

**Committee Report**  
**Planning Committee on 18 September,**  
**2013**

**Item No.**

**07**

**Case No.**

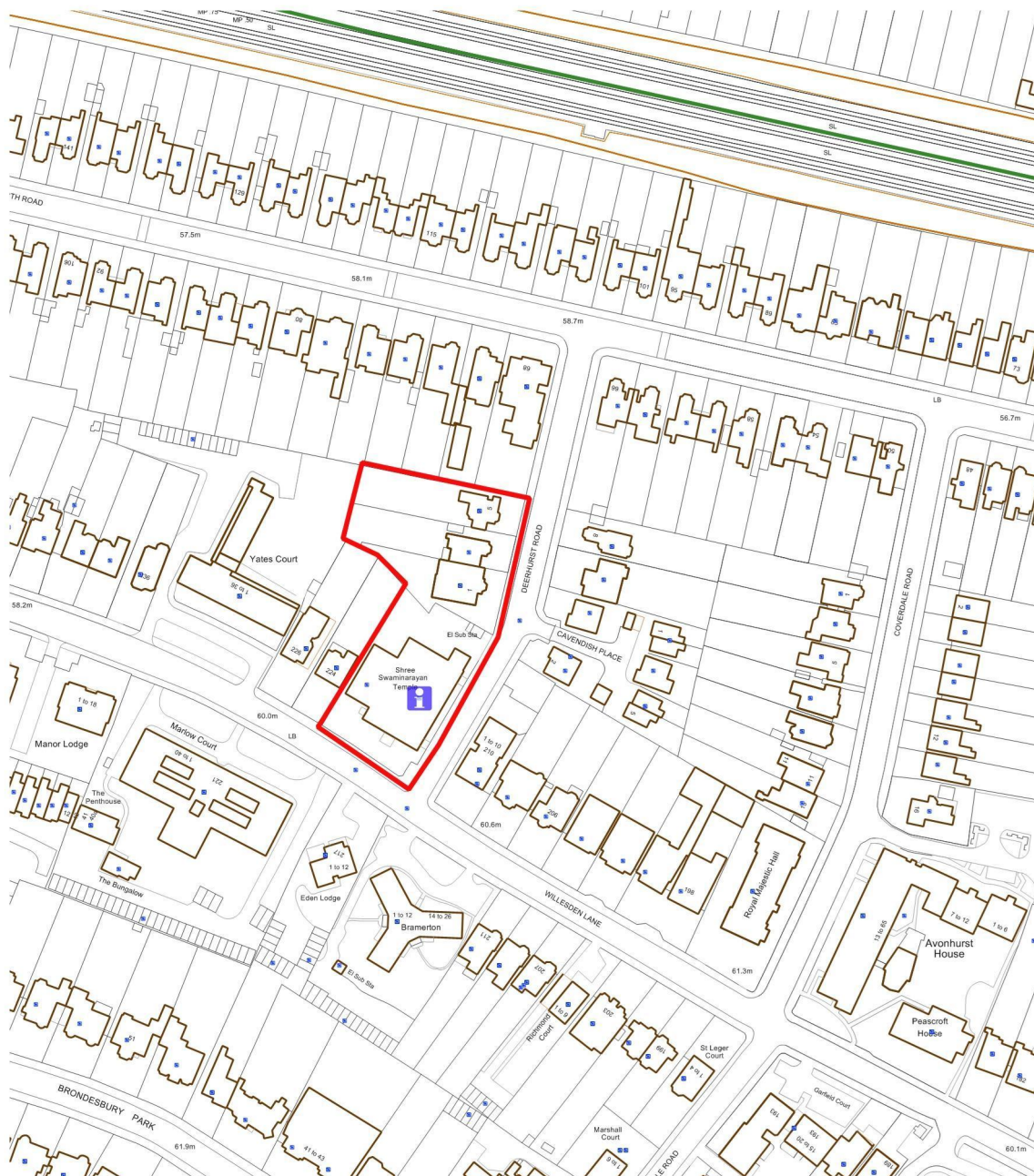
**13/0891**



**Planning Committee Map**

Site address: 1A-C, 3 & 5A-D INC, Deerhurst Road & Shree Swaminarayan Temple, 220-222 Willesden Lane, Willesden, London, NW2

© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

**RECEIVED:** 8 April, 2013

**WARD:** Brondesbury Park

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

**LOCATION:** 1A-C, 3 & 5A-D INC, Deerpurst Road & Shree Swaminarayan Temple,  
220-222 Willesden Lane, Willesden, London, NW2

**PROPOSAL:** The erection of a rear extension to the temple, the demolition of 1, 3, 5  
Deerpurst Road and the erection of

- Block A - 13 bedrooms care units, 2 staff units and 1 visitor unit
- Block B - Lounge and 3 x One Bed
- Block C - 12 flats
- Two storey basement parking area with associated landscaping to the site

**APPLICANT:** Shree Swaminarayan Temple, Willesden

**CONTACT:** Studio V architects

**PLAN NO'S:**  
PL01 - PL20 Rev E  
PL23 - PL24  
Ecology Report  
Acoustic Report  
Daylight Sunlight Report  
Energy Statement  
Planning Statement  
Travel Plan  
Travel Assessment  
Statement of Affordable Accommodation to Ethnic Community

---

The application was deferred from the Planning Committee of 19 June 2013 in order to give the applicant the opportunity to re-submit a scheme with:

- Reduced car parking and further details of allocation
- Reduction in bulk and massing of the flats
- To provide clarity on the tenure of the accommodation and financial appraisal.

The main changes are summarised, and discussed, in the "Remarks" Section below.

**RECOMMENDATION**  
Refuse.

## **EXISTING**

The application site is located to the Northern side of Willesden Lane, and to the Western side of Deerpurst Road. The site currently comprises a Temple complex, with a floor area estimated at circa 2565sqm. Parking is available for 48 vehicles in a gated part-surface part-basement car park accessed from Deerpurst Road.

In addition, 3 Deerpurst Road is a detached family dwellinghouse which benefits from a detached single garage and driveway (providing up to three car spaces total). 1a-c and 5a-d Deerpurst Road were also detached dwellings which have been converted to form seven flats.

No part of the application site is considered to be located within a Conservation Area, nor is any part of the property considered to be a listed feature. The temple site is located on the Junction of Deerpurst Road and Willesden Lane.

## **PROPOSAL**

As above

## **HISTORY**

### Temple

A planning application (Ref No: 01/1678) for the erection of a single story rear extension was granted permission on 14 March 2002.

A planning application (Ref No: 00/1726) for the erection of a single story front extension was granted permission on 15 October 2000

A planning application (Ref No: 00/0755) for the formation of a vehicular crossover was granted permission on 31 May 2000

A planning application (Ref No: 99/14/53) for the erection of roof extension to Hindu temple comprising 6 classrooms was granted permission on 24 February 2000

### 1 Deerhurst Road, London, NW2

Planning application (Ref No: 94/1462) for the retention of 3 flats was granted permission in November 1994.

### 3 Deerhurst Road, London, NW2

The Council is currently investigating the change of use of the property from a single family dwellinghouse to a hostel (Ref No: E/10/0235). As the use has only commenced in the last three years, it is understood the lawful use to be a single family dwellinghouse.

### 5 Deerhurst Road, London, NW2

The property is in use as 4 self contained units. These units do not benefit from express planning permission but are considered to be older than 10 years and are therefore immune from express planning permission.

## **POLICY CONSIDERATIONS**

National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. It seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It includes a presumption in favour of sustainable development in both plan making and decision making. The NPPF is intended to provide a framework within which local people and Councils can produce their own distinctive Local and Neighbourhood Plans. It aims to strengthen local decision making and reinforce the importance of keeping plans up to date.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. The Core Strategy will also need to be in conformity with both the London Plan and the NPPF. In doing so it has significant weight attached to it.

The recommendation here is considered to comply with the 12 Core Principles set down in the NPPF:

- Planning should be genuinely plan led empowering people to shape their surroundings. Plans should be kept up-to-date and provide a practical framework within which decisions on planning applications can be made.
- Creation of the opportunity to be creative in finding ways to enhance and improve places in which people live their lives.
- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, and thriving local places that the country needs. Plans should set out a clear strategy for allocating sufficient land which is suitable for development in their area taking account of the needs of the residential and business communities.
- Secure a high standard of design and levels of amenity.
- Promote the vitality of the main urban areas whilst protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside.
- Aim for a low carbon future in a changing climate and encourage the use of renewable resources.
- Conserve and enhance the natural environment and reduce pollution. Allocations of land for development should prefer land of lesser environmental value.
- Encourage the use of brownfield land provided it is not of high environmental value.

- Promote mixed use developments.
- Conserve heritage assets in a manner appropriate to their significance.
- Manage patterns of growth to make the fullest use of public transport, walking and cycling focussing significant development on locations which are or can be made sustainable.
- Support strategies which encourage health, social and cultural well being for all and deliver community and cultural facilities and services to meet local needs.

Mayors London Plan 2011

The relevant issues set down in the London Plan, and identified by the GLA, are as follows:

- Social Infrastructure
- Mix of Uses
- Housing
- Affordable Housing
- Density
- Historic Environment
- Urban Design
- Inclusive Access
- Sustainable Development
- Transport
- Crossrail.

Also relevant is Brent Core Strategy policy CP17 on Protecting and Enhancing Suburban Character in Brent. In terms of density, the number of units proposed is appropriate for the site as it is within a range considered by the London Plan to be appropriate for this type of location (urban) and which benefits from very good public transport accessibility.

Adopted in July 2010, the Core Strategy has 12 strategic objectives:

- Objective 1: to promote economic performance & regeneration
- Objective 2: to meet employment needs and aid the regeneration of industry and business
- Objective 3: to enhance the vitality and viability of town centres
- Objective 4: to promote the arts and creative industries
- Objective 5: to meet social infrastructure needs
- Objective 6: to promote sports and other recreational activities
- Objective 7: to achieve housing growth and meet housing needs
- Objective 8: to reduce the need to travel and improve transport choices
- Objective 9: to protect and enhance Brent's environment
- Objective 10: to achieve sustainable development, mitigate & adapt to climate change
- Objective 11: to treat waste as a resource
- Objective 12: to promote healthy living and create a safe and secure environment

The following spatial policies are considered relevant to this application:

- CP 5 Place making. Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping. Sets out the requirements for appropriate design and density levels for development
- CP17 Protecting and Enhancing Suburban Character in Brent.
- CP18 Protection and enhancement of Open Space, Sports & Biodiversity. Protects open space from inappropriate development.
- CP 19 Brent strategic climate mitigation and adaptation measures. Highlights the need for new development to embody, or contribute to, climate mitigation objectives, especially in growth areas
- CP 23 Protection of existing and provision of new community and cultural facilities. Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

Unitary Development Plan 2004

#### *Strategic*

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

- changes of use).
- STR5 A pattern of development that reduces the need to travel, especially by car, will be achieved.
  - STR11 Seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.
  - STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
  - STR13 Environmentally sensitive forms of development will be sought.
  - STR14 New development to make a positive contribution to improving the quality of the urban environment in Brent
  - STR15 Major development should enhance the public realm.
  - STR19 New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

#### *Built Form*

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

#### *Environmental Protection*

- EP3 Noise and vibration
- EP3 Requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.

#### *Housing*

- H11 Housing on brownfield sites
- H12 States that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.
- H13 Notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 The appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.

#### *Transport*

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN4 Measures to make transport impact acceptable
- TRN10 Walkable environments
- TRN11 The London cycle network, schemes should comply with PS16

- TRN12 Road safety and traffic management
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
- TRN27 Loss of existing off-street parking
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS12 Car parking standards – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards
- PS19 Servicing standards

#### *Tourism, Entertainment & the Arts*

- TEA2 Location of small-scale tourist, visitor and arts, culture and entertainment facilities.

#### *Community Facilities*

- CF5 Location of large scale community facilities
- CF4 Community facilities capable of holding functions should have an acceptable transport impact. Where the number and/or scale of functions could have an unacceptable impact on residential amenity these will be limited by condition.
- CF14 Places of worship permitted where there would be no loss of residential amenity or unacceptable transport impact.

#### Brent Council Supplementary Planning Guidance and Documents

##### *SPG 17 "Design Guide for New Development"*

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

##### *SPG19 "Sustainable Design, Construction & Pollution Control"*

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

The Council has previously received a request for an Environmental Impact Screening (EIA) on the site. It assessed other possible impacts and effects of the development, and on 31 January 2012 determined that it considered that there were none that were significant enough to warrant an EIA.

## **CONSULTATION**

### **ORIGINAL SUBMISSION**

#### External

Neighbouring properties and Ward Councillors were consulted on 30 April 2013. A site notice was placed outside the property on 1 May 2013 and an advert was placed in the Local Press on 9 May 2013. In response the Council has received 167 objections 3 representations in support and a petition of support signed by of 1350 people. Cllr Shaw has expressed an objection scheme.

The objections are outlined as:

- The proposed 4-storey block will have a detrimental impact on character of the streetscene, by reason of its scale, mass, design and siting.
- No justification for the loss of much needed family size homes
- The proposed 4-storey block will create an over-bearing impact on the street.
- The proposal will result in a loss of light
- The proposal will result in a loss of privacy

- The introduction of additional residents will increase congestion in the area
- Increasing the number of car parking spaces from 44 to 133 will almost treble the number of vehicle movements into and out of the site, adding to the congestion Deerhurst Road, Willesden Lane and Chatsworth Road
- The temple extension will result in the temple being 4x as large as the pre-existing chapel it replaced.
- The creation of the three winged/blocked residential block will reduce the open character defined by large gardens in the area.
- The proposed building works will create a great deal of disturbance to neighbouring properties
- The use of the temple currently causes detrimental harm to neighbouring amenity, increasing its size will increase the level of activity and cause further harm
- The extension of the temple will dominate the street
- Increase CO2 emissions
- Increase in Noise and disturbance
- Gross over-development on the site
- The basement car park will impact on the underground water table and streams, and this could impact hugely on the local ecology
- Mature trees will be jeopardised during construction works
- Building over residential gardens are contrary to aspirations of the NPPF
- The sunlight assessment confirms loss of light
- The proposed care home is of poor design failing to provide adequate nursing care, lifting, bathing etc
- No supporting evidence that the care home will home Brent Residents
- No details on allocation of car parking proposed
- No need for small flats in the Borough
- The fact that the rear garden has been neglected, is not justification in itself for the loss of the gardens in the sub-urban area. More especially as neighbouring gardens have won awards.
- A number of local precedents for the refusal of this scheme exist, i.e. Planning Ref No: 10/3080
- The extension to the temple that have been previously allowed have resulted in the loss of neighbouring amenity. Further extensions will have a similar effect.
- No assess on the noise and vibration of the car park has been made
- The submission makes assertions that are not supported by facts. For example it says there will be no increase in the number of visitors to the Temple as a result of the enlargement of the Temple. This does not seem credible. A 46% increase in floor area and a large expansion of facilities must be aimed at increasing usage. Several statements are made in the application that are contradictory depending of what the applicant wants to support eg transport is good or moderate (planning statement or transport assessment), the distance to tubes is +/- 200m (600m or 800+m ) depending on which policy they wish to support.
- A similar religious institute exists 2.5 miles away. This facility could be extended if need be.
- The presence of kitchens and no extraction systems could result in nuisance to neighbouring residence.

Support outlined as:

- The temple has provided accommodation for the homeless and the elderly
- The proposal will result in a new character in the street
- The proposal will not result in a loss of wildlife
- The proposed developments are not large
- The proposed gardens will be of a high modern specification
- The proposal will reduce congestion on the street

#### REVISED SCHEME

All those who commented on the original scheme were re-consulted on 27 August 2013. The Council has received one letter of support and 5 objections have been received. Cllr Shaw has also expressed an objection to the scheme. These are detailed as:

Support:

- The expansion will provide much needed facilities

Objections:

- Inadequate re-consultation process.
- The applicant has been given the opportunity to address Members concerns but has failed to do so. Issues relating to car parking and further details of allocation, bulk and massing of the flats, clarity on the tenure of the accommodation and financial appraisal continue to persist.
- The temple do not own properties 1, 3 and 5 Deerhurst Road and therefore can not apply for planning permission on their behalf.

Any additional comments received will be reported to Members at the meeting.

#### Internal

Housing Officer:

The scheme can not be supported as the applicant has failed demonstrate justification for the viability of the scheme

Design Officer

The proposal is still considered to be an over-development on the site, which will have a significant impact on the character of the area. It would be unlike any form of development nearby and would fail to respond to its setting. The new residential building competes visually with the Temple building.

Highway Engineer:

Transportation originally could not support the proposal in its current form, on the grounds that too many issues remained unsatisfactory. Consideration of these points is discussed below.

### **REMARKS**

#### INTRODUCTION-DEFERRAL AT COMMITTEE

1. The application was deferred, following much discussion, from the Planning Committee of 19 June 2013. The deferral was agreed in order to give the applicant the opportunity to re-visit the scheme and see if they could address some, or all, of the issues that had been raised. At the Committee, Members made specific reference to the following issues for consideration:

- Reduced car parking and further details of allocation
- Reduction in bulk and massing of the flats
- To provide clarity on the tenure of the accommodation and financial appraisal.

2. The applicants have now submitted a revised submission and the main changes are noted to be:

The extension to the temple has been reduced in width by 2m. This reduction results in an increased gap between the temple and the new residential scheme (Block A) of 13m.

4.. Block A – The mix of units has been altered:

Initial Scheme - 14 bedroom care units and 2 staff units

Amended Scheme - 13 bedrooms care units, 2 staff units and 1 visitor unit

5. Block B – The footprint of the building as a whole has been altered at the back so the new block B now occupies land previously allocated for a court-yard.

Existing Situation - 35m of the existing garden remained

Initial Scheme - 3.3m of the existing garden remained

Amended Scheme - 14.59m of the existing garden remained

Initial Scheme - Lounge on ground floor and 6 x Two Bed units (6 Units)

Amended Scheme - Lounge and 3 x One Bed

6. Block C: Partial reduction (13m) in width from 36m - 23m of top floor, resulting in a loss of 2 units (12 Units now proposed). The upper floor is now set further away from the rear gardens on Chatsworth Road.

7. The street facing blocks have been set back so that the new blocks are not any further forward than that of the existing bay features. However a large span of the new building will be located in line with the original bay features, resulting in a far more pronounced building on Deerhurst Road than that of the existing property.

8. Car parking

Initial Scheme – 136 un-allocated parking bays

Amended Scheme - 111 parking spaces (18 - Residential scheme and 93 - Temple).

#### PRINCIPLE OF DEVELOPMENT

9. Temple



The erection of a rear extension to the temple, the demolition of 1, 3, 5 Deerpark Road and the erection of:

- Block A - 13 bedrooms care units, 2 staff units and 1 visitor unit
- Block B - Lounge and 3 x One Bed
- Block C - 12 flats
- Two storey basement parking area with associated landscaping to the site

#### 10. Housing and Viability

Nos 1, 3 and 5 were originally constructed as single family dwellinghouses. As detailed in the 'History' Section of this report Nos 3 is still lawfully considered to be a single family dwellinghouse. The proposed development will result in the existing 3(+) bedroom unit being lost.

11. Policy CP21 of the Council's Core Strategy seeks to redefine the UDP definition of family sized accommodation to units containing 3-bedrooms or more. The UDP definition considered units with two or more bedroom to be suitable for family occupation. This change in definition is intended to assist the Council in addressing the identified shortage of housing for the unusually high number of larger households within the Borough. The loss of a family unit of which there is an acute demand in general is not considered to be adequately compensated for through the proposed development.

12. As such, the proposed development is not considered to comply with the aspirations of policy CP21 which seeks to achieve a balanced housing stock for the Borough.

13. Following discussions at the original Planning Committee meeting Members will be aware that the proposal seeks permission for the erection of three blocks of residential accommodation in the form of:

A - Care Home

B – Elderly and visitor accommodation

C – Residential Block

14. CP21 seeks to make locally appropriate provision or Brent's wide range of specific and special housing needs, as required by London Plan Policies 3a.5 and 3a.13, including family homes, sheltered housing for older persons, non self contained accommodation, such as hostels for households without children, housing providing support (including extra accommodation for older persons) and residential care homes. Indeed the applicants statement titled 'Providing affordable accommodation for ethnic community is clear in demonstrating that some residents have been relocated internationally (Kenya). The applicant has still failed to demonstrate the new sheltered housing will meet the local needs of Brent and therefore in principle objection is raised.

15. There continues to be further concern with the provision of sheltered accommodation proposed in the forms of 'Elderly and visitor accommodation and a 'Care Home'. Specifically, the basis on which a care home in the form of self contained single bedroom units with additional study areas, in conjunction with self contained single bedroom self units and 'bedrooms' with en-suites are being proposed. This approach would differ to that which is normally taken with proposals of this kind and despite making a number of requests to understand the basis of the submission, the applicants have failed to provide clarity, in planning terms, on the matter. At the original Committee meeting Officers made it clear that this is not the sort of accommodation that is currently needed by the Local Authority in order to meet a recognised local need.

16. The London Plan is clear in requiring major developments (Minimum 10 unit) to provide the maximum reasonable level of affordable housing, with 50% of all units falling into this category the well-established starting point for the consideration of the point. As detailed in CP2, Brent also seeks to deliver 50% affordable housing across the Borough. It became very clear at the previous Planning Committee that the interpretation on the part of the applicants as to what constitutes "affordable housing" differs from the conventional, and widely adopted Planning definition of the concept that Members will have become very familiar with over the years. The applicants have confirmed that they do not wish to have any restriction imposed on the accommodation that they say is "affordable" but wish to rely on the fact that the people that would be likely to live in these particular units would be likely to come from the particular parts of society that the applicants feel are in need of some kind. These sentiments are understood by the Planning Service but they do unfortunately fall somewhat short of providing the certainty over housing tenure that is required by adopted planning policy.

17. There was some discussion at the last Planning Committee about the financial aspects of the scheme with the applicants representative confirming that the scheme could not be reduced in size because it would make it unviable. This remains their stance today and although the applicant has submitted a financial

appraisal to seek to demonstrate the scheme cannot feasibly deliver affordable housing, Officers consider that the submission continues to provide insufficient evidence to support the applicants argument. In the absence of a robust toolkit that confirms viability, and the continued reluctance to agree to an element of affordable housing within the proposed accommodation, the proposal unfortunately cannot be supported.

#### CHARACTER OF THE AREA

18. There has been much discussion as to what the impact of this development would be on the character of the area. Although Willesden Lane is a busy road, once off Willesden Lane, the character of the area changes and Deerhurst Road itself is characterised by traditional semi-detached houses. This character continues into Chatsworth Road and, with the exception of the flatted block at the junction of Deerhurst and Chatsworth Roads, the locality off Willesden Lane is an attractive area made up of relatively large two-storey dwellings. As mentioned at the previous Committee the character of this area is, however, not only defined by the buildings themselves but also by the spaces around them. As seen by the Members who visited the site, the site is currently occupied by three, two-storey buildings. Whilst they are not protected in anyway they do in themselves contribute to the character of the locality.

19. It has been a long-held view by the Planning Service that their replacement by two blocks of this size, height and siting along the street frontage is unacceptable and would have a significantly detrimental impact on the established streetscene. The building would now be no closer to the back of the footpath than the Bay features of the existing buildings. Whilst the applicants attempt to try to respect the established building line is noted, officers remain of the view that the building is still not appropriately positioned, taking account of its overall size and scale. The existing houses do have spaces between them with single storey garages, as well as roofs hipping away which creates a sense of space at present. It may well be that the highest point of the proposed development is not significantly higher than the highest point of the existing buildings, but it is considered that this comparison is not useful in understanding the overall difference between the two.

20. Further, whilst the height of the building has been reduced from that of the applicants original submission, it is still noted that the building is far higher than that of the existing situation. This continuous frontage (with secondary break), along with the overall width of the building and the lack of space around it, fails to provide the necessary quality of development that the Council would be seeking in schemes of this nature. For clarity, it is not considered that the buildings should be retained regardless, but rather that if they were to be redeveloped then whatever replaces them should be of a high quality of design and reflect the visual amenity concerns that are set out above.

21. As detailed above Block B at the rear of the site has been reduced significantly in terms of its overall projection into the site and this is a welcomed improvement to the development. The original submission (the building had a footprint of an inverted "T") was considered to be unacceptable to Officers as a result of this significant rear projection and was considered to constitute a form of development unlike anything nearby. For clarity, there was discussion at the June Committee about the concept of "garden grabbing" and it was confirmed that the important issue related equally to areas outside Conservation Areas, as those within. Whereas Officers felt that the original submission did take up a significant, and unacceptable, amount of rear garden space, it is considered that this revised submission is, on balance, acceptable as far as this specific point is concerned.

The new frontage building, however, continues to be unacceptable. It still competes visually with the Temple building, taking the buildings on Willesden Lane as its point of reference. As explained above. This is considered to be the wrong approach and, instead, any proposal should look towards the flatted development to the north on the corner of Chatsworth Road and Deerhurst Road instead. This is not to say that it is considered that the building should be replicated because it does not have the architectural quality that the Council should be seeking in current schemes. Rather, it should provide a steer about the form that any new build should take. Once again, this view has been articulated by Officers for quite some time. As has the fact that any building here should appear subsidiary in the streetscene and would need to sit within its own landscaped setting.

22. The dominance of the new residential blocks are further amplified by the narrow separation (7.6m – at its closest point) from the proposed temple extension. The gap between temple extension and frontage block is also considered to be far too small to retain a sense of space along Deerhurst Road (particularly when considered alongside the forward projection of the frontage block) and the setting of any building would need to be, as explained, far better than currently proposed.

23. During the original Members visit to the site mention was made that in dismissing an appeal for a new

house at the rear of No.66 Chatsworth Road (house at junction with Deerhurst Road), the Secretary of State placed significant value on the character of the area. For clarity, the Inspector stated that:

*"The appeal site lies within a well-established residential area that is characterised by substantial detached and semi-detached dwellings with generous mature gardens giving the area an attractive appearance and character. Corner plots with trees contribute to the quality of the area".*

Although every case is, of course, determined on its own particular merits, the views of the Inspector do tend to continue to support the Officer assessment in this current application.

24. There continue to be a number of other secondary design issues such as, proposed balconies, poor quality materials, cornice detailing etc, that will require further attention in the event of a resubmission. However owing to the principle objections raised above, these are considered to be secondary. Overall, the nature of the local character and the constraints of the site mean that a building on this plot would have to be significantly smaller than the one proposed to enable it to compliment its locality, sit comfortably on the site and allow a building that provides an appropriate level of amenity.

25. The temple extension is considered to be acceptable in principle and if it were submitted on its own without the residential it would have been viewed favourably however it does form a part of a wider submission that, the proposal fails to comply with requirements of scale, bulk, mass and size set out in SPG17. The temple extension on its own would result in a difficult relationship with No. 1 Deerhurst Road by reason of its proximity to that building.

#### QUALITY OF ACCOMMODATION

26. Whilst it is accepted, future occupiers at the care home will be affiliated with the temple, it still remains the responsibility of the Local Authority to ensure the quality of accommodation provided is of an appropriate standard. To this end, the current proposal seeks permission for sole habitable room windows to be obscure glazed in an attempt to protect neighbouring amenity. Whilst the intent is admirable, the arrangement unfortunately results in a poor form of accommodation for future occupiers and amplifies the Councils case that proposed scheme seeks to over-develop the site. Further, SPG17 requires habitable rooms of neighbouring units to be stacked directly above or below each other, so to limit noise transmission. There appear to be a number of instances, most notable within Block A where units are not stacked appropriately. The proposal therefore results in the habitable space being inappropriately stacked causing noise transmission between units.

27. Whilst SPG17 encourages higher density development, it is important that the relationships created between buildings, and between buildings and private amenity spaces, do not become detrimental by being over-dominant or overbearing. SPG17 employs a 30 and 45 degree guide which seeks to assist these relationships. Officers assessment reveals the proposed temple extension fails to comply with requirements set out in SPG17 and is considered to have an overbearing impact on the communal gardens to the rear of the residential property.

28. The proposed flats are considered to be large enough to comply with London Plan standards, which is a welcomed approach. With regards to Blocks C and A, Two ground floor flats (Block C) will benefit from private gardens of a limited size, whilst all other flats or care home units will benefit from private balconies and a communal garden. The application also speaks of a communal garden for the care home (219m<sup>2</sup>) and a separate communal garden for the residential scheme (240m<sup>2</sup>). It is noted that the applicant also seeks to utilize gardens to the front of the property for amenity, however the Councils Unitary Development Plan 2004 is clear in stating the first 6m of the garden is not considered amenity space. Your officers have noted the applicants area calculations appear to differ from that of the Councils, however your officers have cross checked their calculations with Ordnance Survey Plans and therefore consider the figures stated above to be true. The residential flats will require 240m<sup>2</sup> of external amenity space. In the case of the remaining care facilities and elderly home, the Council will apply a more flexible approach to external amenity space, seeking less than the prescribed 20m<sup>2</sup> measure, but the overall provision is still less than is considered acceptable.

#### HIGHWAYS

29. Members will note that from many of the comments made by objectors, it is clear that residents are already concerned about the highway impact that the existing use has at certain times and days. Part of this concern could arise from the CPZ which operates 10:00 – 15:00 Monday to Friday, but has moderate accessibility with a PTAL rating of level 3. These concerns were raised by many, once again, when the Temple recently enjoyed a full anniversary programme of events over a number of days which did not only

demonstrate the popularity and importance of the building to many, but also the practical management difficulties of trying to deal with such a traffic/pedestrian generating use in this location.

30. Parking is currently available for 48 vehicles in a gated part-surface part-basement car park on the temple, which is accessed from Deerhurst Road. In addition, 3 Deerhurst Road is a detached family dwellinghouse which benefits from a detached single garage and driveway (providing up to three car spaces total). 1a-c and 5a-d Deerhurst Road were also detached dwellings which have been converted to form seven flats. 5 Deerhurst Road also has off-street car parking for one vehicle. The proposed extended car park will have been reduced from 136 to 111 car spaces. A revised Transport Assessment and Full Travel Plan have been submitted in support of this application.

#### The Temple: Impact

31. Parking Standards for D1 (faith site) uses are based on the maximum visitor capacity, with up to 2 car spaces permissible for every 5 visitors. The existing visitor capacity is provided in the submitted Transport Assessment. The largest number of visitors that can be expected on a weekly basis will be 600 for early-evening services on a Sunday, whereas from Monday to Friday attendances of around 80 for morning services and 50 for evening services can be expected. Other than these services, the temple also offers other activities, of which the most highly-attended is the Gujarati School on Saturdays and Sundays, when up to 125 pupils attend each day in the later afternoon. This means that a regular attendance of up to 725 people can be expected to be the maximum attendance. Special events also attract up to 600 people, and exceptionally up to 1000 attendees may be expected during Diwali.

32. Based on these figures, on a typical Sunday up to 290 car spaces could be permitted, and during Diwali up to 400 spaces could be permitted. However, on most weekdays no more than 32 car spaces would be needed to fulfil maximum standards. At present, the Temple car park provides 48 car spaces, and so can provide sufficient on-site car parking for general Monday-to-Friday use. However clearly this is not enough to accommodate the level of parking demand which may be expected at weekends and major festivals.

33. Furthermore, since the Transport Assessment states that frequently at least 200 people are on-site even during the working week, this figure would produce a standard of up to 80 car spaces. The Transport Assessment includes the result of surveys undertaken in December 2012, on a day when 400 women and 311 men attended the site. This is comparable in visitor numbers to the busiest "normal" days at the Temple. These surveys found that overall 86% of visitors travel to the site by car, leading to 353 vehicles requiring parking in the local area, or requiring a pick up/drop off. The survey also found that 118 vehicles parked in the on-site car park, which is 2.5 times the car park capacity. It must be presumed that there is a high turnover at services, otherwise these levels of attendance would simply not be possible.

34. The survey also found that 154 cars park on-street on Deerhurst Road. The on-street capacity of Deerhurst Road is at most 58 car spaces, and so again the numbers found parking or stopping are over 2.5 times the capacity. The size of the actual extension proposed at the site remains entirely unclear from the submitted information (as detailed above).

35. The size of the extension proposed at the site is significant, as the TA states that the overall floor area will increase from 2557m<sup>2</sup> to 3481m<sup>2</sup>. This is a reduction by 220m<sup>2</sup> from the original scheme. The transport assessment states that the extended facilities within the Temple are not intended to lead to an increase in visitors to the site. Increasing the floor area used for educational facilities will potentially increase the number of students/pupils. The Transport Assessment claims that the pupils will be children accompanied by adults who are already visiting the Temple, and that on this basis there will not be an increase in trips. This is not a claim that can be easily substantiated, and more importantly it cannot be managed through the Planning process, as such your officers take issue with the potential of increase trips.

#### The Temple: Mitigation

36. The Temple intends to provide additional off-street car parking, by extending the existing part-basement car park in order to provide a two-level underground car park which will lie beneath virtually the entire application site, including the new residential and sheltered accommodation discussed later in this report. The new car park is intended to accommodate 111 car spaces, which is an increase of 52 car spaces (for the temple) over the existing provision.

37. The maximum permissible amount of car parking assessed above is 290 car spaces, with the exception of Diwali celebrations. Your Officers accept that there needs to be a balance between provision of additional car parking to relieve the burden on the highway network and discouraging drivers from accessing the site. However the survey company findings, submitted as a part of this application conflicts with site observations from the Transportation Officer. It would appear therefore that parking levels are being under-stated, or that

the hourly parking beat somehow missed the peak parking periods.

38. The data from the surveys undertaken noted that 353 cars arrived at the Temple site for a Sunday event. 136 spaces would represent provision for 38% of these vehicles, with the remainder needing to park on-street. It is therefore concluded that congestion will remain an issue at this site unless a Travel Plan is produced which is robust and effective.

39. Transport for London (TfL) guidance for Travel Planning at Faith sites (*Travel Planning for New Development in London*, TfL, 2010) recommends the production of a "Local Level Travel Plan" for Faith sites with more than 20 staff but fewer than 200 worshipers, and a "Strategic Level Travel Plan" for those which have more than 200 worshipers. The Temple exceeds both thresholds at its busiest times, and so the production of a full Travel Plan has been encouraged during pre-application discussions.

40. The submitted revised "Travel Plan" has been assessed using the ATTrBuTe methodology and has passed. However as the Travel Plan has been assessed on false information (given the flawed survey) and has not considered the increase in trips caused by the increase in educational facilities, as such the Travel Plan is not considered to be sound

41. For the Temple use, cycle parking at a rate of 1 space per 8 staff or visitors should be provided. This would mean that for the largest services, a provision of 75 cycle spaces would be required. However, based on the average attendance, for 200 visitors 33 cycle spaces would be needed. The extended basement provides up to 50 secure cycle spaces which are welcomed, as this should cover the general demand levels. If it is well used, additional facilities could be fitted.

#### The Residential Development:

42. Each studio and 1-bed flat can be permitted 1.0 car space and each 2-bed flat can be permitted 1.2 car spaces. This gives an overall residential parking standard of up to 13.2 no. PS14 includes standards for elderly persons' accommodation, dependent on category. Given that the category of sheltered housing is not set out, your officers will err on the side of caution and apply the Category 1 (highest) standard. As such, the 6 flats for the elderly can be permitted 3 car spaces for residents. The 14-bedroomed care home meanwhile can be permitted under PS13 up to two car spaces.

43. The revised basement car park plans show that 15 no. car spaces plus 3 no. disabled bays are to be allocated to the proposed dwellings, sheltered flats and care home. The submission gives no indication of demarcation to ensure use by the appropriate users. Further the basement parking do not appear to contain lifts to assist disabled users. As such issue is raised with the management and usability of the car park.

44. The submitted transport assessment estimates the number of car trips generated per day by the proposed housing as 16 trips per day, which would not have a significant impact on the highway network.

#### Basement Car Park Geometry:

45. Tracking diagrams have been provided in the annexes to the Transport Assessment, which show cars successfully accessing, manoeuvring and parking within the proposed basement car parks. These are acceptable. The latest revised drawings show ceiling heights of 3.1m at upper basement and 2.6m at lower basement levels. These are now acceptable and will allow full access for disabled drivers. The drawing ref. is P1016 (Figure 13 in the TA). In addition, all of the section drawings and plans now show convincing gradients (and lengths) of ramps, with the majority being 1:10 at upper basement level, and the ones between upper and lower basement levels 1:7, but with 1:10 transition areas. These are acceptable to Transportation.

#### Other Issues:

50. 50 no. cycle parking spaces are shown within the basement car park. However no allocation of the facilities have been provided. The Councils standards require each proposed residential dwelling to be provided with a single secure and covered space unit, and this should also be applied to the proposed staff accommodation listed in the development schedule. These should be guaranteed independently from cycle parking which may be used by Temple visitors.

51. Bin stores for the proposed care home and residential flats are shown on the Deerpark Road frontage, which are acceptable in terms of their location.

#### TREES

52. Three trees located at 224 and 226 Lincoln Court, Willesden Lane, NW2 benefit from Tree Preservation

Orders (TPO). The tree preservation order protects a sycamore and two large mature black poplar trees, the root systems of all these trees will encroach some way into the application site and could be seriously damaged by construction activities, specifically the construction of the basement.

53. There are no trees of any note anywhere else on the site although a single mature Pear tree grows on the western boundary in Yates Court. Officers consider that the root system of this tree would be re-directed back into the garden of Yates court due to the substantial boundary wall.

54. A group consisting of Pear, Goat willow and Cypress grows on the northern boundary, again off site, some of these trees (specifically the root systems) could, if not carried out with care be damaged during construction activities. The applicant has produced an arboricultural assessment. Having assessed the report the tree officer is satisfied the proposal is in accordance with BS5837:2012.

#### SUSTAINABILITY

55. The Council's Sustainability Checklist has not been completed, the Core Strategy states that major developments should complete and submit a checklist so to demonstrate how the expected level of performance will be achieved.

56. The Planning Statement makes a commitment to achieve Code for Sustainable Homes Level 3 and makes reference to the inclusion of solar panels however there is an absence of information to demonstrate how this will be achieved.

57. A 'Regulations Compliance Report' has been submitted for 9 self contained units, this is a document to show compliance with Part L of building regulations and does not represent achievement of Brent's or the London Plans Sustainability requirements. There continues to be no information relating to the other residential accommodation or to the Sustainability credentials of the extension to the temple.

58. The proposal does not comply with London Plan Policy 5.2 which requires the submission of a detailed energy assessment and compliance with the energy hierarchy. It does not demonstrate compliance with the cooling hierarchy or the requirement to integrate green infrastructure into the development.

59. The Sustainability requirements include:

- Code for Sustainable Homes level 3
- BREEAM 'Excellent for non-residential
- A 25% carbon emissions reduction over Building Regulations Part L 2010
- Provide a reduction in expected carbon emissions through the use of onsite renewable generation (presumption of 20%)

#### FINANCIAL CONTRIBUTIONS

S106

60. If your Members were minded to approve the submission, the proposal would have been required to contribute in line with the Council's now adopted Community Infrastructure Levy.

61. As an affordable housing scheme the development would be exempt from the Mayor's CIL however Brent's standard charge would apply.

#### OTHER

Ownership

62. An objector has queried the matter of ownership suggesting that the application is not valid. As a result, officers have sought legal advice on the question. The planning application has been made in the name of "Shree Swaminarayan Temple Willesden". Officers understand that the legal status of the Temple is one of a Trust and is also a registered Charity pursuant to the provisions of the Charities Act 2011.

63. Viewing the title information in respect of numbers 1, 3 and 5 Deerpark Road, your officers note that 1 Deerpark Road has 4 owners who are recorded as "Trustees" in the Proprietorship Register. However, the registered owners (9 in total) for 3 and 5 Deerpark Road have not been recorded as "Trustees" in the register but are still to be regarded as Trustees because the restriction appearing in the register places a positive obligation on the trustees to meet certain procedural requirements of the Charities Act 1993 when disposing of the property. Whilst it is good practice to have the words "Trustees" appearing in the register of the title this is not always done. The Council has also had the added comfort of the Agent confirming by way of email that the registered owners are all trustees so the Council can rely upon this representation as being correct.

64. In relation to the agent completing Certificate A the Council has to accept the declaration as it is unless information comes to its knowledge which may suggest that the correct notices have not been served, the Local Authority have to accept this requirement has been met by the applicant. Your Officers have been given no indication that this is not the case. Officers have considered whether any of the trustees will have been adversely affected or prejudiced by an error (failure to serve notice) which would trigger possible consultation issues. The Legal advice received is this is not considered to be the case based on the facts.

#### CONCLUSION

66. Officers have commented on the development of this site at pre-application stage on a number of occasions over the last year and have provided comprehensive comments on those occasions. The application proposal that was considered at the earlier Planning Committee was virtually the same as the pre-application submission that was considered at the end of 2012 and it was, therefore, evident that comments had unfortunately not been addressed.

67. At that Planning Committee Members decided to give the applicants the opportunity to re-think certain aspects of the scheme and to see if they could perhaps amend it to take account of the areas of concern that had been highlighted. It was on this basis that the item was deferred.

68. Whilst changes have been made to certain elements of the scheme and it is therefore true to say that it is better than the proposal that was considered previously, Officers are of the view that the changes have not gone far enough and, for this reason, the application is now to be reported back to the Planning Committee still with a recommendation for refusal. The applicants have indicated that they feel that they have gone as far as they can go, in terms of making changes to the scheme

**RECOMMENDATION:** Refuse Consent

#### CONDITIONS/REASONS:

- (1) The proposed development would, by reason of its height, size and siting, be detrimental to the amenities of adjoining occupiers, in particular residents of Chatsworth Road, by reason of loss of outlook from, and the creation of an overbearing impact on, the existing gardens. The proposal would be contrary to policies BE9 and H16 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance SPG17: "Design Guide for New Development."
- (2) The level of provision of parking within the site would result in overspill parking on Deerpark Road, Willesden Lane and Chatsworth Road, this unrestricted increase in demand for parking cannot be accommodated and would be detrimental to the free flow of traffic and pedestrians and highway safety, in a location where a 'car-free' agreement cannot be implemented as access to public transport is insufficient to result in a sustainable 'car-free' scheme. The proposal fails to comply with TRN2, TRN4, TRN23 and TRN24 and PS14 and the National Planning Policy Framework.
- (3) The proposed development would result in the loss of family accommodation for which there is an identified need within the Borough and as such the proposal would be contrary to policy CP21 London Borough of Brent Core Strategy (Proposed Submission June 2009)
- (4) The applicant fails to demonstrate that the proposed 'Care Home' and 'Elderly Persons Shelter with Visitor Accommodation' will serve the local population Brent for which there is an identified need within the Borough or that there is an established need for form of accommodation being proposed and as such the proposal would be contrary to policy CP21 London Borough of Brent Core Strategy 2010
- (5) The proposed development, by reason of the design, overall size, siting, bulk, density, height,

mass, scale, dominance of buildings across the site, proximity to boundaries and its prominence on the street would constitute an unacceptable form of development detracting from the character of the locality and relating poorly to surrounding forms of development. The proposal would thus result in a development that is to the detriment of the visual character and appearance of this area and constitutes an overdevelopment within this constrained plot. As a result, the proposal would be contrary to policies BE2, BE9, H15 and H12 of the adopted Brent Unitary Development Plan 2004.

- (6) In the absence of a legal agreement to control the matter, the proposal fails to comply with the principles of sustainable development and would be harmful to the aims and objectives of the Council, which seek to ensure that new development and land uses achieve sustainable development, and is therefore contrary to Policies STR14 and BE12 of the Brent Unitary Development Plan 2004 and the guidance contained within Supplementary Planning Guidance SPG19: "Sustainable Design, Construction and Pollution Control
- (7) In the absence of a legal agreement to control the matter, the development would fail to provide an acceptable mix and quantity of affordable housing, it would result in additional pressure on transport infrastructure, without a contribution to sustainable transport improvements in the area, an increased pressure for the use of existing open space in an area of open space deficiency, without contributions to enhance open space, an increased pressure for public sports facilities, without any contribution to the provision of sports facilities, and an increased pressure on education infrastructure, without any contribution to education improvements. As a result, the proposal is contrary to policies STR19, TRN4, TRN23 and OS7 of the adopted London Borough of Brent Unitary Development Plan 2004, policy CP2 of the adopted Core Strategy 2010, the Mayors London Plan and the Councils' Supplementary Planning Document;- s106 Planning Obligations
- (8) The application is not supported by a sufficiently robust and detailed Travel Plan to demonstrate that the proposed development will not lead to increased traffic congestion and unsafe car parking to the detriment of highway and pedestrian safety, contrary to Policies TRN1 and TRN4 of the UDP-2004.

#### **INFORMATIVES:**

None Specified

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