officers that a combination of the overall length of the building, the change in levels between the two sites and the proximity of the building to the adjacent residential accommodation would all result in an unacceptable relationship, quite unlike anything that the Council has considered acceptable in recent times, that would inevitably have a detrimental impact on the amenities of those people living nearby.

As indicated in the report that was considered at the Planning Committee of 16 March 2010, the plans submitted in connection with this application indicate that the height and proximity of the proposed nursery building would fail to comply with the guidance contained in SPG17, in that it would breach a line of 45 degrees taken from a height of 2m, measured from the ground level of either the subject or neighbouring site. This guidance would be breached for the full length of the 10 metre (previously 14 metre) projection beyond the rear wall of the property. Having revisited the case, Officers have been able to re-confirm their opinion that the proposed nursery building would have an overbearing impact on the outlook and visual amenity of adjoining occupiers at 49 Chatsworth Road.

This judgement is reached without considering the issues relating to the potential nuisance to those residents from the proposed nursery use and the use of the rear outside space.

Recent Appeal Decision:

Members are also reminded of a very similar situation at the Forty Avenue Wembley Sephardi Synagogue (08/2345) whereby a single storey rear extension to the building was refused planning permission following a Committee site visit in December 2008. An appeal against the refusal was subsequently dismissed following a Hearing and the Inspectors decision letter of 16 June 2009 is considered to be relevant. Whilst it is acknowledged that each case should be determined on its own merits, there are clear similarities between the two applications including the change in levels between the adjoining sites, the length of the building and the proximity to the joint boundary. In dismissing the appeal, the Inspector stated that (paragraph 5):

".....the upper part of the south-west elevation of the proposed building would be visible along the length of No.48's (Forty Avenue) garden, above the fence to the property. As No.48 is at a lower level to the appeal site, the perceived height would be exacerbated and from the patio it would appear, at its highest to be over 4 metres. The extension would be set away from the boundary

and parts of it would be lower; however, its overall depth and siting would create an unsightly and overbearing structure."

For the avoidance of doubt, the synagogue extension would have been over 6.0 metres from the boundary with the neighbour, whereas, as indicated above, the eaves of the nursery building would come to within 0.1 metres of the boundary with No.49 Chatsworth Road. At Forty Avenue, the Inspector considered if there were any means by which the impact of the structure could be mitigated, but she concluded that:

"Although a landscaping condition could be imposed, new planting would take time to grow to provide any effective screening. Moreover, planting is temporary in nature and cannot be relied upon to overcome the harmful effect of the proposal."

Absence of Objection?

Officers note that weight appears to have been attached in earlier discussions to the fact that the current occupiers of the building most obviously affected by the proposal have not objected to the proposal. There can be any number of reasons for this and Officers advise that Members should be cautious about making planning decisions based on whether the most impacted upon residents either support or object to the scheme. The basis for making recommendations on planning proposals is how it complies with the adopted Local Plan and any other adopted planning guidance. It is considered that to begin to frame decisions on anything else, certainly the popularity (or in this case absence of objection) of a proposal could cause problems for the Planning Authority in other instances.

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 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.

In terms of the UDP policy concerning these sorts of urban greenspaces and their importance, this inevitably transcends matters of ownership and, consequently the matter of whether the land is privately or publicly owned should have no bearing on whether, or not, a proposal would have a detrimental impact on the greenspace. This is emphasised here in biodiversity terms by the fact that the site also has some importance in terms of contributing to the visual amenity of the Wildlife Corridor that runs along the back of the site.

Nursery Spaces:

Officers acknowledge that there is a need for increased nursery accommodation throughout the Borough, but feel that, for the reasons set out in both this report and the original one to the 16 March 2010 meeting, this is not the right site for such increased provision.

Section 106 Legal Agreement:

In the event that Members were minded to grant consent for this proposal, then it would need to be on the basis that a Section 106 legal agreement formed part of the approval. 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.

Suggested conditions in the event that approval is granted:

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

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

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

2. Details of all new external work, including samples, shall be submitted to, and approved in writing by, the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

3. The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith,

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

4. Further details shall be submitted to, and approved in writing by, the Local Planning Authority and shall be installed prior to the commencement of the development hereby approved:-

- details of refuse storage area/enclosure.
- details of cycle storage area/enclosure.

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

5. Further details of the methodology for treating and removing the Japanese knotweed from the site shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The removal shall be carried out in accordance with these details.

Reason: In the interests of amenity.

6. All external areas shown on the approved plans, and outside play spaces, 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 (a) prior to occupation of building(s) and/or (b) within 18 months of commencement of the development hereby approved.

Such details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (ii) Hard surfaces including details of materials and finishes. These should have a permeable construction.
- (iii) Proposed boundary treatments including walls and fencing, indicating materials and heights.
- (iv) All planting including location, species, size, density and number.
- (v) Any sustainable construction methods which are to be used.
- (vi) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.
- (vii) Play equipment including details of types of equipment to be installed.

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

Such details shall include:

- (i) Creation of habitats.
- (ii) Planting of native flora (trees and shrubs).
- (iii) Implementation of nesting habitats for native fauna.
- (iv) Biodiversity roof

Reasons: To protect and enhance the urban greenspace and adjacent Wildlife Corridor to increase the biodiversity of the borough and to strengthen and support any wildlife pockets within or in the vicinity of the development.

INFORMATIVE

The applicant is informed that they should contact the Council's Landscape Designers on 0208 937 5248 to discuss the requirements of the landscape conditions, given this urban greenspace location.

Recommendation : Remains refusal, for the reasons set out in the original report. However if the Planning Committee resolves to grant planning permission, the conditions, Informative and Section 106 Legal Agreement set out in this report are recommended.

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

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. 10/0124

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)

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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This map is indicative only.

Committee Report Planning Committee on 14 April, 2010

Item No. 4
Case No. 10/0146

RECEIVED: 22 January, 2010

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 25 Aston Avenue, Harrow, HA3 0DB

PROPOSAL: Erection of a part single-, part two-storey rear and side extension to dwellinghouse with associated front landscaping as amended by plans received 23/03/10

APPLICANT: Dr P S Silva

CONTACT: Survey Design (Harrow) Ltd

PLAN NO'S:
See Condition 2

RECOMMENDATION

Grant planning permission

EXISTING

Two-storey detached dwellinghouse on the south side of Aston Avenue. The site is not in a conservation area, nor is the building listed. The surrounding land use is residential.

PROPOSAL

Erection of a part single-, part two-storey rear and side extension to dwellinghouse with associated front landscaping.

HISTORY

16638A 11023 Erection of garage, entrance lobby and ground floor WC. **Granted** 23/09/1964

POLICY CONSIDERATIONS

Brent UDP 2004

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

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

- **BE2 Local Context**
 - relates to design within the local context and character and the need to take into account existing landforms and respect and improve existing materials and townscape.
- **BE7 Public Realm: Streetscape**
 - states that a high quality of design and materials will be required for the street environment. Proposals that involve excessive infilling of space between buildings, the loss of paving, front walls and railings and forecourt parking that would detract from the streetscape will be resisted.

- **BE9 Architectural Quality**

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

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

SPG

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

- **SPG 5 Altering and extending your home**

Adopted September 2002

CONSULTATION

Neighbours consulted 28 Jan 2010. No objections received.

REMARKS

Summary

The following circumstances of this case mean that the guidance with SPG5 should be applied less rigidly:

1. The relationship of the building with its neighbour No. 27
2. The design of the property
3. The fact the side extension is set in from the boundary

Key considerations

The main planning issues are considered to be (a) whether the proposed alterations and extensions would have an unacceptable impact on the amenities of neighbouring occupants; (b) whether the proposed alterations and extensions would have an unacceptable visual impact on the character of the property and of the area.

Introduction

The proposal involves the demolition of an existing single storey attached garage and conservatory to the rear and the erection of a ground and first floor side extension going into a rear extension.

The proposed extension is set approximately 350mm off the boundary, compared with the existing extension which is directly on the boundary. It replaces a garage with a habitable room and a rear conservatory with a mainly two-storey brick-built extension. The existing conservatory extends beyond the rear wall of the property (at single storey only) by 1.8m. The proposed two-storey extension is 2.6m back from the rear wall.

The extension is 3.2m wide, narrower than the main reception room, and extends forward of the main front wall to come level with the bay. This includes linking the side extension with the porch. Whilst this is generally considered unacceptable in terms of SPG5, this replacement of the existing situation is therefore considered acceptable.

The first floor side extension is set back from the main front wall by only 1.5m and the roof is set down by 0.8m from the ridge of the original property with a crown roof. As the side extension is only 350mm from the boundary and not 1m, the guidance in SPG5 is that there should be a 2.5m deep set-back to prevent the filling in of gaps between buildings. As stated in SPG5 "if a set back is not provided a row of detached or semi-detached houses may appear to change character and become a row of terraced houses" (SPG5, p5).

In this case, however, there are unusual circumstances which mean that the guidance with SPG5 should be applied less rigidly:

1. The relationship of the building with its neighbour No. 27, which is 1.8m further forward of the subject property.

An SPG5 compliant scheme on No. 27 which extended to the boundary (with a 2.5m set-back) would be 0.8m further forward of the proposed development. It would be 1.8m further forward if a 2.5m set-back were insisted upon at No. 25.

No. 27 would require a 2.5m set-back if it were within 1m of the boundary due to the prominence of the property in the streetscene relative to No. 25

2. The design of the property is unusual to Aston Avenue and it is unlikely to form a terracing effect with its neighbour if they do extend.

No. 25 is a different, more modern style of house with different proportions to the surrounding properties particularly in the height of the roof from eaves to ridge. Due to the roof form, including the large set-down of the proposed roof, the gap which SPG5 seeks to maintain will be protected

3. The fact the side extension does provide a 350mm gap to the boundary

On this basis, therefore, the 1.5m set back is considered acceptable.

The rear extension extends 2.6m from the rear wall of the property, meeting the 2:1 rule on both sides.

As the garage is being replaced with habitable rooms, a landscaping plan has been provided which shows the retention of the existing hard and soft standing and boundary treatments and space for two vehicles on the forecourt and additional planting to the front of the house. The description has been amended to include the front landscaping.

Conclusion

The proposal complies with policies BE2, BE7 and BE9 of the UDP and the objectives of SPG5. Approval is recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

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

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

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

CONDITIONS/REASONS:

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

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

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

Site Plan; 025/AST/001; 025/AST/002 Rev A;

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 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.

- (5) The landscape works and planting for the front garden shown on the approved plans shall be carried out prior to the occupation of any part of the extension hereby approved unless otherwise agreed in writing with the Local Authority.

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 position, unless the Local Planning Authority first gives written consent to any variation.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

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



Planning Committee Map

Site address: 25 Aston Avenue, Harrow, HA3 0DB

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Committee Report Planning Committee on 14 April, 2010

Item No. 5
Case No. 10/0252

RECEIVED: 18 February, 2010

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Stag Lane Health Clinic, 245 Stag Lane, London, NW9 0EF

PROPOSAL: Erection of temporary portacabins in car park of Health Clinic

APPLICANT: Brent PCT

CONTACT: Hughes Jay & Panter

PLAN NO'S:
Refer to condition 2

RECOMMENDATION

Approval

EXISTING

The application site comprises the Stag Lane Health Clinic located on Stag Lane. The site is not located in a conservation area nor is it a listed building. Roe Green Conservation Area is located on the opposite side of the Stag Lane.

The surrounding uses are a mixture of residential, commercial, community and industrial.

PROPOSAL

Erection of portakabins within the car park of the Stag Lane Health Clinic on a temporary basis.

HISTORY

06/3557: Outline Planning Permission sought for demolition of existing building and erection of 2 three-storey buildings comprising 10 self contained flats (matters to be determined: siting and means of access) - Withdrawn, 22/02/2007.

98/1011: Full Planning Permission sought for erection of 2-storey rear extension and internal alterations to surgery - Granted, 10/08/1998.

POLICY CONSIDERATIONS

Brent's Unitary Development Plan 2004

BE9: Architectural Quality - New buildings should be of a scale, massing and height that is appropriate for their setting and should employ materials of high quality and durability, that are compatible or complementary colour and texture, to the surrounding area

TRN22: Parking Standards (Non-Residential Developments) - Non-Residential development shall make provision for vehicular parking in accordance with the maximum standards set out in Appendix TRN2.

CF3: Protection of Community Facilities - The loss of a community use will be resisted unless the facility is appropriately replaced, or adequate compensation is made for its loss.

CONSULTATION

Consultation Period: 25/02/2010 - 18/03/2010

Additional Consultation Period: 23/03/2010 - 13/04/2010

Public Consultation

9 neighbours consulted - two letters of objection received together with a petition signed by 43 signatures. Objections raised for the following reasons:

- Potential traffic congestion and noise in and around the roads due to loss of parking facilities. Inadequate alternative set down and drop off facilities in the area.
- Clinic car park used by nursery and the scout hut and Sikh Centre
- Loss of community facilities that currently take place in the clinic e.g. family planning.
- Potential dereliction of the current clinic building due to it being boarded up for up to 5 years leading to vandalism and crime.
- Potential disruption to health care provision especially with other building works in the area.
- NHS Brent have not provided a long term plan of making the clinic building safe/usable or for suitable alternative accommodation in the long term

Internal Consultation

Transportation Unit

No objections raised.

External Consultation

Brent Primary Care Trust

No objections raised.

Roe Green Village Residents Association

No comments received.

REMARKS

Background

This application seeks permission for portakabins to be sited in the car park of the Stag Lane Health Clinic on Stag Lane. The portakabins are required to accommodate the GP service at the Stag Lane Health Clinic.

Brent PCT has advised that the portakabins are required as the existing clinic on site has been suffering from subsidence since August last year. They have advised that the building requires approx. £250,000 worth of work to bring it up to health care standards and remedy the subsidence problems. Some rudimentary form of crack measurement has been applied, and has demonstrated

further movement taking place over the winter period. The building has been propped up both internally and externally to prevent a collapse of the structure, however, this is a temporary measure and will not mitigate any further movement and damage.

Impact upon the services that are provided at the Stag Lane Health Clinic

Policy CF3 resists the loss of a community use unless the facility is appropriately replaced, or adequate compensation is made for its loss.

In addition to accommodating the GP service, the health clinic also accommodated a number of community services. Since the cracks appearing in the building the community services have been relocated to alternative sites in the Borough. Details of which are set out below:

- Family Planning Services have moved to Chalkhill
- Dietetics has been relocated to Wembley and Chalkhill
- Community Dentistry Services operate from Wembley Centre for Health
- Blood Tests take place at the Willow Tree Practice (Fryent Medical Centre branch)
- Baby clinic provided at Lindsay Drive Community Centre

The GP Service is still operating on the site and it is proposed to provide this service within the portakabins in the car park of the health clinic in the interim period whilst an alternative permanent facility is being considered.

Design & appearance of the portakabins

The portakabins are to be designed in a modular unit layout providing five units. They are proposed at a height of 3.0m and will provide a floor area of approx. 155 sqm. The walls of the portakabins are timber sheets painted grey and the door will also be in timber painted grey. A flat roof is proposed covered in felt. It is considered that as the structures will be there only on a temporary basis that the proposal is considered acceptable in respect to the scale and architectural design of the existing building and the surrounding streetscene.

The portakabins were previously located in Chalkhill and are to be relocated at this site. They are no longer required at the Chalkhill site as the existing operation is due to be moved into the Welford Centre adjacent to Asda.

Car parking

The existing car park is accessed off a service road. The service road also serves the Sikh Centre and the Scout Hut (which accommodates a nursery). The car park for the clinic contains 11 spaces and two disabled spaces which served both the GP Service and the other community facilities which were formally accommodated within the clinic. During officer site visit four cars were observed in the car park.

The applicant has advised that the siting of the portakabins will still maintain car parking spaces for the GP service. As the other services being operated from the clinic have been relocated, the car parking requirement has been reduced. As no details of the car parking spaces to be retained have been provided on the plan, your officers recommend that these details are secured by condition. In addition once the clinic has been demolished, overspill car parking can be accommodated on the site.

Timescales for the portakabins and future use for the site

Brent PCT has advised that it is seeking a temporary consent for a five year period. Your officers are of the view that five years is excessive and recommend that a three year period is granted in the interim period in order for the future of the site to be considered. At this stage there is no

application in for the redevelopment of the health clinic but there are plans to reprovide services on a permanent basis.

It is also recommended that a condition is secured to require the demolition of the existing clinic within six months. The land can be used as a temporary period for overspill parking and details of which are recommended to be secured by condition.

Conclusions

Due to the structural unsoundness of the existing building and the urgent need to continue to provide the GP service, the relocation of the GP service at Stag Lane Health Clinic to the portakabins is considered acceptable for a temporary period. A temporary period of two years is recommended to allow plans to be prepared which provide a permanent facility for this service. The continued use and need of the portakabins can be reassessed after the two year period.

It is considered that as the structures will be there only on a temporary basis that the proposal is considered acceptable in respect to the scale and architectural design of the existing building and the surrounding streetscene.

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

Transport: in terms of sustainability, safety and servicing needs

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

CONDITIONS/REASONS:

(1) This permission shall be for a limited period of three years from the date of this consent when (unless a further application has been submitted to and approved by the Local Planning Authority) the portakabins hereby approved shall be removed and the land reinstated to the satisfaction of the Local Planning Authority.

Reason: The building is of a temporary nature which the Local Planning Authority would not be prepared to approve other than for a limited period, having regard to its construction and/or effect on the visual amenity of the area.

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

3138A 01 Rev A

3138A 02

3138 03

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

- (3) Prior to commencement of demolition works to the clinic building, a Method Statement shall be submitted to and approved in writing by, the local planning authority within three months of the date of this permission.

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 hardstanding for the provision of overspill parking following demolition.

The approved Statement shall be adhered to during all stages of the demolition works. Levelling works and a hard surface shall be provided within 2 months of completion of the demolition works in accordance with the approved Statement. The demolition works shall be carried out within six months of this permission.

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

- (4) Prior to the portakabins being relocated to the car park of the Stag Lane Health Clinic, details shall be submitted to and approved in writing by the Local Planning Authority of the location of the car parking spaces to be retained on site. These spaces shall be marked out prior to occupation of any part of the approved development in accordance with the details approved by the Local Planning Authority.

Reason: In the interest of pedestrian and highway safety.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's UDP 2004
Letters of objection

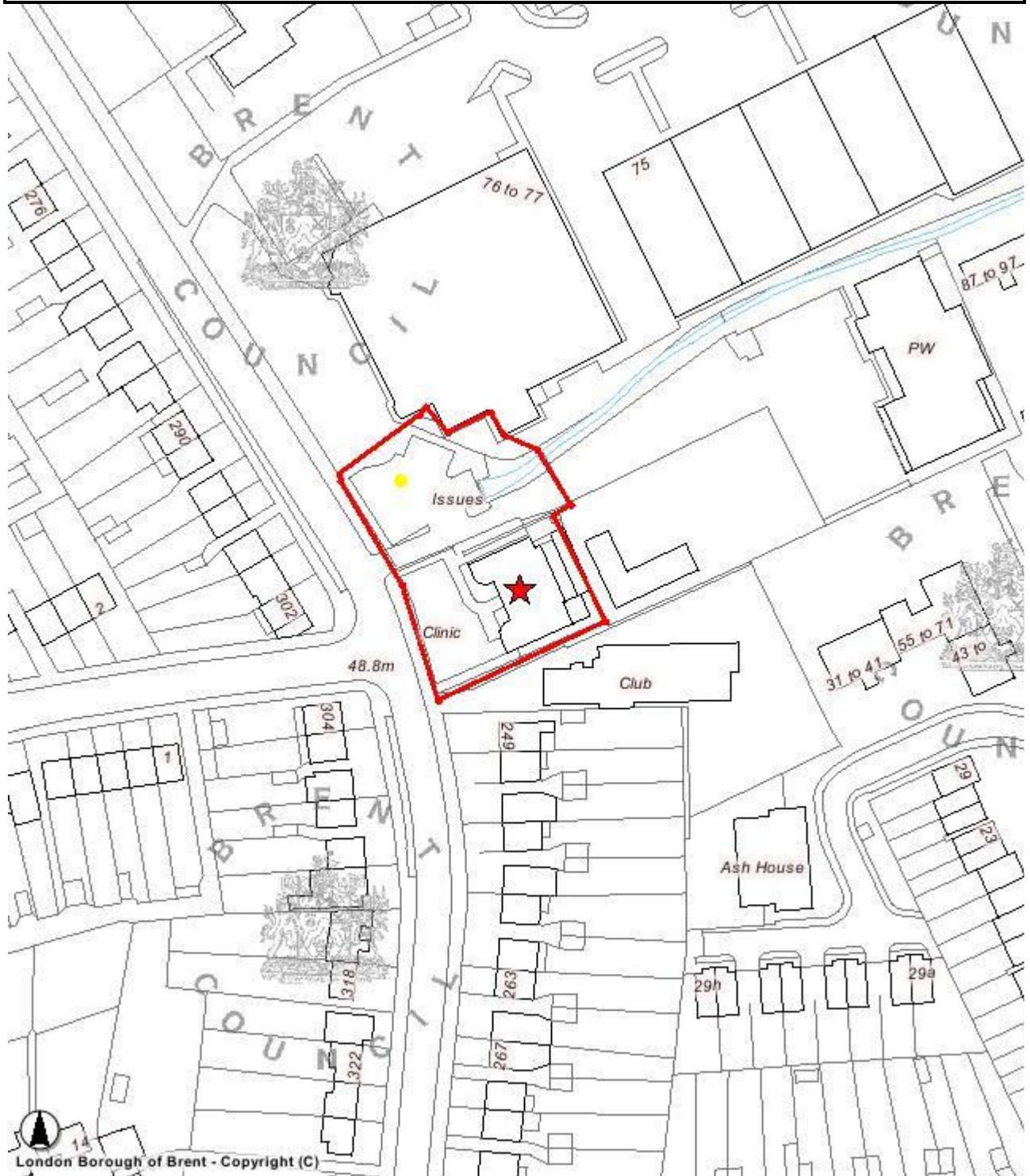
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: Stag Lane Health Clinic, 245 Stag Lane, London, NW9 0EF

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**Committee Report
Planning Committee on 14 April, 2010**

**Item No. 6
Case No. 10/0438**

RECEIVED: 26 February, 2010

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Land of former Scout Hut, John Billam Playing Fields, Woodcock Hill, Harrow

PROPOSAL: Development of land comprising the former scout hut and adjacent car park at the John Billam Playing Fields off Woodcock Hill with a two storey adult learning and support centre (to relocate the Albert Road Day Centre and ASSPECT facility) with adjustments to the boundary with the John Billam playing fields and involving:

- (1) Re-provision of 108 car parking spaces to the south of Kenton Hall including variation to the parking layout for Kenton Hall approved under condition 3 of full planning permission ref: 03/2865
- (2) Reinstatement of the car park to the north of Kenton Hall to landscaped open space
- (3) Changes and re-surfacing of the access road layout including to the front of Kenton Hall
- (4) Amendments to Parks Depot boundary
- (5) Varying the hours of use at Kenton Hall – amending condition 7 of full planning permission ref: 03/2865 to allow activities within the Kenton Hall to operate on a permanent basis within the following hours:

0800 - 2230 Sundays to Thursdays, with the premises cleared within 30 minutes after these times 0800 - 2330 Fridays and Saturdays with the premises cleared within 30 minutes after these times

- Christmas celebrations on the Friday and Saturday in the weekend immediately prior to and after Christmas Day (25th December)
- New Year's Eve celebration;
- Valentine's Day celebrations on the Friday and Saturday in the weekend immediately prior to and after St. Valentine's Day (14th February);
- Divali celebrations on the Friday and Saturday in the weekend immediately prior to and after Divali;
- Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;
- GAA London Sports and Golf Society function
- 10 further events in any calendar year

(as accompanied by Design and Access Statement prepared by MACE; External Noise Survey Report prepared by Robert West Consulting Ltd; and BS5837: 2005 Tree Survey)

APPLICANT: Brent Council & GAA London

CONTACT: Mace Group

PLAN NO'S:
Refer to condition 2

RECOMMENDATION

Approval

EXISTING

The application site comprises the former scout hut at the John Billam playing fields accessed off Woodcock Hill. The scout hut has been demolished.

To the south of the site is the Parks Service Depot and the railway line, to the east of the site are the Tenterden allotment gardens, to the north of the site is Kenton Hall which is leased to the GAA London, and to the west of the site are the John Billam Playing Fields. The Tenterden Sports Ground is located to the north east together with the Multi Use Games Area (MUGA). The site is also in close proximity to residential properties, the nearest being the dwellinghouses on Preston Way located to the south east of the site and the residential units on Silverholme Close located to the north east of the site.

The application site does not contain any designated polices as defined in the UDP Proposals Map but both the John Billam Playing Fields and Tenterden Sports Ground are designated as public open space. The John Billam Playing Fields is also designated as an Area of Open Character.

PROPOSAL

Development of land comprising the former scout hut and adjacent car park at the John Billam Playing Fields off Woodcock Hill with a two storey adult learning and support centre (to relocate the Albert Road Day Centre and ASSPECT facility) with adjustments to the boundary with the John Billam playing fields and involving:

- (1) Re-provision of 108 car parking spaces to the south of Kenton Hall including variation to the parking layout for Kenton Hall approved under condition 3 of full planning permission ref: 03/2865
- (2) Reinstatement of the car park to the north of Kenton Hall to landscaped open space and other landscape improvements within the site such as the extension and alteration of raised mounds.
- (3) Changes and re-surfacing of the access road layout including to the front of Kenton Hall - this includes widening parts of the existing access road running along the eastern edge of the site and a new access route around the western end of Kenton Hall.
- (4) Amendments to Parks Depot boundary including new access gates
- (5) Varying the hours of use at Kenton Hall – amending condition 7 of full planning permission ref: 03/2865 to allow activities within the Kenton Hall to operate on a permanent basis within the following hours:

0800 - 2230 Sundays to Thursdays, with the premises cleared within 30 minutes after these times

0800 - 2330 Fridays and Saturdays with the premises cleared within 30 minutes after these times

0800 – 0030, with the premises cleared within 30 minutes after these times for the following events:-

- Christmas celebrations on the Friday and Saturday in the weekend immediately

prior to and after Christmas Day (25th December)

- New Year's Eve celebration;
- Valentine's Day celebrations on the Friday and Saturday in the weekend

immediately prior to and after St. Valentine's Day (14th February);

• Divali celebrations on the Friday and Saturday in the weekend immediately prior to and after Divali;

• Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;

- GAA London Sports and Golf Society function

10 further events in any calendar year

HISTORY

The following planning history relates to Kenton Hall

08/0825: Variation of condition application sought for the variation of 3 conditions limiting the hours of use and restricting the maximum attendance at the John Billam community building imposed by planning permission 06/3398 - Granted, 08/10/2008

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

POLICY CONSIDERATIONS

National Policy Guidance

Planning Policy Guidance No. 17 "Planning for open space, sport and recreation"

Development proposals on playing fields should not be allowed unless:-

- (i) the proposed development is ancillary to the use of the site as a playing field and does not adversely affect the quantity or quality of pitches and their use;
- (ii) the proposed development only affects land which is incapable of forming a playing pitch (or part of one);
- (iii) the playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity or quality and in a suitable location.

In considering applications for development either within or adjoining open space weight should be given to any benefits being offered to the community against the loss of open space that will occur.

Regional Policy Guidance

The London Plan - Consolidated with Alterations since 2004

3A.18 Protection and enhancement of social infrastructure and community facilities

The net loss of community facilities is resisted and increased provision is sought, both to deal with the increased population and to meet existing deficiencies.

Local Policy Guidance

Brent's UDP 2004

STR34 - In order to ensure the adequate provision of locally and strategically important sports facilities in North West London, development which leads to a loss of sports facilities will be refused, other than in those exceptional circumstances defined within the Plan where appropriate

compensation provision is secured.

STR35 - Improvements to the Borough's public open spaces and sports facilities will be promoted, especially in those areas with a deficiency of quality facilities.

STR37 - Accessible community facilities to meet the needs of the Borough, including its workers and multi-cultural population will be permitted, and the net loss of existing community facilities will be refused.

BE2: Townscape (Local Context & Character) - Proposals should be designed with regard to their local context, making a positive contribution to the character of the area.

BE5: Urban Clarity & Safety - Development should be designed to be understandable to users, free from physical hazards and to reduce the opportunities for crime, incorporating the aims and objectives of both 'Secured By Design' and 'Designing-Out Crime' concepts.

BE6 - Public Realm: Landscape Design - A high standard of landscape design is required as an integral element of development schemes.

BE8: Lighting & Light Pollution - Lighting should be controlled to avoid nuisance to road users, harm to residential amenity and/or detriment to local distinctiveness. Lighting systems should preserve the darkness of the night time sky, particularly near public open spaces.

BE9: Architectural Quality - New buildings should embody a creative and appropriate design solution, specific to their site's shape, size, location and development opportunities, and should amongst other factors be designed to be of a scale, massing and height that is appropriate to their setting and employ materials of high quality and durability, that are of compatible or complementary colour and texture, to the surrounding area.

BE12: Sustainable Design Principles - Proposals should embody sustainable design principles, commensurate with the scale and type of development, including taking account of sustainable design, sustainable construction and pollution control.

TRN3: Environmental Impact of Traffic - Proposals should not cause or worsen an unacceptable environmental impact from traffic generated.

TRN11: The London Cycle Network - Developments should comply with the plan's minimum cycle parking standards.

TRN14: Highway Design - New highway layouts, visibility splays and accesses to and within developments should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.

TRN22: Parking Standards (Non-Residential Developments) - Provision should be made in accordance with the parking standards set out in Appendix TRN2.

OS4: Areas of Open Character - Areas of open character will be protected and enhanced.

OS6: Public Open Space - Development of public open space will not be permitted unless it is required to maintain or enhance activities associated with the open space.

OS8: Protection of Sports Grounds - The development of sports ground and open space is resisted in areas of local public open space deficiency. Elsewhere the development of sports grounds will only be permitted where the development of a small part is essential to safeguard or improve the remainder and overall sports provision is not lost.

CF3: Protection of Community Facilities - The loss of a community use will be resisted unless the facility is appropriately replaced, or adequate compensation is made for its loss.

SUSTAINABILITY ASSESSMENT

Brent's Sustainable Development Checklist has been submitted, which achieves a score of 30% (fairly positive). The scheme is required to score 50% (very positive) to ensure that the use within a sensitive location meets an acceptable level of environmental performance. Examples of additional measures to improve the score are listed below:

- Use of native or wildlife enhancing species within the planting scheme
- Use of recycled content within structural frame e.g. RCA concrete or steel with recycled content
- Comply with ICE Demolition Protocol/WRAP toolkit to secure reused/recycled content within new build
- Internal & external waste separation/recycling facilities

The above details are recommended to be secured as a planning condition to achieve a score of 50%.

CONSULTATION

Consultation Period: 26/02/2010 - 19/03/2010

Additional consultation period: 03/03/2010 - 24/03/2010

Site Notice(s) Displayed: 03/03/2010 - 24/03/2010

Application advertised in local newspaper on 5 March 2010

Public Consultation

246 neighbours consulted - 5 letters of objection received raising the following points:

- Existing hours for the GAA are adequate and do not understand why the extension of the hours is being considered as part of this application
- Extension of hours at GAA will cause a nuisance to nearby residential occupants
- Type of entertainment offered at Kenton Hall (GAA) not suitable for a residential area
- Problems of increased noise, dust, traffic caused by the use
- Loss of privacy and outlook
- Size and design of buildings
- Traffic safety and congestion including effects of pedestrians
- Loss of natural features
- Effect on the character of the area
- Effect on protected open space
- Opportunities of crime arising from a development
- Use of Kenton Hall as a business venture in a residential area
- The centre would be better placed in a more central location in the Borough

Internal Consultation

Landscape Team

No objections in principle subject to the following amendments and clarification:

- The use of tarmac over the entire road and car park network is considered unacceptable. Another material is required to be used either on the car park spaces or the road surface to break up the car park and assist in defining spaces

- A full tree report is required in accordance to BS 5837 standard on trees to be retained and removed.
- Further information on the materials and finish to the bin and tank store is required

Transportation Unit

No objections raised on transportation grounds subject to the provision of two disabled parking spaces and two bicycle stands close to the day centre entrance and suitable signage to route traffic out from the car park along the new route around the western side of the pavilion building.

Sports Services

The following comments have been provided:

No objections raised to the relocation of the car park subject to the car parking spaces being available for use by the sport users.

Concerns raised with regard to the road running in front of the changing rooms with no traffic calming measures to reduce the risk of accidents when people come out of the changing rooms and onto the playing pitches.

Objections raised to the trees in front of the hall as they could stop/restrict the view from the hall across the pitches and could also affect the pitches by leaf fall or root damage to the grass.

Parks Services

No comments received within the consultation period.

Property & Asset Management

No objections raised

Policy & Research Team

No objections raised to the proposal. Requirements for the sustainability checklist to achieve a score of 50% (very positive).

Environmental Health

No objections raised subject to conditions on control of noise from Kenton Hall, sound insulation within the proposed resource centre and a contaminated land assessment.

External Consultation

Sport England

No objections raised subject to the submission of a maintenance and management scheme for the facility and in addition the car park area to be effectively closed off from playing fields by way of steel or concrete bollards to prevent cars from accessing the playing fields.

Preston Ward Councillors

No comments received

Kenton Ward Councillors

No comments received

Preston Amenities Protection Association

No objections raised.

REMARKS

Introduction

This application proposes to relocate the Albert Road Day Centre (ARDC) and the Strathcona Autism Services Promoting Partnership, Empowerment, Creativity and Teamwork (ASPPECT) into a new facility to be called the John Billam Resource Centre. The ARDC is currently located in the South Kilburn regeneration area which is to be redeveloped for housing as part of the South Kilburn Master Plan. ASPPECT is currently being run from a portakabin in the grounds of the Strathcona Day Centre.

In addition to relocation the above services, this application is also proposing the following:

- Re-provision of 108 car parking spaces to the south of Kenton Hall including variation to the parking layout for Kenton Hall;
- Reinstatement of the car park to the north of Kenton Hall to landscaped open space;
- Changes and re-surfacing of the access road layout including to the front of Kenton Hall;
- Amendments to Parks Depot boundary; and
- Varying the hours of use at Kenton Hall

The scheme is discussed in detail below:

Relocation of community facility

Policy CF3 resists the loss of a community use unless the facility is appropriately replaced, or adequate compensation is made for its loss.

The ARDC currently provides day services for up to 45 adults with profound learning disabilities in addition to severe physical impairments and/or challenging behaviour. ASPPECT is a specialist day service for 16 adults with severe autistic spectrum disorders. The ARDC is required to be relocated as the site is designated for housing as part of the South Kilburn Master Plan. The ASPPECT unit which is within the grounds of Strathcona Day Centre has outgrown its accommodation, and is no longer fit for purpose.

The proposed John Billam Resource Centre will provide a fully integrated and self contained facility catering for both the users of the ARDC and ASPPECT. Both of the facilities will be appropriately replaced.

Impact upon the public open space

The Tenterden Sports Ground and the John Billam Playing Fields are designated as public open space. Whilst the proposed resource centre is not to be sited on public open space, the re-provision of the car parking spaces and access road in front of Kenton Hall will run into the public open space at the John Billam Playing Fields.

Policy OS6 resists development of public open space unless it is required to maintain or enhance activities associated with the open space. Whilst the proposal does result in the loss of public open space, it also proposes to reinstate the car park to the north of Kenton Hall back to open space. There is a marginal net gain in public open space. The proposal will provide a number of benefits including an improved car park arrangement that can be used by users of the sports pitches and

the relocation of the car park next to Silverholme Close, and overall improvement in the quality of open space.

Impact upon the John Billam Playing Fields

The John Billam Playing Fields are used during the year for football, rugby and Gaelic football. The pitch sizes and layout vary throughout the year to accommodate each of these sports. The proposed extension of the car park and access road in front of Kenton Hall will not prejudice the use of the playing fields. Sport England have confirmed that no major impacts on sports pitches are anticipated from the development. They have confirmed that the proposed development is acceptable as it only affects land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site. In addition, no objections have been raised by the Council's Sports Services in relation to the impact upon the playing pitches.

Although not being considered as part of this application, the existing pitches do not drain well and the Parks Service is proposing to install land drainage across the site culminating in an attenuation pond to the north of the application site. This is shown indicatively on the plans but will be undertaken separately to this application.

Sport England have advised that the car parking areas are closed off from the playing fields to prevent cars from accessing the playing fields. Your officers consider that this can be addressed through the planting of trees in suitable locations as part of the proposed landscape scheme and the use of knee rails or a ditch provided to the side of the access road. Details are recommended to be conditioned. In addition Sport England have requested a maintenance and management scheme for Kenton Hall to prevent degradation of the playing fields. A management arrangement is already in place between the GAA (at Kenton Hall) and Parks Services. The management plan will be continued, and it is recommended that a revised management plan is submitted which takes on board the revised layout of the car park.

Design and use of the proposed resource centre

Design, Scale and Massing

The resource centre is proposed as a two storey building with a flat roof. A roof terrace is proposed above the ground floor towards the rear of the building. The height of the building is considered in keeping with the surrounding buildings, namely the Parks Depot and Kenton Hall. The use of glazing and varying building heights and the elevational detail assists in breaking up the bulk of the building.

The building is proposed to be constructed in brick work and expanses of glazed areas. The facing bricks are proposed by Wienerberger in Aldbury Multi Stock. The windows and doors are to be powder coated aluminium in a black colour. The proposed external materials for the building are considered acceptable

The bin and tank store is located near the entrance to the resource centre and will be a prominent feature. Details of the materials and finish of this structure are required, details of which are recommended to be secured by condition.

Site Layout and Access

There are separate entrances for the ARDC and ASPPECT. The ARDC and visitor entrance is located on the northern elevation of the building and ASPPECT entrance is located on the east elevation. The building has been designed with a simple layout that does not cause the users undue difficulty in movement. The habitable spaces are located to the outer face of the building

perimeter to make best use of views, natural daylight and ventilation. A main corridor wraps around a central courtyard which contains a sensory garden making internal movement easy.

The proposed centre will provide accommodation and facilities tailored to meet the specific needs of both users, and in addition it is designed to integrate the two users and offer shared use of areas such as dining/day room, courtyard and roof garden. Staff accommodation and core facilities will also be shared.

Operating hours and user attendance

The proposed operating hours for the resource centre will be from 9am to 5pm Mondays to Fridays. Up to 60 service users will attend the resource centre from 9.30am to 4pm. In terms of staff numbers, 38 full time staff and 8 part time staff are proposed. The maximum number of staff at any one time could be up to 44.

External amenity space within the resource building

Three external spaces are proposed for the users of the resource centre which includes a central courtyard, a rear garden and a roof garden.

The courtyard will offer the building users a safe and secure external space which is enclosed with a glass roof. The area will be predominantly hard paved, but there is an opportunity to incorporate tubs with a variety of sensory plants. Raised planted beds are proposed to allow users to maintain their own small area of planting. A water feature is also proposed. The rear garden will allow users to access a managed and safe external space. A 'hedge' of bamboo plus tall evergreen shrubs is proposed along the rear boundary to screen the area from the railway line. The roof garden will be paved and provide planted tubs whilst offering views across the playing fields. A protected area is to be formed backing onto the depot and railway line, incorporating a series of timber posts and beams with tubs thereby allowing climbing plants to grow and change with the seasons.

Noise assessment

The External Noise Survey Report identifies train noise as a potentially detrimental impact on some of the proposed uses within the resource centre, such as the relaxation rooms, if sufficient attenuation is not provided. The report recommends the use of a ventilation strategy through forced ventilation to alleviate the need to open windows. Adequate noise insulation to achieve the standard required for internal ambient noise levels is also required. This requirement is recommended to be conditioned.

Contamination

Your officers in Environmental Health have advised that part of the site was historically used for potentially contaminating activities. A contaminated land assessment is required for the proposed development. It is recommended that this is secured by a planning condition.

Transportation

Alterations to the access road

The existing vehicular access is via the John Billam sports fields driveway from Woodcock Hill, which also serves Kenton Hall and the storage compound for the Parks Service. The access width varies between 15m (with a 4m wide island) at its junction with Woodcock Hill down to around 3.5m for a length of about 70m. The surface is tarmaced, but is not in a good state of repair. Vehicular sight lines at the access onto Woodcock Hill measure around 2.4m x 60m westwards, which falls slightly short of standards for this type of road. Currently all vehicles enter and leave the

site via the same access route. Pedestrian access is available via a separate footpath system across the playing fields linking the site with Preston Way to the east and Woodcock Hill to the north. The pedestrian access will remain unaltered.

The application proposes alterations to the vehicular access from Woodcock Hill, including resurfacing of the carriageway in tarmac to a general increased width of 5m, but with two stretches to localised narrowing to about 3.5m to provide traffic calming features. Vehicular access is also provided around the western end of Kenton Hall with a new footpath.

Vehicles will still enter the site from Woodcock Hill and travel along the widened access route. When they reach the car park (to be relocated to the south of Kenton Hall) they will be directed in a clockwise direction around the car park, exiting via the access around the western side of Kenton Hall. This arrangement is designed to improve circulatory, turning and passing facilities around the site and accommodate the occasional coach use. It is recommended that a 'no entry' sign is provided to prevent egress from the car park back out onto the site access road.

Your officers in transportation have welcomed the proposed widening, resurfacing and reconfiguration of the access road and car park layout, as it will address existing issues relating to inability of vehicles to pass one another along the access road, thereby reducing the likelihood of vehicles queuing back into Woodcock Hill. The John Billam Resource Centre vehicles and Parks vehicles will still continue to be able to exit via the existing narrower access road, but as movements to and from these sites would not occur during the busy evening and weekend periods, there are no objections.

Pedestrian access within the site

In terms of pedestrian access within the site, block paving is proposed around the resource centre and Kenton Hall. A paved raised table area is proposed to the western end of Kenton Hall for both pedestrian and vehicular access. This is intended to give pedestrian priority.

Car park provision

The application site currently contains a hardsurfaced area for about 40 vehicles for the surrounding sports fields. Car parking for Kenton Hall is provided to the north and south of the pavilion building, accommodating around 108 car parking spaces. The south car is the main car park and the north car park is used as an overspill car park for peak events (more than 100 persons). The car parks are in gravel and the existing arrangement was approved as part of planning application ref: 03/2865.

The car parking spaces are to be reprovided to the south of Kenton Hall. In order to demarcate provision for Kenton Hall and the general public, the intention is to split the parking in two with a controlled and managed regime in place between GAA and the Parks Service that will serve all parties concerned. The northern half of the car park will contain 57 car parking spaces for the sole domain of the GAA with collapsible bollards. The southern part of the car park will contain 45 car park spaces for community parking throughout the week, and at the weekend by pre-arrangements, the whole of the car park will be available to either the GAA or community users. To ensure that a proper management arrangement is in place, your officers recommend that a management plan for the car park is secured by condition. Three car parking spaces are proposed along the eastern end of the resource centre next to the allotments. Six disabled parking spaces are proposed to the north side of Kenton Hall. The northern car for Kenton Hall will be reinstated as open space.

Your officers in the Landscape Team have advised that the use of tarmac over the entire road and car park network is unacceptable. It is recommended that another material is used either on the car park spaces or road surface to break up the car park and assist in defining spaces. These details are recommended to be secured by a planning condition.

Your officers in transportation have advised that the reconfigured shared car park for the playing fields and Kenton Hall will provide plenty of spare capacity during weekdays for overspill parking, so there is no likelihood of any parking overspilling onto Woodcock Hill from the resource centre.

There will be no dedicated parking spaces for staff of the John Billam Resource Centre. The majority of staff will use public transport. It is recommended that a revised Travel Plan is secured for both Kenton Hall and for staff for the resource centre. The majority of users of the resource centre will be dropped off and collected by Brent's own minibuses. The arrival times are proposed to be staggered for ease of operation and to prevent congestion. The mini buses will not remain on site during the course of the day.

Transportation have advised that the location of the disabled bays is remote from the John Billam Resource Centre and that it is preferable for two of these spaces to be relocated to the southern end of the new car park. In addition although there are not specific requirements for bicycle parking, it would be beneficial to provide two bicycle stands within the site for use by staff. Your officers consider that such amendments can be dealt with by planning conditions.

Servicing and emergency vehicles

The proposed layout of the car park allows access for mini buses to the front of the resource centre, allowing easy set down and collection of passengers. The minibus can exit the site via the existing access or through the car park and via the new access around the western side of Kenton Hall. Transportation have advised that the arrangements is acceptable and work equally as well for deliveries, refuse and emergency vehicles.

Landscaping works within the remainder of the site

Trees

The proposal results in the loss of 20 trees, 17 of which form a large and highly visible Cypress hedge. The remaining trees consist of one cypress and two Ash. A Tree Survey has been submitted in accordance with BS5837:2005. It rates the cypress trees as category B which are of moderate quality and value as they form a large visually impermeable hedge. Their removal is necessary in order to implement the construction of the car park. Their loss can be supported as replacement trees are proposed to the west of the car park. The Tree Survey recommends the use of deciduous broad leaved trees as replacements to enhance the contribution of the site to local amenity and biodiversity and would more than compensate for the loss of existing trees. The planting of trees in this area is also considered necessary to screen the building when viewed across the playing fields from Woodcock Hill which is defined as an Area of Open Character. The Ash trees are rated as Category C and are considered to be of very little amenity value, and their loss is supported.

The Tree Survey has also detailed tree protection methods for the existing trees that are to be retained on the site. These include four category A trees which are of high value to the north of the site. These details are recommended to be secured by a planning condition.

In addition to the trees proposed to the west of the resource centre, tree planting is proposed within other areas of the site. This includes between the access road and entrance of Kenton Hall and the playing fields. Sports Services has raised concerns with these trees potentially restricting views from Kenton Hall across the playing fields and leaf fall or root damage affecting the future layout of the pitches. These concerns will be taken into consideration when determining the species and number of trees in this location. Details of which are recommended to be secured by a planning condition.

Raised Mounds

The site currently has low level moundings. These are proposed to be adapted and extended. The mounds will not exceed 600mm high so as not be a visual barrier. The mounds are located within the existing northern car park for Kenton Hall and to the west of the proposed resource centre and relocated car park. The mounds will not infringe upon the playing fields.

Other landscape works

Whilst not being considered as part of this application, there are plans to have land drainage works within the John Billam Playing Fields. It is intended that this will have an attenuation pond located at the north east corner of the playing fields which follow the natural fall of the land. This pond is shown on the proposed site plan.

Variation in the hours of use for Kenton Hall

In conjunction with the application for the new resource centre, this application is seeking to vary the hours of use for the GAA (the building is known as Kenton Hall) on a permanent basis. An increase of half an hour is proposed on Fridays and Saturdays and for a number of events for the activities within the hall to operate until 0030 hours.

Planning permission was granted by the planning committee in 2008 (LPA Ref: 08/0825) for an increase in the hours of use at Kenton Hall for a one year period. This was in order to enable the Local Planning Authority to review the impact of the extended hours during a limited period. A subsequent application to continue operating with the increased hours of use was recommended for approval by your officers but was withdrawn by the applicant prior to the committee meeting. Members confirmed at the Planning Committee that they would have been minded to support officer recommendation to grant permission on a temporary basis for a two year period. Whilst evidence indicated that the management arrangements had improved since 2008, there were still a few objections being received relating to noise nuisance. One area of concern was noise nuisance arising from use of the car park particularly at the end of events.

This application seeks to extend the hours of use for the GAA on a permanent basis. In addition to the hours previously approved as part of application ref: 08/0825, an additional 11 special events are now proposed for the later hours. Details are provided below:

- 0800 - 2230 Sundays to Thursdays, with the premises cleared within 30 minutes after these times
- 0800 - 2330 Fridays and Saturdays with the premises cleared within 30 minutes after these times
- 0800 – 0030, with the premises cleared within 30 minutes after these times for the following events:-
 - Christmas celebrations on the Friday and Saturday in the weekend immediately prior to and after Christmas Day (25th December)
 - New Year's Eve celebration;
 - Valentine's Day celebrations on the Friday and Saturday in the weekend immediately prior to and after St. Valentine's Day (14th February);
 - Divali celebrations on the Friday and Saturday in the weekend immediately prior to and after Divali;
 - Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;
 - GAA London Sports and Golf Society function
 - 10 further events in any calendar year

Your officers are of the view that the increase in the hours of use can now be considered on a permanent basis. This is due to the improved management arrangements that the GAA has demonstrated over the past couple of years and the proposed improvements to the access road and relocation of the car park to the south of Kenton Hall away from residential properties. As referred to above one of the main objections raised concerned noise from vehicles leaving the hall after events. The vehicles will be moved away from Silverholme Close which is considered a significant benefit. The additional 10 further events and GAA London Sports and Golf Society function give enough flexibility for the GAA to operate in a manner which meets their needs and those of the wider community.

Your officers in Environmental Health have recommended that the doors to Kenton Hall should be self closing. This arrangement already exists and there is a planning condition attached to the original consent (LPA Ref: 03/2865) that requires no music, public address system or any other amplified sound to be audible at any boundary.

Conclusions

The John Billam Resource Centre will reprovide the existing facilities at the ARDC and ASPPECT. The playing fields will not be adversely impact upon by the development. The proposed building is considered to be in keeping with the character of the area and will not have an adverse affect upon the open character of the John Billam Playing Fields. The proposal provides a number of benefits to the surrounding area including the improvement of the access road and car parking provision, and thus facilities an extension in the operating hours for Kenton Hall.

For the above reasons the scheme is considered acceptable and 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
Central Government Guidance

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

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

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

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):

Plan Nos: 001 PL_A3; 100 PL_A1; 101 PL_A1; 102 PL_A2; 103 PL_A3; 104 PL_A3; 105 PL_A3; 106 PL_A3; 107 PL_A3; 150 PL_A3; 902 PL_A2; 903 PL_A1; 09384 - 01 Sheet 1; 09384 - 01 Sheet 2; 09384 - Sheet 3; and 09384 - 01 Sheet 4

Design and Access Statement prepared by MACE
External Noise Survey Report prepared by Robert West Consulting Ltd
BS5837: 2005 Tree Survey

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

- (3) The activities within Kenton Hall shall be permitted between the following times and at no other times without the consent in writing of the Local Planning Authority:

0800 - 2230 Sundays to Thursdays , with the premises cleared within 30 minutes after these times;

0800 - 2330 Fridays and Saturdays, with the premises cleared within 30 minutes after these times

0800 – 0030, with the premises cleared within 30 minutes after these times for the following events:-

- Christmas celebrations on the Friday and Saturday in the weekend immediately prior to and after Christmas Day (25th December);
- New Year's Eve celebration;
- Valentine's Day celebrations on the Friday and Saturday in the weekend immediately prior to and after St. Valentine's Day (14th February);
- Divali celebrations on the Friday and Saturday in the weekend immediately prior to and after Divali;
- Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;
- GAA London Sports and Golf Society function; and
- 10 further events in any calendar year

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

- (4) Activities within the John Billam Resource Centre shall only be permitted between 0900 - 1700 hours Mondays to Fridays, with the premises cleared within 30 minutes after these times, and at no other times without the consent in writing of the Local Planning Authority.

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

- (5) The John Billam Resource Centre shall be built in accordance with the external materials specified in Plan No: 150 PL_A3. Any variation shall not take place until such details have been submitted to and approved in writing by the Local Planning Authority.

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

- (6) The tree protection measures as set out in the Arbocultural Method Statement within the submitted Tree Survey shall be fully implemented throughout the course of the development. Works shall not commence on site until the Local Planning Authority

has been on site and inspected the required tree protection measures.

Reasons: To ensure that the existing trees are not damaged during the period of construction, as they represent an important visual amenity which the Local Planning Authority considers should be substantially maintained as an integral feature of the development and locality and kept in good condition.

- (7) The proposed John Billam Resource Centre shall be designed in accordance with BS 8233: 1999 'Sound insulation and noise reduction for building - Code of Practice'.

Reason: To ensure that the occupiers are not subjected to excessively high noise levels.

- (8) (a) Prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. The written report is subject to the approval in writing of the Local Planning Authority.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- (9) Notwithstanding the details submitted within TP6 Sustainability Checklist, prior to any works commencing on site, a revised TP6 Sustainability Checklist shall be submitted to the Local Planning Authority achieving a score of 50%. The development shall be fully carried out in accordance with the requirements of the revised TP6 Sustainability Checklist.

Reason: To ensure a sustainable development.

- (10) Prior to any works commencing on site, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with such approved details. The CMS shall include measures to adopt and implement the ICE Demolition Protocol and a BRE/DTI/Other Recognised SWMP methodology to minimise construction waste.

Reason: To ensure a sustainable development.

- (11) All areas shown on the plan(s) and such other areas as may be shown on the approved plan(s) shall be suitably landscaped and a scheme is to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any construction work on the site. Such landscape works shall be completed prior to occupation of building(s) hereby approved.

Such details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (ii) Hard surfaces including details of materials and finishes. These should have a permeable construction.
- (iii) The location of, details of materials and finishes of, all proposed street furniture, storage facilities and lighting.
- (iv) The location of all proposed signage on site.
- (v) Proposed boundary treatments including walls and fencing, indicating materials and heights.
- (vi) All planting including location, species, size, density and number.
- (vii) Any sustainable construction methods which are to be used.
- (viii) Measures to prevent vehicles driving over the open space next to the access road and over the playing fields
- (viii) 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 and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (12) Notwithstanding the submitted plans hereby approved, prior to any works commencing on site, a revised car park layout relocating two of the disabled parking spaces to the south of the relocated car park shall be submitted to and approved in writing by the Local Planning Authority. All parking spaces, turning areas, access roads and footways shall be constructed and permanently marked out prior to commencement of use of any part of the approved development in accordance with the details approved 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.

- (13) Details of the provision of a minimum of 2 secure cycle parking spaces close to the entrance of the resource centre shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. 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 permanently retained.

Reason: To ensure satisfactory facilities for cyclists.

- (14) Prior to any works commencing on site, details of the design, materials and finishes of the proposed bin and tank store shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with such approved

details.

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

- (15) Notwithstanding any Management Plan or Green Travel Plan which has been approved by the Council, this development, or any part of it, shall not be used or occupied until a revised Management Plan and Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority and the development thereafter shall only be used or occupied in compliance with the plans so approved. The management plan shall cover the arrangement of the car park for all users, crowd control measures for peak events (over 100 persons) in Kenton Hall and concurrent lettings and usage of the various parts of/rooms in the development.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Planning Policy Guidance No. 17 "Planning for open space, sport and recreation"

The London Plan - Consolidated with Alterations since 2004

Brent's Unitary Development Plan 2004

SPG19 "Sustainable Design, Construction & Pollution Control"

Letters of objection

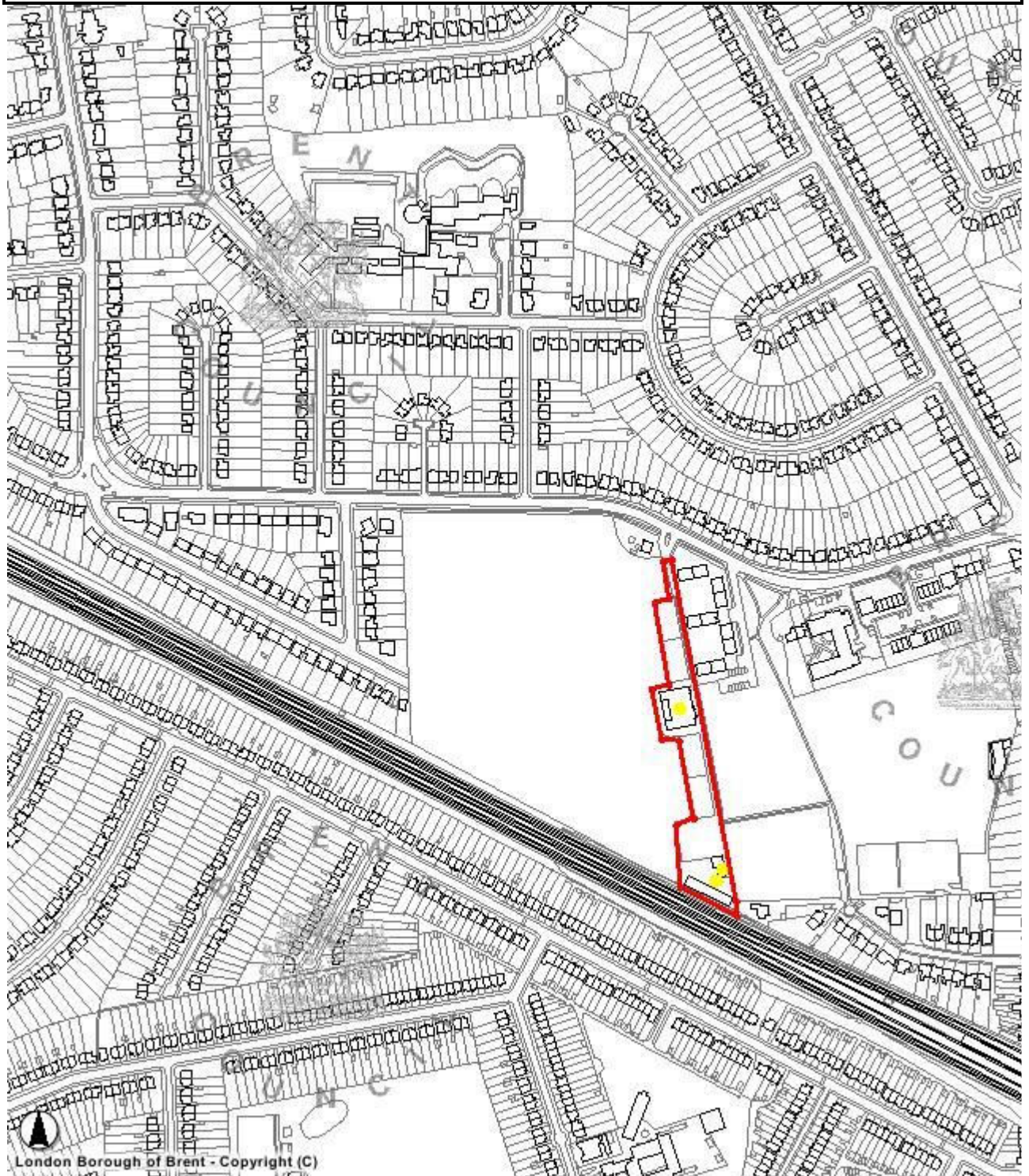
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: Land of former Scout Hut, John Billam Playing Fields, Woodcock Hill, Harrow

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**Committee Report
Planning Committee on 14 April, 2010**

Item No. 7
Case No. 09/2206

RECEIVED: 12 February, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 189 Chevening Road, London, NW6 6DT

PROPOSAL: Formation of vehicular access and associated hardstanding to front garden of dwellinghouse

APPLICANT: Ms Anna Panayotou

CONTACT:

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The site is a single dwellinghouse on the northern side of Chevening Road, NW6. The site is within Queens Park Conservation Area.

PROPOSAL

Formation of vehicular access and associated hardstanding to front garden of dwellinghouse

HISTORY

153 Chevening Road

09/1550 Granted 19th August 2009

Formation of vehicular crossover with associated hard and soft landscaping to front of dwellinghouse

39 Chevening Road

09/1885 Granted 18th December 2009

Retention of removal of wall and creation of new vehicular crossover from Chevening Road with associated hard and soft landscaping (as accompanied by applicant's notes dated 14/12/2009 and Indicative Planting Schedule)

POLICY CONSIDERATIONS

- **Brent Unitary Development Plan 2004**

BE7 Public Realm: Streetscape

BE25 Development in Conservation Areas

H12 Residential Quality – Layout Considerations

TRN15 Forming an Access to a Road

PS14 Residential Development Parking Standards (Use Class C3)

- **Supplementary Planning Guidance 3:- Forming an Access onto a Road (SPG3)**
- **Queens Park Design Guide**

CONSULTATION

External

The owner/occupiers of the neighbouring properties were consulted on the application on 16th February 2010 and a site notice was posted at the site on 18th February 2010. 2 objections have been received including one from the Queens Park Residents Association (QPRA) raising the following points:

- There should be no more parking spaces in the gardens in the conservation area
- There are new government guidelines which prevent this happening
- Brent should be vigilant in refusing permission for destroying what few gardens are left
- Parking spaces are at a premium on Chevening Road due to the number of crossovers
- Large and highly attended events take place at the mosque opposite and losing another one or two on-street parking spaces is madness

Internal

Officers made a number of comments on the originally submitted proposals.

Transportation Unit

- The depth of the hardstanding is 3.4m rather than 3.8m as usually required, if this is not increased a legal agreement would be required to restrict the size of vehicle that can be parked there.
- The applicant needs to demonstrate adequate pedestrian visibility.

Landscape Designers

- There does not appear to be sufficient soft landscaping

Revised plans have been submitted addressing the Transportation and Landscape Officers concerns and these are discussed below.

REMARKS

The proposal is for the formation of vehicular access and associated hardstanding and boundary treatment to front garden of dwellinghouse. The main considerations with respect to this application are:-

- 1) The impact of the proposed development on the character and appearance of the property and Queen's Park Conservation Area.
- 2) The impact of the proposed development on parking and highway safety.

The subject site is located on Chevening Road where off-street parking has become a fairly common feature within the streetscene. The immediate neighbours of the site do not have crossovers but examples can be seen in close proximity on either side. A number of proposals that complied with the adopted planning guidance have been approved in recent years.

The proposal envisages the formation of a parking space 2.6m in width and 4.5m in depth using sandstone to match the existing path.

The existing garden is well established with a central planted feature surrounded by a small lawn which is in turn surrounded by planted beds, hedges along either shared boundary and roses immediately behind the front wall. As a path already exists curving around this front corner of the garden a relatively modest amount of soft landscaping will be removed for the parking space. The

parking space would be 11.7sqm and the proportion of the garden which would remain softlandscaped is approximately 45%. SPG5 seeks a 50% balance which is not quite achieved but the quality of the landscaping and hardstanding materials would nevertheless result in a sympathetic development acceptable in terms of the conservation area character. This is the subject of a condition.

The existing boundary treatment is a low redbrick wall of approximately 0.7m in height with a gate with pillars, 1.65m in height, to the right side. The proposal involves an opening to the left side of 2.6m in width, the existing pillar at the boundary will remain and form the side of the opening and a second matching pillar, capped with sandstone, will be erected. This design on boundary treatment is in accordance with the Queens Park Design Guide, this document recommends hedging behind the front wall though in this case there are established rose bushes. Overall, the proposed boundary treatments are considered appropriate for Queen's Park Conservation Area.

An assessment on the immediate area has identified some historical poor quality examples of front garden and boundary treatment, but equally there are examples where a good balance of softlandscaping has been retained as well as appropriate front boundary treatments. Officers are satisfied that the proposed scheme is of good quality, sympathetic to its location and would provide an acceptable balance whereby a resident is provided with off-street parking but without detrimentally impacting on the character of the area.

The Queens Park Design Guide does not prevent areas of hardstanding in front gardens. Rather, it states that where they are provided care must be taken to maintain over 50% landscaping and that the choice of materials is crucial. In this case, whilst the area given over to soft planting is slightly under the 50:50 balance suggested, this site must be seen in the context of what is around. It is considered that the existenc of some fairly poor examples, albeit historical ones, nearby would make it difficult to resist this proposal on the basis of a shortfall of soft landscaping. The planting of a small tree in the front garden would further serve to enhance the wider streetscene in this location.

In terms of highway safety visibility at the site is acceptable. The usual requirement of visibility is 2.4m x 2.4m over a height of 0.85m, due to the proximity of a school the height would ideally reduce to 0.6m. In this instance the applicant has indicated that the existing hedge at the side boundary is 0.7m in height. One option would be to move the crossover further to the centre of the site but due to the existing garden layout and the mature planting this could have a more negative impact on the established character of the garden.

Having discussed the height of 0.7m with transportation officers it is on balance considered to be reasonable and a condition is recommended to require that this hedge is maintained at this height in the interest of pedestrian highway safety. The hedge to the opposite side boundary is also low and therefore maintaining this height also appears appropriate in terms of character.

The size of the existing front garden and proposed parking space would be sufficient to ensure that any domestic vehicle parked in the proposed space would not overhang the public footpath. An existing signpost, informing motorists of the presence of a CPZ, may need to be resited, at the applicants expense, if the proposal were to be implemented.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

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

Domestic Vehicle Footway Crossover Policy (2008)

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):

OS Sitemap
Existing & Proposed Front Elevation
Existing Front Garden
Proposed changes to front garden REVISED

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. This includes the hardstanding to match the existing sandstone paths and the new pillar to match the existing redbrick wall with sandstone capping.

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

- (4) The areas so designated shall be retained as softlandscaping, existing planting including hedges shall be retained and a small tree shall be planted in the front garden. The landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

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

- (5) The hedge adjacent to the vehicle crossover should be retained at no higher than 0.7m

Reason: In the interest of pedestrian highway safety

INFORMATIVES:

None Specified

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



Planning Committee Map

Site address: 189 Chevening Road, London, NW6 6DT

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Committee Report
Planning Committee on 14 April, 2010

Item No. 8
Case No. 10/0003

RECEIVED: 29 January, 2010

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Formerly The Shamrock, Carlton Vale, London, NW6 5DA

PROPOSAL: Retention of change of use from public bar (Use Class A4) on basement and ground floor to community centre (Use Class D1)

APPLICANT: Kosova Islamic Centre UK Ltd

CONTACT: Bartletts

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

RECOMMENDATION

Approve

EXISTING

This site is located on the northern side of Carlton Vale, opposite its junction with Malvern Road. The site was formerly occupied by The Shamrock public house, comprising basement cellar and ground-floor bar. The property is located within a Major Estate Regeneration Area (MERAs), as shown on the UDP proposals map being located within South Kilburn.

PROPOSAL

Retention of change of use from public bar (Use Class A4) on basement and ground floor to community centre (use class D1)

HISTORY

Full planning permission (Ref No: 01/0844) for the Change of use of one room to rear of public house to radio base for mini-cab office was granted planning permission on the 26th of October 2001

POLICY CONSIDERATIONS

- **Brent Unitary Development Plan 2004**

CF2 Location of Small Scale Community Facilities
PS9 Food and drink uses
PS12 Non Residential Institutions for car parking standards

CONSULTATION

External

95 neighbouring residents, relevant Ward Councillors and neighbouring Local Authority (Westminster) were consulted on the 15th of February 2010. To date, 4 representations have been

received: one letter of support, one comment from the London Borough of Westminster (no objection) and two objections.

The principle objections are as outlined below:

- No demand for an Islamic centre in the area, given the close proximity of other such facilities
- Loss of a pub

Principle of Support:

- The D1 use will improve the poor servicing of the property.

Internal

Transportation Engineer: No objection

Environmental Health Officer: No objection

REMARKS

1. Context

This proposal involves the change of use of the ground floor and basement of the building to a community facility for an Islamic group. The proposal as shown on the plans submitted by the applicant includes a common room (150m²) and small meeting room (20m²) at ground-floor level, together with toilets and a basement storage area. Two members of staff will be employed at the centre. Whilst the proposed use of the first floor area is not specified, the existing use appears to be residential. The parking and access arrangements will remain unaltered.

2. Principle of development

Major Estate Regeneration Area

As mentioned above the property is located within a Major Estate Regeneration Area (MERAs), as shown on the UDP proposals map being located within South Kilburn. The council has commenced the redevelopment of the south Kilburn estate with applications to redevelop four key sites, including one in Albert Road, close to the application site. Officers are about to commence the second phase of the redevelopment proposals and will instruct architects to work up four more sites which will include Bond house, Hicks-Bolton house and the former Shamrock pub site (the application site). This will create new residential units in which to decant tenants from other parts of the estate. Although the design work is programmed to start in spring 2010, the shamrock pub site will only be built when the adjacent Hicks-Bolton House can be decanted. This is not likely to be before late 2011/2012 at the earliest and will be subject to the availability of public funding in the form of housing grant from the Homes and Communities Agency. Because of this uncertainty it is not considered that it would be appropriate for any application to be refused on the grounds of prematurity that it will significantly affect the future South Kilburn SPD proposals. The application proposals do not alter the shell of the building (i.e. creating additional volume) so they do not add to the financial burden which the council would have had in any case because it would have to purchase the public house. The owners of the site have indicated that they are currently amenable to re-location if the council can offer alternative premises. Officers are therefore content to negotiate with the new owners or enter into compulsory purchase proceedings at the appropriate time. The change of use does not significantly alter progress of the redevelopment and would therefore not be objected to on that basis. Moreover the council is not in a position financially to be able to purchase the site at the present time but will be able to do when the redevelopment proposals are further progressed and a RSL or other housing partner secured.

The Council does not protect public houses as a matter of policy but has on occasion sought to protect or seek compensation for the community space that may be lost. This does not apply in this case. Officers would support the development of religious and community facilities in principle, to meet the needs of a new population in the area.

In summary, although redevelopment proposals are not that far away, the proposed use does not prejudice those proposals any more than the existing use, and will be dealt with appropriately at the time when the redevelopment proposals are progressed.

Loss of Public House

It has been suggested that the Public House use is a community facility and as such, its loss should be resisted. Whilst these sentiments are understood, Public Houses are not classed in this way, being Use Class A4, and in any event there is also no shortage of such uses in the vicinity. Whilst the loss of this public house may be considered unfortunate by some, its loss and replacement with a community facility cannot be resisted in principle on planning grounds.

Community Use

Policy CF2 states small-scale community facilities serving a neighbourhood could be located on a site with moderate or better transport accessibility. The area is generally lightly parked. Public transport access to the site is very good (PTAL 5), with Queens Park station (Bakerloo and London Overground lines) and five bus services within 640 metres (8 minutes' walk). As such, the principle of the development is supported

However, the site also lies on the edge of a residential area and policy CF2 does preclude such developments where it would result in an unacceptable impact on nearby residential amenity. In addition highway safety and parking concerns for a community use need to be considered. As such this sets the parameters for determining the application and a major factor in considering both of these issues is the link with the resulting 'intensity' of any use.

3. Impact on Residential Amenity

The building that is designated as the 'storage area' at basement level and a 'common room' for the community is moderate in size and this acts in providing a natural upper limit of the number of visitors due to its limited capacity. The common room has a floor area of approximately 120m² which equates to a maximum capacity of around 100.

The site is proposed by the applicants to be open between 9am and 10pm only every day. People would attend daily for religious observance or meditation. In addition to this, there would be 5 services throughout the day, which would last between 15 and 30 minutes and are at: 5am, 12 noon, 4pm, 6pm and 9pm. The applicant outlines that they expect the average number of attendees to be 12, with the maximum towards 15. Friday noon prayers will attract between 70-100 people

The applicants have stated the use of the site is not intended for the exclusive use of the Kosova community but will also cater for the local community. These include family events such as weddings or birthdays

Owing to the moderate size of the common room, the parking provision, parking restrictions (CPZ in place) and property being very accessible by public transportation, officers are not of the view these events will cause a detrimental harm to neighbouring residents or, indeed, the character of the area. However, in an effort to ensure no detrimental harm is caused, detail of an event-management plan will be secured by condition.

The relationship with any residential accommodation above the community centre is important. Whilst flats above pubs are common, historically these residential units were used by staff members. The applicant has not clarified who will occupy the floorspace here and details of sound-insulation will be secured by condition so to protect the amenity of residents. In comparison with the existing use of the site as a pub, the sound-proofed residential units will improve the quality of accommodation for future occupiers.

4. Highway considerations and Access

Car parking allowances for the existing and proposed uses of the site are set out in standards PS9 and PS12 of the adopted UDP 2004. These permit one space per 400m² for the existing public house (i.e. one space), whilst the proposed use would be permitted one space per five staff and one space per 20 visitors

Given the number of attendees and time of meetings, officers are certain that the car parking allowance would increase with this proposal. Approximately twelve car-parking spaces are available at the rear and side of the building, which far exceeds the existing maximum allowance for the public house. As such, the proposal would reduce the existing over-provision of parking.

Consideration also needs to be given to the potential impact of any overspill on-street parking on traffic flow and road safety and to assess this properly, the typical attendance, hours of use, the common room being of a moderate size, with a dozen or so car parking spaces available, a CPZ in operation on surrounding streets and very good access to public transport services, it is considered unlikely that the use would lead to significant levels of overspill parking that would cause detrimental harm.

The applicant has suggested that the basement will be used as a meeting room. However, the submitted plans indicate the basement will be used for storage only. Owing to the basement having no wheelchair accessibility, officers do not consider it acceptable for the basement in its current form to be used as anything other than a storage facility. In the interest of a good-quality development, the use of the basement will be restricted by way of condition to a use of storage only.

The removal of the public house will reduce servicing requirements for the site considerably.

5. External Alterations

The development that is the subject of this application does not involve any external alterations. However it is evident that a number of external changes have taken place. These changes do require planning permission. The applicant will be advised by way of an informative to submit the relevant application for the Council's consideration.

6. Response to Objectors' Concerns:

- No demand for an Islamic centre in the area, given the close proximity of other such facilities. The question of need is not something that the Planning Service should be overly involved with. The applicant clearly feels that the need is there. Officers would of course become concerned if there was an excessive concentration of similar uses that resulted in amenity concerns

- Loss of a pub used by residents.

As demonstrated above, there are no grounds to refuse the application on planning policy grounds. The applicants have stated that the D1 use is not exclusive to the Kosova community, and will be accessible to the local community. That said, officers do understand the concerns that people have when a public house is lost.

7. Conclusion

The proposed level and extent of use appears acceptable within its local context, if operated as proposed, and should not significantly affect residential amenity. The proposal complies with Policies contained in Brent's UDP 2004, as such it is recommended that full planning permission be granted for the use of the site for Use Class D1.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

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

Transport: in terms of sustainability, safety and servicing needs

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

CONDITIONS/REASONS:

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

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

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

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050_110
050_120
050_130
050_140
050_150
050_200
050_210
050_220
050_230
050_240
050_250

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

- (3) Activities within the designated building/site shall only be permitted between 0900 - 2200 hours on any day, with the premises cleared within 30 minutes after these times (unless the Local Planning Authority agrees other hours in writing).

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

- (4) No music, public-address system or any other amplified sound shall be audible at any boundary either attached to or in the vicinity of the subject premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- (5) An Event Management Plan shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of issue of this permission.

Reason: To ensure that the use is carried out as approved so as to avoid any detriment to the amenities of occupiers of neighbouring sites, the movement of traffic on neighbouring roads and on the visual amenity of the area, and allow for a safe and accessible use.

- (6) The courtyard and external areas shall only be used for parking and servicing and must not be used for the consumption of food and drink or any activities associated

with the Community Centre. All 12 parking bays must be marked out within three months of the date of this decision and used permanently for such uses.

Reason: To safeguard the amenities of the adjoining occupiers.

- (7) The basement shall be used for storage facilities only and not for any other purpose without the prior written permission of the Local Planning Authority.

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

- (8) Details of sound-insulation for the building shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of issue of this permission.

Reason: To safeguard the amenities of the occupiers.

- (9) Details of facilities necessary to enable disabled people (including wheelchair users and people with sensory disabilities) to use and escape from the building shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of issue of this permission. Such facilities shall include:-

(a) Level or ramped access (preferred gradient 1:20) to the main entrance, or such other entrance as may be agreed and to fire exits.

(b) Access for wheelchair users to all parts of the building which are normally accessible to non-disabled people.

(c) Suitable toilets, washing and baby-changing facilities, suitably designed for wheelchair users.

(d) Positive measures to encourage disabled people to use the building(s), such as signs, bells to enable assistance to be sought, visual-alerting systems and sound-enhancement systems for hearing-impaired people, etc.

Reason: To ensure satisfactory provision for disabled people.

INFORMATIVES:

- (1) The applicant is informed that the external changes undertaken require Planning Permission and Advertisement Consent will also be required for any new signage

REFERENCE DOCUMENTS:

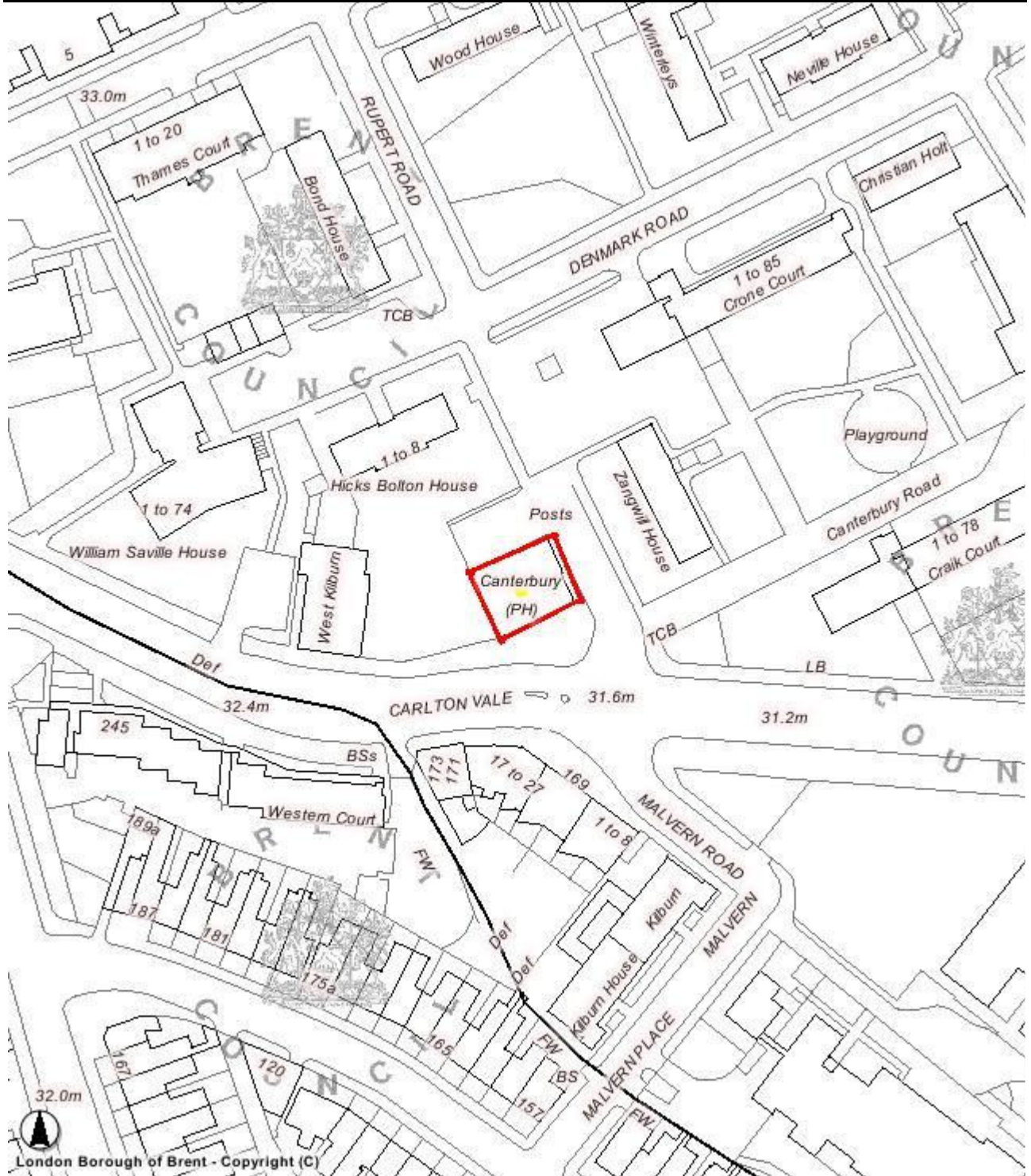
Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245



Planning Committee Map

Site address: Formerly The Shamrock, Carlton Vale, London, NW6 5DA

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**Committee Report
Planning Committee on 14 April, 2010**

Item No. 9
Case No. 10/0221

RECEIVED: 1 February, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Top Floor Flat, 60 Salusbury Road, London, NW6 6NP

PROPOSAL: Erection of a single-storey shed in rear garden of property

APPLICANT: More Properties Ltd.

CONTACT: aiBDA Architects

PLAN NO'S:
See condition 2.

RECOMMENDATION

Approval.

EXISTING

The subject site is a two storey terraced property located on Salusbury Road, the application relates to the top floor flat. The surrounding area is mixed with commercial units at the ground floor with residential above. The subject site is not within a conservation area, but does abut Queens Park Conservation Area to the rear at Number 1 Summerfield Avenue.

PROPOSAL

Erection of a single-storey shed in rear garden of property.

HISTORY

- 06/3052: Full Planning Permission, Granted - Conversion of the existing loft into a self contained, two bedroom flat with two front, two side, and 1 additional rear rooflight to rear elevation.
- 06/2016: Full Planning Permission, Refused - Conversion of existing loft into a self contained, 2 bedroom flat with 4 front and 1 rear rooflight.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

BE9 Architectural Quality
BE25 Development in Conservation Areas
BE26 Alterations and Extensions in Conservation Areas

Supplementary Planning Guidance 20 'Buildings in Gardens within Conservation Areas'

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

Consultation letters dated 8th February 2010, were sent to 16 neighbouring owners/occupiers. Two letters of objection were received, the following issues were raised:

- Adjacent to conservation area and will materially affect the character and appearance of rear gardens;
- The building is large and looks to be additional living space or business premises;
- The height is excessive and not in character with other sheds in the locality;
- It would abut the side boundary of 1 Summerfield Avenue and will dominate outlook
- If this is permitted, others may follow resulting in massive overdevelopment;
- overdevelopment of recreational green space.

In light of the issues raised above Officers visited the site from Number 1 Summerfield Avenue and it was clear that the initial proposal would impact neighbouring amenity and would substantially reduce the size of the rear garden at the subject property. Subsequently, revisions were sought which have reduced the size and scale of the proposed shed. These are discussed in detail below.

REMARKS

The subject site relates to the rear amenity space of the top floor, 2 bedroom flat. The applicant proposes to erect a single storey outbuilding to the rear amenity space. Neighbouring gardens at 62 Salusbury Road and 1 Summerfield Avenue have no existing outbuildings in rear gardens areas. The outbuilding abuts gardens in Queens Park Conservation Area and for the information of the members the revised proposal would be considered to be permitted development if the application property was not a flat.

Alterations from planning approval 06/3052

The layout of rear private gardens for flats within 60 Salusbury Road has altered from the previous approval, planning reference 06/3052. The proposal included communal amenity space and rear private gardens for the three self contained flats and these gardens were triangular in shaped. Although the garden layout has altered to rectangular shaped gardens., utilises rear amenity more effectively and there is no objection to the revised layout. The existing rear garden is 7.3m long.

Officers have noted that there is an existing garden shed to the rear of 60 Salusbury Road which abuts the boundary of Number 1 Summerfield Avenue. The applicant has confirmed that this shed existed in the garden of 60B Salusbury Road prior to the subdivision of the rear gardens, but was moved into application site during the conversion. The applicant wishes to remove the existing structure and erect a new shed with the structure the subject of the application.

Proposed outbuilding

The proposed outbuilding located in the rear garden would be set 1.0m from the rear boundary with Number 1 Summerfield Avenue and 0.5m from Number 62 Salusbury Road if features a pitched roof, 2.1m at eaves level and 2.9m at the ridge. The proposed outbuilding will effectively be a small shed and be constructed from a timber frame with timber cladding, 1.85m wide and 1.9m in length, and as such the proposed building should not result in an overdevelopment of the existing rear garden area For information the originally applied for outbuilding was 3.7 metres and was described on the submitted plans as a "garden Studio". This proposal has subsequently been amended as described above

In terms of design, the proposed outbuilding is now constructed in timber featuring a door and window to the front elevation and slate roof. This should not encroach upon neighbouring amenity or detract from the character and appearance of Queens Park Conservation Area. To mitigate the impact of development within the small rear garden a landscape border has been proposed at the rear boundary, this is welcomed, however further details of planting will be required by condition.

In summary, the proposed outbuilding has been revised to respect the size and scale of the existing rear garden and the amenities of neighbouring residents, as such the proposal is deemed acceptable in relation to policies BE9; BE25; BE26 of the Unitary Development Plan 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 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

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): EX_01; EX_02; PL_50D; PL_51D; PL_52D; PL_53D.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

- Brent Unitary Development Plan 2004
- Supplementary Planning Guidance 20

Two letters of objection

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



Planning Committee Map

Site address: Top Floor Flat, 60 Salusbury Road, London, NW6 6NP

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**Committee Report
Planning Committee on 14 April, 2010**

Item No. 10
Case No. 10/0248

RECEIVED: 4 February, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 185A Chevening Road, London, NW6 6DT

PROPOSAL: Erection of a single-storey side conservatory extension to the ground-floor flat

APPLICANT: Mrs Deborah Stuart

CONTACT: Build Plans

PLAN NO'S:
See Condition 2

MEMBERS CALL-IN PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

Councillor Emily Tancred

Date and Reason for Request

Been asked to support objectors. 18 March 2010.

Details of any representations received

Been approached by objectors.

Name of Councillor

Councillor Simon Green

Date and Reason for Request

This is inappropriate development. 25 March 2010.

Details of any representations received

Been approached by neighbour.

RECOMMENDATION

Approval

EXISTING

The subject site, located on the north-western side of Chevening road, is occupied by a two storey semi-detached dwellinghouse which has been converted into two self-contained flats. The adjoining property at 187 Chevening Road is also converted into two self-contained flats. The subject site is located within the Queen's Park Conservation Area.

PROPOSAL

Erection of a single-storey side conservatory extension to the ground-floor flat

HISTORY

A planning application (05/1150) for the erection of a side conservatory extension to rear projection of ground-floor flat was refused in 2005 for the following reasons:-

- 1. The proposed development by reason of its size and siting would adversely affect the amenities of the adjoining occupiers at No.187 Chevening Road by reason of obtrusive appearance and increased sense of enclosure. This would be contrary to policies BE9 and H21 of the Brent Unitary Development Plan 2004 and advice contained within the Council's Supplementary Planning Guidance No. 5 "Altering and Extending Your Home"*
- 2. The proposed development in view of its siting and appearance would detract from the appearance of the existing property and the Queens Park Conservation Area in general thus failing to preserve or enhance its special character. This would be contrary to policies BE9, BE25, and BE26 of the Brent Unitary Development Plan 2004.*

There is no other planning site history of relevance to the determination of the current application.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

BE2	Local Context & Character
BE9	Architectural Quality
BE25	Development In Conservation Areas
BE26	Alterations & Extensions to Buildings in Conservation Areas

Queens Park Conservation Area Design Guide

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

Consultation letters, dated 15th February 2010, were sent to four neighbouring owner/occupiers and the Queen's Park Residents Association. A site notice was also posted outside of the subject site on 17th February 2010. In response three letters of objection have been received. The concerns of the objectors include:-

- The proposed development would cause harm to the character and appearance of the Queen's Park Conservation Area.
- The proposed development will result in light spillage to neighbouring properties.

- The proposed development will result in increased noise disturbance to neighbouring occupiers.

Ward Councillors Tancred and Green have "called in" the planning application and have indicated that they feel that the proposal is unacceptable.

REMARKS

The proposal is for the erection of a single-storey conservatory extension to the side of the existing two-storey rear projection to the property. As mentioned in the history section of this report, planning permission was previously refused for a similar, but larger, extension in this location. The current application seeks to address the previous reasons for refusal by proposing an extension with a reduced depth and overall height. Officers consider the main issues relevant to the determination of the current application to be the impact of the proposed development on character and appearance of the property and Queens Park Conservation Area, and the impact of the proposed development on the amenity of adjoining occupiers.

CHARACTER & APPEARANCE

The proposed development would involve the erection of a conservatory extension, constructed using a timber frame with glazing and the existing boundary wall. The proposed extension would have a 'lean-to' style roof which would have an eaves height of 2m, against the existing boundary wall, sloping upwards to a height of approximately 3m against the flank wall of the original property. The proposed extension would have an overall depth of 3m from the original projecting bay.

The overall scale of the proposed extension is relatively modest in relation to the scale of the original property and the simple glazed design of the extension would help to reduce the visual impact of the proposed extension on the character of the property. The proposed extension would be constructed with materials that would preserve the character of the surrounding Queen's Park Conservation Area. Overall, Officers consider that the proposed extension would respect the character and appearance of both the original property and the surrounding Conservation Area.

IMPACT ON ADJOINING OCCUPIERS

In order to minimise the impact of the development on the adjoining occupiers, the proposed extension has been designed to meet the height of the existing wall (2m) along the joint boundary between the subject site and 187 Chevening Road. The applicant has stated that it is their intention to retain the existing boundary wall and abut the proposed extension against it. A detailed drawing of the roof gutter has also been provided.

As Members will be aware, whilst historically side infill extensions have been resisted on the grounds of the impact on adjoining occupiers, there have been recent cases, in light of changes to the permitted development regime, where subject to a sympathetic design, including 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 a depth of 3m, compliant with the guidance contained in SPG5. It is considered that, on balance, together these elements would help to minimise any impact of the proposed extension on the daylight and outlook of the adjoining occupiers.

Concerns have been raised that the proposed development would result in unreasonable light pollution to neighbouring properties. The flank wall of the extension would be enclosed by the boundary wall limiting any light spillage to the roof, or rear wall, of the extension. Officers consider that given the limited extent of the proposed extension that it would be unlikely that glare from the proposed roof would constitute an unreasonable nuisance in terms of light spillage. As a result, it is considered to be not necessary, nor of particular benefit in design terms, to ensure that the glass is obscure glazed in this particular case.

CONSIDERATION OF OBJECTIONS

The concerns of objectors relating to the character and appearance of Queen's Park Conservation Area and the impact on adjoining occupiers have generally been addressed in the above report. Objectors have also raised concerns that the proposed development will give rise to increased occurrences of noise disturbance to neighbouring occupiers. As Members will be aware, the behaviour of particular individuals is not normally a material planning consideration and if occurrences of unreasonable noise disturbance are an on-going problem for neighbours then this should be reported to the Council's Environmental Health department. As a precautionary step Officers recommend that the roof of the proposed extension be conditioned to be non-opening.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

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

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

CONDITIONS/REASONS:

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

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

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

- 3999/1a

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

- (3) The roof of the conservatory, hereby approved, shall be constructed to be non-opening and shall be retained as such unless prior written approval is obtained from Local Planning Authority.

Reason: In the interests of residential amenity

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004
Queens Park Conservation Area Design Guide
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: 185A Chevening Road, London, NW6 6DT

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**Committee Report
Planning Committee on 14 April, 2010**

Item No. 11
Case No. 10/0343

RECEIVED: 12 February, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 91 Chevening Road, London, NW6 6DA

PROPOSAL: Demolition of outbuilding and erection of single-storey side and rear extension to dwellinghouse

APPLICANT: Ms Jessica Hatch

CONTACT: Ms Maggie Toy

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

RECOMMENDATION

Approval.

EXISTING

The subject site is a two-storey, semi-detached dwellinghouse located on Chevening Road. The surrounding area is predominately residential with similar semi-detached-type properties. The subject site is located in Queens Park Conservation Area, but is not a Listed Building.

PROPOSAL

Demolition of outbuilding and erection of single storey side and rear extension to dwelling-house.

HISTORY

No relevant planning history.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

BE9 Architectural quality
BE25 Development in Conservation Areas
BE26 Alterations and Extensions to Properties in Conservation Areas

Queens Park Conservation Area Design Guide
Supplementary Planning Guidance 5: Altering and extending your home

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

Consultation letters, dated 22nd February 2010, were sent to five neighbouring owners/occupiers. Two letters of objection was received, including one from the Queens Park Residents' Association (QPARA) and the following comments were made:

- Intrusion to both neighbours- loss of privacy
- Overdevelopment of the Conservation Area
- The flat roof could be used to overlook neighbouring gardens.

The issues raised above have been noted. A flat roof 2.5m in height has been proposed with no doors or extended windows at first-floor level and a condition will be attached, stating that the roof shall not be used as a balcony or for any other purpose.

REMARKS

The subject site is a two-storey, semi-detached dwellinghouse located on Chevening Road. The applicant proposes to demolish the existing outbuilding and erect a single-storey side and rear extension. Neighbouring properties at 89 & 93 Chevening Road have no existing extensions.

Side infill extension

Members will be aware that the proposed side infilling of an outrigger to terraced properties can be considered unacceptable, contrary to Supplementary Planning Guidance SPG5, given that it can often result in a loss of amenity to properties who may already suffer from restricted outlook. However, in this particular case, there are a number of reasons why it is considered that an exception to this would be appropriate.

The proposed side infill extension, 7.95m in length, is to a semi-detached property and therefore the impact to the neighbouring premises is reduced as a result of increased spacing between dwellings, which is 3.4m from the flank wall of the subject site to the neighbouring flank wall at Number 93 Chevening Road. The majority of the proposed infill extension is set in from the side flank wall of the proposed dwelling-house by 0.2m, giving it dimensions of 1.7 metres in width and 5.6 metres in length. It would result in a side extension which would be between 1.6m and 1.85m from the neighbouring boundary of Number 93 Chevening Road. This larger gap between neighbouring properties and reduced height of the proposed flat roof (to 2.5m) results in an infill extension where the detrimental effects of enclosure and loss of light are significantly reduced.

For information purposes, Members took a similar view at 88 Chevening Road, a two-storey semi-detached property (application reference 08/2577) where it was considered that due to the gap between the properties, the provision of a glazed lightwell, and the set in of the infill extension from the side flank wall of the dwellinghouse, the proposals were deemed acceptable, and permission was granted.

One timber-framed window is proposed towards the end of the infill extension and is sited 2.0m from the boundary. Due to the separation between the side flank window proposed and the neighbouring boundary, the window will be partially obscured, although the window is not located above a height of 2.0m. Two rooflights are proposed on the flat roofplane of the side infill extension, providing additional daylighting into the extended property. These will project 0.14m from the flat roofplane and are considered acceptable in relation to policies BE9 of the UDP 2004 and SPG5.

Single-storey rear extension

The proposed single-storey rear extension projects 3m from the rear wall of the two-storey rear outrigger, featuring a flat roof 2.5m in height which is compliant with design guidance SPG5. The proposed rear extension features sliding glazed doors that should increase the proportion of daylight in the extended rear ground floor. The window proposed to the side wall of the proposed

rear extension is sited 4.0m from the neighbouring boundary of Number 93 Chevening Road and should not be detrimental to neighbouring privacy.

Summary

The application site is located within Queens Park Conservation Area and policies BE9, BE25 & BE26 seek to ensure that proposals respect the character and appearance of the locality. The proposals contained within this application are not deemed detrimental to the character and appearance of the original dwellinghouse, using materials which match the locality as closely as possible whilst respecting the size and scale of the existing dwelling. It would be difficult to argue that extensions of this kind are, as a matter of principle, out of character with the Conservation Area.

In terms of policies BE9; BE26 of the UDP 2004 and SPG5, the proposed single-storey side and rear extension should not be detrimental to the amenities of Number 93 Chevening Road, on balance, due to the spacing between properties and its reduced height, 0.5m below the maximum permitted guidelines.

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

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): 91:001; 91:002; 91:003; 91:004; 91:005; 91:015 REVISED 30-3-10; 91:016 REVISED 30-3-10; 91:018 REVISED 30-3-10; 91:019 REVISED 30-3-10.

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

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

- Brent Unitary Development Plan 2004
- Queens Park Conservation Area Design Guide
- Supplementary Planning Guidance 5
- Two letters of objection

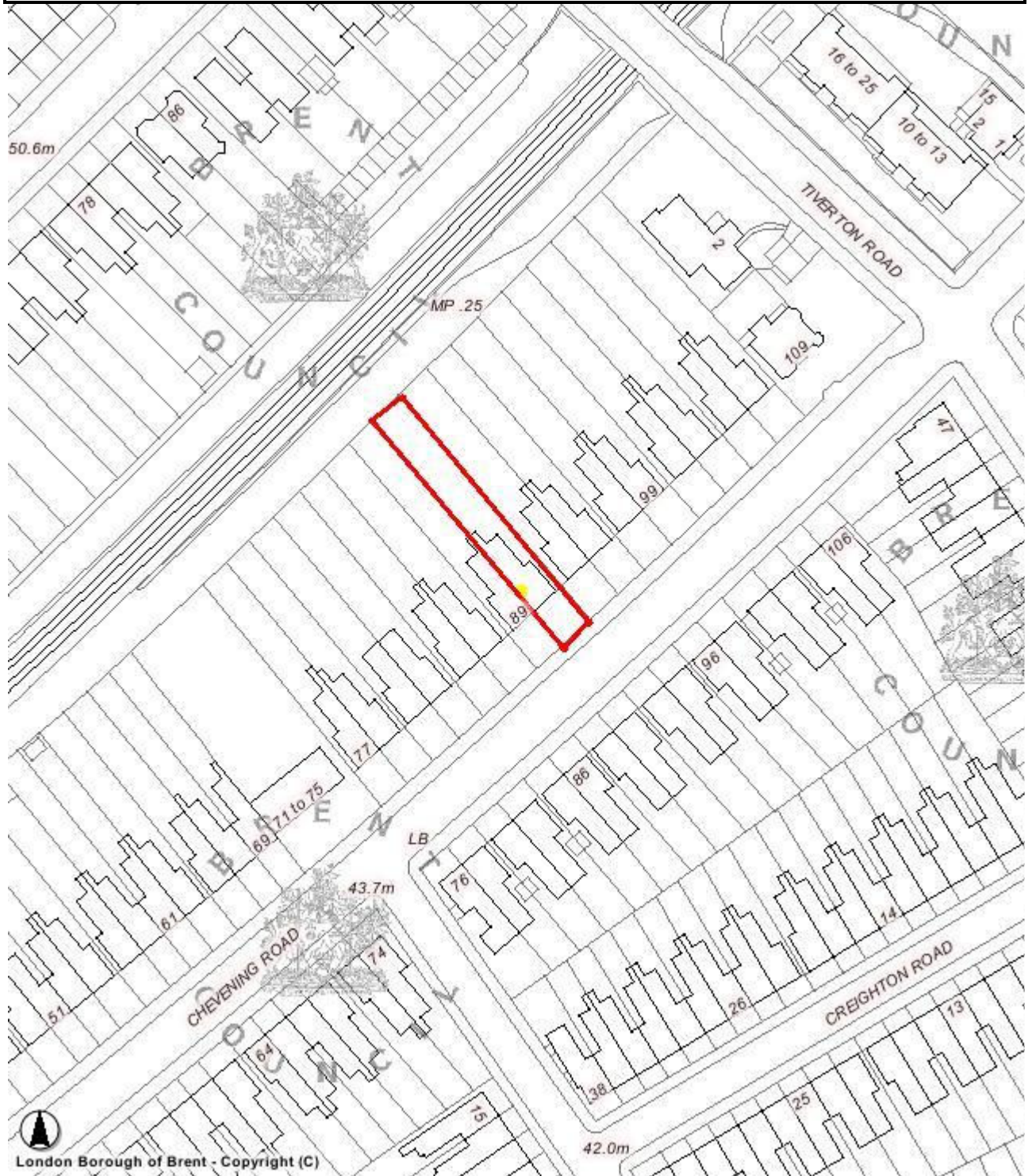
Any person wishing to inspect the above papers should contact Nicola Butterfield, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5239



Planning Committee Map

Site address: 91 Chevening Road, London, NW6 6DA

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Committee Report
Planning Committee on 14 April, 2010

Item No. 12
Case No. 10/0293

RECEIVED: 12 February, 2010

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: 1-28, Charles Goddard House, High Road, Wembley, HA0

PROPOSAL: Partial demolition of existing building, renovation of retained part of building to provide 5 flats (1 one-bedroom, 4 two-bedroom) and erection of a new four-storey building, comprising 20 extra care (one-bedroom) housing units, with provision of 4 off-street parking spaces, cycle- and refuse-storage areas and associated landscaping to site

APPLICANT: Willow Housing & Care Ltd

CONTACT: King Sturge LLP

PLAN NO'S:
As specified in 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 £16,000 towards non-car access/highway safety improvements and/or parking controls in the area
- 100% social rented extra care housing
- 100% intermediate housing within Charles Goddard House
- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 3 for the new extra care housing block, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that its unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- Join and adhere to the Considerate Contractors scheme.
- Removal of the rights of residents to apply for parking permits.

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

Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The subject site occupies a corner location fronting both Wembley High Road and Napier Road. The site is currently occupied by Charles Goddard House, a locally listed building, which fronts Wembley High Road and a 1980s building providing sheltered housing to the rear. These buildings are connected by a single storey link. Napier Road is characterised by two storey dwellinghouses which are varied in style. Wembley High Road also has a mixed character with properties varying in both age and size and ranging from two storey 1930s dwellinghouses to more modern four-storey flat developments.

PROPOSAL

This application seeks full planning permission for the demolition of the existing building which occupies the southern portion of the site and the Napier Road frontage thus retaining the locally listed Charles Goddard House which fronts the Wembley High Road. The proposed replacement building will be four storeys with the top floor being mostly contained within the roofspace. Landscaping is proposed in front of the replacement building including the retention of protected trees. This building provides 100% social rented accommodation for tenants with dementia.

Charles Goddard House, the locally listed, Arts and Crafts style building on the northern end of the site is proposed to be converted into 5 flats with amenity space being provided all around the building and in the form of a roof terrace for the second floor unit. Works to the fenestration and a two storey side extension are proposed to facilitate the conversion of this building. The five units are proposed to be shared ownership and would be car-free.

The scheme proposes the removal of an existing access to Wembley High Road and instead, provides access on Napier Road with 3 extra care parking spaces and a set down area. Cycle stores and refuse stores are provided for both the shared ownership units and the extra care housing units in two separate locations in order to be convenient for the occupants of each building.

HISTORY

No relevant recent planning history

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

STR3 - In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).

STR5 - A pattern of development which reduces the need to travel, especially by car, will be achieved.

STR9 - The Council will ensure that development proposals do not conflict with the role of GLA Roads and London Distributor Road whilst discouraging through traffic on local roads.

STR11 - The quality and character of the Borough's built and natural environment will be protected and enhanced.

STR12 - Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.

STR13 - Environmentally sensitive forms of development will be sought.

STR14 - New development to make a positive contribution to improving the quality of the urban environment in Brent

STR15 - Major development should enhance the public realm.

BE2 - Townscape: Local Context & Character
BE3 - Urban Structure: Space & Movement
BE4 - Access for disabled people
BE5 - Urban clarity and safety
BE6 - Public Realm: Landscape design
BE7 - Public Realm: Streetscene
BE9 - Architectural Quality
BE12 - Sustainable design principles
EP10 - Protection of Surface Water
TRN1 - Transport assessment
TRN3 - Environmental Impact of Traffic
TRN4 - Measures to make transport impact acceptable
TRN10 - Walkable environments
TRN11 - The London Cycle Network
TRN14 - Highway design
TRN23 - Parking Standards – residential developments
TRN24 - On-Street Parking
TRN35 - Transport access for disabled people & others with mobility difficulties
PS14 - Residential Parking Standards
PS15 - Parking for disabled people
PS16 - Cycle parking standards

Brent Council Supplementary Planning Guidance and Documents

SPG12 - Access for disabled people
SPG17 - Design Guide for New Development
SPG19 - Sustainable design, construction and pollution control
SPD - Section 106 Planning Obligations

Mayor of London

The London Plan Consolidated with Alterations since 2004

Mayor of London Supplementary Planning Guidance

- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)
- Accessible London: Achieving an Inclusive Environment (April 2004)

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 which they have scored at 54% (Very Positive). However, your officers have scored the Checklist at 49 % (Fairly Positive). Whilst this falls below the minimum level that is normally considered acceptable, this could be brought up to an acceptable level through the provision of additional information regarding measures such as the incorporation of SUDS and permeable paving for the hardsurfaced areas within the sites. Further detail regarding the implementation of measures identified within the Checklist can be provided within the Sustainability Implementation Strategy that is to be secured through the Section 106 agreement.

The Energy Demand assessment that has been submitted examines the proposal having regard to the energy hierarchy that is set out within the London Plan. Your officers concur with the applicants that CHP is not feasible within this development. However, your officers have requested further information regarding the methods of calculations of total CO₂, the level of reduction associated with the "Be Lean" measures, and the feasibility of some on-site renewable options. Additional information that is received will be discussed within the Supplementary Report.

CONSULTATION

Standard three week consultation period carried out between 18 February 2010 and 11 March 2010 in which 121 properties and ward councillors were notified. In addition site notices have been put up around the site. 1 objection has been received from a ward councillor raising concerns regarding the impact of the development on existing parking pressures and requesting car-free development from the extra care accommodation and the shared ownership flats.

Internal Consultees

Transportation - No objections subject to legal agreement securing a car-free agreement for the shared ownership units and a financial contribution towards highways improvements and conditions relating to cycle parking, access width and reinstatement of redundant crossovers. The removal of the access from the High Road is welcomed.

Urban Design - Good quality materials are recommended for the development and improvements to detailing have been secured. Minor concerns raised regarding some elements of the design including fenestration and entrances and the bulk and massing relative to adjacent residential buildings.

Landscape Design - Recommends the removal of the High Road access in order to improve amenity space provision for shared ownership flats and defensible space for ground floor units. Minor revisions recommended to cycle storage. These matters have been addressed in a revised submission. TPO trees are present on site. A revised tree report has been provided as the initial tree report contained a number of errors. Comments regarding the revised tree report have not yet been received and will be reported in the supplementary.

Sustainability - No comments received to date however matters would be dealt with through a S106 agreement.

Environmental Health - No objections subject to conditions

REMARKS

Design Approach

The redevelopment of the site has been the subject of pre-application discussions to provide new social rented accommodation for people suffering with, or showing early symptoms of, dementia. The retention, refurbishment and conversion of Charles Goddard House forms part of the proposed redevelopment. The converted building will provide 5 new shared ownership units. A two storey extension is proposed to Charles Goddard House to facilitate its conversion together with minor changes to fenestration. All of these works take their design cues from the original building thus maintaining its traditional Arts and Crafts character. In particular, timber detailing on the gable of the extension is proposed and head detailing above the fenestration is shown. All windows would be timber and a significant number of sash windows are maintained. The quality of the redevelopment is considered to rest on the quality of materials proposed thus samples of materials would be required by condition prior to the commencement of works.

The new extra care housing building which fronts Napier Road also adopts a traditional design

approach which seeks to complement the locally listed Arts and Crafts building, Charles Goddard House. This building provides accommodation over four floors although the top floor of accommodation is contained largely within the roofspace. The building has been broken down using a number of architectural devices which seek to reduce the bulk and massing of the building. These include a series of projecting gable-ended elements connected by narrower recessed sections. This seeks to complement the established rhythm within Napier Road. A number of traditional elements seen on Charles Goddard House are replicated on the new building including timber detailing on one gable and head detail above the windows. Situated centrally within the front elevation is an emergency staircase which is proposed to be clad using zinc cladding matching the cladding proposed for the side and rear dormers and the lift shaft. Details of all materials would be secured by a condition requiring samples to be submitted prior to the commencement of works on site in order to ensure a satisfactory palette of materials are secured for the development.

Siting, scale and density

The replacement building proposed on the southern end of the site has been designed to maintain the existing building line in Napier Road. A communal garden provided to the rear of the building. The most sensitive relationship in terms of the scale of the building is where the site adjoins number 2 Napier Road, a two storey property which has been subdivided into 2 flats and which has habitable room windows facing the southern boundary of the site. The existing building is two storeys high adjacent to the boundary shared with 2 Napier Road. SPG17 advocates that any new development adjacent to habitable windows should be set down in height so as to avoid breaching a 30 degree angle taken 2m above the ground level from the window in question. It is noted that the proposed building breaches this line thus failing to satisfy council guidelines. Nevertheless the three storey element has been limited in depth and set further away from the shared boundary in comparison with the existing building. A daylight and sunlight report has also been submitted which demonstrates that the relationship with habitable windows in these neighbouring flats would be improved by the new development. As it is not considered that any significant harm would result from the new development despite a failure to adhere strictly with council guidance, and an improvement is noted in terms of daylighting and outlook the proposal is, on balance, considered to have a satisfactory relationship with this neighbouring property.

The replacement building has also been designed to maintain space between the upper floor habitable room windows proposed in the rear of the building and the rear boundary shared with the residential garden belonging to 573 High Road. SPG17 requires a distance of 10m between habitable windows and site boundaries whereas the scheme only achieves a distance of 7m. The shortfall has been addressed through the use of obscure glazing where a direct view of residential gardens would be provided in order to prevent any significant harm to the existing amenities of this property. A condition is recommended preventing the replacement of the obscured glass in the future to ensure that this satisfactory relationship is maintained.

The conversion of Charles Goddard House to new shared ownership flats proposes habitable room windows at ground and first floor levels in the western wall of the new extension, 7m from the side boundary shared with 573 High Road. Whilst the majority of these windows will be provided with a view of the blank flank wall of this property or of the front garden, it is noted that one bedroom window belonging to the first floor flat will be afforded a view of a first floor window situated in the side wall of the existing property. This is considered to serve a stairwell however and not habitable accommodation and is therefore not considered to raise any significant concerns in relation to a loss of privacy to the occupants of this property.

It is noted that the scale and massing of the building is larger than the existing building and the remainder of Napier Road however this is considered appropriate for a corner site. The height of the replacement building on the southern end of the site, whilst taller than the adjacent two storey dwellings, provides a stepped increase with three storey elements at either end of the building. Furthermore the series of projecting elements are considered to be appropriate devices to ensure the bulk of the building is broken down in a way which respects the rhythm of the existing street

scene. Most importantly perhaps is the setting of the building which is characterised by a number of protected trees on the site frontage. The applicants have provided arboricultural information which ensures that these trees would be protected during works and retained in order to ensure a good quality setting for the new building. This, together with space around the building is considered to result in a scheme which is appropriate in scale to maintain the character of the existing area.

The residential density of the proposed scheme has been calculated to be 233HR/ha. The London Plan indicates the site to fall within the density range of 200-700HR/ha appropriate for a site within an urban context with a PTAL rating of 4. The density of the proposed scheme is therefore considered appropriate for its location. Furthermore it is noted that the scheme does not seek to increase the density of the site from the existing density, rather there is loss of bedsit units within the site in order to provide better facilities to support the needs of occupants suffering with dementia as the existing accommodation does not meet current standards and is therefore under-utilised.

Quality of Accommodation

Unit Size: All units within the development (both shared ownership units and the extra care housing units) meet or exceed the minimum size guidelines advocated by SPG17.

Light and outlook: Outlook from habitable rooms windows within the new extra care housing meet the standards outlined within this guidance to ensure an adequate standard of outlook. One exception to this is noted in Units 7 and 14 on the first and second floors of the extra care housing building. These windows are only 7m from the boundary and, in order to preserve the amenities of the occupants of 573 High Road, obscured glazing is proposed in windows with a direct view of the amenity space belonging to this property. Whilst this is not an ideal solution other glazing is provided within the relevant rooms to ensure adequate light and outlook for the future occupants of these units and as such, this issue is not considered to warrant a reason for refusal.

Outlook for the proposed flats within Charles Goddard House looks onto amenity space surrounding the building. Although some windows are in close proximity with the boundaries designated for this building, the majority achieve a distance of 4m from these boundaries which is only marginally less than the 5m distance recommended by SPG17. Privacy for the ground floor units is ensured through landscaping buffers and designated spaces around windows which would be used solely by the occupants the relevant ground floor units. As such, the proposed flats are considered to be offer satisfactory outlook and privacy for future occupants.

External amenity space: For the extra care housing block, a large amenity space is provided to the rear of the building. The size of this space satisfies standards advocated by SPG17. The development also includes a communal conservatory structure which supplements private habitable accommodation and overlooks the garden providing all residents with a means to enjoy the amenity space from inside the building.

Amenity space for the flats in Charles Goddard House would be provided for the ground floor units in the form of private garden areas. The second floor unit also has a small amount of amenity space in the form of a roof terrace. No amenity space provision has been allocated to the first floor units and it is unlikely that the ground floor space to the west of the building would be used by the occupants of these units due to their limited size as is envisaged by the applicants. Whilst amenity space for all new units is advocated by SPG17, it is noted that the site is in close proximity to Barham Park (around 360m away) and even closer to a new open space in St Johns Church. As such, the lack of amenity space in this location is not considered to warrant a reason for refusal. A further landscaping plan designating the spaces around Charles Goddard House as private space for the ground floor units has not yet been provided although this has been agreed with the applicants. Confirmation that this has been received will be provided within the supplementary report.

Cycle storage: Covered cycle storage is provided in accordance with council standards. The details of the design of these facilities can be secured by condition.

Refuse storage: Refuse storage is provided which meets the council's adopted standards. These facilities are situated in a suitable location for both residents and servicing.

Landscaping

The subject site contains a number of protected trees and required the submission of a tree report. The initial tree report displayed a number of inaccuracies and was considered unacceptable however the applicants have now provided a new report. Comments have not yet been provided by the council's Arboricultural Officer but will be reported in the supplementary.

During the course of the application the landscaping scheme has been amended removing an existing vehicular access from the High Road which increases the proportion of landscaping areas allocated to the flats proposed within Charles Goddard House. This amendment is welcomed. Further amendments have been requested increasing the provision of amenity space for these units further through the removal of the four off-street parking space. Verbal confirmation that this has been removed has been provided by the applicant however confirmation that revised plans securing this amendment have been received will be reported within the supplementary.

A detailed landscaping scheme which shows satisfactory planting and boundary treatments can be secured by an appropriate condition which is recommended. Conditions are also recommended which ensure adequate protection measures for the protected trees on site during the works in order to preserve the character of the Napier Road frontage.

Parking and Servicing

The five new shared ownership units within Charles Goddard House are proposed to be car-free. The restriction of the future occupants from acquiring permits will be secured through the legal agreement. The new building which provides 20 extra care units will provide 3 parking spaces on-site for staff and residents in addition to a set-down space. The maximum parking standard for the development is calculated to be 10 spaces. The site frontage along Napier Road would provide on-street parking space for 6 car parking spaces. This provision, together with the on-site parking provision does not exceed maximum standards and is therefore considered to be in line with council policies.

Whilst the councillor objection relating to the need for a parking permit restriction for the extra care units is noted, this is not considered necessary by officers as the units are intended to house tenants suffering with or showing early symptoms of depression. As such, officers consider it unlikely that car ownership levels would result in a significant demand for on-street parking spaces in a way which would significantly exacerbate existing parking pressures.

Vehicular access to the site is provided from Napier Road. Gates are situated in a suitable location within the site which ensures no waiting on-street will occur. Conditions are recommended in relation to the new access together with conditions which ensure the removal of existing accesses at the applicant's expense.

Conclusion

Your officers consider that the proposal will achieve an adequate standard of residential accommodation whilst maintaining the amenities of surrounding residents. The proposed development is considered to be an appropriate density within this context and acceptable in terms of scale and design maintaining the character of the locally listed building Charles Goddard House and the general character of the area. The success of the scheme will be largely dependent on the

quality of materials and detailing which can be secured by condition to ensure compliance with development plan policies. As such it is recommended that the scheme be approved.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance

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

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

CONDITIONS/REASONS:

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

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

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

Drawings:	
Site Plan (unnumbered)	Location Plan
(unnumbered)	
Location Plan A5934/2.1/020	Existing site plan
A5934/2.1/021	
Existing site constraints A5934/2.1/022	Existing floor plans
A5934/2.1/023	
Existing street elevations A5934/2.1/025	Existing elevations
A5934/2.1/024	
Conversion Elevations A5934/2.1/034A	Floor plans for conversion
A5934/2.1/029A	
Landscaping plan A5934/2.1/030A	Ground floor/site layout
plan A5934/2.1/026B	
Proposed first and second floor plans A5934/2.1/027A	Third floor & roof plan
A5934/2.1/028A	
Proposed elevation 1 A5934/2.1/032A	Proposed
elevations 2 A5934/2.1/033A	
Proposed street elevations A5934/2.1/031A	3D Visuals A5934/2.1/035
3D Visuals A5934/2.1/036	3D Visuals A5934/2.1/037

Documents:

Affordable Housing Statement

Daylighting and Sunlighting Report Ref K/08/0026A/C PSD/G28 Dated February 2010

Planning Statement by King Sturge Dated February 2010

Air Quality Assessment produced by Air Quality Consultants Ltd Dated February 2010

Transport Statement produced by WSP Development and Transportation Dated February 2010

Environmental Noise Impact Assessment produced by ADT Ltd. Dated 11 February 2010

Energy Demand and Sustainability Assessment for 20% Renewable Target Report Ref G6/K090082/CNM/G6 Rev A Dated February 2010

Arboricultural Impact Appraisal and Method Statement Produced by Barrell Tree Consultancy Dated 16 March 2010

Design and Access Statement produced by PRP

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

- (3) The rear windows in Units 7 and 14 on the first and second floors of the extra care housing 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) as shown on approved plan number A5934/2.1/027A and shall be permanently returned and 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 occupier(s).

- (4) The redundant vehicular crossover from the site onto High Road, Wembley shall be reinstated to footway/verge at the applicant's expense, prior to occupation of any unit hereby approved.

Reason: In the interests of pedestrian safety

- (5) Notwithstanding the plans hereby approved, the driveway from Napier Road onto the site shall include the provision of a 300mm margin between the 4.1m driveway and the extra care building.

Reason: In the interest of pedestrian safety.

- (6) The car parking spaces provided shall be retained solely for use by persons associated with the extra care housing facility.

Reason: In order to ensure adequate parking provision for the extra care housing facility.

- (7) Prior to the occupation of any part of the approved development all parking spaces, turning areas, access roads and footways shall be constructed and permanently marked out in accordance with approved plan number A5934/2.1/026B. Thereafter these areas shall be retained and used solely for the specified purposes in connection with the development hereby approved and shall not be obstructed or used for any other purpose.

Reason: To ensure a satisfactory design and access to service the development and 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 within the site and along the neighbouring highways and in the interests of pedestrian safety.

- (8) No development shall commence unless details of materials for all external work, including samples, have been submitted to and approved in writing by the Local Planning Authority 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) No development shall commence unless all areas shown on the plan(s) and such other areas as may be shown on the approved plan(s) shall be suitably landscaped and a scheme is to be submitted to and approved in writing by the Local Planning Authority. Such landscape works shall be completed prior to occupation of building.

Such details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (ii) Hard surfaces including details of materials and finishes. These should have a permeable construction.
- (iii) Proposed boundary treatments including walls and fencing, indicating materials and heights.
- (iv) Screen planting along the site boundaries.
- (viii) All planting including location, species, size, density and number including 80% native species within the rear garden area.
- (ix) Any sustainable construction methods which are to be used.
- (x) Trees to be retained within the site.

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

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development.

- (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.

The Landscape Management Plan as approved (or as amended through an agreement in writing with the Council) shall be implemented on first occupation of the development and throughout the lifetime of the development.

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.

- (11) Prior to the commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Local Planning Authority. These shall adhere to the principles embodied in BS5837:2005 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experience arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

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

- (12) No development shall commence unless details of the provision of a minimum of 5 secure cycle-parking spaces for the shared ownership flats and 4 secure cycle-parking space for the extra care housing units shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in full accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (13) 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 and the approved construction method statement shall be fully implemented during the construction of the development.

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

- (14) Prior to the commencement of works, a report prepared by an approved Acoustic Consultant, prepared in accordance with BS4142:1997: "Rating Industrial Noise Affecting Mixed Residential and Industrial Areas", which demonstrates that any air-conditioning plant or biomass plant or similar equipment is 10dB(A) or greater below the measured background-noise level at the nearest noise-sensitive premises, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed extract and ventilation plant and equipment will not be harmful to residential amenity.

- (15) The units hereby approved shall not be occupied unless an acoustic report has been submitted to and approved in writing by the Local Planning Authority which demonstrates that the details approved through condition number 14 have been achieved ensuring that "reasonable" resting levels of noise attenuation have been secured in accordance with standards set out within BS6472:1992 *"Evaluation of human exposure to vibration in buildings"*.

If "reasonable" noise levels have not been achieved, the report will detail what additional measures will be undertaken to ensure that they are achieved. These additional measures shall be implemented prior to the occupation of the building in accordance with the details so approved.

Reason: To ensure satisfactory noise levels for the future occupants of the building.

INFORMATIVES:

- (1) 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.
- (2) 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.

REFERENCE DOCUMENTS:

The London Plan Consolidated with Alterations since 2004
Brent's Unitary Development Plan - 2004
SPG12 - Access for disabled people
SPG17 - Design Guide for New Development
SPG19 - Sustainable design, construction and pollution control
SPD - Section 106 Planning Obligations

Mayor of London Supplementary Planning Guidance:

- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)
- Accessible London: Achieving an Inclusive Environment (April 2004)

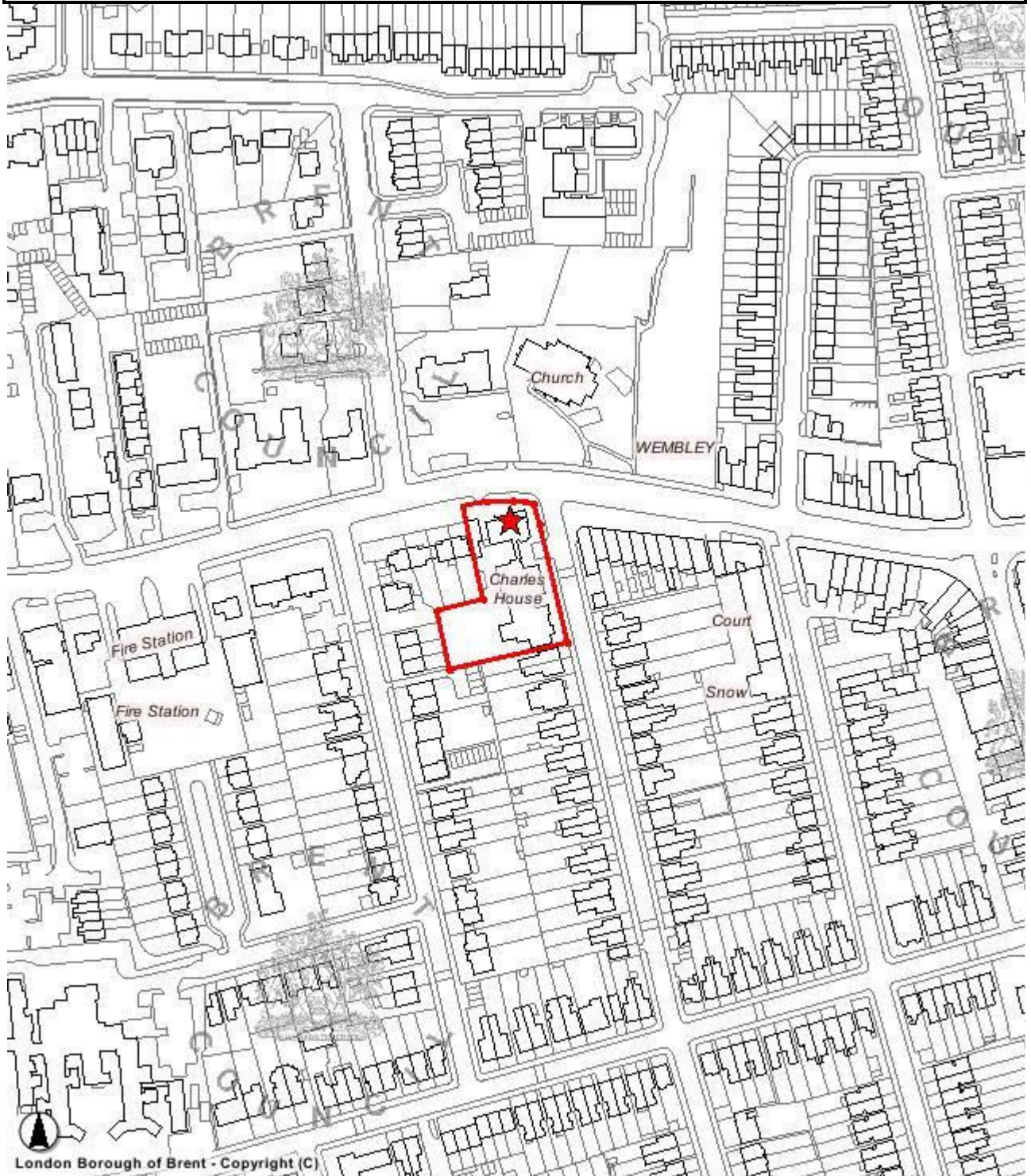
Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: 1-28, Charles Goddard House, High Road, Wembley, HA0

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**Committee Report
Planning Committee on 14 April, 2010**

**Item No. 14
Case No. 10/0192**

RECEIVED: 5 February, 2010

WARD: Sudbury

PLANNING AREA: Wembley Consultative Forum

LOCATION: Sudbury Primary School, Watford Road, Wembley, HA0 3EY

PROPOSAL: Demolition of detached temporary classrooms and partial demolition of main school building, erection of new single and two storey extensions to main school building with provision of 2 x roof gardens, creation of carpark with 21 spaces to be accessed from Perrin Road, erection of new boundary fence to Perrin Road and Watford Road sides of site and associated landscaping

APPLICANT: Ms Christine Moore

CONTACT: Mace Group

PLAN NO'S:
See condition no 2

RECOMMENDATION

(a) To resolve to grant Planning Permission, 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 Environment Agency remain unsatisfied with the application by the application's statutory expiry date of 7th May 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.

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance

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

- A requirement to implement sustainability measures implemented on TP6 Form "Sustainability Checklist", ensuring a minimum 50% score is achieved and measures to ensure that BREEAM Excellent rating has been achieved. Following the completion of construction works, appropriate independent evidence (such as a BRE Post-Construction Review) should be submitted to the Local Planning Authority to verify this. This is in addition to adhering to the Demolition Protocol.

- Compensatory provision of payment to the Council if an independent review shows sustainability measures have not been implemented on site.
- A contribution of £10,000 towards off-site transport improvements
- Join and adhere to the Considerate Contractors scheme
- Prior to occupation submit, gain approval for, and adhere to a School Travel Plan.

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

EXISTING

The site is located on Watford Road, Sudbury, at the junction of Perrin Road. The site contains the main school building, as well as a temporary building used as a classroom. There is also a 2-storey building on the north-east corner of the site, which is used as a canteen for the school as well as used by the wider community for martial arts classes. Other buildings include a nursery located adjacent to Perrin Road.

To the south of the site, is a multi-use games area, and to the south west of the site is a wooded area, which is left as a wildlife habitat area.

The surrounding area is mainly residential in character. The school building is not listed or located in a conservation area. However it is located within an Archaeological Priority Area.

PROPOSAL

Demolition of detached temporary classrooms and partial demolition of main school building, erection of new single and two storey extensions to main school building with provision of 2 x roof gardens, creation of carpark with 21 spaces to be accessed from Perrin Road, erection of new boundary fence to Perrin Road and Watford Road sides of site and associated landscaping

HISTORY

08/1850 – Erection of single storey building for use as classroom to primary school. *Granted 26/09/2008*

07/3318 – Installation of multi-use games area with associated gates and fencing adjacent to 29 Watford Road. *Granted 24/12/2007*

POLICY CONSIDERATIONS

Adopted Unitary Development Plan 2004

- STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.
- STR37 Accessible community facilities to meet the needs of the Borough.
- BE1 Urban Design Statements.
- BE2 Townscape: Local Context and Character
- BE3 Urban Structure: Space and Movement
- BE5 Urban Clarity and Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- BE12 Sustainable Design Principles

BE31	Site of Archaeological Interest
EP12	Flood Prevention
TRN1	Transport Assessment
TRN3	Environmental Impact of Transport
TRN15	Forming and Access to a Road
TRN22	Parking Standards – Non-residential Developments
PS12	Parking Standards – D1 use
PS15	Standard for Wide Bay Parking (Disabled spaces)
PS16	Cycle Parking Standards
CF8	School Extensions

Brent Supplementary Planning Guidance

SPG17 Design Guide for New Developments
 SPG 19 – Sustainable Design, Construction & Pollution Control

PPG and PPS

PPS25 – Development and Flood Risk

SUSTAINABILITY ASSESSMENT

The Council's Sustainability Officer has assessed the applicants submitted Sustainability Checklist and awarded a score of 50% (Applicant's score 62%)

The applicants have included the following proposed measures to meet sustainability requirements

- Hall extension with green sedum roof
- Wind catchers to provide natural ventilation
- Use of skylights to maximise natural daylight
- 195 sqm PV panels

CONSULTATION

Site notices were erected on 23/02/2010

Press Date: 04/03/2010

Consultation letters were sent out on 16/02/2010 to 195 properties

Environment Agency consulted on 24/02/2010

English Heritage Consulted on 17/03/2010

2 letters of representation have been received to date, including one objection and one letter of support. The neighbouring resident at no 38 Homefield Road objects to the proposal, and the concerns raised are summarised as follows:

- Loss of privacy due to increase in height of building and proposed roof gardens
- Increased traffic congestion due to increased number of children and therefore increased number of cars during school run
- The impact of on the character of the area

The residents at 18 Homefield support the proposal, but have raised some concerns, and their comments are summarised as follows:

- We are pleased to see an improvement to the school proposed and support the overall scheme
- No Saturday and Sunday or bank holiday working please

- We do not want to see the wildlife wooded area to be disturbed and do not want any trees to be removed.
- There is also a concern that this area would be encroached on by the children during playtimes, potentially being turned into picnic areas and would rather it were to be used as a science area with children supervised
- We would like to see the original buildings that are being demolished photographically recorded in Brent's archives for future reference as these are some of the earliest buildings in Sudbury and are worth of historical, community and architectural interest
- The proposal includes no improvement to the recycling management to the school. This would be a good opportunity to review and make such improvements
- The sedum roof should have nectar producing sedum species to contribute to the invertebrate habitat, otherwise it will make no contribution
- It is noted that the planning application form states that there are no trees and hedges to be effected by the proposal, yet work is proposed to the path
- Concerns are raised as to the details provided with regard to flood risks and surface water drainage.
- Some information regarding permeable surfaces proposed and where the surface water drainage does not seem to be provided, and there is a concern as they may object to this
- The perimeter fence seems much too tall suggesting this is an area of high crime
- The sustainable checklist suggests that people will be allowed onto the green roofs. This will result in a breach of privacy and damage the wildlife. It is suggested that this may be an error on the form.
- The sustainability checklist suggests that more trees will be planted. Details of this are not shown on the submitted plans
- The sustainability checklist suggests that wildlife habitat is being protected, but it is not clear how and what is proposed
- The checklist also suggests compost recycling will be introduced. There is concern that this would be daily and create some noise, therefore we would object if it is sited in the habitat area
- Hopefully there will be a school management initiative to get as many children walking to school as possible, which would help alleviate the traffic congestion caused by cars during the school runs

Internal:

Urban Design

Support the proposal. Details of proposed materials are sought.

Landscape design

No objections, subject to the following:

- The sedum roof should be altered to a biodiversity roof to encourage birds and insect into the area and increase biodiversity on site
- Further tree planting is required across the site but particularly along the boundary between the new round end of the building and the adjacent properties and along Perrin Road.
- A full tree protection plan including Trees Method Statement according to BS3857 for the site should be submitted. This must include trees on or adjacent to the site that may be affected by the works.
- Full details of play areas and equipment to be installed on site.
- Full details of soft and hard landscaping for both the front and rear gardens are required. This should include: details of plants including species, location, size, number and density, and details of hard materials, including surfacing and boundary treatment.

Environmental Health

No objections

Transportation

Originally objected to the proposal, due to no Travel Plan or Travel Assessment having been submitted. These have since been submitted and been assessed, and Transportation now support the proposal.

In terms of car parking, standard PS12 allows up to one space per five staff, plus 20% for visitors. With approximately 137 future staff estimated, up to 32 parking spaces would be allowed. The proposed provision of 19 standard width spaces would therefore accord with standards, with the added provision of two disabled spaces being more than sufficient to satisfy standard PS15.

Standard PS16 requires bicycle parking for staff only, at the rate of one space per ten staff. The proposed provision of 70 spaces is therefore more than sufficient to satisfy requirements and will help to continue to support an increase in bicycle use amongst pupils as part of the Travel Plan.

Vehicular access arrangements will remain unaltered and are fine.

Recommendations:

Subject to the updating and continued operation of the School Travel Plan, together with a nominal development contribution of £10,000 towards off-site transport improvements, there would be no objections on transportation grounds to this proposal.

External:

Environment Agency

Currently object to the proposal.

In the absence of an acceptable Flood Risk Assessment (FRA) we **OBJECT** to the grant of planning permission and recommend refusal on this basis for the following reason:

The FRA submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

1. Take the impacts of climate change into account
2. consider the risk of flooding arising from the development in addition to the risk of flooding to the development. There is no assessment of the volume of surface water run-off likely to be generated from the proposed development.
3. be supported by appropriate data and information showing how sustainable drainage systems (SUDS) have been maximised on this site with any barriers to their use clearly justified.

English Heritage

Comments have not been received as yet. Their response will be reported in the supplementary to this report.

REMARKS

Proposal

Proposed works include demolition of a temporary classroom and parts of the existing building, and replacement with more suitable classroom accommodation.

The pupil numbers at the school are to increase from 808 students to 930 as a result of this proposal. Staff numbers currently total 121, and will increase over the next few years to an anticipated 137 staff, when the school is at full capacity.

Educational Needs

There is a shortage of primary school places within the north of Brent, and Sudbury School has received funding from the Primary Capital Programme for expansion by 1 form of entry. The expansion of Sudbury School, therefore would help meet the demand for school places in the borough.

This is in compliance with UDP policy CF8, which supports the expansion of schools to meet the requirements of DfES standards, or where it is necessary to accommodate the forecast growth in pupil numbers.

Siting Design and Appearance

The existing school building is located to the south and east of the school site, and is mainly 2-storey. Included is a temporary classroom which is located at the main school entrance facing Watford Road. It is proposed to demolish the temporary classroom and replace this with a 2-storey extension at this part of the school, thereby infilling this area to provide a prominent school entrance. This would provide a new public face to the front of the school.

There is a teaching block to the south-west of the site, which is currently part single storey, part 2-storey, which is to be replaced by a round 2-storey structure, not extending beyond the existing footprint of the building in this corner of the site. Included is a central 'atrium' space within the round structure to allow ventilation and natural light into this part of the building.

Also proposed are 2 sedum roofs, which are to be made more bio-diverse in response to both the Landscape Designer's and Sustainability Officer's comments, and further details of this will be required within a condition.

Amenities of adjoining residents

Outlook

One the proposed extensions are to be sited relatively close to boundaries with residential properties to the south and east of the site.

The existing school building to the south-west of the site does not comply with the 45 degree lines as specified within SPG17, when assessed against the adjacent garden at 32 Homefield Road. The proposed addition that replaces this part of the school would also fail to meet the 45 degree guideline in relation to the same property. Part of the existing school building in this area is single storey and the proposed replacement of this part of the building is to be 2-storey. However, the 2-storey element is set further back from this boundary than the existing building. As the proposed extension is circular it curves away from adjoining boundaries further reducing its impact. The

extensions circular design and its timber external finish will provide an elegant, complimentary and attractive addition to the school particularly when compared to the existing part of the school it is replacing. This element of the school expansion is therefore considered to actually improve the visual amenities of adjoining residents and improve their outlook in comparison with the existing building.

The proposed building complies with the 45 degree rule in SPG17, when assessed against all other residential boundaries.

Privacy

While there is no set standard for the distance between windows of a non-residential building and a residential garden to ensure the privacy of the occupiers of that dwelling, your officers consider it appropriate to apply the 20 m distance which is normally applied to habitable rooms within residential dwellings. The proposed new extensions to the school comply with this guidance, as all residential properties are over 20m away from the proposed location of the new building.

As there will be a 2-storey extension introduced in the south-west elevation of the building, it is considered to be appropriate to restrict the windows in the south west elevation to be fixed and obscure glazed below 1.8m on first floor only.

The proposed green roof gardens are not to be used for recreational purposes and would therefore not have any impact on the privacy of nearby properties.

Landscaping

The proposal includes two green roofs. The applicants have indicated that a landscaping scheme is proposed, with tree planting. Further details of this will be required by condition. This would include landscaping along the site boundaries to help reduce the impact on neighbouring residential boundaries, particularly at the south west of the site, and also provide an attractive setting for the school grounds.

Transportation

It is envisaged that there will be localised traffic problems, and these should be addressed in a School Travel Plan. The applicants have submitted both a School Travel Plan and a Transport Assessment. These have been assessed by our Transportation Officer, who is satisfied that, subject to the School Travel Plan being updated to reflect the increase in pupils and continuing to operate throughout the lifetime of the school, there would be no transportation concerns with regard to the transport impact of this proposal. It would nevertheless be of use to secure a nominal sum of £10,000 or so from this proposal towards improvements to the road environment around the school.

The proposal includes the provision of 21 parking spaces, including 2 disabled spaces, and 70 bicycle spaces, and accordingly meets but doesn't exceed the Council's maximum parking standards which require 1 space per 5 workers. This is in keeping with the Council's policy of reducing car usage while meeting the minimal operational requirements of the use. The proposal also meets the Council's standard of 1 cycle parking space per 10 staff.

Flooding/ Drainage

As the area is approximately 1.36ha in a Flood Risk Zone 1 a Flood Risk Assessment is required, in accordance with PPS25.

A Flood Risk Assessment was submitted alongside the application, which was initially found to be unsatisfactory. Thus a further Flood Risk Assessment was submitted. This is currently being

assessed by the Environment Agency. Should the application be approved, it would be subject to both a S106 Agreement and also the removal of the objection from Environment Agency.

Archaeological Priority Area

As the site is located within an Archaeological Priority Area, the applicants have submitted a Heritage Statement. English Heritage have been consulted and their comments are still awaited. These will be reported in the supplementary report.

Other concerns raised by objectors

Concern over proposed compost equipment – the sustainability list refers to recycling, which would include ‘compost bins’. However, no actual processing of compost recycling would take place on site; therefore no composting equipment would be on site.

Fencing –the proposed fencing is for security of children and not to imply that the area is a high crime area. Further details of fencing will be required by condition

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 17 - Design Guide for New Development

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
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):

24769/010/A/01/P1

24769/010/A/11/P1

24769/010/A/02/P1

24769/010/A/12/P1

24769/010/A/03/P1	24769/010/A/20/P1
24769/010/A/04/P1	50804/53/101
24769/010/A/05/P1	Design Statement
24769/010/A/06/P1	Travel Plan
24769/010/A/07/P1	Transport Assessment
24769/010/A/08/P1	Flood Risk Assessment
24769/010/A/09/P1	Archaeological Desk based Assessment
24769/010/A/10	Sustainability Checklist

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

- (3) No security or floodlights shall be erected on the site without the submission of full details to, and written approval from the Local Planning Authority.

Reason: In the interests of safety, amenity and convenience and to protect the amenities of adjoining occupiers.

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

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

- (5) Notwithstanding the plans hereby approved 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.

- (6) Notwithstanding the submitted drawings, no development shall commence unless a hard and soft landscaped scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscape works shall be completed prior to occupation of 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) Full details of hard-surfacing materials for all areas of hard surface within the site including paths, ramps, steps, parking areas, and consideration of sustainable urban drainage systems (SUDs)
- (b) All planting including location, species, size, density and number with a soft landscaping planting schedule and layout plan. This shall include details of additional tree planting is required across the site, particularly along the boundary between the south-west boundary of the site and the new 2-storey round end of the building and adjacent properties and along Perrin Road.

- (c) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.
- (d) Details of the planting of all green roofs on site and their associated maintenance schedule, and consideration of biodiversity.
- (e) Details of all play spaces and equipment

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) 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.

- (8) A Tree Protection Method Statement shall be submitted, giving details of the means by which existing trees on the site are to be protected from damage by vehicles, stored or stacked building materials, and building plant or other equipment shall be submitted to and approved, in writing by the Local Planning Authority before any demolition/construction work commences on site, and such protection shall be installed and retained, as approved, throughout the period of the work.

Reason: To ensure that trees which are to be retained as part of the development are not damaged by construction works in the interests of the local environment and the visual amenity of the area.

- (9) Notwithstanding the submitted plans, details of the provision of a minimum of 70 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.

- (10) Details of arrangements for the storage and disposal of refuse and recyclable materials, and vehicle access thereto, within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The approved arrangements shall be implemented in full prior to first occupation of the development and permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.

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: Sudbury Primary School, Watford Road, Wembley, HA0 3EY

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**Committee Report
Planning Committee on 14 April, 2010**

Item No. 14
Case No. 10/0063

RECEIVED: 15 January, 2010

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

LOCATION: 2 NCR Business Centre, Great Central Way, London, NW10 0AB

PROPOSAL: Erection of a storage silo to front of premises, installation of three extraction flues to roof and installation of a plant area on the western elevation facing the North Circular Road and air-conditioning units on the eastern elevation (as amended)

APPLICANT: Milky's (UK) Limited

CONTACT: Adex Interiors Limited

PLAN NO'S:
Please see condition 2

RECOMMENDATION

Approve subject to conditions

EXISTING

The subject site contains a two storey building that is part of a terrace of 6 units within the NCR Business Centre, previously known as Propeller Park, or 400 NCR. In 2008 planning permission granted a change of use consent for these 6 units from B8 to (warehouse and distribution) to Use Class B1(c) (light industrial), B2 (general industrial) or B8 (warehouse and distribution) including up to 15% of the floor area of each unit for ancillary trade counters. The rest of the units on the estate remain in B1 use class. The site backs onto the North Circular Road and is part of a small business park accessed off Great Central Way. The site is situated within the Strategic Employment Area within the Unitary Development Plan.

PROPOSAL

Erection of a storage silo to front of premises, installation of three extraction flues to roof and installation of a plant area on the western elevation facing the North Circular Road and air-conditioning units on the eastern elevation (as amended)

HISTORY

The site has a complex planning history that includes a number of recent applications for the display of directional advertisements and unit signage not particularly relevant to the determination of this application. The most relevant planning are set out below:

08/3033- 12/01/09 – Granted

Change of use of Units 1 to 6 at NCR Business Centre from solely Use Class B8 (warehouse and distribution) to Use Class B1(c) (light industrial), B2 (general industrial) or B8 (warehouse and distribution) including up to 15% of the floor area of each unit for ancillary trade counters

28/04/2006 - 06/2654 - Granted

Full planning permission sought for the redevelopment of the existing site and erection of a two storey building containing 6x B8 units, with 4 wind turbines, backing on to the North Circular Road, and 2 two-storey buildings, linked by an electricity substation, containing 13 B1 units, backing onto the rear south east boundary, erection of an advertising mast structure and services enclosure, provision of 42 parking spaces including 2 disabled bays, cycle and bin stores, site landscaping, erection of boundary fence and new access road with alterations to vehicular access onto Great Central Way.

POLICY CONSIDERATIONS

Brent's Unitary Development Plan 2004

BE6 – Public Realm: Landscape Design

BE9 – Architectural Quality

EP2 – Noise and Vibration

EP4 – Potentially Polluting Development

EMP8 – Protection of Strategic and Borough Employment Areas

EMP10 – The Environmental Impact of Employment Development

EMP12 – Public Realm Enhancement in Employment areas

EMP18 – General Industrial Developments

TRN22 – Parking Standards – Non-residential developments

TRN34 – Servicing in New development

Considerations

- Appropriateness of proposed alterations
- Impact on neighbouring units and local area
- Transportation Implications

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

The proposal has been amended by the inclusion of a plant area to the rear and air conditioning units to the front of the unit. This has entailed a reconsultation of neighbouring properties on 23/03/10, this reconsultation period ends on 06/04/10. It is not anticipated that these amendments will alter the officers recommendation.

Two objection letters has been received since this reconsultation, objecting to a clad silo., the impact of the silo on the area, possible precedent of the loss of parking, factory flues on grounds of noise and odour concerns and air condensers to the front of the building, on visual impact grounds

Standard three week consultation period carried out originally on 08/02/10 in which 19 properties were notified.

5 objection letters have been received from 4 separate units. The objection letters raise the following issues:

- The structure is as high as the bay doors, and would appear ghastly
- The silo is too large
- The proposal will compromise the aesthetics of the modern industrial estate
- Business vessels should be stored internally within the unit, which is what other unit holders do
- This is a business park and not an industrial park. It will create a factory environment.
- The silo takes up a disabled car parking space. It will encourage other tenants to do the same, reducing overall parking
- The proposed flues are not appropriate for an environmentally friendly business park with

- propellers. The flues will lead to air pollution and noise
- Air conditioning units should be at the rear of the building
- The silo is sited on parking land- under communal ownership
- The estate operates a locked gate policy at the moment, and the security could be compromised
- The volume of traffic would increase

Transportation – the proposed parking/ servicing arrangement is satisfactory

Environmental Health - query whether the applicants have sought validation for the proposal from the Environment Agency with associated bunding/ spillage management system? Question whether the applicants have applied for a trade effluent consent, and require further details of the extract ventilation system and odour control equipment (now received)

REMARKS

The proposed alterations

The subject unit has planning permission to operate as Use Class B1(c) (light industrial), B2 (general industrial) or B8 (warehouse and distribution.) It is one of 6 units that may operate in this way. The 13 other units that constitute the rest of the Business Centre are within B1 use. The proposed cheese production facility is considered a B2 use class and is therefore within the permitted use classes for the unit. This application relates solely to the proposed external changes to the unit as a result of its occupation as a cheese processing facility, namely the erection of an external silo and 3 flues to the building in addition to plant: air conditioning units within the servicing bay to the eastern (front) elevation and an external plant area to the rear (western) elevation facing north circular road.

Flues and plant

The proposed flues are at least 1m above the roof ridge, but are overall small in size and are not considered sufficiently visually harmful to warrant result on visual impact. Such features are common within Strategic Employment Areas and are not out of scale with the building. Accordingly the proposal is considered to comply with policy BE9.

The nearest residential properties are in excess of 50m away in Beacon House. Environmental Health have assessed the ventilation drawing supplied and advised that they do not consider the proposed flues and processes associated with the business to create odour that gives rise to nuisance to adjacent properties/ units. However, they advise the use of a condition relating to this to ensure compliance with policies EMP10 and EP4 and that the flue height should be maintained.

The application also proposes air conditioning units. Four units are to be sited within the servicing bay on the eastern elevation. It is questionable whether these strictly require planning permission as they are undercover. Nevertheless they are to be assessed as part of this application. Although they were not visible on your officer's site visit it is understood that they have now been installed on site. They are visible from the front of the site, but as they are in a recessed bay they are not considered intrusive to the character of the building. Their positioning has been assessed and sufficient width and height clearance is retained within the bay to allow servicing by articulated vehicles and milk tankers as required.

The application also proposes a rear plant area external to the building. The building is sited at a lower level to the North Circular Road to the west, with a steep bank up to the highway. This means that the land levels will partly obscure the plant area. It will be visible to the pavement, but is unlikely to be seen by road users because of the extra distance and level changes. The applicants have initially proposed to erect a palisade fence around the plant area, but have indicated that they will introduce a further visual screen, which will be conditioned.

The proposed business and associated machinery/ plant is not expected to give rise to noise nuisance for adjacent occupiers, as assessed by Environmental Health. In order to ensure that this is the case, a condition will be applied that requires that any machinery/ plant be maintained at least 10dB below the background noise levels.

Silo

Siting and appearance

The applicant has commented that it is not possible to accommodate the silo and the rest of the equipment required for the cheese processing plant within the envelope of the building. The silo is required in order for the unit occupiers to meet BRC (food) standards and so that the milk tank vehicle supply does not have to enter the building, maintaining cleanliness within the unit.

Officers originally raised concerns regarding the external and forward siting of the milk tank, which is in a prominent position and had potential to harm the character and appearance of the industrial park as it is set in front of the building.

Revised drawings have been received that propose to partly clad the milk tank in panels that match the original building. This results in a structure that will be 3.85m deep, which physically abuts the front of the main building. The tank itself will be visible above the cladding section. The introduction of cladding visually links the tanker to the main building whilst maintaining the integrity of the structure. The tank itself will be higher than the existing roller shutter doors but lower than the first floor windows within the unit. The structure will interrupt the openness of the yard/ parking area. Nevertheless it is considered that the partial use of an identical cladding panel system to the original structure will help to assimilate the addition. This includes Microrib cladding panel, RAL 7012 [darker grey finish] and Wave cladding panel RAL 9006 [lighter grey finish]. The use of these materials will be conditioned. Further, the cladding addition's reduced height and width will mean that it appears subservient to the main building. It is not uncommon within a Strategic Employment Area for industrial units to require ancillary equipment externally to the buildings. However, the objectors rightly point out that it is important that any additional structures do not harm the overall appearance of the estate.

The Local Planning Authority is mindful that there are a number of empty units in the estate. The NCR is a modern development and therefore has not been significantly altered at this time. It is considered that the milk tank as clad will not be sufficiently harmful to the industrial estate to warrant refusal on visual amenity grounds. The applicant has demonstrated that the silo is a requirement for the unit to operate successfully. The proposed B2 use is appropriate within a Strategic Employment Area and therefore on balance officers are minded to support the proposal on the basis that it is an absolute requirement to the functioning of the business. Officers therefore recommend a condition that the permission is personal to the applicant, thereby requiring that the structure be removed if/ when the applicant no-longer occupies the unit.

Layout

The milk silo will be accessed via double doors that open onto the servicing bay. The supply milk tank will provide milk on a daily basis, when the business is operational, 5 days a week. The tank will supply the unit at 5.30am each morning.

The proposed silo is located on an existing disabled parking space. This results in the relocation of an existing disabled parking bay, the net loss of one standard sized car parking space and the loss of one landscaped strip to enable the re-provision of the width required for an accessible space. Generally the loss of established landscaping is resisted. On your officers site visit it appeared that the strip in question had already been removed. The soft landscaping is considered to contribute to the character and appearance of the area, and policies BE6 and EMP12 support landscaping provision. However, at your officer's request, the applicants will improve the quality of the remaining landscaping strip by introducing a tree. The proposed tree will be a *malus tschonuski*, in accordance with recommendations from the Council's Landscape Designer.

Surface water implications

In accordance with Pollution Prevention Guidelines the applicants should minimise the risk of water pollution from milk spillage. The applicants have considered this but do not consider that they need to install anything else at the present time. They have until recently operated from other premises so they are aware of operational requirements. The silo will operate a self-cleaning system once a day, when empty, which vents to the foul sewer. They do not need a trade effluent consent from Thames Water, as their waste water only has a small salt percentage. Waste water disposal is governed by other legislative bodies including the Environment Agency and sewerage company, in this case Thames Water. Planning does not have jurisdiction over this, but the applicants have demonstrated that they have considered other legislation. An informative will advise the applicants that should they wish to install milk spillage limitation features in the future, they should confirm whether a further planning permission is required.

Highway Implications

Brent's Unitary Development Plan guides that for a unit of the application size, (511sqm) a maximum of 3 parking spaces should be provided. The unit currently has 4 parking spaces, (with one accessible space incorporated within this.) The proposal results in the net loss of one standard parking space, this will still result in 3 spaces, which is the maximum permissible for this use class. The scheme therefore complies with policy TRN22 on parking standards. The unit will retain a servicing bay capable of accommodating a full-sized servicing vehicle including a tanker, in accordance with Policy TRN34.

Response to third parties

Officers have set out above that on balance the partly clad silo, creating a small front addition to the unit and air conditioning units are acceptable despite their visual impact. In addition, the loss of a parking space can also be justified, as the unit will still provide the maximum number of permissible parking spaces for this type of unit in compliance with local planning policies. The unit is not anticipated to create any worse traffic than any of the other B1c/ B2/ B8 units. The flues and plant is not anticipated to give rise to noise or odour pollution and conditions will safeguard adjoining units. It is unclear how the operation of a cheese processing plant will compromise estate security.

Summary

With reference to the Council's policies, the proposal to install flues and a silo surrounded in cladding is considered to be in accordance with the relevant saved policies in Brent's UDP. The site is located in one of the borough's Strategic Employment Areas as such the Council welcomes the new employment opportunities provided by this application. The scheme has been amended in order that the proposed silo compliments as far as is practically possible the design of the existing unit and the wider estate. The proposal meets the relevant servicing standards.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

CONDITIONS/REASONS:

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

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

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

Location Plan

1395-10 Site Plan- as existing

1395-121 Existing roof plan

1395-12 Existing elevations

1395-01 RevA received 25/02/10

1395-03 RevA received 25/02/10

3678/01 Rev D received 15/03/10

Milkys (UK) Revised statement;

Method and Access Statement

Milkys141209 received 26/03/10 – plant area layouts

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

- (3) The proposed tree shall be planted in accordance with the approved drawings prior to the commencement of the use of the unit, or within 3 months of the date of this decision notice, whichever is the sooner unless otherwise agreed in writing by the Local Planning Authority

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

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

- (4) a) The noise level from any plant/ machinery 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".
b) 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

- (5) The fume extraction and odour control equipment shown on the approved drawings including any external ducting and flues at the heights detailed, shall be installed in their entirety within 3 months of the date of this decision notice or before the commencement of the use of the unit unless otherwise agreed in writing by the Local Planning Authority. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when extraction is undertaken unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of neighbouring occupiers

- (6) The silo shall be clad in the specified Wave cladding panel RAL 9006 [lighter grey finish] prior to the commencement of the use of the silo unless otherwise agreed in writing by the Local Planning Authority so that 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.

- (7) The development hereby permitted shall be used by Milkys UK Limited and shall be removed when the premises are no longer occupied by Milkys UK Limited unless otherwise agreed in writing by the Local Planning Authority

Reason: Personal permission is given because of the special circumstances put forward by the applicant in this instance and in order to safeguard local amenity

- (8) Notwithstanding the submitted drawings, within 3 months of the date of this decision further details of the screening mechanism for the western plant area shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details within 6 months of the date of this decision unless otherwise agreed in writing by the Local Planning Authority .

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004

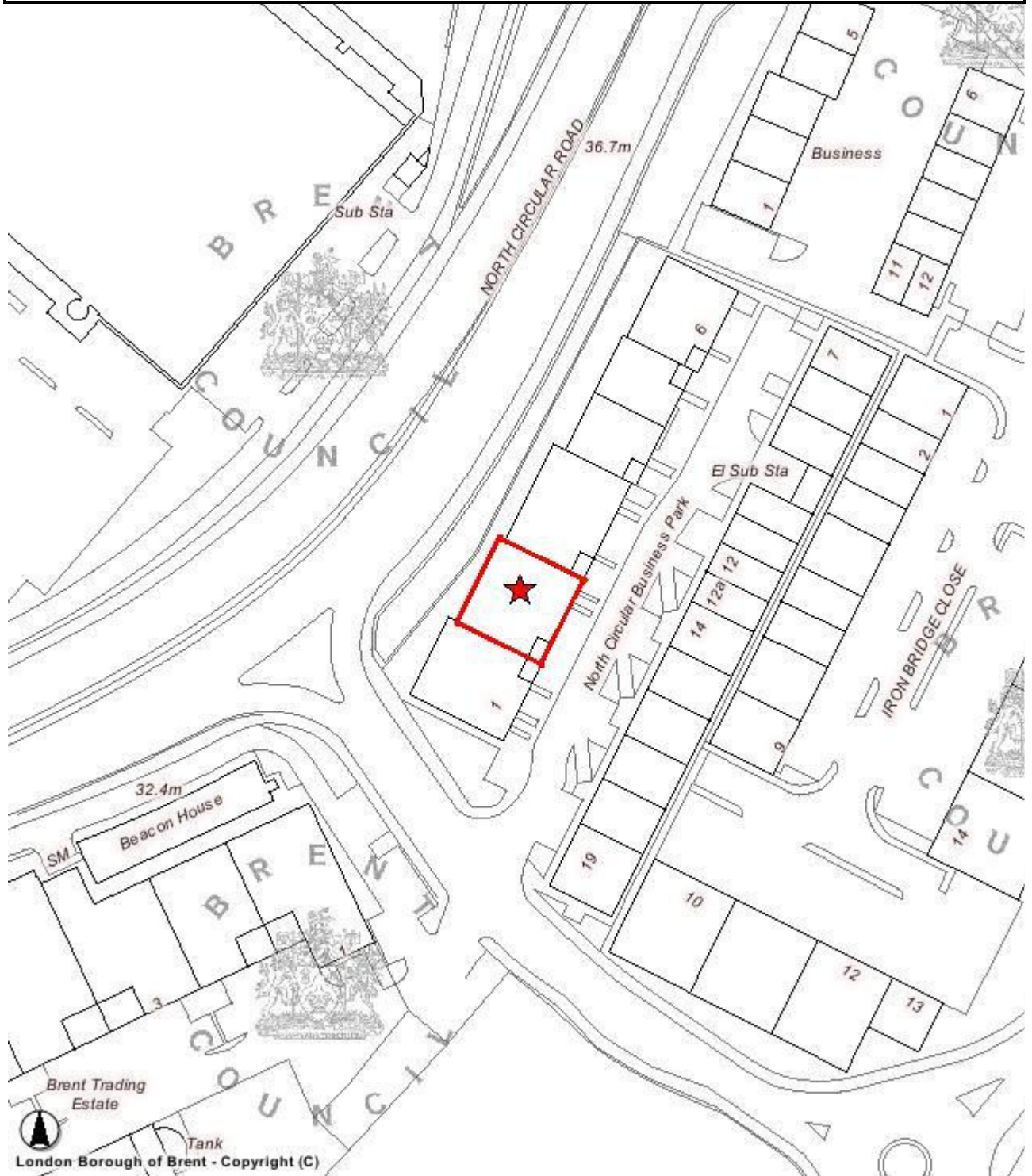
Any person wishing to inspect the above papers should contact Amy Collins, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



Planning Committee Map

Site address: 2 NCR Business Centre, Great Central Way, London, NW10 0AB

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**Committee Report
Planning Committee on 14 April, 2010**

Item No. 15
Case No. 09/2542

RECEIVED: 4 December, 2009

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: 17 Dennis Avenue, Wembley, HA9 8AZ

PROPOSAL: Retrospective application for the change of use and conversion of the premises to a house in multiple occupation (HMO) and 9 self-contained studio flats

APPLICANT: Mr Sunil Badiani

CONTACT: Robson Walsh

PLAN NO'S:

- 5487/10 - Ordnance Survey Map Showing the Site Location
- 5487/11 - Ordnance Survey Map Showing the Site Location
- 5487/17 - Proposed Forecourt Showing Car Parking Spaces
- 5487/22 - Existing Ground, First and Second Floor Plan
- 5487/23 - Front, Sides and Rear Elevation

MEMBERS CALL-IN PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

Councillor Muhammed Butt

Date and Reason for Request

8th January 2010

Approached by the applicant.

Details of any representations received

Has made no representations

Name of Councillor

Councillor Zaffar Van Kalwala

Date and Reason for Request

8th January 2010

Approached by the applicant.

Details of any representations received

Has made no representations

RECOMMENDATION

Refusal

EXISTING

The proposal relates to a large two-storey detached dwellinghouse located on the west side of Dennis Avenue at the junction with Linden Avenue. The property has been substantially extended. The area surrounding the site is entirely residential in character comprising terraced and semi-detached houses. The property is unusual in that it is detached and occupies a larger plot than surrounding properties.

The front garden of the property is entirely brick paved and provides 7 off-street car parking spaces served with 2 vehicular accesses from Dennis Avenue. Dennis Avenue due to its proximity to Wembley Stadium is subject to parking restrictions with a bay provided for permit holders.

The established use of the premises is a dwellinghouse although an appeal was allowed in 1988 for its change of use to a care home, however this was never implemented. The property since 2006 has been in unauthorised use as House in Multiple Occupation (HMO) comprising 9 self-contained flats and 12 non-self-contained flats. Enforcement Action against this unauthorised use is currently being pursued. prosecution proceedings and trial date has been set for June 2010.

PROPOSAL

The proposal is for the retention of the existing use of the premises as a House in Multiple Occupation comprising 13 en-suite bedrooms (sharing a large living/dinning room on the ground floor and 2 separate kitchen on the ground and first floor) and 8 studio flats with provision for 7 off-street car parking spaces in the frontage of the property.

HISTORY

The following planning history is relevant to the proposal:

- 28/1/2009 Application submitted for conversion from unauthorised HMO (House in Multiple Occupation) and 9 studio flats to 17 flats (7 one-bedroom and 10 studio flats) with associated replacement of front garage with a new front window and replacement of 2 rear doors with 2 new ground-floor rear windows - To be considered (ref: 09/3261)
- 11/02/2010 Application for the conversion from unauthorised HMO (House in Multiple Occupation) to 8 self-contained flats with associated installation of 2 front rooflight, 2 rear rooflight and replacement of 2 rear doors with 2 new ground-floor rear windows - Application Withdrawn (Ref: 09/3258)
- 05/12/2008 Retention of and reduction in height of existing boundary wall and pillars at front of property - Approved (ref: 08/2408)
- 15/11/2006 Enforcement Notice served against the unauthorised change of use and conversion of the premises into a HMO and 9 self-contained flats and the erection of a side boundary fence and front boundary walls and pillars to premises - (ref: E/06/1584)
- 06/06/1990 Outline application for demolition of existing and erection of 3 storey elderly persons home - Refused (Ref: 88/2202)
- 15/02/1989 Application for the erection of a two-storey side and rear extensions and conversion to 8 self-contained flats - Withdrawn (Ref: 87/2853)
- 23/01/1987 Erection of two-storey side extension, single storey rear extension, installation of front, side and rear dormers to provide room in roof space and change of use to

elderly person's home and provision of parking spaces - Appeal Allowed (Ref: 87/0230)

12/02/1976 Erection of single detached house with integral garage and a domestic garage - Approved (Ref: H1333 892)

POLICY CONSIDERATIONS

Adopted Unitary Development Plan 2004 Policies

BE2 Townscape: local Context & Character
BE7 Public Realm Streetscape
BE9 Architectural Quality
H8 Resisting Loss of Housing
H10 Containment of Dwellings
H17 Flat Conversions
H18 Quality of Flat Conversion
TRN23 Parking Standards for Residential Development

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

SUSTAINABILITY ASSESSMENT

Not Applicable

CONSULTATION

The following have been consulted on the proposal:

- Nos. 9 to 18 Dennis Avenue
- Nos. 1 to 4 and 21 to 24 Linden Lawns
- Ward Councillors

In total 5 letters (1 from 17 and 3 from No. 18 Dennis Avenue and 1 from 1 Linden Lawns) have been received raising objections to the proposal on the grounds that occupiers of the application premises are not allowed to park in the forecourt of the premises and therefore they are using up most of the parking available in the street thus causing parking problems in Dennis Avenue and Linden Lawns. The proposal would worsen the parking situation in the street, increased traffic, noise, pollution and pedestrian safety. The property is currently let to a number of people some of whom act in an un-neighbourly way.

Transportation - object to the proposal on the grounds that no cycle parking is proposed, inadequate vehicular access to the site and insufficient off-street parking is being provided.

REMARKS

Background

The proposal relates to a large two-storey detached dwellinghouse located on the west side of Dennis Avenue at the junction with Linden Avenue. The property has been substantially extended. The area surrounding the site is entirely residential in character comprising terraced and semi-detached houses. The property is unusual in that it is detached and occupies a larger plot than surrounding properties.

The front garden of the property is entirely brick paved and provides 7 off-street car parking spaces served with 2 vehicular accesses from Dennis Avenue. Dennis Avenue due to its proximity to Wembley Stadium is subject to parking restrictions with a bay provided for permit holders.

The established use of the premises is a dwellinghouse although an appeal was allowed in 1988 for its change of use to a care home, however this was never implemented. The property since 2006 has been in unauthorised use as House in Multiple Occupation (HMO) comprising 9 self-contained flats and 12 non-self-contained flats. Enforcement Action against this unauthorised use is currently being pursued. prosecution proceedings and trial date has been set for June 2010.

This application is one of the three planning applications that have recently been submitted. One of the planning applications (ref: 09/3258) for the conversion of the dwellinghouse to 8 self-contained flats has now been withdrawn. Both this and the other remaining planning application (ref: 09/2542) for the retention of the premises as an (HMO) and 9 self contained flats is reported to the Planning Committee at the request of both Councillor Muhammed Butt and Councillor Zaffar Van Kalwala.

The Proposal

The application proposes to retain the existing unauthorised use of the premises as a House in Multiple Occupation (HMO) (Sui-Generis) comprising 13 bedrooms with en-suite shower and toilet, and to also retain a further 8 (also unauthorised) self-contained studio flats.

The non-self contained units share 2 kitchens (one is located on the ground and one on the first floor) and a communal living/dinning room on the ground floor. There is no indication of the number of bedspaces to be provided within the premises. However, the proposal is capable of providing a minimum of 21 bed spaces with opportunity to accommodate more bedspaces in the larger units.

The proposed ground floor plan provides an entrance into the property, office, store room, plant room, communal kitchen and living/dinning room, 5 en-suite bedrooms and 2 self contained studio flats. There is also a provision for 7 car parking spaces and provision for 1 bin area in the front garden.

The proposed first floor plan would provide 2 self-contained studio flats, 8 en-suite bedrooms, communal kitchen and 2 small store rooms.

The proposed second floor plan would provide 4 self-contained studio flats.

The proposal is assessed against the Council's policy as follows:

The main issues

Policy H10 "Containment of Dwellings" relevant H10 to the proposal states "*new residential accommodation should be self-contained unless it is designed to meet the known needs of a named institution and suitable management arrangements are secured as part of the planning application. Such accommodation should be provided to the same standards as self-contained units, and will only be acceptable where the site is not suitable for family accommodation, and does not result in the loss of existing self-contained accommodation. Non self-contained accommodation should be located within an area with good or very good public transport accessibility*"

The proposal fails to comply with the Council's policy H10 in that not all the units created within the premises are self-contained. Also there is no indication that it is designed to meet the known needs of a named institution and that suitable management arrangements are secured as part of this planning application. The scheme proposes 8 self-contained studio flats. However, these accommodation provided is not to the same standards as self-contained units as set out in Supplementary Planning Guidance (SPG) 17 relating to "Design Guide for New Development".

The 8 self-contained studio flats being provided within the premises have internal floor areas ranging from 17 sqm to 31.9 sqm. According to the Council's "Minimum Unit Size" standards set out in the SPG 17, the studio flat needs to have a minimum internal floor area of 33 sqm. In this

instance, all the 8 studio flats within the premises would fall well below the minimum requirement of 33m². And therefore are considered sub-standard resulting in sub-standard form of accommodation.

The application is proposing 21 units and therefore in accordance with the Council's "Amenity Space" standards set out in the SPG 17 is required to provide a minimum of 441sqm of communal amenity space based on 20 sqm of amenity space requirements per unit created. The property has a rear garden of ~255 sqm. The rear garden is designed to have part levelled area which is hardsurfaced and part raised area in a form of large planters. The plans accompanied with the application do not give any information relating to the rear garden of the premises and whether it would be used as a communal amenity area. In any case, it should be noted that the rear garden is not large enough and would fall well below the Council's minimum amenity space required for the proposed 21 units within the premises. During the site visit to the premises door to the rear garden was locked and therefore current occupiers of the premises had no access to the rear garden. The proposal therefore fails to meet the Council's minimum amenity space standards would result in a sub-standard form of accommodation for its occupants.

The units proposed within the premises do not stack well between floors and there is no information to confirm that adequate measures are or would be taken to minimise noise impact between units in different floors. The proposal due to lack of noise insulation information between units is considered to result in transmission of noise and vibration between units and units in different floors to the detriment of the occupants of the premises.

The established lawful use of the premises is a dwellinghouse (although in 1988 a change of use of the premises to elderly person's home was allowed on appeal. However, it was never implemented) a form of permanent residential accommodation. The proposed use would result in the loss of permanent residential accommodation and would result in an over-intensive use (by virtue of sub-standard unit sizes and inadequate amenity space) and harm to residential amenity (amenity of the occupants of the premises would be harmed by noise and vibration between units and inadequate units sizes and amenity space).

It should be noted that according to the Council policy H10 there is a general presumption against the use of residential accommodation for the purpose of creating more HMO as there is no identified need for such accommodation in the borough.

Over-intensity of Use and Harm to Neighbouring Residential Amenity

The unauthorised use of the premises as a HMO has over the number of years given rise to a number of complaints from nearby residential properties. The complaints and objections to the proposal relates to residents of the premises using up most of the available parking spaces in the street, causing increased traffic to the detriment of pedestrian safety, noise and pollution.

It is considered that the proposed use of the premises as a HMO providing a minimum of 21 bedspaces with opportunity to accommodate further more in the larger units would be harmful to residential amenity. The kind of accommodation that is provided attracts younger and physically more active people. The concentration of this number of younger, physically more active people is likely to have a much more pronounced impact on the amenity of neighbours than the authorised use as a dwellinghouse or permanent family accommodation that would have much lesser number of people. The proposed HMO for these reasons is considered to be unacceptable contrary to the Council's policy H10.

Transportation

The proposed front garden layout of the premises show that whole of the front garden is brick paved and it would be used to provide 7 off-street car parking spaces and a small area for bin storage. The front garden also provides 3.5m wide vehicular access and 2m wide vehicular access.

The parking allowance for HMO (Classified within Use Class C2) is given in standard PS13 of the adopted Unitary Development Plan (UDP) 2004. The parking allowance for dwelling units is given in standard PS14. Cycle parking allowances are given in standard PS16. Policy BE7 is also applicable which allows a maximum of 50% of the front garden to be used for car parking with the remaining 50% to be soft landscaped.

Car Parking

The parking allowance for the HMO use is in order of 1 space per 16 bedrooms. There are 13 bedrooms in the HMO so the parking allowance is allowance is 1.3 spaces.

The parking allowance for the 8 studio flats is 0.7 spaces per unit. The parking requirement for the combined HMO and 8 studios is therefore 6.9 spaces.

Therefore the off-street parking provision which includes 7 spaces is considered sufficient. However, the use of the whole of the front garden as a hardstanding area to be used as a car park with no soft landscaped area would fail to comply with the Council's policy BE7 and SPG 17 relating to "Design Guide for New Development" in that the proposal fails to provide adequate soft landscaping. In this respect the proposal is therefore considered to be unacceptable.

Cycle Parking

According to the Council's Cycle Parking standards set out in the adopted Unitary Development Plan 2004, the proposal need to provide one cycle space per unit created. The application proposes 21 units and therefore 21 cycle spaces should be provided and this should normally be in a form of "Sheffield" type stands (each of which provides two spaces) or wall mounted stands of similar utility. Therefore 11 such stands should be provided. The cycle parking should be within a cycle store with lock and key to prevent theft. The store should be safe and easily accessible to provide good utility at all times.

Access

The present access is 3.7m wide. It should be widened to 4.5m to assist vehicles to pass each other when leaving the parking area.

Emergency and Refuse Access

Fire Appliances need to gain access to a point that is within 45m of a suitable entrance to any given dwelling. The new dwellings will meet this requirement.

Access points for refuse vehicles should not normally be further away than 10m from Eurobins enclosures in flats. The bin store is located close to the pedestrian access and will meet this requirement.

The front garden layout indicates that 2m wide by 1.2m deep area of the front garden would be used for a bin storage area. However, it is unlikely that the designated area for storage of refuse bins would be adequate for both the refuse and recycling bins required for the proposed 21 units. The proposed therefore is not considered to have made adequate provision for refuse and recycling bins storage area for the proposed development and this would be to the detriment of the occupants of the premises.

In view of the above consideration, transportation can not support the application on the grounds of inadequate vehicular access and no cycle parking to be provided in accordance with the Council's Cycle Parking standards set out in the adopted UDP 2004.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed change of use would result in the loss of permanent residential accommodation and provide inadequate non-self-contained and self-contained units that do not meet the Council's minimum floor-area, amenity space and refuse/recycling storage standards, resulting in substandard accommodation which is not designed to meet the known needs of a named institution with secured suitable management arrangements. The proposal is therefore contrary to policies H10, H17 and H18 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development"
- (2) The proposed change of use to a House in Multiple Occupation and 8 self contained flats would constitute an over-intensive use of the site, which would be likely to result in unacceptable levels of nuisance and disturbance to neighbouring occupiers. As a result, the proposal is contrary to policies H10, H17 and H18 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development".
- (3) The proposal due to whole of the front garden being hardsurfaced and used for off-street car parking and failure to provide adequate soft landscaping to the frontage, would be detrimental to the appearance of the original property and the visual amenity of the streetscene, contrary to the Council's policies BE2, BE6 and BE7 in the adopted Unitary Development Plan 2004 and standards for "Front Garden & Boundaries" set out in Supplementary Planning Guidance 17 relating to "Design Guide for New Development"
- (4) The proposal fails to demonstrate an adequate storage area for refuse and recycling bins or secure bicycle storage. As such it is contrary to policies TRN11 and TRN34 of the Unitary Development Plan 2004.
- (5) In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places and increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment or toward measures to monitor or improve air quality and would not result in the adequate provision of affordable housing. As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, CF6, EP3, and BE7 of Brent's adopted Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

1. Adopted Unitary Development Plan 2004
2. Supplementary Planning Guidance 17 relating to "Design Guide for New Development"
3. Letters of objections from 18 Dennis Avenue.

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



Planning Committee Map

Site address: 17 Dennis Avenue, Wembley, HA9 8AZ

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**Committee Report
Planning Committee on 14 April, 2010**

Item No. 16
Case No. 10/0012

RECEIVED: 6 January, 2010

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 59 Oakington Avenue, Wembley, HA9 8HX

PROPOSAL: Erection of two 2 storey detached dwelling houses (1 x 4 bed and 1 x 3 bed) within rear garden of 59 Oakington Avenue, with parking and refuse in the proposed front gardens, a new vehicle access and pedestrian access to the side of 18 Forty Close and associated landscaping.

APPLICANT: Gateway Joint Investment LLP

CONTACT:

PLAN NO'S:

C074-10, rev P3, (1:200)

C074-11, rev P4, (1:100)

C074-12, rev P4, (1:100)

C074-14, rev A (1:100)

RECOMMENDATION

Refuse

SECTION 106 DETAILS

The applicants have indicated their willingness to agree Heads of Terms but as the application is recommended for refusal it fails to secure the necessary s106 contributions. Clearly this reason for refusal could be overcome. For the avoidance of doubt this 2 dwelling scheme would attract the following requirements;

1. Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance.
2. Contribution of £3000 per bed space, towards the provision and/or improvements of education facilities in the Borough, non-car access/highway, sports and public space improvements in the area.

EXISTING

The subject site consists of the rear garden of a detached dwellinghouse which fronts Oakington Avenue (number 59) together with part of No. 18 Forty Close within which the vehicle access to the proposed semi-detached pair of houses is to be gained. The subject site is not within a Conservation Area or the grounds of a listed building.

PROPOSAL

Erection of two 2 storey detached dwelling houses (1 x 4 bed and 1 x 3 bed) within rear gardens of 59 Oakington Avenue, with parking and refuse in the proposed front gardens, a new vehicle access and pedestrian access to the side of 18 Forty Close and associated landscaping.

HISTORY

06/3356 – Refused 15 February 2007

Erection of 2-storey detached dwellinghouse within rear garden of No. 59 Oakington Avenue with new vehicular access adjacent to 18 Forty Close

07/1466 – Refused 28 September 2007

Erection of 2-storey detached dwellinghouse within rear garden of 59 Oakington Avenue, demolition and replacement of garage to the side of 18 Forty Close, and new vehicle access and pedestrian access to the side of 18 Forty Close, with access onto Forty Close.

08/1867 – Refused 22 August 2008

Partial demolition of dwellinghouse and erection of 2 storey side and rear extensions and conversion of dwelling into 4 self contained flats and linked self-contained house with 5 car parking spaces and bin storage to front, cycle storage to side and associated landscaping to site.

08/3192 – Approved at Committee subject to completion of s106 legal agreement which has not yet been signed.

Conversion of dwellinghouse into 5 self contained flats comprising 1 x 3 bedroom house, 2 x 2 bedroom flats and 2 x studio flats, 2-storey front extension to existing annex, 2-storey side and rear extension and formation of 4 off-street parking spaces, bin storage, cycle storage and associated landscaping.

09/1599 – Refused 28 August 2009

Erection of two 2-storey dwellinghouses in the rear garden of the existing dwellinghouse, with parking and refuse storage in the proposed front gardens, new vehicular access to Forty Close and associated landscaping.

POLICY CONSIDERATIONS

Brent UDP 2004

- STR11 Quality & Character of the Borough's Built & Natural Environment
- BE2 Local Context
- BE5 Urban Clarity & Safety
- BE7 Streetscene
- BE9 Architectural Quality
- BE33 Tree Preservation orders
- EP2 Noise & Vibration
- H11 Housing on Brownfield Sites
- H12 Residential Quality – Layout Considerations
- H13 Residential Density
- H14 Minimum Residential Density
- H15 Backland Development
- TRN11 The London Cycle Network
- TRN14 Highway Design
- TRN15 Forming an Access to a Road
- TRN23 Parking Standards – Residential Developments
- PS14 P arking Standards – Residential Developments

SPG

- SPG13 Layout standards for access roads

- *SPG17 Design Guide for New Development*

Policy Considerations

- Appropriate design, massing and siting of houses
- Principle of backland development
- Character of the area
- Effect on street scene
- Design and appearance of proposed houses
- Light, outlook and privacy of neighbouring dwellings
- Provision of off-street parking and impact on the free-flow and safety of traffic.
- Impact on neighbouring amenity
- Residential density
- Quality of residential accommodation
- Impact on existing trees

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Consultation period: **14th Jan to 4th Feb 2010**

Date consultation letters sent: **14th Jan 2010**

Ward Councillors, Transportation, Environmental Health, Urban Design, Landscape, Thames Water, and Environment Agency notified; **14th Jan 2010**

Date site notice erected: **N/A**

Date advertised in local press: **N/A**

Public

54 letters of notification sent.

41 individual letters of objection were received. A petition with 162 signatures has been submitted objecting the proposal.

The letters and petitions raised some or all of the following issues:

- Proposal is an overdevelopment
- Loss of privacy to neighbouring properties
- Increase in on-street parking due to inadequate parking provision on-site
- Noise and pollution from additional vehicles using the access road
- Increased opportunities for crime due to access road being created
- Proposed 2-storey dwellings out of keeping with surrounding bungalows
- Proposal will overlook nos 18 & 20 Forty Close
- Questions regarding refuse collection and objection to collection from outside neighbouring properties
- Loss of existing protected trees and associated impact on wildlife
- Access not sufficient for construction and emergency vehicles
- Approval and creation of access would establish a precedent for further backland development served by this access.
- Impact on local water pressure
- Neighbouring residents will suffer from disruption during construction

1 letter of support has been received. It is considered the proposal makes effective and efficient use of the land which would help meet Brent's housing need.

Internal

Transportation:

- On-street parking in Forty Close is generally unrestricted (other than on Wembley Stadium event days), at the time of the site visit the road was about one-third parked.
- Public transport to the site is moderate (PTAL 3).
- Full parking standards apply, as set out in PS14. 2 spaces are permitted for the 4-bed and 1.6 spaces for the 3-bed, as 3 parking spaces are proposed, one for each dwelling and one shared visitor space the proposal complies with standards.
- The provision of a single shared access is fine to serve 2 dwellings.
- The access complies with fire brigade access requirements. For refuse storage a bin collection point is indicated about 25 metres from Forty Close, to comply with guidance this should be moved slightly closer to Forty Close so that bins are no more than 20m away.
- More details is needed of the replacement parking provision for 18 Forty Close (i.e. will the spaces be accessed from the new driveway or will a new crossover be provided for 18).
- No objection subject to standard s106 contributions towards sustainable transport improvement and the submission and approval of the access road showing the proposed layout of the front garden and parking space for 18 Forty Close, and resiting of bin store within 20m of Forty Close.

Environmental Health:

- No comments submitted in response to this application however no objection raised to previous application (09/1599)
- The noise report submitted is considered to be satisfactory.

Landscape;

- Landscape Officers and the Council's Tree Protection Officer are concerned with the proposed removal of trees which are covered by a Tree Protection Order.
- A Tree Protection Order includes T1 Ash, T2 Lime and T3 Lime. Both Lime trees are required to be removed in order to allow the proposed development.

External

Councillors Blackman, Mendoza and Patel object to the proposal on the following grounds:

- The proposals represent a gross over-development of the site;
- The proposed plans would result in an overly cramped development which would be detrimental to the character of the area;
- The development will result in unacceptable noise and disturbance for surrounding residents.

Environment Agency; Confirmed this as low risk development and declined to comment.

REMARKS

The proposed pair of dwellings would be sited in the rear section of garden currently forming part of No. 59 Oakington Avenue, with vehicle access to the site to be gained via an access proposed to the side of 18 Forty Close. An existing garage within the curtilage of 18 Forty Close would require demolition.

History;

Previous applications to develop this site have been refused for the following reasons:

1. The proposal will have a detrimental impact on the amenities enjoyed by the residents of the adjoining dwellings, Nos. 18 and 20 Forty Close, with regard to the light and outlook from their rear garden and will have an overbearing impact on the residents of these dwellings.

2. The proposal, by reason of the siting and height of the kitchen and bedroom 2 windows and the siting of the dining room and study windows and the associated poor provision of outlook and/or light, constitutes a substandard form of residential accommodation to the detriment of the future occupiers of the proposed unit.

3. Poor design which is detrimental to the character and appearance of the locality.
4. The siting of the access road and its proximity to the adjoining dwellings, is likely to result in an excessive level of noise and disturbance of the residents of Nos. 16 and 18 Forty Close.

A most recent application **(09/1599)** for a semi-detached pair of dwellings was refused under delegated powers for the following reasons;

1. Loss of Protected Trees and failure to demonstrate adequate replacement of these.
2. Proposal detrimental to amenities of neighbouring residents and intensity of development out of character with this rear garden location.
3. Poor roof design detrimental to visual amenities of the area.
4. Absence of s106 contributions.

The main issues for consideration with this revised application are;

1. Principle of backland development.
2. Siting of proposed dwellings and impact on neighbouring amenity.
3. Design & appearance of proposed dwellings.
4. Impact of vehicular access on neighbouring amenity.
5. Impact on existing protected trees.

Principle of backland development;

There is no objection in principle to backland development, but to meet the intentions of policy H15 such development must be designed so as to be subsidiary to the frontage housing, to ensure no unacceptable loss of privacy or outlook from existing dwellings, to include satisfactory access which does not cause nuisance to neighbouring properties and to retain sufficient garden depth with regard paid to the cumulative impact on the loss of existing garden habitats.

The character of the area is defined by large detached and semi-detached properties on Oakington Avenue and semi-detached pairs of bungalows on Forty Close. There are more dense forms of infill development on Crown Walk but generally backland development of the type proposed is not found in the surrounding area. The area has a generally open character of generous rear gardens at a suburban density.

PPS3 has a key objective that Local Planning Authorities should continue to make effective use of land by reusing land that has previously been developed. Recent Government guidance on development of garden land, set out in a recent Ministerial statement will clarify the current advice in PPS3 to say that there is no presumption that previously developed land is suitable for housing. It is the role of local authorities to take decisions on the most suitable locations for housing and, if appropriate, resist development on existing gardens.

Siting and scale of development:

The proposed pair of semi-detached dwellings are to be set 10m from the rear boundary to No. 18 Forty Close, allowing habitable room windows to be included within the northern wall of the proposed dwellings without causing an unduly detrimental loss of privacy for the residents of No. 18 Forty Close. Direct window-to-window distances of 20m will be observed, which is in accordance with SPG17 guidance.

The proposed dwellings are 2-storey with accommodation in the roof. The buildings will sit below the SPG17, 45 degree line taken from the boundary (at a height of 2m) with adjoining residential gardens and the 30 degree line taken from the habitable room windows of adjoining and nearby dwellings. These technical tests are complied with and accordingly the size and scale of development should ensure that in massing terms the proposal does not harm the surrounding amenity spaces. However policy H15 seeks to ensure that the height of backland development is subsidiary to the frontage housing. It is not considered that two-storey semi-detached housing

which is proposed as chalet style bungalows will not be subsidiary to frontage housing on Forty Close which is typically pairs of bungalows of a lower scale.

Overall design, appearance & quality of accommodation:

The proposal is considered to be acceptable in terms of design and appearance. The northern elevation addressing the access road is acceptable in terms of design, appearance and appropriateness of materials. The rear elevation has been redesigned it now appears symmetrical and previous criticisms of the awkward roof design and the lack of symmetry associated with this elevation are considered to have been addressed.

The internal floor areas for the 3 and 4-bedroom property will meet minimum SPG17 standards for this size of property. There are flank wall windows at ground floor, however these are secondary only and as they are at ground floor will not result in overlooking.

Access Road:

The vehicle access route is proposed in between Nos 16 & 18 Forty Close. The applicant has detailed a 4.1 m wide access road which narrows to 3.1m at the junction with Forty Close. A shared pedestrian access, 1m wide is proposed along the boundary with 18 Forty Close. Timber fencing is proposed either side of the access road, fencing to be 1.8m high. Replacement parking is proposed for 18 Forty Close within the front garden, a plan illustrating this has been submitted to address Transportation concerns.

The access arrangements have been a reason for refusal on earlier applications, the Councils concern being the proposed access will result in noise and disturbance to 16 & 18 Forty Close. To address the issue and demonstrate there will be no harm the application is supported by a Noise and Vibration report, the report submitted by NVP measures noise levels at the nearest residence to the development site, and assesses the noise from vehicles using the new access road and vehicle turning area. In conjunction a separate statement on the findings of the NVP report have been submitted by acoustic consultants Sharps Redmore Partnership.

In its findings the NVP report estimates likely noise from vehicle movements to adjacent properties, these indicate that kerbside levels of approximately 70 dB(A) for approximately 10 seconds as vehicles manoeuvre. It is also necessary to factor in attenuation due to the distance from the access road/parking area, and also attenuation due to screening fences. The 1.8m timber fence will result in 10 dB(A) reduction and the windows a further attenuation of 15 dB(A). The impacts of car door slams are also considered, an individual noise event should not exceed 45dB(A). Past measurements have shown that maximum noise levels of 66dB(A) can be expected at a distance of 10m from parking areas. When the attenuation effect of the boundary fence and increased distance is applied it is found that peak levels from doorslams will be 52dB (A) in the gardens of 16 & 18 Forty Close. Windows on the rear also provide attenuation of 15dB(A) meaning that the individual noise event will not exceed 45dB(A) as set out in World Health Organization guidelines.

While the noise levels may comply with WHO minimum guidelines officers consider that the associated additional activity to the rear of existing dwellings and visual disturbance particularly at night would have a detrimental impact on surrounding properties. Associated sounds such as the sound of engines, vehicles manoeuvring, raised voices together with glare of head lights would represent an unacceptable level of additional disturbance to this relatively quiet back garden area. It is therefore the increase in activity, particularly at night that officers consider potentially harmful to surrounding properties as well as the negative impact of the increase in intensity of activity on the character of this back garden area and on neighbours enjoyment of their back gardens.

Amenity space, landscaping & trees:

Each of the proposed houses will have private gardens 10m deep and 104m². The development results in the loss of amenity space for the conversion scheme granted at 59 Oakington Ave (08/3192). The property has planning permission, subject to completion of an s106 agreement for conversion into 5 flats, the amenity provision includes private gardens for ground floor flats and a

generous communal space to the rear, which would partly be lost to the proposed development. Despite the loss of garden space at 59 Oakington Avenue SPG17 minimum standards on amenity space will be maintained.

The area is characterised by large generous rear gardens. The introduction of backland dwellings, the breaking up and intensification of the site will lead to a form of development which is out of character within this rear garden location, and which fails to reflect the prevailing rhythms and patterns of development. By virtue of the reduction in size of existing rear gardens, the introduction of smaller rear gardens, and the relationship between the size of buildings and their setting is not in keeping with the character of the area generally.

An Arboricultural Impact Assessment has been submitted which confirms the loss of 8 trees, commenting that the majority of trees are mature with relatively short remaining contributions, are of small scale and not publicly visible. The landscaping plan includes provision for semi-mature replacements (x5) on-site however on balance it is considered that these will not provide the same high value contribution that the existing group do. There is an existing group of high quality, mature trees between the rear boundaries of 18 Forty Close and 59 Oakington Avenue, this group provides a natural screen and separation between gardens and collectively is considered to be of significant amenity value. The Council's Tree Protection Officer has visited the site and considers that the trees contribute to the attractiveness of the area, are of considerable individual beauty, important for their contribution to biodiversity and form an integral part of a larger shelter belt clearly visible from various view points. To this effect a Tree Protection Order has been made this covers 1 Ash (T1), 2 Lime's (T2 & T3). The development proposes the removal of protected trees T2 and T3, which as part of the group of protected trees provide a significant contribution to the area. These trees are visible from Forty Close.

RECOMMENDATION:

That planning permission be *refused*. This proposed form of backland development resulting in the loss of a group of protected trees and additional activity and disturbance to surrounding occupiers is considered unacceptable and is therefore recommended for refusal.

REASONS FOR CONDITIONS

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed development would result in the loss of protected trees on-site which are considered to be of high amenity value and also provide the function of screening and separating back-to-back gardens. Furthermore, the applicants have failed to demonstrate that the proposed development will provide adequate replacement trees. This is contrary to policies BE6 and BE33 of the Brent Unitary Development Plan 2004.
- (2) The proposed backland development would introduce a level of additional activity and visual disturbance that, particularly at night, would have a detrimental impact on the amenities of surrounding neighbouring residents and would result in an intensity of development out of character with this rear garden location, contrary to policies BE2, BE3, BE6 and BE7 of the adopted Brent Unitary Development Plan.
- (3) In the absence of a legal agreement to control the matter, the proposed development would result in:

- additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area;
- increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment; and
- increased pressure on education infrastructure, without any contribution to education improvements.

As a result, the proposal is contrary to policies TRN3, TRN4, TRN11, OS7 and CF6 of the adopted Brent Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

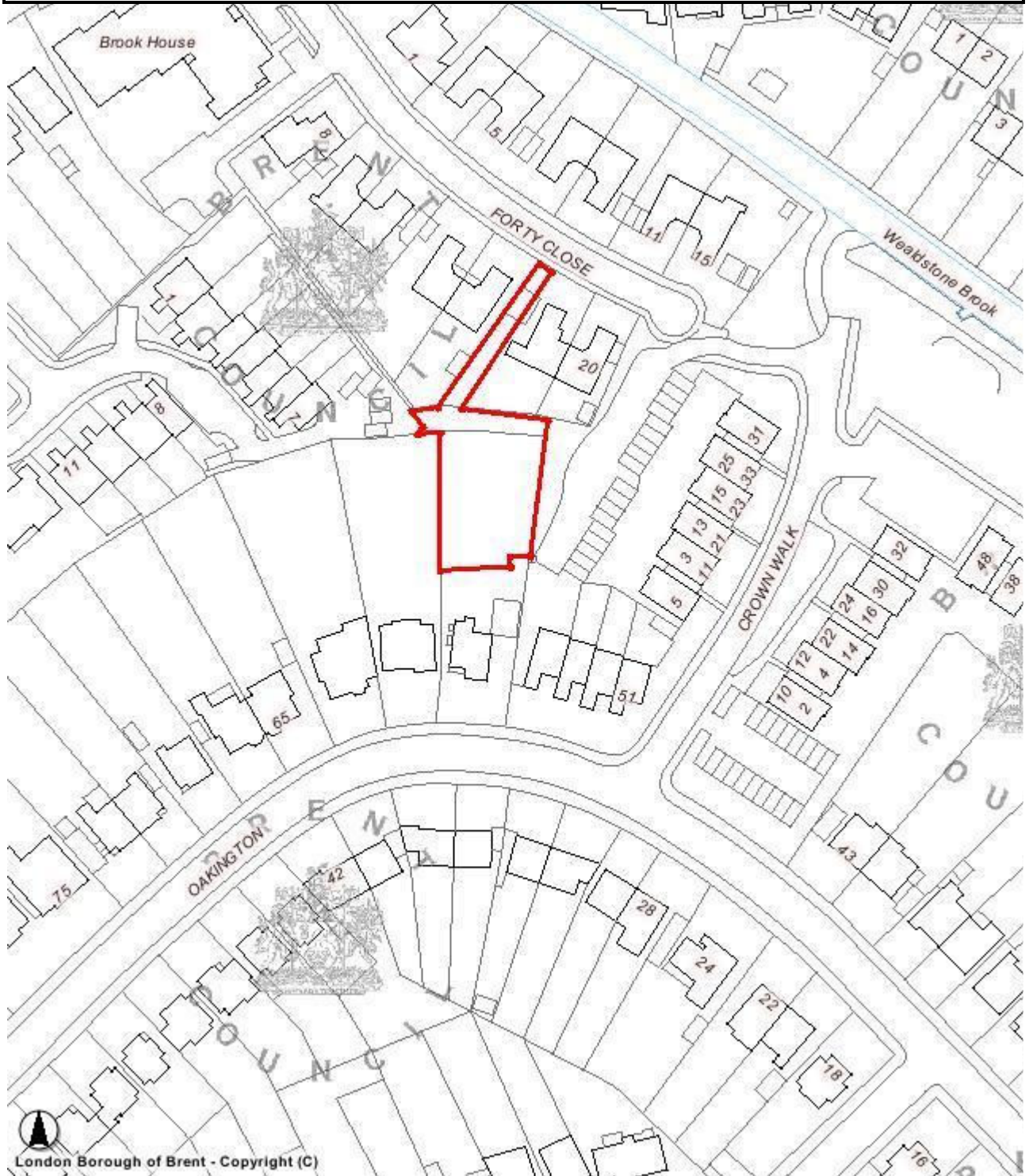
Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: 59 Oakington Avenue, Wembley, HA9 8HX

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**Committee Report
Planning Committee on 14 April, 2010**

Item No. 17
Case No. 09/3261

RECEIVED: 28 October, 2009

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: 17 Dennis Avenue, Wembley, HA9 8AZ

PROPOSAL: Conversion of the dwellinghouse to 17 self-contained flats (comprising 7 x 1-bedroom and 10 x studio flats), the provision of 7 off-street car parking spaces, the creation of a refuse storage area and external alterations including the conversion of integral garage to a habitable room, the replacement of the garage door with a window, and creation of two additional ground floor windows to the side elevation

APPLICANT: Mr Sunil Badiani

CONTACT: Robson Walsh

PLAN NO'S:

-5487/10 - Ordnance Survey Extract - Site Location Plan
-5487/12 - Existing Ground, First and Second Floor Plan
-5487/14 - Existing Front, Sides and Rear Elevations
-5487/16 - Existing Forecourt Plan
-5487/17 - Proposed Forecourt Plan
-5487/18a - Proposed Front, Sides and Rear Elevations Plan
-5487/19 - Proposed Ground, First and Second Floor Plans

MEMBERS CALL-IN PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

Councillor Muhammed Butt

Date and Reason for Request

8th January 2010

Approached by the applicant.

Details of any representations received

Has made no representations

Name of Councillor

Councillor Zaffar Van Kalwala

Date and Reason for Request

8th January 2010

Approached by the applicant.

Details of any representations received

Has made no representations

RECOMMENDATION

Refusal

EXISTING

The proposal relates to a large two-storey detached dwellinghouse located on the west side of Dennis Avenue at the junction with Linden Avenue. The property has been substantially extended. The area surrounding the site is entirely residential in character comprising terraced and semi-detached houses. The property is unusual in that it is detached and occupies a larger plot than surrounding properties.

The front garden of the property is entirely brick paved and provides 7 off-street car parking spaces served with 2 vehicular accesses from Dennis Avenue. Dennis Avenue due to its proximity to Wembley Stadium is subject to parking restrictions with a bay provided for permit holders.

The established use of the premises is a dwellinghouse although an appeal was allowed in 1988 for its change of use to a care home, however this was never implemented. The property since 2006 has been in unauthorised use as House in Multiple Occupation (HMO) comprising 9 self-contained flats and 12 non-self-contained flats. Enforcement Action against this unauthorised use is currently being pursued. prosecution proceedings and trial date has been set for June 2010.

PROPOSAL

Conversion of the dwellinghouse to 17 self-contained flats (comprising 7 x 1-bedroom and 10 x studio flats), the provision of 7 off-street car parking spaces, the creation of a refuse storage area and conversion of the garage to a habitable room including the replacement of the garage door with a window and creation of two additional ground floor windows to the side elevation.

HISTORY

The following planning history is relevant to the proposal:

- 28/1/2009 Application submitted for conversion from unauthorised HMO (House in Multiple Occupation) and 9 studio flats to 17 flats (7 one-bedroom and 10 studio flats) with associated replacement of front garage with a new front window and replacement of 2 rear doors with 2 new ground-floor rear windows - To be considered (ref: 09/3261)
- 11/02/2010 Application for the conversion from unauthorised HMO (House in Multiple Occupation) to 8 self-contained flats with associated installation of 2 front rooflight, 2 rear rooflight and replacement of 2 rear doors with 2 new ground-floor rear windows - Application Withdrawn (Ref: 09/3258)
- 05/12/2008 Retention of and reduction in height of existing boundary wall and pillars at front of property - Approved (ref: 08/2408)
- 15/11/2006 Enforcement Notice served against the unauthorised change of use and conversion of the premises into a HMO and 9 self-contained flats and the erection of a side boundary fence and front boundary walls and pillars to premises - (ref: E/06/1584)
- 06/06/1990 Outline application for demolition of existing and erection of 3 storey elderly persons home - Refused (Ref: 88/2202)

- 15/02/1989 Application for the erection of a two-storey side and rear extensions and conversion to 8 self-contained flats - Withdrawn (Ref: 87/2853)
- 23/01/1987 Erection of two-storey side extension, single storey rear extension, installation of front, side and rear dormers to provide room in roof space and change of use to elderly person's home and provision of parking spaces - Appeal Allowed (Ref: 87/0230)
- 12/02/1976 Erection of single detached house with integral garage and a domestic garage - Approved (Ref: H1333 892)

POLICY CONSIDERATIONS

Adopted Unitary Development Plan 2004 Policies

BE2 Townscape: local Context & Character
BE7 Public Realm Streetscape
BE9 Architectural Quality
H8 Resisting Loss of Housing
H17 Flat Conversions
H18 Quality of Flat Conversion
H19 Flat Conversions - Access & Parking
TRN23 Parking Standards for Residential Development

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

SUSTAINABILITY ASSESSMENT

Not Applicable

CONSULTATION

The following have been consulted on the proposal:

- Nos. 9 to 18 Dennis Avenue
- Nos. 1 to 4 and 21 to 24 Linden Lawns
- Ward Councillors

In total 5 letters (1 from 17 and 3 from No. 18 Dennis Avenue and 1 from 1 Linden Lawns) have been received raising objections to the proposal on the grounds that occupiers of the application premises are not allowed to park in the forecourt of the premises and therefore they are using up most of the parking available in the street thus causing parking problems in Dennis Avenue and Linden Lawns. The proposal would worsen the parking situation in the street, increased traffic, noise, pollution and pedestrian safety. The property is currently let to a number of people some of whom act in an un-neighbourly way.

Transportation - object to the proposal on the grounds that no cycle parking is proposed, inadequate vehicular access to the site and insufficient off-street parking is being provided.

REMARKS

Background

The proposal relates to a large two-storey detached dwellinghouse located on the west side of Dennis Avenue at the junction with Linden Avenue. The property has been substantially extended. The area surrounding the site is entirely residential in character comprising terraced and semi-detached houses. The property is unusual in that it is detached and occupies a larger plot than surrounding properties.

The front garden of the property is entirely brick paved and provides 7 off-street car parking spaces served with 2 vehicular accesses from Dennis Avenue. Dennis Avenue due to its proximity to Wembley Stadium is subject to parking restrictions with a bay provided for permit holders.

The established use of the premises is a dwellinghouse although an appeal was allowed in 1988 for its change of use to a care home, however this was never implemented. The property since 2006 has been in unauthorised use as House in Multiple Occupation (HMO) comprising 9 self-contained flats and 12 non-self-contained flats. Enforcement Action against this unauthorised use is currently being pursued. prosecution proceedings and trial date has been set for June 2010.

This application is one of the three planning applications that have recently been submitted. One of the planning applications (ref: 09/3258) for the conversion of the dwellinghouse to 8 self-contained flats has now been withdrawn. Both this and the other remaining planning application (ref: 09/2542) for the retention of the premises as an (HMO) and 9 self contained flats is reported to the Planning Committee at the request of both Councillor Muhammed Butt and Councillor Zaffar Van Kalwala.

The Proposal

Conversion of the dwellinghouse to 17 self-contained flats (comprising 7 x 1-bedroom and 10 x studio flats), the provision of 7 off-street car parking spaces, the creation of a refuse storage area and conversion of the garage to a habitable room including the replacement of the garage door with a window and creation of two additional ground floor windows to the side elevation.

The proposed ground floor plan proposes main entrance into the building, small office, small store room, plant room 3 x 1-bedroom flats and 3 studio flats. The first floor plan proposes 3 x 1-bedroom flats and 4 studio flats and second floor proposes 4 studio flats. The frontage layout of the property proposes a car park for 7 off-street car parking spaces with a small bin storage area.

Assessment

The proposal is assessed against the Council's policies and standards as follows:

Flat Conversion

The existing property being a large detached extended dwellinghouse with an original internal floor area of more than 110m² is considered in principle to be large enough to be converted into flats as set out in Policy H17 of the adopted Unitary Development Plan (UDP) 2004. However, the proposal also needs to comply with the requirements of Council Policies H18 relating to *"The Quality of Flat Conversion"* and H19 relating to *"Flat Conversions – Access and Parking"* as set out in the adopted UDP.

Policy H18 requires flat conversions to provide an acceptable standard of accommodation for future residents. The conversion should not be over-intensive, in terms of the number and size of the proposed units. The layout of the rooms within conversion schemes should have appropriate stacking and should avoid differing types of room being "staked over or under each other. All rooms should have regard to room size standards as set out in Supplementary Planning Guidance (SPG) 17 relating to "Design Guide for New Development". All units should be fully self contained. Conversion schemes should be accessible to disabled people, have adequate circulation and storage space, and should meet the Council's standards for refuse and recycling storage and car and cycle parking standards.

Except where a dwelling is located on a large plot, significant side or rear extensions should not be erected to raise the number of flats permitted in a conversion scheme and the roof-space or existing habitable basements should, without extension, be large enough to contain a one-bedroom unit to Plan standards.

Schemes should where practicable, include a range of unit sizes suitable for various needs, and where the dwelling to be converted has a rear garden, then a family unit (2 or more bedrooms) on

the ground floor, sub-basement floor should be included, with direct access to the garden. The subdivision of floors between flat units will be permitted only where the size and layout of units is satisfactory and no units have a solely north facing aspect, or include wholly internal kitchens.

The proposed conversion scheme when assessed against the Council's Policy H18 (mentioned above) it would fail to comply in the following respect:

Unit Sizes – The scheme comprises of 17 self-contained units (comprising 6 x 1-bedroom flats and 11 studio flats). The proposed 1-bedroom flats would have an internal floor area ranging between 25.32 square metres and 36.26 square metres. The proposed studio flats would have an internal floor area ranging between 17.6 square metres and 31.38 sqm. According to the Council's "Minimum Unit Size" standards set out in SPG 17, studio and 1-bedroom flats need to have a minimum unit size of at least 33 sqm and 45 sqm respectively. In this instance all the proposed flats fall significantly below the minimum required floor areas. In some cases the floor areas are almost half the required standard.

Range of Units – The property is large enough to provide a range of family and non-family units suitable for various needs. However, in this instance the scheme provides only non-family accommodation in the form of studio and 1-bedroom flats. The proposal therefore fails to comply with the criteria (k) of the policy H18.

Light Aspect – 10 out of 17 units proposed would have single aspect (i.e. either east or west facing). Two of the units (unit14 and 16) in the loft space has no outlook as these units would be served with 2 rooflights each. Flat 1 & 8 include wholly internal kitchen with no outlook. The proposal therefore fails to comply with the criteria (l) of the policy H18.

Layout and Stacking - The internal layout of rooms within each unit is generally considered to be acceptable. However, there is inappropriate stacking of rooms between different floors in that bedroom in flat 1 would be directly over living room in flat 7, similarly bedroom in flat 7 would be directly underneath the living room in Flat 1, bedroom in unit 6 would be over a kitchen and bathroom of unit 13 and bedroom in unit 15 would be partly above the living room in unit flat 8. The proposal in the absence of any sound insulation measures is considered to result in the transmission of noise and vibration between units to the detriment of the future occupants of the units and therefore fail to comply with the criteria (a) of the policy H18.

Storage Space – There is no indication of storage space in any of the units proposed and therefore it can be deduced that the scheme does not provide any storage space for the units and therefore would result in a sub-standard form of accommodation for its future occupants and fail to comply with the criteria (d) of the policy H18.

Bin Storage and Screening – The front garden layout of the property indicates that there would be 2m x 1.1m area for bins. The proposal needs to make provision for a 120L of refuse and recycling storage per flat. The small area proposed for refuse storage is therefore not considered to be adequate to meet the needs of 17 self contained units. The proposal therefore fails to meet the criteria (f) of the Policy H18.

Amenity Space – The application is proposing 17 units and therefore in accordance with the Council's "Amenity Space" standards set out in the SPG 17 is required to provide a minimum of 340 sqm of communal amenity space based on 20m sqm of amenity space requirements per unit created. The property has a rear garden of ~255 sqm. The plans accompanying the application do not make it clear whether the rear garden would be used as a communal amenity area. In any case it falls well below the minimum level of amenity space required to meet the Council's standards for 17 units. The proposal therefore fails to meet the Council's minimum amenity space standards and would result in a sub-standard form of accommodation for its future occupants.

Car and Cycle Parking and Access – The plan indicates 7 off-street car parking spaces and a small bin area in the frontage of the property which is all hardsurfaced. The parking area would be served by existing (3.5m wide) vehicular access from Dennis Avenue. There is also a separate pedestrian access close to the north flank of the property.

The proposed 17 units (comprising 6 x 1-bedroom flats and 11 studio units) would need to provide 11.9 spaces (based on reduced standard of 0.7 spaces per unit for both 1-bedroom and studio flats). However, in this instance provision is being made for only 7 car parking spaces. The proposal therefore would fall short of 4.9 spaces and fail to comply with the Council's Car Parking standards set out in the adopted UDP 2004. It is therefore suggested that in this instance a car free agreement would be required and this will need to be secured through Section 106 Agreement. This would mean that occupants of the new units will not be allowed to apply for resident parking permits within the resident parking bays (in the Controlled Parking Zone). However, in the absence of any Heads of Terms being agreed or Section 106 Agreement signed, the development is considered to be unacceptable on transportation grounds.

According to the Council's Cycle Parking Standards PS16 set out in the adopted UDP 2004, the proposed 17 units would need to provide 17 safe and secured cycle parking spaces to meet the Council's standard of one per unit. In this instance as there is no proposal to provide cycle parking spaces, the proposal would fail to comply with the Council's Cycle Parking Standards for the proposed development.

The existing vehicular access to the frontage of the property is 3.7m wide. However, it should be ideally widened to 4.5m so the vehicles can pass each other and turn around. The access should be placed centrally to the car park. The proposed development fails to comply with this requirement and therefore is not considered to be acceptable on transportation grounds.

Emergency and Refuse Access – Fire Appliance need to gain access to a point that is within 45m of a suitable entrance to any given dwelling. The new dwellings will meet this requirement. Access point for refuse vehicles should not normally be further away than 10m from Eurobins enclosures in flats. The bin store is located close to the pedestrian access and will meet this requirement. However as mentioned earlier, the proposal fail to make adequate provision for refuse and recycling bin storage area with adequate screening in the frontage of the property and therefore in order to satisfy this requirement it could also have impact on the proposed car parking spaces as shown on the plans.

In view of the above considerations the application can not be supported on transportation grounds due to insufficient off-street parking provision, inadequate access width for the car park and lack of cycle parking for the development.

Soft Landscaped Area – The frontage of the property is all hard surfaced and would be used largely as a car park and bin storage area. The proposal therefore has no soft landscaping contrary to Council policy and guidelines.

External Alterations - The proposed external alterations involving replacement of 2 rear, 1 side and front garage door with windows to match the existing windows in the property is considered to be acceptable. However, the replacement of garage door with a window which would mean that the proposal would result in a loss of garage. It should be note that the garage at present is internally converted into a room without planning permission. It appears that garage conversion has taken place over 4 years ago and therefore is immune from enforcement action. However the loss of the garage would add to inadequate car parking provision provided for the proposed flat conversion scheme which is discussed below.

Summary

The development overall fails to comply with the criteria for assessing flat conversions set out in Policy H18 to provide good quality accommodation for its future occupants, TRN11 relating to

Cycle parking, TRN15 relating to Forming an Access to a Road, TRN23 relating car parking and SPG 17 standards relating to inadequate unit sizes, lack of range of units suitable for various needs, inappropriate stacking, inadequate refuse and recycling bin storage area with screening, cycle provision and storage area, lack of amenity space, units containing wholly internal kitchens and no windows providing reasonable outlook. The proposal therefore demonstrates that it would be an over-development and over-intensive use of the site resulting in sub-standard accommodation to the detriment of the amenities for its future occupants.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed conversion by virtue of all units having floor areas significantly below the Council's minimum room size standards, poor vertical stacking of rooms likely to result in the excessive transmission of airborne and impact sound between the living rooms and bedrooms in different units, poor outlook and lack of natural light to a number of habitable rooms, inadequate amenity space, inadequate refuse and recycling provision and inadequate off-street car and cycle parking would result in an over-intensive and sub-standard form of accommodation to the detriment of the amenities of the future occupants of the premises contrary to the Council's policies H18, TRN11, TRN15, TRN23 in the adopted Unitary Development Plan 2004 and Supplementary Planning Guidance 17 relating to "Design Guide for New Development".
- (2) The development, by virtue of failing to provide an appropriately-sized family dwelling within the proposed conversion scheme, would result in an inappropriate dwelling mix that would create housing provision not meeting the Borough's household needs for new family-sized housing, contrary to Policy H18 of the Council's Unitary Development Plan 2004.
- (3) The proposal, by virtue of the whole of the existing front garden being used for off-street car parking and the lack of any proposed alterations to the frontage to create any soft landscaped area, would be detrimental to the appearance of the original property and the visual amenity of the streetscene, contrary to the Council's policies BE2, BE6, BE7 and H12 in the adopted Unitary Development Plan 2004 and standards for "Front Garden and Boundaries" in the Supplementary Planning Guidance 17 relating to "Design Guide for New Development".
- (4) The proposal does not make adequate provision for the parking of vehicles within the cartilage of the site, in accordance with the standards adopted by the Local Planning Authority and as such is likely to give rise to conditions which are prejudicial to the free flow of traffic on the adjoining highway. The proposal as such would be contrary to the Council's policy TRN23 and standard PS14 of the adopted Unitary Development Plan 2004.
- (5) The proposals do not provide any cycle parking or refuse and recycling storage in compliance with the Council's standards and therefore would be contrary to policies TRN11, H12 and H18 of the adopted London Borough of Brent Unitary Development Plan 2004.

- (6) In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places and increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment or toward measures to monitor or improve air quality and would not result in the adequate provision of affordable housing. As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, CF6, EP3, and BE7 of Brent's adopted Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

1. Adopted Unitary Development Plan 2004
2. Supplementary Planning Guidance 17 relating to "Design Guide for New Development"
3. 5 letter of objections from No. 17 & 18 Dennis Avenue and 1 Linden Lawn

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: 17 Dennis Avenue, Wembley, HA9 8AZ

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Committee Report
Planning Committee on 14 April, 2010

Item No. 18
Case No. 10/0137

RECEIVED: 3 February, 2010

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: 62 Station Grove, Wembley, HA0 4AN

PROPOSAL: Replacement of ridge roof with new flat roof and retention of altered outbuilding in rear garden of dwellinghouse

APPLICANT: Mr Inayat Sardar

CONTACT: Kingsley Smith Solicitors LLP

PLAN NO'S:

Site location plan; Site Plan (scale 1:200); Existing Elevations; Existing Floor Plan; Drawing entitled: 'Elevations'; Drawing entitled 'Floor Plan'

RECOMMENDATION

Refuse

EXISTING

The subject site is a two storey end of terrace dwellinghouse located on Station Grove, Wembley. A pedestrian alley way runs down one side of the property linking Station Grove with Lyon Park Avenue. Wembley Brook a narrow canalised waterway runs along the bottom of the rear garden. An electricity substation is located on the opposite side of the brook adjacent to the application site.

The application relates to an existing outbuilding located at the bottom of the rear garden.

The surrounding area is predominantly residential in character. The property is not within a Conservation Area, nor is it a listed building.

PROPOSAL

Replacement of ridge roof with new flat roof and retention of altered outbuilding in rear garden of dwellinghouse

HISTORY

Appeal Decision on 09/2119 Appeal dismissed 23/03/2010.

09/2119 - Retention of ancillary outbuilding, with proposed internal alterations, in rear garden of dwellinghouse. Refused 17/12/2009

This application was refused at the planning committee held on 16/12/2009 for the following reason:

The existing outbuilding, by virtue of its excessive size and height, and proximity to the neighbouring boundary with no 64 Station Grove, appears over bearing and obtrusive form of development harmful to the amenities of occupiers of neighbouring properties and their enjoyment of their garden, and out of keeping with the character of the surrounding area, and is therefore contrary to policies BE2 and BE9 of the London Borough of Brent's adopted Unitary Development Plan 2004.

E/08/0094 – Without planning permission, the erection of a building in rear garden of the premises. Appeal Dismissed 08/05/2009.

07/2968 – Certificate of lawfulness for erection of single-storey detached building in rear garden of dwellinghouse. Granted 23/11/2009

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Townscape: Local Context & Character

BE9 – Architectural Quality

SPG

SPG 5 – Altering and extending your home

- Respect for design, scale and character of existing building and surrounding streetscene. Respect for the amenity, privacy, outlook, daylight and sunlight of neighbouring properties.

CONSULTATION

16/02/2009 - 09/03/2010. 8 neighbouring properties were notified. One letter of objection has been received raising the following issues:

- Although the applicants are proposing to reduce the height of the building, the footprint of the building is to remain the same, on so the size of the building is still considered to be too large
- The proposed use is stated to be a gym. There is an existing gate in the fence next to the outbuilding, and there is a concern that this will be a means of access to the building, which it is considered to have an effect on pedestrians using the public alleyway.
- There is concern that the existing Oak Tree adjacent to the building will be detrimentally affected if the building is altered and therefore further building works take place.

The building in question appears to have been formally consulted on this application.

REMARKS

A previous application for the retention of the existing building as it currently stands was refused by the Planning Committee on 16/12/2009. The relevant history section gives details of the reason for refusal for this application. The applicants have since appealed this decision, and this appeal was dismissed on 23rd March 2010.

The remarks section of the previous committee report is attached as Appendix 1 of this report. The following is relevant information for this current application, and focuses solely on the changes to the previous application without giving a full appraisal as the previous report has already appraised many of the main issues.

The existing building has a pitched roof to a height of 4.0 metres to the ridge and 2.7 metres to the eaves. The dimensions of the building are 6.5m by 6.0m giving a floor area of 39m².

The current proposal is to reduce the height of the roof to approximately 2.65m at the highest point and 2.5m at the lowest point, giving a slightly sloping 'flat roof'. In addition to this, the building is situated on a platform to a height of 0.1m, which is not shown on the plans. This means that the height would be approximately 2.75m at the highest point when measured from ground level, and 2.6m at its lowest point.

Officers have suggested in the past that a reduction in the height of the building to a 2.5 metre high flat roof may overcome concerns regarding the outbuildings negative impact in neighbours. In dismissing the appeal the Inspector acknowledged that a reduction in height may serve to reduce the structures impact. However the modified outbuilding would still be a large structure in what is a relatively modest sized rear garden. The act of removing the pitched roof while going some way to reducing its impact on neighbours would also result in a somewhat unattractive large flat roofed building that by reason of its size and design would appear out of character in this modest back garden. This negative impact is exacerbated by the fact that the building would still be visible from the well used public footpath running to the side of the property.

Officers therefore conclude that the modified outbuilding would still be harmful to local visual amenity and the proposal is accordingly recommended for refusal.

Remarks section of previous Committee Report: (reference 09/2119)

Background

As stated in the history section of this report a Certificate of Lawfulness was issued by the Council in 2007 for the erection of an outbuilding in the rear garden of this property. No use was indicated for this proposed outbuilding with the plans simply showing one large un-subdivided space. This Certificate was assessed under the provisions of the Town & Country Planning (General Permitted Development) Order 1995 as amended. This Order sets out the types and size of development that can be carried out without planning permission. At the time the Certificate was issued in November 2007 the Order allowed the erection of outbuildings within the curtilage of dwellinghouses provided that they fell within certain limits relating to their size, height, location and use. The restriction on the use of outbuildings requires that they be incidental to the enjoyment of the dwellinghouse.

When the Certificate was issued the proposed outbuilding was considered to comply with the requirements of the Order. However officers now consider this Certificate to have been issued in error due to the proposed outbuilding being sited closer to a highway than the original house (in this case the public footpath running between Station Grove and Lyon Park Avenue). At the time of the outbuildings construction this was one of the restrictions imposed by the Order. In any case the outbuilding that is the subject of this application and erected in 2008 differs in a number of ways from the one indicated in the certificate - it was subdivided internally, it was connected to the mains sewers and other services, it was equipped with a bathroom, kitchen and was clearly built in order to provide separate self-contained living accommodation. The Council was alerted to this situation and commenced an enforcement investigation. This revealed that the outbuilding had indeed been built as a dwelling and was being used as such. An enforcement notice was issued on 13 August 2008, to take effect on 22nd September 2008. The applicants appealed this enforcement notice, and the appeal was dismissed on 8th May 2009, as the Inspector determined that a breach in planning control had occurred due to the use of the building not being incidental to the main house, having been used as separate living accommodation. The enforcement notice was therefore upheld, and took effect on 8th November 2009. This required the removal of the outbuilding. However, further enforcement action has been halted pending the outcome of this current planning application.

The Proposal

The existing outbuilding, the subject of this application, is located at the end of the rear garden of 62 Station Grove, approximately 1.0 metres from the rear boundary and 0.1 metres from the shared boundary with the neighbour at no 64. The dimensions of the building are 6.0 metres by 6.5 metres, giving a floor area of 39m², with a height of approximately 2.7 metres to the eaves, and 4.0 metres to the ridge. There are two doors for access into/out of the building; one within the front elevation and one within the rear elevation of the building. Also there are 2 windows in the front elevation and 2 windows in the rear elevation. The property has the appearance of a separate dwelling unit.

Between the outbuilding and rear boundary of the property, there is an oak tree located on the corner of the site where adjacent to the footpath. This tree has an application made for a tree preservation order, as it is considered by the Council to be an important tree which should be preserved. However at the time of writing this report the TPO was still waiting to be confirmed. In any case, the tree is considered to be an important tree which should be protected, regardless of whether it is protected by a preservation order.

The existing boundary fence along the public footpath also has a gate, which provides access into the rear garden of 62 Station Grove where the rear of the outbuilding is located. There is also a gated access in this same fence from the footpath into the rear garden of 62 Station Grove, located closer to the main dwellinghouse.

A site visit was made to the property, (19th October 2009) and an internal inspection made of the outbuilding. At the time of the visit, the outbuilding was subdivided into 5 separate rooms. The room on entering the building had a desk with a personal computer and also a television. Also noted was the existence of 2 central heating radiators in this room, a fuse-box and a loft access door. In another room a domestic boiler had been installed. This room also appeared as though it had previously been used as a kitchen area, as there were some tiled walls and kitchen units in the room, although there was no cooker. Since the enforcement notice was issued, the kitchen facilities have been removed within the outbuilding, although plumbing and electrical sockets in the previously used kitchen remain, as noted by the Inspector on his site visit at the time of the enforcement appeal. This was also noted at the time of the site visit made as part of the process to determine this current planning application, on Monday 19th October 2009.

Other rooms, at the time of the site visit, included a shower/wc; a room containing gym equipment, a television, a fitted wardrobe unit, and a central heating radiator; and a room containing a children's drawing board, chair, a wardrobe and a radiator.

The applicants are seeking full planning permission to retain the outbuilding as built but to modify its use from a self contained dwelling. The internal subdivision is to remain with the various rooms within the outbuilding to be used as a gym, store room, children's play/study room, and a toilet and shower room. The applicants have stated in a design statement, submitted with the planning application documents, that the application is for an outbuilding 'solely only for ancillary use to the dwelling i.e. No 62, such not containing the legally recognised attributes necessary for it to constitute a "dwellinghouse".'

Proposed Use

One of the tests as to whether or not an outbuilding can be considered permitted development is that its use must be incidental to the enjoyment of the dwellinghouse. It has been the view of the Secretary of State since the 1980s that a permission is not given by Class E if the accommodation to be provided in a new garden building is of the sort which would normally be considered as integral to the everyday requirements of a house. Thus, a building which was to contain facilities, such as a living room, bedroom, a kitchen on a bathroom, has not been considered to be incidental to the enjoyment of the dwellinghouse. The Secretary of State's interpretation has been that to be

incidental, the function of the space provided must be subordinate to the basic or primary accommodation to be expected at a dwellinghouse, rather than being an incident of that main use. Thus, as the SOS would have it, to qualify as PD, accommodation must be of a type which would be needed for activities such as leisure pursuits, hobbies, playrooms, gardening, storage etc. Even use as a study has been ruled out in this scenario

As the application is for full planning permission to retain the outbuilding it cannot formally be considered whether the outbuilding is 'incidental to the enjoyment of the dwellinghouse as defined in the Town and Country Planning (General Permitted Development) Order 1995 as amended. However, it can be considered whether the outbuilding is ancillary to the main dwellinghouse. In this particular case it is considered that the size of the outbuilding, the nature and combination of uses, the internal subdivision and layout of rooms that the proposed use of the outbuilding exceeds what can be considered ancillary use of the building to the main dwellinghouse. Although the outbuilding is not currently being used as self contained residence and some of the kitchen facilities have been removed, the appearance, size and the subdivision of the outbuilding means it still has the character of a separate self contained dwelling.

Impact

The excessive size of the building has a detrimental impact on the visual amenities of the neighbouring dwelling at no 64 Station Grove. It presents a large 4 metre high gable ended elevation to this neighbouring properties rear garden. Due to its size, height and proximity to the boundary the outbuildings appears as an overbearing and intrusive form of development when viewed from the neighbouring garden at 64 Station Grove.

The outbuilding is partly screened from being viewed from the adjoining public footpath by and overly high fence that itself is in breach of planning controls. Even with this excessively high fence partly screening it, the outbuilding is considered by reason of its size, height and appearance to appear as an obtrusive and incongruous addition to the street scene and detrimental to local visual amenities and the character of the area.

The view of the Council's tree officer is that while the outbuilding has had a detrimental impact of the large oak tree located behind it, the long term future of the tree had already been compromised by earlier damage probably dating from over a decade ago. While the tree probably has damage the tree, its removal would not necessarily improve the situation.

Fall back position

The implication of refusing this application is that the existing enforcement notice requiring the buildings removal will be pursued. The applicants do have the fall back position of being able to erect a replacement outbuilding providing it complies with the requirements of the Order.

The Order was amended in Oct 2008 and various changes made to the permitted development rights of householders. In regard to outbuildings the changes impose a height limit of 2.5 metres on any part of an outbuilding within 2 metres of a boundary and restricts the eaves height of any pitched roof building to 2.5 metres. The previous requirement that an outbuilding be located no nearer to a highway than the original dwelling house now only applies to the principle frontage of the property and therefore no longer applies to roads or footpaths running down the side or to the rear of a property. However the changes to the order will have a much reduced impact when viewed from neighbouring properties and from the adjoining public footpath.

Conclusion

The retention of this unauthorised outbuilding cannot be supported due to its detrimental impact on the amenities of neighbouring occupiers and its visual impact on the character of the area.

REASONS FOR CONDITIONS

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The existing outbuilding, by virtue of its excessive size and design, would appear as an unattractive and incongruous form of development, out of keeping with the character of the surrounding area, to the detriment of local visual amenity and contrary to policies BE2 and BE9 of the London Borough of Brent's adopted Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

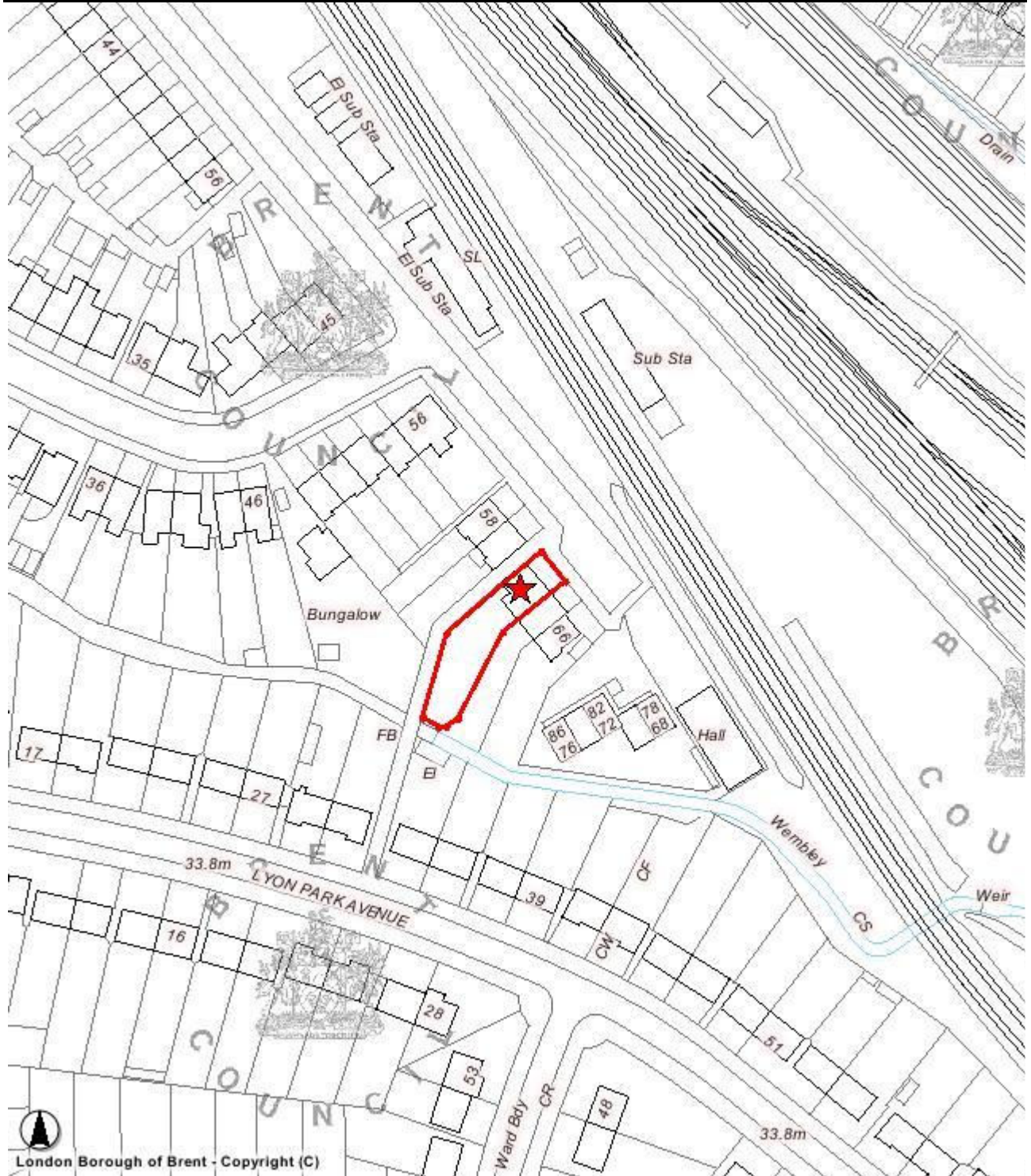
Any person wishing to inspect the above papers should contact Avani Raven, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5016



Planning Committee Map

Site address: 62 Station Grove, Wembley, HA0 4AN

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Planning Committee

4 April 2010

Report from the Chief Planner

Wards Affected: Preston

Report Title: 19 Brook Avenue, Wembley HA9 8PH

1.0 Summary

- 1.1 Members deferred this report from consideration at the last meeting on 16 March 2010 for a site visit to enable them to assess the development and objections raised to it. The 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 18th 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 16th 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 6th October, 2001 which required the extension to be removed. An appeal was made against the enforcement notice and the appeal was dismissed on 28th 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 28th November, 2002.
- 3.5 The enforcement notice was not complied with and the Council commenced prosecution proceedings against the owner on 27th February, 2003. The owner was convicted of breaching the enforcement notice on 30th 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 7th October, 2002 and 21st 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 2nd February, 2005. The owner was again convicted of breaching the requirements of the enforcement notice on 18th 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 28th January, 2005. An appeal against this enforcement notice was dismissed on 2nd February, 2006 and this notice was required to be complied with by 2nd 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 28th 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 12th December, 2006 with a recommendation for approval. However members decided to refuse the

application. He appealed this refusal and the appeal was dismissed on 18th July, 2007.

- 3.11 Following this refusal, another application was submitted on 15th November, 2007 (reference 07/3232). This was reported to committee with a recommendation for approval but was refused on 4th 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,
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tim.rolt@brent.gov.uk

Chris Walker
Chief Planner

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