



Planning Committee

Wednesday 26 January 2022 at 6.00 pm

Grand Hall – Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ

Please note that this meeting will be held as a socially distanced physical meeting with all members of the Committee required to attend in person.

Guidance on the safe delivery of face-to-face meetings is included at the end of the agenda frontsheet.

Due to current restrictions and limits on the socially distanced venue capacity, any press and public wishing to attend this meeting are encouraged to do so via the live webcast. The link to attend the meeting will be made available here [HERE](#)

Membership:

Members

Councillors:

Kelcher (Chair)
Johnson (Vice-Chair)
S Butt
Chappell
Dixon
Kennelly
Donnelly-Jackson
Maurice

Substitute Members

Councillors:

Ahmed, Akram, Dar, Ethapemi, Kabir, Lo, Sangani and Shahzad

Councillors

Colwill and Kansagra

For further information contact: Natalie Connor, Governance Officer
natalie.connor@brent.gov.uk; 020 8937 1506

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

Members' virtual briefing will take place at 12.00 noon.

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party or trade union).

- (b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

ITEM	WARD	PAGE
1. Apologies for absence and clarification of alternative members		
2. Declarations of interests Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.		
3. Minutes of the previous meeting To approve the minutes of the previous meeting held on Wednesday 15 December 2021 as a correct record.		1 - 8

APPLICATIONS FOR DECISION

4. 20/1411 - Queens Park Community School, Aylestone Avenue, London, NW6 7BQ	Brondesbury Park	13 - 44
5. 21/2262 - 91B Mora Road, London, NW2 6TB	Mapesbury	45 - 62
6. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Head of Executive and Member Services or her representative before the meeting in accordance with Standing Order 60.		

Date of the next meeting: Wednesday 23 February 2022

Guidance on the delivery of safe meetings at The Drum, Brent Civic Centre

- We have revised the capacities and floor plans for event spaces to ensure they are Covid-19 compliant and meet the current social distancing guidelines.
- Attendees will need to maintain the necessary social distancing at all times.
- Signage and reminders, including floor markers for social distancing and one-way flow systems are present throughout The Drum and need to be followed.
- Please note the Civic Centre visitor lifts will have reduced capacity to help with social distancing.
- The use of face coverings is strongly encouraged with hand sanitiser dispensers located at the main entrance to The Drum and within each meeting room.
- Those attending meetings are asked to scan the coronavirus NHS QR code for The Drum upon entry. Posters of the QR code are located in front of the

main Drum entrance and outside each boardroom.

- Although not required, anyone attending in person is also encouraged to undertake a lateral flow test in advance of the meeting. These are available at the Civic Centre and can be booked by the following link <https://www.brent.gov.uk/your-community/coronavirus/covid-19-testing/if-you-dont-have-symptoms/>

LONDON BOROUGH OF BRENT**MINUTES OF THE PLANNING COMMITTEE**

Held in the Conference Hall, Brent Civic Centre on Wednesday 15 December 2021 at 6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor Johnson (Vice Chair) and Councillors S Butt, Chappell, Kennelly, and Maurice.

1. Apologies for absence and clarification of alternative members

Apologies for absence were received from Councillors Dixon and Donnelly – Jackson.

2. Declarations of interests

There were no declarations of interest made at the meeting.

3. Minutes of the previous meeting

RESOLVED that the minutes of the previous meeting held on Wednesday 24th November 2021 be approved as an accurate record of the meeting.

4. 21/3248 – Lidding Garages, Lidding Road, Harrow, HA3

PROPOSAL:

The demolition of the existing garages and redevelopment to provide 3 self-contained flats and 5 dwelling houses; with associated car parking, cycle storage, refuse storage, amenity space and landscaping.

RECOMMENDATION:

- (1) That the Committee resolve to GRANT planning permission subject to the Head of Planning being delegated authority to issue the planning permission and impose the conditions and informatives as set out in the report.
- (2) That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.
- (3) That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

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Liam McFadden, Planning Officer introduced the report and set out the key issues. In introducing the application members were advised that the scheme proposed the demolition of the existing garages and redevelopment to provide 3 self-contained flats and 5 dwelling houses; with associated car parking, cycle storage, refuse storage, amenity space and landscaping. This was on an application site comprising of a 0.32 hectare plot of land at the rear of 1 to 31 Lidding Road, and to the south of Lidding Road adjacent to the Wealdstone Brook, which included an alleyway and 27 detached garages accessed from Gooseacre Lane.

In reference to the supplementary report circulated in advance of the meeting, the Planning Officer drew members' attention to the updated bat survey, an amended landscaping design plan and proposed amendments to Condition 2, Condition 8, Condition 12 and Condition 10. In addition, the inclusion of a further condition had been recommended requiring the approval of a Construction and Ecological Management Plan. Subject to the amended and additional conditions members were advised that the recommendation remained to approve the application.

As no questions were raised by members, the Chair then invited John Poole (objector) to address the Committee (in person) in relation to the application who raised a number of concerns including:

- The area of land within which the development was proposed had been subject to ongoing issues regarding poorly maintained foul sewer pipes and surface water pipes. The proposed plans indicated the new development would connect directly to the same foul sewer and drainage pipe network.
- Both sets of pipes had reportedly been subject to investigation by Thames Water over the past few years, who had concluded that the foul sewers and surface water sewers were working at near full capacity in normal rain events leading to potential overflow in storm conditions as had already been experienced with the foul sewer pipe spilling raw sewage on two occasions in the past year.
- That the surface water pipes that ran from Kenton Road under the proposed development and into the Wealdstone Brook frequently get blocked, this had resulted in them repeatedly failing to discharge their contents into the Brook during storm events, which had resulted in surface flooding across the proposed site and local area.
- The Environment Agency had identified the area of the proposed development as Flood Zone 3, and had initially objected to the application. Whilst these objections had subsequently been withdrawn as a result of amendments made to the application which included raising the properties higher than ground level, providing space underneath for surface water to run off and escape during flood events, objectors do not feel confident that the proposed new homes would be safe.
- That the Title Deed for the proposed development site did not include the disused garages and as a result the planning maps submitted were felt to be incorrect.
- The proposed developments were on green field sites with only units 7 and 8 on an area where the current garages existed. Units 1- 6 of the proposed development would be in green field green infill sites which it was felt went against Brent Council's environmental and biodiversity policies.

In response to questions from members, John Poole made the following points:

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- Local properties had been frequently affected when there had been heavy rain conditions which had resulted in surface water not being able to run off properly from the site due to the volume and the lack of additional capacity in Wealdstone Brook, which it was felt would be made worse by an additional development on the site
- Local residents were regularly impacted by the smell emanating from the Brook when the water was high due to the level of pollution.
- In terms of mitigating actions, local objectors felt the only way the concerns highlighted could be addressed would be for Thames Water to replace and restructure both the damaged sewer pipes and surface water pipes before any new development on this site was considered.

Kerry Royston, the applicant's agent was then invited to address the Committee (online) and highlighted several matters including:

- The application formed part of Brent's New Council Homes Programme to redevelop under-utilised sites across the Borough to provide 1,000 much needed affordable homes by 2024, with the existing garages vacant and in a state of disrepair attracting anti-social behaviours and fly-tipping.
- There had been an extensive public consultation, including a 4 week online consultation in Spring 2021, which had included local ward Councillors.
- All of the proposed new homes would be provided at genuinely affordable London Affordable Rent, which significantly exceeded policy requirements.
- Brent Council would own the properties along with their nomination rights with five of the homes being larger 3-bedroom homes, equating to 62.5% family-sized housing, reflecting the area of greatest need.
- The proposal had been designed to protect the privacy and amenity of neighbouring properties in terms of noise, daylight and sunlight and overlooking.
- All homes would exceed minimum internal space standards and benefit from dual aspect and private amenity space. The Council's Design Officer had supported the proposals and had considered them to represent an exemplar infill scheme.
- Ten car parking spaces were proposed for the development, this would be fully compliant with Brent's maximum parking standards, and the application was supported by the Council's Transportation Team.
- There were no objections from the Lead Local Flood Authority or the Environment Agency, with it considered that flood risks had been effectively mitigated and that there would be a betterment to surface water discharge.
- The proposed scheme would not be located in an area of high ecological importance with a buffer zone maintained between the new homes and the site of importance for nature conservation (SINC). The Landscape Strategy had also increased the number of trees with the proposed urban greening factor score fully compliant with policy requirements.

Members raised queries regarding the drainage strategy as part of the flood risk assessment and required further clarification around the concerns identified in relation to the foul sewer system and surface water pipes. In response to the questions from members Kerry Royston supported by the applicants other representative, architect, Marcus Nelson (also participating online), clarified the following points:

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- Thames Water had confirmed with the applicant that there was sufficient capacity within the Brook and pipe network to cope with the proposed new development, both in terms of surface water and foul water with the developer having submitted a flood risk assessment and drainage strategy including a number of flood resistance and mitigation measures providing a significant betterment in terms of surface water discharge
- Whilst acknowledging the additional dwellings proposed would generate foul waste the design of the new homes would be more efficient in terms of its discharge with approval also required from Thames Water (who owned and maintained the sewer network) prior to connection. Thames Water had confirmed that sufficient capacity was available within the existing network with the opportunity to undertake any upgrade available prior to connection to the existing network being authorised, should this be felt necessary. No comments had, however, been received at this stage from Thames Water regarding any damage or upgrade works required to the existing pipe network.
- The drainage strategy confirmed that there would also be a betterment post development as a result of the improved landscaping.

Councillor Kansagra, in his capacity as the local ward councillor, was then invited to address the committee (online) in support of the objections raised and highlighted the following points:

- Whilst recognising the need for the provision of affordable housing, support was expressed for the concerns which had been highlighted in relation to the flooding and drainage issues affecting the site.
- The brownfield status of the application was also queried in relation to the overall footprint of the development with concerns also raised that the build and design of the proposed development was out of the character with the surrounding local area.
- As a result of the concerns highlighted the Committee was asked to consider deferring a decision on the application in order to enable further clarification and detail to be sought on the overall scale of the development and further assurance to be sought from Thames Water regarding the mitigating actions to address the flooding and drainage issues identified.

No further questions were raised by Committee members in relation to the representation made by Councillor Kansagra.

In the ensuing discussion, members acknowledged the benefits of the proposed development with particular emphasis on the welcome provision of affordable council run housing. However there were continued concerns regarding the flooding and drainage issues, construction traffic to the site, the width of the accesses to the site that would be used by construction vehicles and how confirmation can be sought that checks would be completed during construction in line with the flood risk plan to ensure the voids remain clear. Officers then clarified a number of key points including:

- Thames Water had confirmed that the network had sufficient capacity to cope with the new development, both in terms of surface water and foul water.
- The Council's Drainage Officer had reviewed the Flood Risk Assessment. Whilst it had been accepted that there had been issues with drainage and flooding on the site, the proposed scheme would result in a betterment in terms

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of drainage rates at the site and was felt had effectively mitigated against the impacts of flooding events on the future residential units. The application was therefore in line with Policy SI 12 of the London Plan and similarly DMP 9A, which stated proposed schemes should demonstrate that they would be resilient to all surfaces of flooding and should not increase the risk of flooding elsewhere

- Improvements would include permeable paving to help attenuate water and Surface Water Flood Routing resulting in the surface water flow path crossing the site from north to south, into Wealdstone Brook which would mitigate the flood risk to the proposed Plots 1-6 and would ensure that flood risk was not increased outside the site boundary.
- As detailed in Paragraph 79 of the report, there would also be a betterment to brownfield discharge rates, which would consequently improve the flood risk locally.
- It was considered that the development would result in overall improved surface water drainage when compared to existing circumstances and that this was acceptable in terms of flood risk and potential impact on the local sewerage system. No objections had subsequently been received from either the Lead Local Flood Authority or Environment Agency.
- Whilst noting the concerns which had been highlighted in relation to the repair and maintenance of the local drainage and sewage pipe network and current levels of pollution within Wealdstone Brook, the Committee was reminded that these issues fell outside the scope of the application. Any works required to the existing pipe and sewage infrastructure would be matters for Thames Water to address and fund. Whilst not within the Committee's remit to seek guarantees on any work required to the network by Thames Water, there would be a need to obtain consent prior to any connection from the application site to the drainage and sewage network involving further assurance from Thames Water regarding the impact of the proposed development on the associated infrastructure.
- The split between the brownfield and greenfield element of the development site.
- In response to a query around how the construction works would be monitored to ensure compliance with the Flood Risk Assessment directive that a void must be kept between ground level at the existing flood level for Plots 1-6, officers confirmed that this would be undertaken as part of the building control requirements and through conditions with the ability to also require a verification report to ensure the construction had complied with the necessary requirements.
- In response to concerns around the impact on residents with regard to access for construction traffic to the site, officers advised that the proposed access arrangements to and within the site were considered to be acceptable and would provide sufficient space for access by emergency vehicles and construction traffic. This would also be regulated via condition with the developers required to submit a Construction Logistics Plan which would include an assessment of the access arrangements to the site and any potential mitigations that may be required.

Having considered the application and comments made at the meeting members advised that there were still a number of issues on which it was felt further clarification was required prior to any final decision being made. It was therefore

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RESOLVED unanimously by the Committee, having been moved by Councillor Johnson and seconded by Councillor Maurice, to defer a final decision on the application in order to:

- (1) Seek further details from Thames Water in relation to the impact of the proposed development on drainage and the maintenance of the sewerage infrastructure and how these would be mitigated;
- (2) Seek further details on the location of the flooding incidents identified within the Flood Risk Assessment; and
- (3) Seek further details on the proposals to alleviate concerns regarding the access of construction traffic to the site via Gooseacre Lane as part of the Construction Method Statement and Logistics Plan to be secured via condition.

5. 21/2705 – Land Rear of 65 Teignmouth Road, London

PROPOSAL:

Retrospective application for demolition of garage and proposed construction of a single-storey residential unit (Use Class C3), provision of cycle and refuse storage, associated landscaping and renewed boundary fencing.

RECOMMENDATION:

- (1) That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose the conditions and informatives as set out within the report.
- (2) That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

Damian Manhertz, Planning Team Leader South, introduced the report, set out the key issues and answered member's questions. In introducing the application members were advised that permission was being sought to rebuild the previous garage located on the site as a one-bedroom dwelling house, incorporating a new side extension adjacent to the boundary of 94 Dartmouth Road. There would be no change to existing access arrangements, with the site fronting onto Lydford Road. The proposal was identical in size, siting and scale to the previous consent to convert the garage into a house with extensions and alterations to the structure, with the exception of minor amendments to some details. The submission followed the demolition of the garage, which had occurred during the works to construct the dwelling which the applicants stated had not been intentional.

As there were no registered speakers on this application, members were invited to ask officers any clarifying questions. In response to member questions officers confirmed that:

- The Heritage Officer had been consulted and was satisfied that the plans for the proposed building would reflect the previous build in terms of both scale

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and design. Whilst some minor changes had needed to be made to period detailing to the roof and to enable reclaimed material to be used the current proposal was not considered to result in any harm to the conservation area or have any significant impact on the overall living conditions of neighbouring occupiers.

- The application had required consideration by Planning Committee as the threshold had been met due to the number of objections received.

With no further issues raised and having established that all members had followed the discussions the Chair asked members to vote on the recommendations.

DECISION: Granted planning permission subject to the conditions and informatives as set out within the report.

(Voting on the recommendation was as follows: For 6 & Against 0.)

6. Any Other Urgent Business

None.

The meeting closed at 7.22 pm

COUNCILLOR KELCHER
Chair

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APPLICATIONS FOR DECISION

Introduction

1. In this part of the agenda are reports on planning applications for determination by the committee.
2. Although the reports are set out in a particular order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a particular application, you need to be at the meeting from the beginning.
3. The following information and advice only applies to reports in this part of the agenda.

Material planning considerations

4. The Committee is required to consider planning applications against the development plan and other material planning considerations. The development plan policies and material planning considerations that are relevant to the application are discussed within the report for the specific application
5. Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.
6. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
7. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
8. Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
9. In accordance with Article 35 of the Development Management Procedure Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

10. Members are reminded that other areas of legislation cover many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
- **Building Regulations** deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
 - Works within the highway are controlled by **Highways Legislation**.
 - **Environmental Health** covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
 - Works on or close to the boundary are covered by the **Party Wall Act**.
 - **Covenants and private rights** over land are enforced separately from planning and should not be taken into account.

Provision of infrastructure

11. The Community Infrastructure Levy (CIL) is a charge levied on floor space arising from development in order to fund infrastructure that is needed to support development in an area. Brent CIL was formally introduced from 1 July 2013.
12. The Council has an ambitious programme of capital expenditure, and CIL will be used to fund, in part or full, some of these items, which are linked to the Infrastructure Delivery Plan (IDP).
13. Currently the types of infrastructure/specific infrastructure projects which CIL funds can be found in the Regulation 123 List.
14. The Regulation 123 list sets out that the London Borough of Brent intends to fund either in whole or in part the provision, improvement, replacement, operation or maintenance of new and existing:
- public realm infrastructure, including town centre improvement projects and street trees;
 - roads and other transport facilities;
 - schools and other educational facilities;
 - parks, open space, and sporting and recreational facilities;
 - community & cultural infrastructure;
 - medical facilities;
 - renewable energy and sustainability infrastructure; and
 - flood defences,
- except unless the need for specific infrastructure contributions is identified in the S106 Planning Obligations Supplementary Planning Document or where section 106 arrangements will continue to apply if the infrastructure is required to make the development acceptable in planning terms.
15. We are also a collecting authority for the Mayor of London's CIL 'Mayoral CIL' which was introduced from 1 April 2012 to help finance Crossrail, the major

new rail link that will connect central London to Reading and Heathrow in the West and Shenfield and Abbey Wood in the East.

16. In February 2019 the Mayor adopted a new charging schedule (MCIL2). MCIL2 came into effect on 1 April 2019 and superseded MCIL1. MCIL2 will be used to fund Crossrail 1 (the Elizabeth Line) and Crossrail 2.
17. For more information:
Brent CIL: <https://www.brent.gov.uk/services-for-residents/planning-and-building-control/planning-policy/community-infrastructure-levy-cil/>
Mayoral CIL: <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy>
18. Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through a section 106 agreement. Where these are necessary, it will be explained and specified in the agenda reports

Further information

19. Members are informed that any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in the Supplementary Report.

Public speaking

20. The Council's Constitution allows for public speaking on these items in accordance with the Constitution and the Chair's discretion.

Recommendation

21. The Committee to take any decisions recommended in the attached report(s).

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

26 January, 2022
04
20/1411

SITE INFORMATION

RECEIVED	13 May, 2020
WARD	Brondesbury Park
PLANNING AREA	
LOCATION	Queens Park Community School, Aylestone Avenue, London, NW6 7BQ
PROPOSAL	Construction of an artificial turf pitch, ball stop fencing with access gates, acoustic all weather timber fence, flood lighting units 2 x double floodlights on the half way masts and single floodlights at each of the 4 corner masts (mounted onto 6 steel columns) and a dry pond detention basin and earth bund in a designated area within the school grounds
PLAN NO'S	Please See Condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_149939</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "20/1411" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to **grant** planning permission subject to conditions.

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and Informatives to secure the following matters:

Conditions

1. Time Limit
2. Approved Plan
3. Materials
4. Hours of Use
5. Lighting
6. Noise
7. Community User Agreement
8. Flood Risk & Drainage
9. Tree Report/Planting Schedule
10. Ecological Enhancements
11. Construction Method Statement/Environment Management Plan
12. Updated Travel Plan

That the Head of Planning and Development Services is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

SITE MAP



Brent

Planning Committee Map

Site address: Queens Park Community School, Aylestone Avenue, London, NW6 7BQ

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This map is indicative only.

PROPOSAL IN DETAIL

Construction of an artificial turf pitch, ball stop fencing with access gate/s, acoustic all weather timber fence, flood lighting units 2 x double floodlights on the half way masts and single floodlights at each of the 4 corner masts (mounted onto 6 steel columns) and a dry pond detention basin and earth bund in a designated area within the school grounds.

EXISTING

The application relates to a broadly rectangular shaped playing field within the south east corner of Queen's Park Community School. Queen's Park Community School is a mixed secondary school with approximately 1280 pupils aged between 11-18.

The site consists a grassed playing field with a sloping topography from north to south. The surrounding area is residential in character. Aylestone Avenue is located east of the site, beyond which are two-storey detached and semi-detached residential properties. To the immediate south of the site is Tiverton Green Open Space.

The playing fields are designated as Open Space but are not public open space. The site area within the red line boundary is designated as Flood Zone 1 at low risk of flooding, there is a small area outside of the application site but within the blue line boundary (indicating other land owned by the applicant), located north of the school buildings designated as Flood Zone 3a at high risk of surface water flooding. The site is located within an Air Quality Management Area.

The ten trees identified on site are subject to a both a grouped and individual Tree Preservation Orders.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application.

Representations received: 84 objections and two petitions against the proposal were received, one with 287 signatures and one with 98 have been received objecting to the application for a variety of reasons. 232 comments of support from individuals, 6 from organisations and one from a Local Councillor have been received. 5 neutral have been received. Further details of the comments received are discussed within the "consultation section"

Provision of additional sports facilities for the benefit of on-site school children and members of the wider community: The proposal would provide enhanced local sports facilities, which would serve the school, and would also be available for bookings for the use of the local community.

Principle of Development: The playing fields are located on land designed as open space by the Local Plan. Core Strategy Policy CP 18 (Protection and Enhancement of Open Space, Sports and Biodiversity) asserts that open space of local value will be protected from inappropriate development and will be preserved for the benefit, enjoyment, health and wellbeing of Brent's residents, visitors and wildlife. The proposed development would see the continued use of the space for sporting/recreational use in an open environment. It would enable additional sports to be played throughout the school day by the school and for use by the wider community in the evenings and weekends. The development would constitute the enhancement and management of open space for sporting activities for the benefit, enjoyment, health and wellbeing of Brent's residents and visitors. The proposed development is therefore considered to represent appropriate development consistent with Policy CP 18 of the Brent Core Strategy 2010. Sport England are a statutory consultee on any planning application that would affect or lead to the loss of a sports playing field. Sport England were consulted on this application and raised no objection to the development.

Impact to local residential amenity: It is acknowledged that the floodlights and proposed use would

facilitate greater use, particularly in winter months and that the closest properties located on Aylestone Avenue would experience some noticeable noise.

The level of additional noise impact, when considering the acoustic barrier mitigation as well as the restricted hours of use until 9pm (Monday to Friday), is not considered to result in a significant degree of harm. Furthermore, when balanced against the wider public social and community benefits associated with the proposed development in terms of sporting facilities, health and wellbeing are considered to outweigh the level of additional noise impact. The light spill from the floodlights would not result in harm to the residential amenity of nearby properties. A condition would be recommended to ensure lighting is carried out in accordance with the details and mitigation submitted and limit the hours of use.

Visual impact: The size, scale and appearance of the sports pitch, is considered to be acceptable in terms of its general siting and appearance.

Flood Risk and Drainage: The site area within the red line boundary is designated as Flood Zone 1 at low risk of flooding, there is a small area outside of the application site within the blue line boundary, located north of the school buildings designated as Flood Zone 3a at high risk of surface water flooding. The Surface Water Drainage Strategy (SWDS) and Flood Risk Assessment has demonstrated that the site within the application site has a low risk of flooding from all types of flooding.

A dry pond detention SUDS is proposed. Brent's Lead Local Flood Authority were consulted and was satisfied that the proposed development with the proposed drainage strategy and mitigation would not result increase flood risk within the locality.

Highways and Transportation : The proposed development is not considered to result in harm to pedestrian or vehicular highway safety, nor would parking pressure be harmfully increased.

Trees and Ecology: The trees on site are subject to a Tree Preservation Order (s). The Arboricultural Impact and Method Statement identifies potential harm to trees as a result of the development and construction phase and the method statement proposes measures to ensure the protection of those trees. The potential harm as a result of the construction and operation of the earth bund, detention basin as well as soil compaction close to or within Root Protection Areas as well as the foundations of a floodlight within a small proportion (less than 1%) of the Root Protection Area of one Tree have been identified. The 'Impact to Trees' section provides further detail. Brent's Tree Officer has been consulted and is satisfied that provided the development is carried out in full accordance with the Arboricultural Method Statement that existing trees would be adequately protected. A condition to ensure development is carried out in accordance with the Arboricultural Method Statement is recommended.

A revised lighting spillage assessment demonstrated that the impacts on local biodiversity has been suitably addressed within the proposals. A condition is recommended for an Ecological Enhancement Strategy based on the recommendation of the Ecological Appraisal and this should include compensation for foraging bats.

A condition is recommended for the submission and approval of a Construction Environment Management Plan to detail measures to protect biodiversity during construction. The impact to biodiversity and ecology is considered to be acceptable, a condition is recommended that the development is carried out in accordance with the recommendations within the submitted Ecology Report.

RELEVANT SITE HISTORY

The current application is a resubmission and includes additional supporting information and accompanying surveys, as well as a dry pond detention basin among other mitigation measures.

In addition, the site has an extensive planning history of extensions and alterations dating back to 1992. The most significant of these planning application over the last 10 years are as follows as well as permission application reference 07/3721 and subsequent reserved matters and condition application:

21/3058. Full Planning. Granted.

Erection of a temporary single storey classroom building to provide additional teaching facilities, addition of associated single storey staff room/admin office, storage container and canopy over playing area to include mesh fence enclosure, new tarmac footpath and associated cycle storage (DEPARTURE FROM POLICY:

19/1477. Full Planning. Granted. 17/10/2019.

Erection of a temporary single storey classroom building to provide additional teaching facilities, addition of associated single storey staff room/admin office, storage container and canopy over playing area to include mesh fence enclosure, new tarmac footpath and associated cycle storage (DEPARTURE FROM POLICY CP18 OF BRENT'S LOCAL PLAN).

17/3003. Full Planning. Granted. 13/02/2018.

Retention of the single storey classroom building located to the north of the school.

15/3669. Full Planning. Granted. 07/10/2015.

Single storey extension to expand the existing Sixth Form with associated access, canopy and screening to the school building fronting Aylestone Avenue.

13/1304. Full Planning. Granted. 04/07/2013.

Extension and refurbishment of the school to include the erection of a single storey extension to accommodate additional toilet facilities, installation of a steel canopy with glazed units, erection of single storey extensions to the PE store and dining hall and installation of replacement windows to main hall.

08/2597 – Granted

Details pursuant to condition 2 (management plan) of outline planning permission reference 07/3721, dated 10 April 2008, for the installation of an outdoor multi-use games area adjacent to the gardens of 6-14 Mount Pleasant Road (matters to be determined: layout and access)

08/1501- Granted

Reserved matters relating to outline planning permission 07/3721, granted 10/04/2008, for the installation of an outdoor, multi-use games area adjacent to the gardens of 6-14 Mount Pleasant Road (matters to be determined: appearance, landscaping & scale), as accompanied by Performance Specification, dated 04/02/2008 received 18/09/2008

07/3721 – Granted

Outline planning permission for the installation of an outdoor multi-use games area adjacent to the gardens of 6 - 14 Mount Pleasant Road (matters to be determined: layout and access)

CONSULTATIONS

305 new neighbour consultation letters were sent out on the 2nd June 2020. A site notice advertising the proposal was displayed on a lamppost outside the property from 1st July 2020. A press notice advertising the proposal was placed in the local press.

Amendments and further technical reports have been submitted and updated throughout the course of the application. This included but was not limited to the submission of a revised lighting strategy and ecology information.

A full re-consultation was undertaken. 487 new neighbour consultation letters were sent out on the 22nd October 2021 for a minimum of 21 days. Two site notices advertising the proposal were displayed on a lamppost outside the property from 21st October 2021. A new press notice advertising the proposal was placed in the local press on 4th November 2021. These provided a minimum of three weeks visibility to local residents prior to determination.

A total of 232 individuals support comments were received with 6 support comments from organisations and a support comment was received from Councillor Erica Gbajumo (Ward Councillor for Brondesbury Park).

A total of 84 objections were received from individuals, in addition objections were received from Brondesbury Park and Roe Green Residents' Associations.

Copies of online petitions have been received objecting to the proposal. At the time of submission to the Council the 'Change.org' petition had 287 signatures, names and addresses were provided for these signatures. It was noted at the time of submission 6 signatories had limited details in terms of names and

addresses. The online petition (18/01) states 303 people have signed yet details cannot be verified.

A copy of an additional petition from '38 Degrees' was submitted, the reference related to the withdrawn application. Yet the lead petitioner stated it had been updated and requested it be considered against this application. 98 names and addresses were provided with this, issues with the webpage have meant officers have been unable to verify exact dates when new signatures were added nor any additional names and addresses.

The table below summarises the themes within objections received and provides officer comment or direction to the relevant part of the report which affected concerns raised:

Objection Theme	Officer Comment
<p>Principle of Development</p> <p>Loss of playspace. Reference made to other development on site which has resulted in loss of space as playing fields. Conflicts with planning policy.</p> <p>Material change of use of the site, on basis of operational hours, commercial use as well as intensification of use. Red line signals material change of use.</p> <p>Substantial increase in school letting across the school site. Intensity of use and operational 365 days a year</p>	<p>See '<i>Principle of Development</i>' section of report.</p> <p>The proposed development does not propose a change of use to the existing school site.</p> <p>There are no particular planning restrictions in regard to the operational hours of the school playing fields. Please see Principle of Development for proposed operational hours and split between school and letting hours, please also see condition relating to hours of use and restrictions.</p> <p>The use is not considered to be entirely commercial, it will be used by pupils and also let out to other groups. The London Plan Policy 5.3.12 relates to Education Facilities such as</p> <p>sports, play, training and meeting facilities – should be capable of use by the wider community outside their main operating hours. They can provide venues for a range of community activities, including nurseries, children's centres, cultural, youth and sports activities.</p>
<p>Development of open space</p>	<p>See '<i>Principle of Development</i>' section of report.</p>
<p>Need</p> <p>No justification of need for school or community.</p>	<p>Please see '<i>Principle of Development</i>' section of report.</p> <p>The type of facility is notably different in</p>

<p>Refers to MUGA near Tiverton Green and South Hampstead Cricket/Tennis Club. States that this is under-utilised.</p>	<p>terms of sport that can be played with reference to South Hampstead, furthermore the MUGA is an all-weather artificial grass pitch unlike the courts located near Tiverton Green which are hardstanding.</p>
<p>Commercial Use</p> <p>Excessive commercial use</p> <p>Reference made to previous MUGA and use. Questions if use has been in line with planning conditions.</p> <p>Sinking fund should be used to fund maintenance.</p>	<p>Please see the 'Proposal in Detail' and 'Principle of Development' sections of the report. School use is significant from 08:30-16:30 on weekdays. Notwithstanding this, a condition requiring the submission and approval of a Community User Access Agreement is recommended as a condition and this will involve consultation with Sport England.</p>
<p>Residential Amenity</p> <p>Lightspill from floodlights – states the revised lighting scheme is worse. Sky glow.</p> <p>Noise from use, mitigation not sufficient</p> <p>Noise and disturbance from comings and goings</p> <p>Hours of use unreasonable, increased hours and more intense use (365 days a year) in all weather conditions.</p> <p>Criticism of technical reports submitted</p> <p>Impact to health and wellbeing.</p> <p>Asserts location of pitched is less used and quiet.</p> <p>Overlooking/loss of privacy.</p>	<p>The noise impact and level of use is discussed more within the 'Impact to Residential Amenity' section of this report.</p> <p>The proposal would not give rise to any overlooking or loss of privacy.</p>
<p>Crime & anti-social behaviour</p> <p>Increase in crime and anti-social behaviour.</p> <p>States different elements of use impacts crime & disorder. Unknown visitors to</p>	<p>Please see text under heading 'Anti-social behaviour' within the main body of this report.</p>

<p>school.</p> <p>Limited police resources.</p> <p>News report relating vandalism of a pitch in Humberside.</p> <p>Litter.</p>	
<p>Character and Appearance</p> <p>Bund/detention basis substantial size, significant visual impact.</p> <p>Acoustic barrier, close proximity to path and width overbearing.</p> <p>Out of character in quiet residential area. Lighting impact and structures.</p> <p>Lack of landscaping.</p>	<p>Please refer to '<i>Siting and Appearance</i>' and 'Ecological Considerations' section of this report.</p>
<p>Ecological Impact</p> <p>Ecological impact, immediate site and local environment and wildlife, such as bat assemblage, including light, noise and use of artificial turf and rubber crumb.</p> <p>No Bat survey undertaken.</p> <p>Not real grass.</p> <p>Contravention of Habitat Regulations.</p>	<p>Please see 'Ecological Considerations' section of this report</p>
<p>Impact to Trees</p> <p>Impact to trees from development including lights, pitch, bund/detention basin and structures raised.</p> <p>Impact to trees as a result of the detention</p>	<p>Please see 'Impact to Trees' section of this report.</p>

<p>basin being filled with water.</p>	
<p>Climate Change/ Sustainability</p> <p>Conflict with Brent's Climate Emergency and Strategy Plan 2021-2030 and the LTN School Street Schemes.</p> <p>Not real grass, required replacement rubber crumb.</p> <p>Increase heat island effect.</p>	<p>The proposed development does not directly undermine the objective of the document/scheme listed. It is acknowledged that an area of grass on the planning field would be replaced with artificial grass. The scheme contributes to climate resilience by incorporating a Sustainable Urban Drainage System (SUDS). The Climate Emergency and Strategy Plan 2021-2030 encourages SUDS. Furthermore, please see 'Ecological Considerations' section of this report which concludes the impact to biodiversity and ecology has been assessed and found to be acceptable, a condition is recommended that the development is carried out in accordance with the recommendations within the submitted Ecology Report.</p>
<p>Flood Risk</p> <p>Concern regarding flood risk raised.</p> <p>Non-biodegradable material would increase flood risk.</p> <p>Soil infiltration rates not determined.</p>	<p>Please see 'Flood Risk' section of this report. In addition the submitted Drainage and FRA Strategy provides details of management and maintenance.</p>
<p>Contamination and Risk to Human Health</p> <p>Hazardous materials and ground contamination.</p> <p>Objection states European Chemicals Agency has objected to general use of rubber crumb infill on artificial turf pitches.</p>	<p>At Paragraph 16.10 of the submitted Planning Statement the applicant provides confirmation in regard to the safety of the infill material. It states in accordance with European Directive EN 71-3:2019 a series of toxicology tests have been conducted on test specimens of the rubber infill material used to The test established that the proposed infill material is not toxic or harmful to human or animal or aquatic life.</p>
<p>Transport/Pollution</p>	

<p>Reference made to the Brondesbury and Queen's Park Healthy Neighbourhood and refers to negative impact of traffic and transport.</p> <p>Noise from traffic.</p> <p>Low PTAL/poor accessibility. No Travel Plan.</p> <p>Community use coming from outside the borough, not sustainable.</p>	<p>Please see 'Transport Considerations' section of report. The level of vehicular movements expected to arise from the proposed development is not so significant to result in adverse impact to traffic or pollution.</p> <p>Transport accessibility has been covered within the submitted Transport Statement and reviewed. Please see 'Transport Considerations' section of report. A condition is recommended to require the submission and approval of an updated Travel Plan, to cover the promotion of non-car access,</p>
<p>Process</p> <p>Planning Statement does not refer to bund</p> <p>Plans don't show full development in context</p> <p>Ambiguity between information submitted. Some information not visible.</p> <p>Council does not have enough information to determine application.</p>	<p>Description of development refers to bund, as does other documents such as the Application Form, the Surface Water Drainage Strategy and Flood Risk Assessment. The application has been clear and no one has been prejudiced during the consultation process. The Local Planning Authority have undertaken consultation in line with the Statutory Duties.</p> <p>Sufficient details have been provided to show the development clearly.</p> <p>Any ambiguity raised has been resolved over the course of the planning application and re-consultation has taken place. No one has been prejudiced.</p> <p>Sufficient information has been submitted and reviewed and made public to assess the impact of the proposed development.</p>

<p>Re-consultation required.</p> <p>Not enough consultation.</p> <p>States height of Acoustic Barrier not clear.</p>	<p>The height would be 3m as outlined on the drawings and on the proposed plans.</p>
<p>Conditions</p> <p>Section 106 /conditions to for, community user agreement, access, management plans, noise, and light mitigation should be added and consulted upon.</p>	<p>Please refer to conditions recommended. Conditions would not be consulted upon.</p>
<p>Engagement</p> <p>Asserts school has not listened to residents. Asserts that there was some misinformation about plans from school.</p>	<p>The Council are aware that the school have carried out engagement meetings.</p> <p>The Local Planning Authority have ensured information is clear and carried out consultation which meets it's statutory duty</p>
<p>Benefits / Harm and balance</p> <p>Benefit to wellbeing cannot be considered single benefit to health and wellbeing and a result of covid, given current playing fields. Cannot be used to justify harm.</p> <p>No mention of benefits to elderly, families or those with disabilities or special needs.</p> <p>Benefits not outweighed by harm.</p>	<p>The impact of the development is discussed within the main body of the report as are the benefits and planning balance.</p> <p>An existing path track would be utilised. It is considered that would be accessible and the gates into the pitch are sufficient. The proposal would not exclude the elderly or those with particular needs from using the venue.</p>
<p>Construction</p> <p>No Construction Management Plan submitted</p>	<p>Please refer to condition requiring submission and approval of Construction Method Statement.</p>
<p>Other</p>	

<p>Premises been let out, including the car parking areas. Questions management of school.</p> <p>Many comments are from people who do not live within the vicinity of the site. A link to a google map has been provided which illustrated where comments have been received from in a geographical mode.</p>	<p>Not relevant to this application.</p> <p>Whilst the geographic range is varied, objections and support comments have been received from properties within the immediate vicinity and wider area. Such a proposal has the ability to impact those close by, but also benefit a wider catchment.</p>
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Some of the key themes raised within support comments include:

- better facilities for sport for young people, especially in winter
- promote exercise, health and mental well being
- wider local community use after school hours (evenings and weekends)
- lack of sports facilities locally (replacement of the Moberly Centre development)
- create a stronger community to both socialize and stay active
- appropriate steps have been taken to minimise any potential negative impact
- ease the school's finances in days of reduced funding
- better access for those in lower income brackets and the BAME community
- increased use of the proposed area could improve safety around the Tiverton Green area

Internal Consultees

Transport Team – No objection

Environmental Health- No objection

Local Lead Flood Authority –No objection subject to conditions discussed within the report.

Tree Officer – No objection subject to condition.

Planning Policy Team – No Objection.

External Consultees

Sport England – No Objection raised, comments discussed in main body of report.

Thames Water – No objection raised. Informatives recommended.

External Ecologist - (Ecological Planning & Research Ltd) – Comments discussed under the 'Ecology Considerations' section of this report.

POLICY CONSIDERATIONS

Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan is comprised of the London Plan 2021, Brent Core Strategy 2010 and the Brent Development Management Policies 2016.

The key policies applicable to this proposal are:

London Plan 2021

D11: Safety, security and resilience to emergency
D12: Fire safety
D14: Noise
S1: Developing London's social infrastructure
S3 Education and childcare facilities
S4: Play and informal recreation
S5: Sports and recreation facilities
G1: Green infrastructure
G4: Open space
G5: Urban greening
G6: Biodiversity and access to nature
G7: Trees and woodland
S11: Improving air quality
S12: Flood risk management
S13: Sustainable drainage
T4: Assessing and mitigating transport impacts
T6: Car Parking

Local

Brent Core Strategy (2010)

CP 18 – Protection and enhancement of Open Space, Sports and Biodiversity
CP 19 – Brent Strategic Climate Change Mitigation and Adaptation Measures
CP 23 – Protection of existing and provision of new Community and Cultural Facilities

Brent Development Management Policies (2016)

DMP 1 – General Development Management Policy
DMP 8 – Open Space
DMP 9a – Managing Flood Risk
DMP 9b – On Site Water Management and Surface Water Attenuation
DMP 12 – Parking

All of these documents are adopted and therefore carry significant weight in the assessment of any planning application.

Brent's Emerging Local Plan

The Council is at an advanced stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. Planning Inspectors appointed on behalf of the Secretary of State have considered the draft Plan and have requested that the Council undertake consultation on a number of Main Modifications which took place between 8 July and 19 August 2021. Therefore, having regard to the tests set out in paragraph 48 of the NPPF, it is considered that greater weight can now be applied to policies contained within the draft Brent Local Plan.

The draft Local Plan carries significant weight in the assessment of planning applications given its progress through the statutory plan-making processes.

Key Emerging Policies include:

DMP1: Development Management General
BS1 Social infrastructure and community facilities

The National Planning Policy Framework is also a material consideration.

Brent Biodiversity Action Plan (adopted 2007)

DETAILED CONSIDERATIONS

Proposal in Detail

1. The proposed development is for an all-weather sports pitch to the south east corner of the school site. The development includes an artificial turf pitch (61m x 43m) with ball stop fencing, netting, access gates an acoustic barrier as well as floodlit masts. A dry pond detention basin with earth bund is to be located to the south side of the site. The existing bund would be removed, spread and levelled under the pitch, this along with (500mm excavation and 500mm infill) would be undertaken to achieve suitable surface gradients.
2. The proposed artificial pitch development would enable additional sports to be played throughout the school day and by the wider community in the evening and at the weekend. The use of artificial turf in combination with floodlighting would enable use within the winter months in terms of weather conditions and lighting. The proposed operating hours are as follows:

	School Use	Community Use	Out of Hours Lettings
Monday to Friday	08:30-16:30	16:30-18:00	18:00 – 21:00
Saturdays	N/A	N/A	09:00-19:00
Sundays and Public Holidays	N/A	Overall operational hours 10:00-18:00, of which four hours would be reserved for community use.	

*An additional curfew time permitted of 15 minutes to the terminal timings detailed in this section is proposed to allow for the clearance and closing of the pitch facility.

3. The school is accessed from entrances on Aylestone Avenue and Oakhampton Road. However, vehicular access outside school hours would be from Aylestone Avenue only. Access gates are controlled via the school reception.

Principle of Development

4. This application seeks permission for the construction of an all-weather sports pitch to the south east corner of the school site. The development includes an artificial turf pitch (61m x 43m) with ancillary ball stop fencing, netting, access gates an acoustic barrier, floodlit masts and a dry pond detention basin with earth bund to be located to the south side of the site.
5. London Plan Policy G4 relates to open space, it states development proposals should not result in the loss of protected open space, among other things asserts that development plans should undertake a needs assessment of all open space and identify deficiencies, include polices to protect open space, promote new areas of publicly available open space.
6. The playing fields are located on land designed as open space by the Local Plan. Core Strategy Policy CP 18 (Protection and Enhancement of Open Space, Sports and Biodiversity) asserts that open space of local value will be protected from inappropriate development and will be preserved for the benefit, enjoyment, health and wellbeing of Brent's residents, visitors and wildlife. CP 18 states that 'support will be given to the enhancement and management of open space for recreational, sporting and amenity use

and the improvement of both open space and the built environment for biodiversity and nature conservation. It is set out within London Plan policy G4 that development proposals should not result in the loss of protected open space.

7. The proposed development would see the continued use of the space for sporting/recreational use in an open environment. It would enable additional sports to be played throughout the school day by the school and for use by the wider community in the evenings and weekends. The development would constitute the enhancement and management of open space for sporting activities for the benefit, enjoyment, health and wellbeing of Brent's residents and visitors. The proposed development is therefore considered to represent appropriate development consistent with Policy CP 18 of the Brent Core Strategy 2010.
8. The natural environment of a proportionately small area of the school's wider playing fields would be lost, but the value of the space for recreational sporting and amenity uses would be enhanced as it would enable year round use of the space for sporting activities and the quality of the space for enabling sports activities would be improved through levelling of the land, providing a flat ground surface. The impact to ecology is assessed within the relevant section of this report.
9. London Plan Policy S3 sets out that development proposals for education facilities should locate facilities in areas of identified need and maximise the extended or multiple use of educational facilities for community or recreational use, through appropriate design measures.
10. London Plan Policy S5 relates to Sports and recreation facilities, paragraph B states that development proposals for sports and recreational facilities should:
 - 1) *increase or enhance the provision of facilities in accessible locations, well-connected to public transport and link to networks for walking and cycling;*
 - 2) *maximise the multiple use of facilities, and encourage the co-location of services between sports providers, schools, colleges, universities and other community facilities;*
 - 3) *support the provision of sports lighting within reasonable hours, where there is an identified need for sports facilities, and lighting is required to increase their potential usage, unless the lighting gives rise to demonstrable harm to the local community or biodiversity.*
11. Sport England were consulted on this application and raised no objection to the development. Sport England advised they assessed the application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are as follows:
 - *Protect - To protect the right opportunities in the right places;*
 - *Enhance - To enhance opportunities through better use of existing provision; and*
 - *Provide - To provide new opportunities to meet the needs of current and future generations.*
12. Sport England advised that whilst the facility had not been strategically identified in the Council's Playing Pitch Strategy or the Local Football Facility Plan that the submitted documentation indicates a school need for the facilities. Furthermore the Football Foundation and Middlesex FA have indicated that they would not object to the proposed facility coming forward as small sided football facilities are well used in the area and the proposal could cater for new users.
13. In terms of the facility design, Sport England advised that the Football Foundation have confirmed that the proposed facility does follow design principles of FA guidance. In terms of community use, they remarked that the facility would be available for community sport and Sport England consider that the proposed Artificial Grass Pitch would be suitable for community use. Sport England would wish to see this intention consolidated by way of a Community Use Agreement (CUA), such an agreement is recommended as a pre-commencement condition.
14. In summary, provided the facility is designed and constructed in accordance with the appropriate guidance, has secured community use and has appropriate long-term management and maintenance plans in place, Sport England do not object the proposal as it broadly aligns with its 'Provide' Objective.
15. The principle of development therefore complies with policy CP18 of Brent's Core Strategy 2010 and G4 of the London Plan.

16. Objections were received stating that the proposal would result in a material change of use of the site, some objections states it would be a mixed use. Comments stated a material change of use of the site would occur, on basis of operational hours, commercial use as well as intensification of use and that the red line signals material change of use. Substantial increase in school letting across the school site. Intensity of use and operational 365 days a year.
17. The proposed development does not propose a change of use to the existing school site. The proposed development would be for a sporting facility on existing playing fields. There are no particular planning restrictions in regard to the operational hours of the school playing fields. Please see Principle of Development for proposed operational hours and split between school and letting hours, please also see condition relating to hours of use and restrictions.
18. The use is not considered to be entirely commercial, it will be used by pupils and also let out to other groups. The London Plan, Policy S3 and paragraph 5.3.12 relates to Education Facilities such as sports, play, training and meeting facilities – should be capable of use by the wider community outside their main operating hours. They can provide venues for a range of community activities, including nurseries, children's centres, cultural, youth and sports activities.

Siting and Appearance

19. A metal mesh powder coated green fence measuring 4m in height is proposed to the outer perimeter of the pitch, a higher 8m ballstop netting is proposed. A 3m high acoustic barrier is proposed to the north eastern side of the pitch adjacent to Aylestone Avenue. A total of 6 floodlit masts measuring 12m in height are proposed, 4 at each corner and 2 at the halfway point of each side of the pitch.
20. Whilst the acoustic barrier would be solid in appearance and located to the north eastern side of the site and visible from Aylestone Avenue, it would have a reduced height of 3m and the metal mesh fencing enables substantial flow of light and visibility from and to the inside of the pitch, retaining a suitably open character within and around the pitch. The powder coated green finish to the fencing is considered to blend in with surrounding school environment and green landscaped area.
21. The closest floodlit mast would be located approximately 19m from the schools' boundary with the pavement on Aylestone Avenue. The light spill from floodlighting will be visible within the streetscene within hours of darkness up until 21:15 Monday – Friday, 19:15 on Saturdays and 18:15 on Sundays/Bank Holidays. Although the floodlighting would be noticeable, it is not considered to cause adverse harm to the character and appearance of the streetscene, the lighting would be directed towards the pitch and the LED luminaires would have inbuilt louvres to minimise backward spillage.
22. The existing bund would be removed, spread and levelled under the pitch, this along with (500mm excavation and 500mm infill) would be undertaken to achieve suitable surface gradients. The pitch is to be constructed in a manner such that the completed gradient will broadly following the existing ground topography, with its highest point will be on the NE side and the lowest point in the SW side. A dry pond detention basin with earth bund to be located to the south side of the site, the levels of the bund would be noticeable (highest part of bund would be approximately 1.2m above existing levels, yet the width is limited and height decreases with slopping sides) in appearance, however, it would be finished with grass and the height and depth of the bunds perimeters is not so significant that it is considered to be harmful to the appearance of the landscape or wider streetscene.
23. The size, scale and appearance of the sports pitch, is considered to be acceptable in terms of its general siting and appearance. The pitch, fencing and floodlights would appear as a typical feature of many school sites and the use of permeable mesh fence with the exception of the lower 3m solid acoustic barrier would sufficiently preserve the visibility in and around the pitch. The distances from the vantage points outside of the school site are sufficient to offset the development from appearing too prominent. The siting and appearance of the development is therefore supported in planning terms, and complies with DMP1.

Impact to Residential Amenity

24. Policy DMP 1 of the Brent Development Management Policies Plan and emerging Local Plan seek to

ensure new development, amongst other things, provides high levels of external amenity and does not unacceptably increase exposure to noise, light and general disturbance. This is supported by the Brent Design Guide SPD 1.

25. The nearest residential properties are located north east of the proposed development and beyond Aylestone Avenue. They consist a mix of detached and semi-detached two storey dwellings with front gardens. A row of properties including numbers 68-72 are located within a perpendicular angle to the proposed pitch, at a distance to their front elevation, varying from approximately 38-40 meters from the pitch, the recessed goal located centrally is located approximately 37m from number 70 Aylestone Avenue. The distance to the acoustic barrier to these properties varies from approximately 35-37m.
26. Oakhampton Road is located and Tiverton Road are located south and south west of the proposed development, again characterised by two storey detached and semi-detached dwellings. Number 77 Oakhampton Road is located 66m from the pitch, beyond the nursery and City Leaning Centre buildings on site. Number 24 Tiverton Road is located over 80m from the pitch beyond Tiverton Road.
27. The rear gardens of Mount Pleasant Road border the school site and the pitch would be approximately 128m from the edge of the closest rear garden at number 2 Mount Pleasant Road.

Impact of Floodlights

28. A total of six floodlit masts at a height of 12m are proposed, one mast is located in each corner of the pitch enclosure and one located on each side of the field at a central location. The introduction of artificial lighting via the proposed floodlighting has the ability to have an impact on nearby residential properties.
29. Since the submission of the application a revised lighting strategy has been proposed. Revised plans and documents have been submitted to account for this change. A Light Spillage Assessment dated 2nd September 2021 has been submitted and reviewed by Brent's Environmental Health Team.
30. Objections raised concerns regarding the methodology used within the submitted Lighting Assessment and impact to residential properties. Brent's Environmental Health Team reviewed the submitted Lighting Assessment, supporting documentation as well as objections and are satisfied with the methodology used.
31. The lighting assessment outlines that the revised luminaires continue to provide the same level of lighting on the pitch but include built in louvres to minimize any backwards light spill.
32. The report refers to the Institute of Lighting Professionals' (ILP) environmental zone classification system used for the categorisation of sensitive receptor locations based on typical levels of baseline obtrusive light. The proposed development site falls under Environmental Zone E3. ILP's pre-curfew (07:00-23:00) criteria for Environmental Zone E3 is 10 lux and the results show that this level is not predicted to be exceeded as a result of the proposed development.
33. Sky glow has also been considered in context with this report. The upward light ratio is the measurement used to calculate the amount of light projected up into the sky and is the primary approach to assessing sky glow. The upward light ratio of the proposed lighting scheme is below the ILP criteria of 5%.
34. The operational hours of the floodlights would be from dusk to 21:15 Monday – Friday, 19:15 on Saturdays and 18:15 on Sundays/Bank Holidays. A condition will also be recommended to restrict the hours of operation of the floodlights and to ensure that the lighting is installed in accordance with the approved plans and details contained within the lighting assessment.
35. The proposed development is not therefore predicted to result in significant adverse light obtrusion impacts with respect to local sensitive residential receptors.

Noise Impact

36. It is acknowledged that the existing use is a school playing field and as such activities at playtime or associated sporting activities for example have the potential to result in noise disturbance. Some potential

sources of noise associated with the proposed development could derive from player's voices, balls hitting the mesh fencing, referee whistles and general comings and goings from the venue.

37. As outlined the overall operational hours of the pitch are as follows:

Monday – Friday 08:30 - 21:00

Saturdays - 09:00 – 17:00

Sundays and Public Holidays 10:00 – 18:00

38. An additional curfew time permitted of 15 minutes to the terminal timings detailed in this section is proposed to allow for the clearance and closing of the pitch facility.

39. Objections and technical reports undertaken by consultants were submitted on behalf of objectors. The robustness and assumptions used within the methodology of the originally submitted Noise Report (dated May 2020) were scrutinised and critiqued. These documents as well as the site, surroundings and submitted Noise Assessment were assessed by planning officers and Brent's Environmental Health Team. The applicant provided a Noise Addendum with further explanation and justification of the methodology used whilst also clarifying issues raised within objections. The addendum report provided additional noise monitoring results as well as predicted results from the use of whistles and takes account of noise generated from human interaction during the use of the 3G pitch. The applicant has provided further information to further justify the noise levels which were used in the Acoustic Modelling. Brent's Environmental Health Team were satisfied that the levels used were representative of expected noise impact.

40. It is acknowledged that noise from any MUGA/3G pitch is difficult to assess in terms of the impact it would have on residential amenity as there is no set guidance that can be used to establish whether or not the noise would have a detrimental impact. The noise report has provided details of the methodology and reasoning used to reach the predicted noise levels.

41. However, the noise assessment report follows specific objective guidelines as set out in the Sport England Design Guidance: 'Artificial Grass Pitch (AGP) Acoustics - Planning Implications.' This guidance is deemed to be appropriate and specifically relevant to this application. The Sport England noise assessment methodology considers average noise levels over a one-hour assessment in terms of LAeq,1h which is considered to be representative of a typical sports session. The noise report considers the use of noise criteria of predicted average noise levels of 50dB LAeq,1h and 65dB LAF, max from individual noise events at residential properties; if the predicted noise is lower than the noise criteria, it is an indication of low impact. Sport England Design Guidance, states: "...a typical free-field noise level of 58dB LAeq (1 hour) at a distance of 10 metres (m) from the side-line halfway marking has been determined as representative for noise from an AGP." It is noted that this criteria has been used to calibrate the noise modelling software.

42. The objections raised concern with the use of averages which would not account for higher louder noises such as shouting, whistles blowing and balls hitting fences. The noise report does also consider maximum noise levels in terms of LAF max and after review of a number of existing reports prepared for other similar sporting events, Bickerdike Allen Partners select noise criteria of 73 dB LAF, max at 10m from the edge of the pitch to represent maximum predicted noise to include noise such as a male voice shouting, a whistle, a football striking a fence, loud individual shouts and a football striking a wire mesh fence. Brent's Environmental Health Team were in support of the approach used because it was considered to be more representative of a wider range of noise, spanning events.

43. Brent's Environmental Health Team were satisfied with the methodology used for the baseline noise survey and agree that the selected sites for noise measurement as shown in figure 1 are representative for the purposes of determining background noise levels around the site and at the nearest noise sensitive receptor. It is noted that the background level has measured at 49dB LAeq and the report factors in a worst-case scenario of 10-15dB reduction for a partially open window resulting in 34-39dB LAeq indoors; these results show that the current daytime indoor levels of 35dB LAeq are being met or marginally exceeded with windows open.

44. The noise report presents results (tables 5.1 and 5.2) that show average and maximum predicted noise levels (with and without mitigation) and highlights the properties where the noise levels are likely to be marginally exceeded. Without mitigation the first floor windows of numbers 70, 72 & 74 Aylestone

Avenue measurements (at 51) would marginally exceed the average noise level criterion of 50 dB LAeq, 1h. However, when building in the Acoustic Barrier as mitigation the average criterion would not be exceeded.

45. The guideline of 65 dB LAF, max from individual noise events is also predicted to be marginally exceeded (66 LAF,max dB) at these receptors, again when factoring in the acoustic barrier the predicted maximum noise levels fall within the guidelines. A condition would be recommended to ensure the Acoustic Barrier be installed in accordance with the submitted details prior to first use of the pitches and maintained in perpetuity.
46. The proposed mitigation measures (3m acoustic barrier) would likely to reduce the levels to the target criteria. The report provides a detailed specification of the barrier and provided this is designed and installed according to the recommendations made in the report, the noise criteria limit is likely to be met.
47. The proposed development is likely to introduce some audible characteristic noise to the local area, the noise report supports the position that the overall impact is likely to be noticeable.
48. The nature of the existing school is such that a large number of visits to and from the site occur. It is acknowledged that the school can be used in the evenings and for external hire. The proposed development would largely be accessed by pedestrians and vehicles from the Aylestone Avenue school entrance located north east of the development. Although the planning statement does indicate that the rear car park could be made available if necessary, this is located to the east of the development accessed via Oakhampton /Tiverton Road. Given the provision of 90 car parking spaces which would be made available to those hiring the sports pitches, it is unlikely that the proposal would lead to any significant increase in on street parking. The Transport statement has estimated a maximum of 6 vehicular trips within the weekday evening peak hour of 5-6pm.
49. The Planning Statement indicates that the development would typically be operated in the following ways:
50. 2 x 5 a side pitches
 - 1 x 7 a side pitch
 - 3 x smaller pitches (estimated 30 students to be accommodated)
 - An area 3m wide is provided to the north west of the pitch to accommodate spectators as well as an area for players to clean boots and to access the pitches. It is noted that this area is cited at least 60 metres from the nearest residential property.
51. Therefore, although the journeys to and from the site as a result of the development are acknowledged, particularly in the evenings and weekends, the scale of development and siting of the pitch and access arrangements is not considered to give rise to unacceptable levels of noise and disturbance.
52. It is acknowledged that the proposed development would result in some noticeable noise to nearby residential properties. It is important to give weight to the existing and fall-back position of the site as a school playing field, which is used for sports and play during the school day and there are currently no restrictions on use of the playing fields in the evenings and at weekends, furthermore the laying out of new grass pitches would in itself not require planning permission. It is acknowledged that the floodlights and proposed use would facilitate greater use, particularly in winter months. However, the level of additional noise impact when considering the acoustic barrier mitigation as well as the restricted hours of use until 9pm is not so significant to resist the proposed development. Furthermore, the wider social and community benefits associated with the proposed development in terms of sporting facilities, health and wellbeing are considered to outweigh the level of additional noise impact.

Air Quality

53. The application site is within a designated Air Quality Management Area (AQMA), the Transport Statement estimates that the pitch would generate a maximum of six vehicular trips in the weekday evening peak hour (5-6pm), which is not considered to harmfully impact on local air quality. A Construction Method Statement is recommended as a pre-commencement condition to mitigate, dust, pollution among other matters whilst the development is being built.

Anti-social behaviour

54. A number of objections have been received raising concerns that the development would give rise to anti-social behaviour, including crime and disorder. A Crime and Disorder Impact Assessment was submitted which included comments from a former Chief Inspector in the Metropolitan Police. The access and operational arrangements have been outlined for the site and are considered to be appropriate for the proposed development. It is not considered that the proposed development would be likely to result in usual or excessive levels of anti-social behaviour, crime and disorder.

Physical Structures

55. Brent's Supplementary Planning Document 1 guidance sets out the parameters for acceptable amenity impact in respect to the height of the development and ensuring that the proposal does not appear overbearing. As a guide, the development should sit within a line drawn at 45 degrees from the edge of the rear garden measured at 2m high above garden level and a 30 degree line with respect to habitable room windows. The development would not breach the 30 and 45 degree lines with reference to any residential properties. Therefore the structures and ancillary works are not considered to result in adverse harm to the amenity of any neighbouring properties.
56. In summary the proposal would not result in an adverse impact on the overall living conditions of the neighbouring occupiers. The application therefore complies with the requirements of Policy DMP1 in terms of neighbour amenity.

Transport Considerations

57. Brent's Highways Department, have reviewed the submitted Transport Statement and raise no objection to the proposed development.
58. Pupil and staffing numbers will remain unchanged as a result of the development and therefore there would be minimal impact on the number of journeys made to and from the site during the school day.
59. The provision of floodlighting will allow greater use of the facility by the local community outside of school hours, in the evening and on weekends. The school already has a 90-space car park that can be used by people renting the pitches, therefore the extended community use is unlikely to lead to on-street parking problems in the area, particularly as surrounding streets are lightly parked at night.
60. The Transport Statement has considered the potential traffic impact arising from the proposed use of the pitch outside of normal school hours sufficiently. It estimates that the pitch would generate a maximum of six vehicular trips in the weekday evening peak hour (5-6pm), which would not harmfully impact on the local highway network. The floodlights would minimise light spill over the adjoin highway.
61. Notwithstanding this, in the interest of promotion non-car and sustainable modes of travel a condition is recommended for the submission and approval of an updated School Travel Plan.
62. The proposed development is not considered to result in harm to pedestrian or vehicular highway, nor would parking pressure be harmfully increased. The proposal would not result in highway safety problems and therefore the development is in accordance with DMP1 and DMP 12 of the Brent Development Management Policies Plan.

Flood Risk and Drainage

63. Chapter 14 of the NPPF seeks to ensure development does not increase flood risk on or off site. London Plan Policy SI 12 seeks to ensure flood risk is minimised, mitigated and residual risk is addressed. London Plan Policy SI 13 relates to sustainable drainage and among other things seeks to ensure greenfield runoff rates and sustainable drainage. It outlines a hierarchy for sustainable drainage.
64. Policy DMP9A ('Managing Flood Risk') confirms that new development must avoid and reduce the risk of flooding and not increase the risks elsewhere. Planning permission will only be granted for proposals which have addressed all sources of flood risk and would not be subject to, or result in unacceptable levels of flood risk on site or increase the level of flood risk to third parties. DMP9B ('On Site Water Management and Surface Water Attenuation') requires minor schemes to make provision of an

appropriate Sustainable Urban Drainage System (hereafter referred to as SuDs) scheme where feasible.

65. A Surface Water Drainage Strategy (SWDS) and Flood Risk Assessment have been submitted in support of this application.
66. The area within the application site is designated as Flood Zone 1 at low risk of flooding. There is a small area within the blue line boundary (denoting other land owned by the applicant), located north of the school buildings designated as Flood Zone 3a at high risk of surface water flooding. The Surface Water Drainage Strategy (SWDS) and Flood Risk Assessment has demonstrated that the area within the application site has a low risk of flooding from all types of flooding.
67. A SuDs Assessment has been undertaken and has been considered against the SUDs drainage hierarchy. In line with this hierarchy the applicant has investigated infiltration, but due to clay geology the permeability is not suitable for infiltration to be relied upon. Discharge to a water course is not a feasible option given the distance to the nearest watercourse.
68. The drainage strategy for the proposed development uses a SuDS Detention Basin (dry pond) for storm water attenuation in combination with an orifice plate to control flows to existing drains. Furthermore permeable surfacing materials would be used in the construction of the pitch itself. The drainage strategy outlines that surface water would be discharged into Highway drains or other surface water drains.
69. Thames Water were consulted and raised no objection to the proposed development. Brent's Lead Local Flood Authority were consulted and are satisfied that the proposed development with the proposed drainage strategy and mitigation would not result increase flood risk within the locality, and that the proposals will have a positive effect on reducing discharge rates to the main system. The proposed development and drainage strategy is therefore considered to be in general accordance with the NPPF, London Plan Policies SI 12 and SI 13 as well as DMP 9a and 9b.

Impact to Trees

70. An Arboricultural Report has been submitted, which includes an Arboricultural Impact Assessment, Method Statement and Planting Schedule. A number of objections have been received regarding impact to trees, among other things including the impact of the detention basin both in terms of its construction, form and the impact from water collecting within the basin, as well as impact from the proposed floodlighting.
71. A total of ten trees were evident on site. There are group tree preservation orders and individual tree preservation orders affecting trees within the site. Trees covered by the Tree Preservation Order are as follows; T1, T3, T4, T5, T6, T7, T8, T9 and T10.
72. Three Category B trees (T2, T3 and T4) and a Category C tree (T1) are located to the north and parallel to Aylestone Avenue. Adjacent to the eastern boundary of the field grow three Category B trees (T6, T7 and T10), two Category C trees (T8 and T9) and one Category U tree (T5). Any works to trees covered by tree preservation order require consent from the Local Authority.
73. All trees are to be retained. The Arboricultural Impact Assessment identifies the activities associated with the development and trees potentially affected. It identifies that the Root Protection Area (hereafter abbreviated to RPA) of T7 could be impacted by the physical construction of the floodlight, whilst trees T6, T7, T8, T9 and T10 could be impacted by the earth bund for detention basin, it identifies that trees RPA's adjacent to the construction area could be impacted by soil compaction, but that these are preventable by tree protection measures.
74. A small proportion (less than 1%) of the RPA to T7 would be affected by the floodlight, however the impacted area is too small to have an adverse impact to the tree's health.
75. It identifies the canopies are located sufficiently far from the proposal and would not be impacted by the construction activities with no pruning necessary.
76. The proposed earth bund for detention basin would be located to the south eastern boundary. No excavation in this area is proposed, yet it would be located on relatively small parts of the outer RPAs of T6, T7, T8, T9 and T10. The height would not exceed 1m and given the narrow width, it is acknowledged

that in the event of water collecting within the detention basin, there would be a minimal impact to the water and oxygen able to reach the roots beneath. However, the impact is considered to be minor, furthermore whilst it is acknowledged that the climate is changing and high rainfall events are more frequent, as demonstrated within the Flood Risk and Drainage Statement the filling of the bund is likely to happen in storm events, the documents show that this area of the site would be impacted by a 1 in 1000 year flood event. The level of soil loading is not significant enough to cause adverse harm to the health of the adjacent trees.

77. Five new trees are proposed along the boundary with Tiverton Green and Aylestone Avenue, the tree planting schedule outlines the species (a Scots Pine, Downy Birch, Swamp Cypress and 2 Common Alders) and that the trees will be planted with an 8-10cm girth and heights between 2.5-3m in order that a significant contribution can be made within a short period of time. A condition is recommended to secure the planting of the trees detailed in the locations shown.
78. The Arboricultural Method Statement outlines mitigation to protect the trees. Brent's Tree Officer has been consulted and is satisfied that provided the development is carried out in full accordance with the Arboricultural Method Statement that existing trees would be adequately protected. A condition to ensure development is carried out in accordance with the Arboricultural Method Statement is recommended.
79. The proposed development therefore subject to conditions can be constructed and have an acceptable impact on the existing trees. Additional planting would enhance the trees on site and the application complies with policies G7, DMP1 and emerging policy BG12.

Ecological Considerations

80. The NPPF specifies the need to protect and enhance biodiversity. London Plan Policy G6 relates to biodiversity and access to nature. Paragraph D asserts that development should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.
81. Core Policy 18 ('Protection and Enhancement of Open Space, Sports and Biodiversity') of the Core Strategy confirms that support will be given to the improvement of the built environment for biodiversity and nature conservation.
82. The application site comprises entirely of amenity grassland, with some trees along the north-eastern and south-eastern site boundaries. The originally submitted ecological appraisal was externally reviewed by a qualified ecologist on behalf of Brent Council. The review of this assessment highlighted deficiencies within the submitted assessment, among other matters that were considered to be overcome via conditions, the review highlighted further information was required in relation to local bat assemblage to determine if/how they utilise the site and of necessity to inform mitigation and compensation measures. The applicant was advised of the deficiencies and further information was submitted and scrutinised by the external ecological consultant. The review outlined that an assessment of the trees had been carried out, finding that they would be of low suitability and concluded that no further survey work of trees would be required, but there were still concerns regarding the potential impacts of the increased light levels of site. In particular, the floodlights previously proposed showed a significant increase in lux levels and the external review concluded that the significant increase in light levels to surrounding habitats, taken with the absence of survey data was such that the impact of lighting levels could not be fully assessed with regard to local bat assemblage.
83. The applicant revised their lighting strategy and submitted a revised Light Spillage Assessment and this information was subject to re-consultation. The revised lighting strategy would utilise Philips Flood Lighting OptiVision LED's due to its built-in louvres which are used to reduce the backwards spill from the luminaires and minimise potential glare.
84. The Updated Preliminary Ecological Appraisal (Rev 5 dated November 2021 prepared by Phlorum) details that a Phase 1 ecological survey was undertaken in November 2020 by a qualified ecologist. The existing site consists of an area of grassed playing field and the site contains ten trees. The site is not subject to any statutory or non-statutory designations. The closest statutory site is Westbere Copse Local Nature Reserve located approximately 1.6km north-east at its closest point. The survey area does not support any features that contribute to the designation of this site.

85. The report addresses the likelihood of roosting or foraging animals including bats, mammals, amphibians, reptiles, birds, invertebrates, Great Crested Newts' and hedgehogs. The report identifies a negligible potential for supporting reptiles, reptiles, stag beetles, and great crested newts (and other amphibians). A low potential for breeding and foraging hedgehogs, badgers and breeding birds but a moderate potential for foraging birds.
86. Out of the ten trees on-site, four were considered to provide a low potential to support roosting bats. These were T4, T5, T6, and T8. Potential roosting features present included rot holes, split/broken limbs and flaking bark. The rest of the trees on-site offer a negligible potential for roosting bats, and the site as a whole offers a low potential to support foraging bats. The trees around the boundary of the site offer features which would be able to support breeding birds. One old nest was noted within tree 6 and two were noted within tree 8. There are no shrubs or hedgerow on-site which limits the amount of foraging material available.
87. Overall, on the basis of the survey results and the above criteria, habitats within the site are considered largely to be of ecological value within the immediate vicinity only. The site provides suitable habitat to support invertebrates, breeding birds, bats and badgers. However, populations of these are unlikely to be locally significant.
88. Habitats within the proposed development area were assessed as being of value to wildlife with the local vicinity only with potential to support breeding birds, bats and badgers. It is set out within the Ecology Report that the site offers low potential for breeding badgers and low potential for foraging badgers. The report states that it is unlikely that badgers would inhabit this site, it states that the connectivity of the site to the wider network of local parks and gardens gives potential for the site to be utilised by foraging badgers. Snuffle holes present at adjacent Tiverton Green. No setts observed on site or within 30m, and no suitably sized burrows observed for use by badgers. The report concluded that the site offers low potential for breeding and foraging badgers. Recommendations are made in the event of foraging badgers.
89. Section 5 of the Ecology Report outlines recommendations for ecological mitigation including the provision of a biodiversity net gain, in principle these are considered to mitigate potential impact to ecology, a condition is recommended to formalise measures with details in an Ecological Enhancement Strategy.
90. The revised information was again reviewed externally on behalf of Brent which included a review of the revised lighting strategy as well as considering an earlier letter from the applicant in regard to ecology impact. A number of objections were received in regards to the impact on ecology and biodiversity as a result of the development, this included letters accompanied by rebuttals and technical documents scrutinising the submitted documentation, methodologies used and ecological impact. Regard has been had to these objections and the external review included an assessment of these documents.
91. The revised lighting strategy and proposed luminaires with built in louvres would result in no more than one lux between ground level and the tops of the all trees. This is no more than light levels at twilight, or potentially a clear full moon (BCT, 2016). As a result, it is considered that the lighting proposals are unlikely to have a significant negative impact on local bat assemblage. The review notes that in the absence of a bat survey with details of local assemblage a precautionary approach to compensation should be used, to include compensation measure to ensure no net loss of foraging habitats for local bats. Such mitigation may include further notice planting, or the creation of more natural habitat.
92. A Bat Activity Survey was submitted by consultants acting on behalf of Brondesbury Park Residents Association in support of their objection. This has been reviewed by the external ecologist appointed by the Council. A single survey was undertaken and was undertaken at the latter end of the active bat season and therefore provided a small snapshot of bat usage during this part of the season. The review advised that the methodology does not follow recommendations of a bat activity survey as set out by the Bat Conservation Trust (BCT 2016), which would include a walkover survey taking a transect of the site and recording activity as well as static detectors left in fixed location for 5 nights. The report outlines access was not possible.
93. The results presented suggest the site and surroundings are largely utilised by Common Pipistrelle and Soprano Pipistrelle, both species are common and widespread in urban environments. It is noted that the report at paragraph 7.8 states that the majority of activity on the pitch was detected aurally, with few

visual observations made. As such it is not possible to determine if calls were coming from the pitches or tree lines. The external review suggested that paragraph 8.6 of the report was misleading to suggest a bat call soon after sunset suggest, even tentatively that a bat roost is present in the trees on the southern side of the site. It may be indicative that a roost is present within the vicinity, but the location is not identified. The report suggests a high level of activity, yet paragraph 8.7 states a maximum of two bats reported at any one time. As such the data presented within the report would suggest low numbers of bats for persistent and continuous foraging for the early part of the night.

94. A further objection was received in November 2021 prepared by consultants acting on behalf of Brondesbury Park Residents' Association (BPRA). This was also reviewed by Brent's external consultant. The representation related to the suitability of the adjacent trees to support roosting bats, for the most part, no additional information has been provided to suggest the trees have features not previously identified. Concerns were raised over whether the identified features constitute a low or moderately suitable tree.
95. Some inconsistencies between the arboriculture findings have been identified for Tree 4 which may impact upon the tree's suitability to support roosting bats. BPRA's consultants have noted that impacts, such as lighting, would still require a European Protected Species Licence (EPSL) to allow works to proceed lawfully should a bat roost be affected by the development. However, the most recent lighting assessment has demonstrated that light levels on these trees will be no more than 1 lux between ground level and the tops of the trees. Therefore, with the correct implementation of the proposed mitigation, no negative impacts are anticipated on these trees and subsequently any potential roosts. As a result, notwithstanding this objection, further surveys are not considered necessary for the trees surrounding the development.
96. Many objections were received in regard to negative impact to biodiversity and ecology. Concerns relate to the impact to ecology such as badgers and biodiversity net gain, it is considered that the revised ecological assessment addressed these concerns. Objections relate to the LED lighting and impact to bats and invertebrates, yet LEDs are the preferred options for bats and invertebrates and the Lux levels have been sufficiently reduced, reference is made the deterioration of irreplaceable habitats for protected species in relation to the NPPF. This is a misinterpretation of the NPPF, irreplaceable habitats do not relate to habitats specifically for protected species, but rather habitat themselves which cannot be replaced once destroyed, such as Ancient Woodlands.
97. In summary, the revised lighting spillage assessment demonstrates that the impacts on local biodiversity has been suitably addressed within the proposals. A condition is recommended for an Ecological Enhancement Strategy based on the recommendation of the Ecological Appraisal and this should include compensation for foraging bats. A condition is recommended for the submission and approval of a Construction Environment Management Plan to detail measures to protect biodiversity during construction.
98. To conclude, the impact to biodiversity and ecology has been assessed and found to be acceptable, a condition is recommended that the development is carried out in accordance with the recommendations within the submitted Ecology Report.

Fire Safety

99. Policy D12a of the London Plan (2021) requires all new development to take account of fire safety in design. Given the nature of the development being located outside, with open access to the pitch, clear exits and the access directly onto open playing fields, the submission is considered to meet the requirements of Policy D12a.

Conclusion

100. The proposed development is considered to accord with the development plan. The proposal would enable the school to support outdoor sporting activities through the year. The use of a community access agreement would also enable the facilities to be used by the local community. The proposal is therefore considered to result in significant benefits social and community benefits in terms of facilities, health and wellbeing.
101. It is acknowledged that the floodlights and proposed use would facilitate greater activity, particularly

in winter months and that the closest properties located on Aylestone Avenue would experience some noticeable noise. However, the level of additional noise impact when considering the acoustic barrier mitigation as well as the restricted hours of use until 9pm (Monday to Friday) is not considered to result in significant harm to their living conditions. Furthermore, when balanced against the wider public social and community benefits associated with the proposed development in terms of sporting facilities, health and wellbeing are considered to clearly outweigh the level of harm.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 20/1411

To: Joshua Simons & Associates Limited Limited
Joshua Simons & Associates
Imperial Business Park
Building 4
Maxwell Road
Borehamwood
WD6 1JN

I refer to your application dated **13/05/2020** proposing the following:

Construction of an artificial turf pitch, ball stop fencing with access gates, acoustic all weather timber fence, flood lighting units 2 x double floodlights on the half way masts and single floodlights at each of the 4 corner masts (mounted onto 6 steel columns) and a dry pond detention basin and earth bund in a designated area within the school grounds

and accompanied by plans or documents listed here:
Please See Condition 2.

at **Queens Park Community School, Aylestone Avenue, London, NW6 7BQ**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 18/01/2022

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is considered to accord with the development plan. The proposal would enable the school to support outdoor sporting activities through the year. The use of a community access agreement would also enable the facilities to be used by the local community. The proposal is therefore considered to result in significant benefits social and community benefits in terms of facilities, health and wellbeing.

It is acknowledged that the floodlights and proposed use would facilitate greater activity, particularly in winter months and that the closest properties located on Aylestone Avenue would experience some noticeable noise. However, the level of additional noise impact when considering the acoustic barrier mitigation as well as the restricted hours of use until 9pm (Monday to Friday) is not considered to result in significant harm to their living conditions. Furthermore, when balanced against the wider public social and community benefits associated with the proposed development in terms of sporting facilities, health and wellbeing are considered to clearly outweigh the level of harm

- 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 Location Map

SC/1801/01 Revision B - General Layout

SC/1801/02 Revision B – Pitch Layout

SC/1801/03 Revision B - Fencing Layout

SC/1801/04 Revision C – Elevations

SC/1801/05 Revision B – Existing Topographical Plan

SC/1801/06 Revision B – Site Location Plan

SC/1801/07 Revision A - Site Access Arrangement

SC/1801/08 Revision C – Sections

12m RL - 12m RL with 1 & 2 Philips LED dated 12/07/2021

HLS1149 – Aiming Drawing

1005169 (Sheet 2 of 3) – Jakoustic Fencing System

1005169 (Sheet 3 of 3) – Jakoustic Fencing System

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 shown on the approved plans, unless details of alternative materials are submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

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

- 4 The Artificial Grass Pitch hereby approved shall not be used other than between 08.30-21.00 Mondays to Fridays, 09.00-19.00 on Saturdays and 10.00-18.00 Sundays and Bank Holidays and any floodlights associated with the sport pitches shall be switched off no later than 15 minutes after these times and the pitch vacated. Within these time parameters, the floodlights shall only be switched on when the court is in active use.

Reason: In the interest of mitigating impact to neighbouring amenity.

- 5 The maximum level of illumination for the floodlights shall be carried out in accordance with approved 'Light Spillage Assessment dated 2nd September 2021'.

Reason: To ensure that the floodlights are not detrimental to the local ecology or surrounding residents.

- 6 Prior to first use of the development hereby approved, the applicant shall carry out the development in full accordance with the mitigation measures outlined with the following submitted document 'Noise Assessment 19th May 2020 and the Acoustic Barrier shall be carried out in accordance with the approved drawings and maintained in perpetuity.

Reason: To protect neighbours living conditions and ensure acceptable local noise levels, in accordance with Policy DMP1.

- 7 Prior to first use of the sports pitch hereby approved, a Community Access Plan detailing community access arrangements, prepared in consultation with Sport England, shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the approved plans and documents the Community Access Plan shall outline a minimum number of hours for community use at the school each week and shall include details of rates of hire (based upon those charges at other public facilities), terms of access, hours of use, access by non-school users/non-members and management responsibilities.

The approved Community Access Plan shall be brought into operation within 3 months of first use of the sports pitch and it shall remain in operation for the duration of the use of the development.

Reason: To secure well-managed, safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Local Plan.

- 8 The development shall be carried out in accordance with the details contained within the submitted 'Surface Water Drainage Strategy (SWDS) and Flood Risk Assessment' document. Prior to construction, final details of the earth bund and detention basin shall be submitted to and agreed in writing by the Local Planning Authority. The dry pond detention and bund basin shall be constructed in accordance with the agreed details prior to first use of the development hereby approved and thereafter retained and maintained.

Reason: In the interest of mitigating flood risk and providing a Sustainable Urban Drainage System.

- 9 The development shall be carried out in accordance with the submitted: 'Arboricultural Report Impact Assessment, Method Statement & Planting Specification dated 21st November 2019.

The five new trees shall be planted in accordance with the tree planting schedule and in the location shown within this approved document within the next available planting season following first use of the development hereby approved.

Prior to commencement of work to the bund hereby approved, a Method Statement detailing the construction method shall be submitted to and agreed in writing, the development shall be carried out in accordance with the approved details.

Any trees that is part of the approved scheme that within a period of *five* years 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 trees on site are protected and in the interest of visual and wildlife amenity.

- 10 Notwithstanding the submitted Preliminary Ecological Assessment (Updated Preliminary Ecological Appraisal Rev 5 dated November 2021 prepared by Phlorum), prior to commencement of works an Ecological Enhancement Strategy based on the recommendation of the Ecological Appraisal (listed above), which shall include a biodiversity net gain calculation of the site and shall also include compensation for foraging bats among other enhancements, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy

Reason: To protect and enhance ecology.

- 11 Prior to the commencement of works a Construction Method/ Environment Management Plan shall be submitted to and agreed in writing by the Local Planning Authority, it shall detail measures to protect biodiversity during construction, it shall also provide details of the following:

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

The approved statement shall be implemented throughout the duration of construction.

Non Road Mobile Machinery

Brent is currently part of the 'London low emission construction partnership'. Therefore, the use of Non Road Mobile Machinery of net power between 37kW and 560kW is required to meet at least Stage IIIA of the EU Directive 97/68/EC and its amendments. This will apply to both variable and constant speed engines for both NOx and PM.

Reason: To mitigate harm to ecology during construction and to manage environmental impacts and nuisance during construction.

- 12 Prior to the first use of the artificial pitch hereby approved, an updated School Travel Plan (to include specific reference to the community use of the artificial pitch), shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

Reason: In order to promote sustainable transport measures.

Any person wishing to inspect the above papers should contact Sarah Dilley, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2500

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COMMITTEE REPORT

Planning Committee on
Item No
Case Number

26 January, 2022
05
21/2262

SITE INFORMATION

RECEIVED	17 June, 2021
WARD	Mapesbury
PLANNING AREA	Brent Connects Kilburn
LOCATION	91B Mora Road, London, NW2 6TB
PROPOSAL	Insertion of 6 rooflights to main pitched roof, insertion of Juliet balcony to northwest elevation and replacement of roofing material change from sheeting to clay tiles (revised plans).
PLAN NO'S	See condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_155642</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none"> 1. Please go to pa.brent.gov.uk 2. Select Planning and conduct a search tying "21/2262" (i.e. Case Reference) into the search Box 3. Click on "View Documents" tab

RECOMMENDATIONS

That the committee resolve to GRANT planning permission subject to conditions.

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

1. Time Limit
2. Approved Plans
3. Materials to Match
4. Opening Window Restrictions

Informative

1. Building near a boundary
2. Party Wall Act

That the Head of Planning and Development Services is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee

SITE MAP



Brent

Planning Committee Map

Site address: 91B Mora Road, London, NW2 6TB

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This map is indicative only.

PROPOSAL IN DETAIL

The application proposes the insertion of 6 rooflights to main pitched roof, insertion of Juliet balcony to northwest elevation and replacement of roofing material change from sheeting to clay tiles.

EXISTING

The subject property is a two-storey building located within a backland site located via a service road from the southern side of Mora Road. The change of use of the building from office to residential gained “prior approval” and works are currently being undertaken to convert the property. The site is predominately surrounded by residential properties and four of the exterior walls form the boundaries with neighbouring properties gardens. To the immediate east, the elevation of the building is bordered by the rear garden of 91 Mora Road. To the south, the party wall is on the boundary of the rear garden of No.s 99 to 107 Ivy Road. To the west of the site, a part two, part three-storey building containing residential accommodation has recently been constructed from planning permission 17/0473 granted 21/04/2017. The site is not in a Conservation Area nor is it a listed building. St. Michael's Church is a nearby Grade II heritage assets that is situated approximately 25m northwest.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

1. **Representations received:** Objections from 13 residents have been received. The objections have been considered and discussed within this report.
2. **Neighbouring amenity:** The development has been assessed against the guidance in SPD 1 and would be compliant. While the unique close proximity of the existing building to neighbouring gardens is noted, it is considered that the proposed additional rooflights and Juliet balcony as part of this application would have an acceptable impact on the neighbouring occupiers and not result in an adverse loss of privacy, overlooking or unreasonable levels of noise.

RELEVANT SITE HISTORY

Reference	Proposal	Decision	Date
E/21/0306	Without planning permission, the replacement of roof tiles with standing seam single ply to pitched roofs and single ply membrane to flat roofs, replacement of windows and doors to all elevations with anthracite PVCu units, new red cedar cladding to front elevation and insertion of rooflights to flat and pitched roofs		
21/0428	Proposed replacement of roof tiles with standing seam single ply to pitched roofs and single ply membrane to flat roofs, replacement of windows and doors to all elevations with anthracite PVCu units, new red cedar cladding to front elevation and insertion of rooflights to flat and pitched roofs (revised description).	Refused	07/06/2021
21/0421	Details pursuant to condition 4 (Contamination Report) and condition 6 (Details of front garden layout) of Prior Approval -	Granted	07/05/2021

	Office to Residential reference 20/1729 dated 7 August, 2020, for Prior approval for change of use from Office (Use Class B1a) to residential (Use Class C3) to create six self-contained flats with bin and cycle storage to front		
20/1729	Prior approval for change of use from Office (Use Class B1a) to residential (Use Class C3) to create six self-contained flats with bin and cycle storage to front	Prior Approval Granted	07/08/2020

CONSULTATIONS

Fifteen neighbouring and nearby properties were consulted together with NorthWestTWO Residents Association. The first consultation letter was sent on 18/06/2021. The description of the proposal was changed to revise the wording and remove the replacement of the existing windows on 30/06/2021. The description of the proposal was further revised which changed the wording of 'reinstatement and repositioning of 6 rooflights' to 'insertion of 6 rooflights'. The submitted plans were also amended to show two ground floor windows that had been boarded over internally and a correction to label elevation orientations with consultation letters sent on 17/08/2021 and 18/08/2021. The application was further consulted on 17/09/2021 to reflect corrections on the application form including site area and amended floor block, site and location plans that revised the red line boundary.

Overall objections from 13 residents were received.

Reasons for objecting	Officer's Comment
The description of 'reinstatement' is misleading as rooflights on the pitched roof are not existing	The applicant contended that the existing translucent panels constituted rooflights. However, the proposed rooflights would be openable windows, therefore the description was been subsequently amended to state the 'insertion of rooflights' with relevant re-consultation.
The submitted drawings show existing roof windows which do not currently existing which is misleading	The existing elevation demonstrate 6 panels on the roof that are annotated to state 'existing rooflight in sheet roofing'. It is considered the elevation reflects the existing building.
The roof has always been void and there was no third floor	The building is being converted under permitted development, and the permitted development rights allow the change of use of a building and land within its curtilage. This can include the whole building, including any loft space.
Rooflights would result in noise and disturbance to surrounding properties	While any additional accommodation is considered to create some noise associated to residential use, the additional rooflights at a high level with restrictive opening mechanisms are not considered to cause detrimental additional impact to noise and disturbance.
Rooflights would produce additional light to surrounding properties	While the rooflights would allow views of light when internal rooms were illuminated, as the rooflights would mostly face upwards and sit at the roof level of the majority of surrounding properties, it is not considered that the light created would significantly harm the amenities of neighbouring residents.

Rooflights would create additional overlooking and would result in loss of privacy and perceived privacy to neighbouring properties and amenity spaces	The applicant has demonstrated that the rooflights would be restricted to not allow future occupiers/users or the site to look through lower parts of the windows. A condition will be placed on any permission to ensure mechanism are installed and retained in such a way.
<p>Insertion of Juliet balcony is not in keeping with area and the adjacent building 91 C,D,E was refused windows on this elevation.</p> <p>In line with recent planning application on adjacent site there should be no windows on the boundary walls for the properties of Mora Road and Ivy Road.</p>	The appearance and potential impacts on amenity of the proposed rooflights and Juliet balcony is discussed in the Detailed Considerations section of the report.
South western elevations incorrectly shows four windows instead of three windows	The elevation was subsequently amended to reflect this inaccuracy with relevant re-consultation.
Lack of insulation and therefore increased noise and disturbance. . Other matters relating to the construction of the building in terms of the materials, structural state and methods were raised.	Insulation has to comply with the relevant Building Regulations. This is not a planning consideration. The works are also being supervised by a private building control company and not Brent Building Control who has no jurisdiction with regards to these works.
<p>For safety and security, the windows on the building should stay opaque and non-opening and security in terms of trespass of neighbouring gardens</p> <p>The development has created privacy and security concerns including potential intruders.</p>	<p>This application only relates to the roof, rooflights and the window containing the Juliet balcony which faces towards No. 91 C-E Mora Road.</p> <p>The security of the neighbouring gardens would not significantly change as a result of the proposal.</p>
<p>Application should be reassessed by Brent Council and adhered to by building control standards</p> <p>There is a lack of information regarding building control standard and company.</p>	The development must accord with the Building Regulations and this cannot be considered as a part of this planning application.
Concerns regarding the granted change of use from the commercial site to residential flats.	The change of use from a commercial site to residential accommodation was applied for with a Prior Approval application 20/1729 through the permitted development process. Certain types of development are granted planning permission by national legislation without the need to submit a planning application. This change of use required the applicant to submit an application to the Local Planning Authority for its 'Prior Approval'; or to determine if its 'Prior Approval' was required. This allows the Local Planning Authority to consider certain only certain aspects of the proposal.
The development would be detrimental to the enjoyment, use and quality of neighbouring gardens and external amenity spaces.	This application only relates to the roof, roof windows and Juliet balcony and associated window. The potential impacts of this are discussed in the detailed considerations part of this report.

<p>The development has created significant disruption including loud music and noise from construction workers, foul language, extreme levels of noise, dust, rubbish and debris.</p> <p>Construction workers on site out of hours</p>	<p>Construction and demolition works are essential for the growth and redevelopment of Brent. However the noise and disturbance associated with such works can affect those living and working in close proximity.</p> <p>The Control of Pollution Act 1974 gives powers to the Council which can restrict working hours and allow conditions to be stipulated on the types of machinery/ plant that are used on construction sites and complaints can be made to the Council's noise team where nuisances occur. Due to there being other primary legislation which controls this work, these issues cannot be considered within the planning assessment.</p>
Neighbouring property garden structure has been splattered with paint during works	Direct damage to a property is a civil matter between those involved.
Several complaints have sent to Brent Nuisance team about the noise exceeding reasonable levels	Brent Nuisance Control Team advise that a qualifying threshold of three or four separate nuisance-level incidents within a 4-week period is usually required to open an investigation. One-off or infrequent incidents will be logged for monitoring but no further action will be taken.
The owner has not informed neighbours of the work including any regarding the party wall act	The Party Wall Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings. This cannot be considered in the determination of this planning application.
Application has not yet been approved although the works are proceed	The applicant appears to have commenced works to implement the prior approval application on site.
Concerns regarding the building becoming a HMO	The use of the flats as small scale HMOs (up to 6 persons) would not currently require planning permission. However, planning permission would be required for the flats to change to a Sui Generis HMO.
In the event of a fire, exiting the property would involve access through private properties which is not acceptable.	Fire safety is primarily covered within Building Control. Landlords and freehold owners of residential buildings have a legal duty to ensure that a fire risk assessment is carried out to identify and remove any fire risks and hazards, or to reduce these as far as possible.
<p>There should have been a green area with this building and there is not appropriate space for landscaping to take place</p> <p>In the submitted plans there are no safe provisions for electric cycles, scooter or electric car charging. This fire hazard should be urgently addressed.</p> <p>The change use from commercial to residential</p>	<p>The building is being converted to flats under "permitted development" with the requirement for this type of development set by central government through legislation. There is no requirement for outdoor space or charging points within the legislation, and this process does not allow for the consideration of many of the matters that can be considered within a full planning application for a change of use to flats.</p>

should have taken into consideration the neighbouring properties and the detrimental effect it would have on so many homes and lives on Mora Road and Ivy Road.	
The Privacy Law Act and Human Rights Act 1998 should protect against unwarranted invasions of privacy	The potential impacts on privacy are discussed within the detailed considerations part of this report.
The development would harm air quality due to cooking smells	This proposal only relates to the roof, roof windows and the Juliet balcony and associated window. The flats are to be delivered through permitted development. Nevertheless, the property is situated within a residential area, and while some cooking smells may occur associated to residential use, these are not likely to be lead to an unreasonable impact to air quality.
Windows could result in throwing waste to neighbouring gardens New occupants may result in anti-social behaviour which accompanies overdevelopment and overcrowding Development would create an unsafe environment for the residents of Ivy and Mora Road	If future anti-social or criminal behaviour takes places, this can be reported to the Brent anti-social behaviour team or the police.
Windows cannot project over invade airspace of adjoining houses	This application does not involve the existing windows within the main walls of the building. The rooflights and Juliet balcony do not project over other properties.
Site area is incorrect on the submitted application form	The site area was incorrect and has been subsequently amended with relevant re-consultation.
Application form and submitted documents do not address rights of way of No.91 Mora Road – the proposed development would block rights of way	Legal/private access rights are not a material planning consideration. The proposed alterations as part of this application would not alter access to the site.
Missing vehicle parking spaces on the application form which is not defined	Parking would not be altered as part of this application. The council's transportation team assessed the initial Prior Approval application. The site was found to be acceptable with regards to transport subject to a 'car free' agreement and bike storage details.
Application form does not adequately assess flood risk. The run off from the flat roof adjoining No.91 will fall across boundary into side garden	There is no additional hard surfacing or roof area as part of this application, therefore it is considered that flood risk has been adequately considered.
Application form incorrectly states surface water will be dispose of in main sewer however rainwater is not disposed of in this way	The rain water drainage would not be altered as part of this application.
Applicant has submitted inaccurate site ownership as the applicant is not the sole owner of the land	The red line side boundary submitted initially has been corrected to include only the land of the subject site.

The applicant does not own the side passage and is reliant on boundary land and guttering to dispose of rainwater originating from 91B buildings	No rainwater goods are proposed as part of this application. The guttering would not be altered as part of this application as such the existing arrangement would remain.
The submitted drawings incorrectly depict the distance of the side passage and the actual on site measurements of the side boundary	<p>The HM Land Registry maps has a caveat stating 'HM Land Registry endeavours to maintain high quality and scale accuracy of title plan images. The quality and accuracy of any print will depend on your printer, your computer and its print settings. This title plan shows the position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.'</p> <p>Nevertheless, taking into account the scale and thickness of the red line of the site, the distance of the side passageway appears to be consistent on the submitted block plans, location, plan and the land registry for 91B Mora Road.</p>
Application from contains many errors and was incorrectly made valid	Necessary changes were sought with a revised application form and the application was re-consulted.
Neighbouring properties 91 and 91a would have a less comfortable outlook and would be disturbed, which would harm their overall living conditions	The bulk and massing of the site would not increase, therefore they would not be additional limitations or obstruction from the rear windows of No.91 and 91A, as such the outlook is not considered to have been altered.
Granted prior approval 20/1729 should be revoked as the applicant has incorporated neighbouring land at No.91 within the application	The "red line" plan for the prior approval application did include a small element of the front garden of No. 91. However, this does not affect the consideration of this planning application as the proposal only relates to the roofing, roof windows, Juliet balcony and associated window and would be acceptable whether or not the prior approval is implemented.
Revised plans appear to be the same as the first submission	The revisions to the plans contained minor amendments as such the plans appear to be similar to the original submission.
The building was erected without planning permission	The main building itself is historic and there are no planning records for its erection. A granted planning permission to extend the property in 1996 (96/0281). In any case, the building has been there a significant period of time and would be lawful even if it was originally constructed without planning permission.
The development could result in congestion, road rage and carbon omissions	This application only relates to the roof, roof windows, Juliet balcony and associated window. The highways impacts were considered during the assessment of the initial Prior Approval application and the flats will be 'car free'. Carbon emissions could not be considered during the

	prior approval application.
The development would result in financial burden to neighbouring properties including increase of home insurance and loss of property value	The loss of value is not a material planning consideration.
There are no standards for drainage, sewage and safety exits.	This application would not alter these elements of the site, which are dealt with through the Building Regulations.
The proposed bins and cycles are next to entrance and parking to a private house	This was covered in a discharge of conditions application 21/0421 and not this application. The proposed bins and cycle storage are within the subject site.
Application form includes questions relating to the provision of residential accommodation on site and residential floorspace which have not been answered.	Although the previous prior approval application is noted, the alterations that form part of this application would not alter the provision of residential accommodation on site. Therefore, the details are considered sufficient.

POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2021 London Plan. Key relevant policies applicable to this application are:

Core Strategy (2010)

CP17 Preserving the Suburban Quality of Brent

Brent Development Management Policy (2016)

DMP1 Development Management General Policy

DMP7 Brent's Heritage Assets

London Plan (2021)

D1 London's form, character and capacity for growth

D4 Delivering Good Design

D12 Fire Safety

Draft Brent Local Plan

The Council is at an advanced stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. Planning Inspectors appointed on behalf of the Secretary of State have considered the draft Plan and have requested that the Council undertake consultation on a number of Main Modifications which is taking place between 8 July and 19 August 2021. Therefore, having regard to the tests set out in paragraph 48 of the NPPF, it is considered that greater weight can now be applied to policies contained within the draft Brent Local Plan.

Key relevant policies from these documents include:

DMP1 – Development Management General Policy

Other material considerations

National Planning Policy Framework 2021

SPD1 Brent Design Guide (2018)

DETAILED CONSIDERATIONS

1. Overview

1.1 Planning application 20/1729 for the prior approval for change of use from Office (Use Class B1a) to residential (Use Class C3) to create six self-contained flats with bin and cycle storage to front at 91B Mora Road was Granted on 7th August 2020. Following this, a further application 21/0421 for the discharge of conditions 4 (Contamination Report) and 6 (details of front garden layout) was granted on 7th May 2021.

1.2 This application seeks external alterations to the existing building. These include: changes to roofing materials from sheeting to clay tiles, insertion of Juliet balcony to the northwest elevation and insertion of 6 openable rooflights in the main pitched roof.

1.3 The main considerations of relevance in regard to this application are the impact of the proposal on the character of the host property and of the locality, and on the residential amenity of the neighbouring properties. Detailed guidance on these matters is set out in the Council's SPD1 document in accordance with the provisions of Policy DMP1 of the Brent Development Management Policies Document.

2. Character and appearance

2.1 The subject site occupies a backland plot accessed via a service road the southern side of Mora Road. The surrounding site is predominantly residential and four of the exterior walls of the property form the boundary with neighbouring gardens. To the north and east is Mora Road predominantly characterised by two storey terraced brick built houses with pitched roofs of slate and clay tiles. To the south of the site is Ivy Road comprised also of two storey terraced brick built houses with pitched roofs of slate and clay tiles. To the west of the site is contemporary development of part two part three storeys implemented planning permission 17/0473 granted on 21st April 2017. Beyond this is a 12m wide strip of Thames Water open land St Michael's Church, a Grade II listed building.

2.2 The existing building is an L-shape containing a two-storey main building with a pitched roof perpendicular with a two-storey element with a flat roof that runs north of the rear gardens of No.s 103-97 (odd) Ivy Road. The building also incorporates single storey additions with that border the boundary with 91 and 91A Mora and contain an entrance fronting the service Road. The existing building is constructed in red brick with vertical timber cladding to parts of the north-west elevation. The main pitched roof is finished in corrugated sheet roofing with the entrance pitched roof constructed of clay tiles. The flat roofs appear to be finished in felt.

2.3 The proposed six rooflights would be inserted into the main pitched roof, projecting from the roof plane by approximately 5cm. The existing building appears to have a form of roof light that is created through the use of translucent roofing materials. This is seen in aerial imagery and from photographs taken on site. The proposed rooflights, however, would be openable windows in different locations, three to the north-western elevation and three to the south-western elevation. Although the rooflights would be visually noticeable, they would occupy a relatively small portion of the overall roof plane. Within the locality, rooflights are a common feature of residential properties. Therefore, with regards to character and appearance, at this level, it is not considered that the fenestration alterations and additions would be visually obtrusive, in terms of the impact on the character and the appearance of the property and its surroundings.

2.4 The proposed Juliet balcony would involve the installation of a glass balustrade to an existing window of 1.8m in height. Given that there is an existing full-length window, the additional glazing would be consistent with the existing materials in this part of the elevation. The balustrade is light-weight and would not be visually obtrusive.

2.5 The application proposes red clay tiles to the main pitched roof. The surrounding area has a mixture of slate and clay tiled roofs. While the replacement would be visually different to the existing finish, the applicant has stated that the corrugated roofing contains asbestos and the proposed clay tiles would complement both the red brick of the property and the surroundings roof profiles.

2.6 The replacement roof material would have a softer appearance and result in a positive impact on

the character of the host property and the installation of rooflights and a glazed balustrade is not considered to harm the appearance of the property of the wider locality.

2.7 With regards to St Michael's Church, the nearby heritage asset, the altered building retains the same separation distances and the predominant red brick visual appearance. From public and private vantage points, the proposal would therefore not harm the setting of the church. The scheme complies with policy DMP7 and the provisions of section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

3. Impact on neighbouring properties

3.1 SPD 1 provides guidance on how new development should be designed in order to limit the impact of neighbouring residential properties. Externally, the building lies closest to residential properties and gardens of Mora Road and Ivy Road.

Privacy/Overlooking

3.2 It is set out in SPD1 that directly facing habitable room windows normally require a separation distance of 18m while the distance between habitable room windows or balconies and gardens should normally be at least 9m. There is no specific guidance relating the installation of rooflights and the same distances are applied. Where windows are less than this from a boundary they are typically obscure glazed and have restricted openings. In this case, the applicant has submitted a section through the roof that illustrates that the rooflights would project upwards and would have an opening mechanism that would restrict the views for future occupiers and users of the site solely from the upper parts of the window. Therefore, from the south eastern elevation, the outlook provided from the proposed rooflights would therefore not provide immediate overlooking to the rear gardens on Mora Road below and instead provide longer horizontal and sky views. To the north western elevation the new development at 91 C-E Mora Road has no fenestration on the opposite elevation, therefore the windows are unlikely to overlook occupiers of this development.

3.3 With regards to the Juliet balcony, the full length window in this position is existing. The glazed balustrade would not project from the façade and therefore would provide comparable oblique views to the existing window in this location. There is a separation distance in excess of 9m to the rear gardens of No.109 and No.107 Ivy Road and this window and Juliet balcony would accord with SPD 1 even if it did directly face those gardens. As discussed above, there are no windows within the façade of 91 C-E Mora Road that directly faces this building, and as such, the Juliet balcony does not increase overlooking of that building. Furthermore, the Juliet balcony and associated fenestration replaces an existing window, the level of overlooking to other properties does not materially increase above the levels associated with the existing window.

Noise, Light and Disturbance

3.4 Internal alterations have begun to facilitate the implementation of the Prior Approval application 20/1729 to create six self-contained flats on site. While it is noted that the change of the use of the site may generate more noise, light and disturbance than the previous use as an office, the addition of rooflights would have a similar impact to the insertion of rooflights on nearby residential properties. When in use as domestic properties at the proposed occupancy, it is not considered that the addition of rooflights would give rise to an unacceptable levels of noise, light and disturbance.

4. Fire Safety

4.1 London Plan policy D12 sets out that development proposals must achieve the highest standards of fire safety. The proposed alterations would not affect any access to or from the building and the future occupiers would have a very similar arrangement to what was being constructed without the additional windows. Therefore, the proposal has sufficiently addressed the requirements of policy D12 and given that this application relates to roof tiles, roof windows and the Juliet balcony and an associated window, these matters can be adequately dealt with by Part B of the Building Regulations which covers fire safety compliance.

5. Public Sector Equality Duty

4.1 In line with the Public Sector Equality Duty, the council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation)

6. CONCLUSION

The proposed development is considered to be acceptable in terms of impact to character and appearance of the subject property and the locality. The proposed development also would not have an adverse impact on the overall living condition of the neighbouring occupiers and is considered to comply with policy DMP1.

Approval is accordingly recommended.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 21/2262

To: Mr Peters
ATP Design Ltd.
24
BRIDGEMARY GROVE
GOSPORT
PO13 0UG

I refer to your application dated **17/06/2021** proposing the following:

Insertion of 6 rooflights to main pitched roof, insertion of Juliet balcony to northwest elevation and replacement of roofing material change from sheeting to clay tiles (revised plans).

and accompanied by plans or documents listed here:
See condition 2.

at **91B Mora Road, London, NW2 6TB**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 18/01/2022

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with the:-

National Planning Policy Framework 2021
 The London Plan 2021
 Brent's LDF Core Strategy 2010
 Brent's Development Management Policies 2016

- 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):

BLP_A111-12 Rev A Block and Location Plans
 EEP_A201-4 Rev C Existing Elevation
 EFP_A101-4 Rev A Existing Floor Plans
 ESP_A105 Rev A Exusub
 PEP_A205-8 Rev C Proposed Elevations

A301 Section through roof + rooflights

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 stated on the submitted drawings and plans.

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

- 4 The rooflights hereby approved within the south-eastern roofslope shall be installed with obscure glazing within any areas of glazing less than 1.7 m above floor level in the associated room and top opening only with a restriction in the maximum opening of the window as detailed within Drawing A301 "Section through roof + rooflights" and shall be permanently maintained in that condition.

Reason: To ensure the development does not unduly impact the privacy of the adjoining occupier(s).

INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 2 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out

entirely within the application property.

Any person wishing to inspect the above papers should contact Lena Summers, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5233

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