
Appeal Decisions

Hearing held on 3 November 2016

Site visit made on 3 November 2016

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 March 2017

Appeal A Ref: APP/T5150/W/16/3154444

Lycée International de Londres Winston Churchill, 54 Forty Lane, Wembley, Brent HA9 9LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Wembley Educational Charitable Trust against the decision of the Council of the London Borough of Brent.
 - The application Ref 15/4140, dated 24 September 2015, was refused by notice dated 14 January 2016.
 - The development proposed is the erection of a part basement building fronting Forty Lane to house a five lane swimming pool and studio with a green roof and associated works to include courtyard entrance, security gates, cycle parking, demolition and reinstatement of retaining wall, landscaping and installation of PV panels on the roof of the new Annex building.
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Appeal B Ref: APP/T5150/Y/16/3154445

Lycée International de Londres Winston Churchill, 54 Forty Lane, Wembley, Brent HA9 9LY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Wembley Educational Charitable Trust against the decision of the Council of the London Borough of Brent.
 - The application Ref 15/4141, dated 24 September 2015, was refused by notice dated 18 January 2016.
 - The works proposed are the erection of a part basement building fronting Forty Lane to house a five lane swimming pool and studio with a green roof and associated works to include courtyard entrance, security gates, cycle parking, demolition and reinstatement of retaining wall, landscaping and installation of PV panels on the roof of the new Annex building.
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Decision

1. **Appeal A:** the appeal is allowed and planning permission is granted for the erection of a part basement building fronting Forty Lane to house a five lane swimming pool and studio with a green roof and associated works to include courtyard entrance, security gates, cycle parking, demolition and reinstatement of retaining wall, landscaping and installation of PV panels on the roof of the new Annex building, at Lycée International de Londres Winston Churchill, 54 Forty Lane, Wembley, Brent HA9 9LY, in accordance with the terms of the application Ref 15/4140, dated 24 September 2015 and the plans submitted with it, and subject to the attached conditions.
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2. **Appeal B:** the appeal is allowed and listed building consent is granted for the erection of a part basement building fronting Forty Lane to house a five lane swimming pool and studio with a green roof and associated works to include courtyard entrance, security gates, cycle parking, demolition and reinstatement of retaining wall, landscaping and installation of PV panels on the roof of the new Annex building, at Lycée International de Londres Winston Churchill, 54 Forty Lane, Wembley, Brent HA9 9LY, in accordance with the terms of the application Ref 15/4141, dated 24 September 2015 and the plans submitted with it, and subject to the attached conditions.

Application for Costs

3. An application for costs was made by Wembley Educational Charitable Trust against the decision of the Council of the London Borough of Brent. This application is the subject of a separate decision.

Procedural Matters

4. The Lycée International de Londres Winston Churchill is a grade II listed building. As required by Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
5. The listing refers to the building as Brent Town Hall. The building has recently changed its name to the Lycée International de Londres Winston Churchill. From the evidence before me, including what I saw at my site visit, it is the same building. With the agreement of the parties I have referred to the property in my decision using an abbreviated form of its current name that is the Lycée.
6. Reference has been made to the Barn Hill Conservation Area. The Council provided a map of this designation at the hearing, and the part of its boundary that is near to the Lycée was pointed out to me during my site visit. The main parties did not raise a concern with regard to the impact of the proposal on the conservation area. Having regard to the separation of the conservation area from the appeal site, and on the basis of the evidence before me, I do not disagree. With the agreement of all the parties, I have considered the appeals on that basis.
7. The application forms for both the planning and listed building applications described the works as being the erection of a covered swimming pool with associated landscaping and infrastructure works. The Council's decision notices and the appellant's appeal forms refer to a fuller description of the proposal. This revised description was agreed in the Statement of Common Ground. The main parties explained at the hearing that the description had been changed during the consideration of the applications, and I have therefore referred to the agreed fuller description above.
8. As set out above, there are two appeals on the same site, one seeking planning permission and the other listed building consent. Both appeals seek the erection of a part basement building to house a five lane swimming pool and studio with associated works, the demolition and reinstatement of an existing retaining wall, landscaping, and the installation of PV panels on the roof of the new Annex building. I have considered each proposal on its individual merits,

although to avoid duplication I have dealt with the schemes together, except where otherwise indicated.

9. During the hearing the Council explained that the emerging London Borough of Brent Development Management Policies document (DMP) was soon be adopted. This plan was subsequently adopted in November 2016 and the Council have stated that the policies within it replace those of the Brent Unitary Development Plan (2004). The main parties were provided with an opportunity to comment on the implications of the DMP, and I have had regard to the comments made. I am obliged to determine the appeals against the most up-to-date policy and have considered it on this basis, and am satisfied that natural justice would not be breached.

Main Issue

10. The main issue is whether the proposal would preserve the special architectural or historic interest of a listed building and its setting.

Reasons

11. The proposed building would be positioned on an area of mostly grass within which there are both trees and shrubs. Bounded by brick walls of varying heights the site forms part of the gardens separating the Lycée from Forty Lane. Elevated above this busy road the building is now used as a school. Within the surrounding area are a mix of ages and styles of residential properties, with a large supermarket opposite the site.
12. The Lycée was built in the 1930s as the town hall for Wembley. Constructed from brick with a flat roof, this three storey building has a severe Scandinavian styled front and an asymmetrical T-shaped plan. The front elevation of the building has an imposing linear form dominated by its horizontal emphasis and simple detailing. There are large blank sections of brickwork to the front elevation of the building, along with a distinctive fenestration arrangement that belies the former interior uses of the town hall.
13. Positioned above the level of Forty Lane, the building is a striking focal point of the area, emphasising its former use as a town hall. The main entrance to the building is readily apparent having a legibility that reflects its former function. A flight of broad steps lead up from the footway, and these combined with the high flank wall to one side of the staircase create a deliberate and processional approach to the main entrance to the building. Surrounding much of the site are boundary walls constructed with concrete coping and bricks that in size, colour and bonding, replicate that present in the building.
14. The style and form of the building, its elevated position, the materials from which is constructed and its previous municipal role, are all part of the significance and special interest of this grade II listed building. In addition the boundary and retaining walls and the brick planters complement the linear emphasis of the main building, and are part of the special interest of the Lycée as well as contributing to its setting.
15. The hard and soft landscaping scheme was a deliberate concept for the former town hall, having a consistency of appearance and form that harmonised with the main building. The proposed building would accommodate a five lane 25 metre swimming pool, with associated facilities, plant and a studio, with part of the building underneath the car park. The size of the building would be such

that much of the garden to the eastern side of the processional staircase would be lost.

16. Nevertheless, the scheme would retain, repair and rebuild the listed walling that bounds this part of garden, including the flag pole and the eye-catching copper coping to the wall by the steps. Even though the car park wall would be raised in height for health and safety and security reasons, the increase would be limited, and the walls would maintain their contribution to the setting of the listed building.
17. The height of the pool building would not project above the car park wall. This would maintain the impact of the car park walling and the careful balance of the walls bounding it. Although wide, the height and low level position of the building would not harmfully interrupt the formidable dominance of the Lycée. The pattern of the proposed fenestration, including the rhythm of the pool's windows, the use of a green roof and darker toned brick bonded in the same distinctive way as found on the site, would complement the appearance of the main building, whilst having a recessive visual subservience.
18. Furthermore, the pool would be set back from the footway, with the existing wall bounding the footway rebuilt to form a planter. The provision of a landscaped access point close to the flank wall of the staircase would provide a separation between it and the building. As such the prominent nature of this wall and its distinctive copper top would be retained, as would the visual and functional importance of the processional entrance. The generous sweeping curve of the wall to the eastern end of garden would also be kept. As this wall balances that found bounding the western garden, the impact of these long linear boundaries, their form and continuity around the site as a whole, would be retained.
19. I accept the proposed building would alter the views of the former town hall from the footway of Forty Lane. However, the elevated position of the Lycée and its formidable form would remain apparent above the new building and the car park walling. From the footway and also from the open land and walkways to the south of Forty Lane the eye would still be drawn to the entrance staircase and the building beyond it. The dimensions and recessive materials of the proposed building would be such that when approaching the site from either direction along Forty Lane, the former town hall would maintain its dominance within the area.
20. The National Planning Policy Framework (the Framework) requires great weight to be given to the conservation of a designated heritage asset when considering the impact of a proposed development on its significance. Moreover, the Act requires considerable importance and weight to be given to the desirability of preserving a listed building, its special interest and its setting. A balanced judgement has to be taken having regard to the scale of the harm and the significance of the asset.
21. The proposed building would remove part of the lower terraced setting to the former town hall, and I note the gardens are listed by the London Parks and Gardens Trust. The gardens have public and civic value, as was apparent from the presence of memorial trees within them. However, the gardens have changed over the years, and continue to do so with the hedge planting having been undertaken by the appellant. Moreover, many of those trees and shrubs present are growing into maturity, and the gardens now have a very different

appearance to the austere formal and municipal landscaping originally planned by the architect that emphasised the imposing nature of the former town hall.

22. The dominance of the listed building and its distinct form would remain noticeably apparent. Although there would be some replacement of the listed walls, others would be repaired and these works and the design of the proposed building would retain the special interest of the Lycée and its setting. In addition there would be a public benefit from the proposal in the provision of a further swimming pool and associated facilities within the area, as the use of the pool would not just be for the pupils of the Lycée, but also for other schools and the general public.
23. The presumption of preserving a heritage asset and its setting must be given considerable importance and weight. In this instance, the proposed building would not adversely affect the significance of a listed building, its special interest or its setting, and there would also be a significant public benefit from the scheme. This leads me to the view that the proposal would not conflict with Policy 7.8 of the London Plan (2016) or DMP policies DMP1 and DMP7, which seek amongst other things, the conservation of the significance of heritage assets and their settings, reflecting the Framework.

Conditions

24. I have considered the conditions agreed by the main parties against paragraph 206 of the Framework. Where necessary and in the interests of clarity and precision they have been altered to better reflect these requirements. I have imposed the standard time conditions for three years and ones requiring the permitted and consented works to be carried out in accordance with the approved plans, so as to avoid doubt and in the interests of proper planning.
25. Having regard to the nature of the use of the building hereby permitted, I have altered the wording of several of the agreed conditions to refer to first use rather than occupation. This more accurately reflects the nature of the scheme and provides a clear and enforceable instigation trigger for the Council.
26. To protect the special interest of the listed building and its setting, conditions are necessary to require details of the development hereby permitted. Details of the external materials and finishes of the building have been required, as has one for signage and external lighting, and for the protection and proposed works to the listed walls. I have also imposed a condition requiring the recording of the site prior to development occurring so that a record is provided.
27. In order to protect the character and appearance of the area and the setting of the listed building I have imposed a landscaping condition. This would provide the Council with an opportunity to control the replacement and relocation of the memorial trees and plaques displaced by the scheme. As there are semi mature trees within the footway that contribute towards the verdant townscape, a condition for tree protection and arboricultural works has been attached. Within the landscaping condition I have incorporated the biodiversity measures suggested by the parties to enable the scheme to maximise the site's potential with this regard, as well as a separate condition for the timing of works in relation to nesting birds.

28. Conditions linking the pool building to the school, and the specification of its community use are necessary to define its use. Details of the measures for making the facility accessible to everyone have also been required.
29. With regard to parking and transport matters, the provision of a revised Travel Plan for the school would provide control as far as reasonably possible for mitigating the potential for congestion and vehicle conflict. Public transport provision is an important aspect of the nature of Forty Lane, and details of the relocated bus stop and shelter are required. Servicing and public access to the school's car parks require further details to be provided, whilst details of cycle parking are required to ensure sufficient and adequate provision that does not impact on the special interest of the listed building and its setting.
30. To protect the living conditions of nearby residents I have imposed a condition seeking a construction method statement and plan, and also conditions limiting noise levels from the pool building and its plant. For similar reasons, and to minimise pollution from the site, I have required details of emissions from the plant, and details of the energy efficiency of the building. Details of the PV panels are also required to protect the character and appearance of the area and the setting of the listed building. The means of foul, surface water and sustainable drainage measures need to be approved in order to avoid overloading drainage infrastructure.
31. Of the other conditions agreed by the main parties that requiring a training and employment plan is not necessary to make the development acceptable in planning terms. Finally, and with the agreement of the main parties at the hearing I have not included a condition requiring the provision of visibility splays, as these are adequately shown on the approved drawings.

Conclusion

32. For the reasons given above and having considered all other matters raised, the appeals are allowed and planning permission and listed building consent are hereby granted.

J J Evans

INSPECTOR

Schedule of Conditions for Appeal A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:
 - Location plan 000100A;
 - Existing site plan 000101A;
 - Existing elevations and sections 000102A;
 - Proposed demolition plan 000500A;
 - Proposed ground floor plan 000200B;
 - Proposed elevations 000202B;
 - Proposed roof plan 000201B;
 - Proposed landscape scheme 000300B;
 - Proposed sections 000203B;
 - Proposed plant equipment details 000404A;
 - Proposed courtyard security gate 000403A;
 - Proposed parapet detail 000400A;
 - Proposed window and door details 000402A;
 - Indicative isometric view 000401A;
 - Archaeological desk-based assessment by Wessex Archaeology dated September 2013;
 - Arboricultural report by CBA Trees dated September 2015;
 - Coach management plan by TTP Consulting dated September 2015;
 - Community access plan by Bouygues UK Ltd dated August 2015;
 - Design and Access Statement by LSI dated September 2015;
 - Energy Statement by Harley Haddox dated September 2015;
 - External lighting assessment Rev 02 by Harley Haddox;
 - External noise assessment by Aecom dated August 2015;
 - Flood risk assessment by Ramboll Environ dated September 2015;
 - Foul and drainage utilities statement by Bouygues UK Ltd, August 2015;
 - Heritage impact assessment by NLP dated September 2015;
 - Planning statement by NLP dated 24 September 2015;

- Preliminary ecological assessment (habitat survey) by Middlemarch Environmental dated October 2015;
 - Interim school travel plan by TTP Consulting dated September 2015;
 - Site waste management plan by Bouygues UK Ltd dated August 2015;
 - Statement of community involvement by NLP dated September 2015;
 - Sustainability statement and checklist by Bouygues dated September 2015; and
 - Transport statement by TTP Consulting dated September 2015; and
 - Ventilation statement rev 01 by Harley Haddox.
- 3) The swimming pool building hereby approved shall be ancillary to the use of the main school building within the site (with the exception of the community access as secured as part of this planning permission).
- 4) Prior to the first use of the building, a Community Access Plan shall be submitted to and approved in writing by the local planning authority. The plan shall provide for a minimum of 30 hours of community use each week. The plan shall include details of :
- written notification to the local planning authority of the date of implementation of the Plan within 21 days of commencement;
 - the facilities to be made available including the swimming, activity studios and ancillary changing rooms and parking facilities;
 - access by non-school users / non-members and management responsibilities including the ongoing promotion of the availability of the facilities for community use including up-to-date information this on the school website;
 - rates of hire based upon and comparable with those charged at other public facilities;
 - terms of access; and
 - a mechanism for review after one year following implementation of the Plan.

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

- 5) No development shall take place, including any works of demolition, until a Construction Method Statement and Construction Logistics Plan has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- the best practical means available in accordance with British Standard Code of Practice BS5228-1:2009 shall be employed at all times to minimise the emission of noise from the site;
 - the operation of site equipment generating noise and other nuisance causing activities audible at the site boundaries or in nearby

residential properties shall only be carried out between the hours of 0800 to 1800 Mondays to Fridays, 0800 to 1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;

- details of how the bus stop and footways will not be blocked or impeded from normal usage during construction;
- the parking of vehicles of site operatives and visitors;
- construction traffic routes to the development site;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities and a scheme of highway cleaning;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- school access arrangements during the construction phase, including staff car parking, servicing and delivery arrangements; and
- enter into the Considerate Contractors Scheme.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

6) No development shall commence until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Such details shall include:

- details of facing brick, including the provision of a sample panel of at least 1m square in size, showing details of mortar and bonding;
- details of the materials, specification and colour of the window frames and doors; and
- details of the finishing material and colour for the parapet roof.

Development shall be carried out in accordance with the approved details and samples.

7) Prior to the commencement of building works on site, further details of the following shall be submitted to and approved in writing by the local planning authority. Such details shall include drawings, including sections where appropriate, at a suitably large scale (eg 1:5, 1:10, 1:20, 1:50 as appropriate) which show:

- the window and door reveals, headers and sills, including the depth of the reveals and the junction of materials around the returns;

- measures to screen the open roof of the plant room;
- details of the design, materials and height of the external flue; and
- details of the design and materials of the security gates.

The development shall be completed in accordance with approved details before the building is first used.

- 8) Prior to the commencement of works on site, further details of all works to the existing walls within the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:
- Details for protecting the existing retaining wall along the stepped access to the site from Forty Lane during construction works;
 - Details, including elevation plans, for the demolition and rebuilding of the wall along the car park, including the provision of an additional five courses, and also for the low boundary wall along the frontage of the site. Details shall include details of materials, bonding, coping and mortar.

The works shall be carried out in full accordance with the approved details, and the building shall not be first used until the retaining wall along the car park and the low boundary wall along the frontage have been rebuilt to the satisfaction of the local planning authority.

- 9) Details of any external lighting to the site shall be submitted to and approved in writing by the local planning authority before the first use of the building hereby permitted takes place. Development shall take place in accordance with the approved details and shall be retained as approved thereafter.
- 10) Prior to the first use of the building hereby permitted, further details of any external signage, including details of any illumination, shall be submitted to and approved in writing by the local planning authority. The signage and illumination shall be undertaken in accordance with the approved details and retained as approved thereafter.
- 11) Notwithstanding the plans hereby approved, no development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- All planting (including location, species, size, and density) of replacement trees within the car park and along The Paddocks frontage, details of low level planting along the front of the building, and planting within the courtyard, together with details of two replacement memorial trees, to be planted in the lower landscape terrace of the Lycée building;
 - Specification of the green roof over the building to include section plans and construction methodology, full details of all planting upon the roof (including location, species, size, and density), and shall incorporate a biodiversity enhancement scheme as stated in the Ecology Statement;

- Details of bat boxes and bird boxes, and their positioning;
- Details of ramped access for terrestrial mammals if excavations are left open overnight during the construction stages;
- Details of hard surface materials within the site, including means of demarcated areas within the private forecourt from the public highway.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and completed prior to the first use of the building hereby approved. Any planting that within a period of 5 years of planting is removed, dies or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the local planning authority.

- 12) Vegetation clearance shall be undertaken outside of the bird nesting season (generally between March and September inclusive). If this not possible then any vegetation that is to be removed or disturbed shall be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which affect them is required to be delayed until the young have fledged and the nest has been abandoned naturally.
- 13) No works shall commence on site prior to a tree protection plan and arboricultural method statement has been submitted to and approved in writing by the local planning authority. A plan shall show the position of the trees on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, and which trees are to be removed. These plans and statements shall:
- detail the method of any proposed pruning works to retained trees or other work;
 - show root protection zones for all trees to be retained on-site or off-site near to the site boundaries;
 - indicate exactly how and when retained trees on-site or off-site near the site boundaries shall be protected during the construction work, including any proposed alterations to existing ground levels and of the position of any proposed excavations that might affect the root protection area; and
 - specify all appropriate tree protection measures required before and during the course of the development (in accordance with British Standard BS 5837:2012) (or an equivalent British Standard if replaced).

Provision shall be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant, and such details shall be included within the tree protection statement. No works shall commence on site until the local planning authority tree officer has been on site to inspect the protection measures. The development shall be carried out in accordance with the agreed details.

- 14) Prior to the commencement of the development details of the relocation and provision of a bus stop cage and shelter, and any associated works, shall be submitted to and approved in writing by the local planning authority. The building shall not be first used until the above works have been completed to the satisfaction of the local planning authority and have been certified as being substantially complete. The works shall be undertaken in accordance with the approved details and retained as such thereafter.
- 15) Prior to the commencement of the first use of the building, an updated School Travel Plan of sufficient quality to score a PASS rating when assessed under Transport for London's ATTrBuTE programme (or any replacement thereof), to incorporate targets for minimising car use, monitoring of those targets and associated measures to meet these targets, shall be submitted to and approved in writing by the local planning authority. On first use of the building the Travel Plan shall be fully implemented for the lifetime of the development, or as amended in writing by the agreement of the local planning authority.
- 16) Prior to the first use of the building hereby approved, a car park management scheme shall be submitted to and approved in writing by the local planning authority. This shall include the management of car parking on site for community access, including during weekends. The car park management plan shall be implemented in accordance with the approved details, and thereafter be maintained throughout the lifetime of the development unless otherwise agreed in writing by the local planning authority.
- 17) Prior to the first use of the building hereby approved, a servicing and delivery plan for deliveries, refuse collection and coaches shall be submitted to and approved in writing by the local planning authority, and thereafter implemented in accordance with the approved details throughout the lifetime of the development unless otherwise agreed in writing by the local planning authority.
- 18) Prior to the first use of the building hereby permitted, further details of the cycle spaces within the courtyard including details of how the cycle stands will be secure, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and retained thereafter throughout the lifetime of the development.
- 19) Prior to the first use of the building hereby approved, further details of an access strategy for the building shall be submitted to and approved in writing by the local planning authority. This shall include details of how inclusive access is to be provided for all users. The approved access strategy shall thereafter be implemented in full when the building is first used, and thereafter retained throughout the lifetime of the development.
- 20) No music, public address system or any other amplified sound system shall be installed or used externally on the site without the prior written approval of the local planning authority. Details of any proposed system(s) shall be submitted to and approved in writing by the local planning authority prior to installation and shall only be installed and operated in accordance

with the details so approved. The measures implemented as approved shall be retained thereafter.

- 21) Prior to the installation of any plant equipment, an assessment of the noise level from any installed plant (such as air handling units, generators, ventilation / extraction systems) together with any associated ducting, achieving 10dB(A) or greater below the measured background noise level at the nearest noise sensitive premises, shall be submitted to and approved in writing by the local planning authority. The method of assessment shall be carried out in accordance with British Standard BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'. If the predicted noise levels of the plant exceed those specified within this condition, then a scheme of insulation works to mitigate the noise shall be included. The recommendations provided within the noise assessment together with any required mitigation measures shall be carried out in full accordance with the approved details prior to first use of the plant equipment hereby approved and retained as such thereafter.
- 22) Within two months of the first use of the building, an Energy Assessment Review shall be submitted to and approved in writing by the local planning authority. This review shall be undertaken by an approved independent body and shall verify that the development has met or exceeded the following:
- minimum 35% improvement on Part L 2013 Building Regulations Target Emission Rate (TER) for CO2 emissions;
 - BREEAM Excellent rating;
 - minimum score of 44% on Brent's Sustainability Checklist.

If the review specifies that the development has failed to meet the above levels, compensatory measures shall be submitted to and approved in writing by the local planning authority within two months of the failure. The approved compensatory measures shall be undertaken in accordance with the approved details within one month of approval. The approved details shall be fully implemented and maintained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

- 23) Prior to the first use of the building hereby approved, details of the boilers and / or CHP system installed, demonstrating that the rated emissions of Oxides of Nitrogen (NOx) do not have an adverse impact on local air quality, shall be submitted to and approved in writing by the local planning authority. If any mitigation measures are required, these shall be carried out in full in accordance with details submitted to and approved in writing by the local planning authority prior to the first use of the boilers and / or CHP system hereby approved. The development shall be undertaken and operated in accordance with the details hereby approved and maintained as such thereafter.
- 24) Development shall not commence until full details of a drainage strategy, including sustainable drainage methods and details of any on / off site drainage works, have been submitted to and approved in writing by the local planning authority. No discharge of foul or surface water from the site

shall be accepted into the public system until the approved drainage works referred to in the strategy have been completed. The works shall be undertaken in accordance with the approved details.

- 25) Prior to the first use of the building, further details of the PV panels on the roof of the annex building (including size, location, orientation and details of any screening of the photovoltaic panels) in accordance with the sustainability measures secured as part of this development, together with details of how the PV panels will be linked to the building hereby permitted, shall be submitted to and approved in writing by the local planning authority. The PV panels shall be installed prior to the first use of the building, and thereafter maintained throughout the lifetime of the development unless otherwise agreed in writing by the local planning authority.
- 26) Prior to the commencement of any works, the developer shall allow access to the site for a person or body nominated by the local planning authority for the purpose of the recording of the site by making measured drawings or taking photographs. A copy of the record shall be provided to the local planning authority.

Schedule of Conditions for Appeal B

- 1) The works hereby consented shall begin not later than three years from the date of this decision.
- 2) The works hereby permitted shall be carried out in accordance with the following approved drawings and documents:
 - Location plan 000100A;
 - Existing site plan 000101A;
 - Existing elevations and sections 000102A;
 - Proposed demolition plan 000500A;
 - Proposed ground floor plan 000200B;
 - Proposed elevations 000202B;
 - Proposed roof plan 000201B;
 - Proposed landscape scheme 000300B;
 - Proposed sections 000203B;
 - Proposed plant equipment details 000404A;
 - Proposed courtyard security gate 000403A;
 - Proposed parapet detail 000400A;
 - Proposed window and door details 000402A;
 - Indicative isometric view 000401A;
 - Archaeological desk-based assessment by Wessex Archaeology dated September 2013;
 - Arboricultural report by CBA Trees dated September 2015;
 - Design and Access Statement by LSI dated September 2015;
 - Heritage impact assessment by NLP dated September 2015; and
 - Planning statement by NLP dated 24 September 2015;
- 3) No works shall commence until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Such details shall include:
 - details of facing brick, including the provision of a sample panel of at least 1m square in size, showing details of mortar and bonding;
 - details of the materials, specification and colour of the window frames and doors; and
 - details of the finishing material and colour for the parapet roof.

The works shall be carried out in accordance with the approved details and samples.

- 4) Prior to the commencement of building works on site, further details of the following shall be submitted to and approved in writing by the local planning authority. Such details shall include drawings, including sections where appropriate, at a suitably large scale (eg 1:5, 1:10, 1:20, 1:50 as appropriate) which show:
- the window and door reveals, headers and sills, including the depth of the reveals and the junction of materials around the returns;
 - measures to screen the open roof of the plant room;
 - details of the design, material and height of the external flue; and
 - details of the design and materials of the security gates.

The works shall be completed in accordance with approved details before the building is first used.

- 5) Prior to the commencement of works on site, further details of all works to the existing walls within the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:
- Details for protecting the existing retaining wall along the stepped access to the site from Forty Lane during construction works;
 - Details, including elevation plans, for the demolition and rebuilding of the wall along the car park, including the provision of an additional five courses, and for the low boundary wall along the frontage of the site. Details shall include details of materials, bonding, coping and mortar.

The works shall be carried out in full accordance with the approved details, and the building shall not be first used until the retaining wall along the car park and the low boundary wall along the frontage have been rebuilt to the satisfaction of the local planning authority.

- 6) Details of any external lighting to the site shall be submitted to and approved in writing by the local planning authority before the first use of the building hereby permitted takes place. The works shall take place in accordance with the approved details and shall be retained as approved thereafter.
- 7) Notwithstanding the plans hereby approved, no works shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- All planting (including location, species, size, and density) of replacement trees within the car park and along The Paddocks frontage, details of low level planting along the front of the building, and planting within the courtyard, together with details of two replacement memorial trees, to be planted in the lower landscape terrace of the Lycée building;

- Specification of the green roof over the building to include section plans and construction methodology, full details of all planting upon the roof (including location, species, size, and density), and shall incorporate a biodiversity enhancement scheme as stated in the Ecology Statement;
- Details of bat boxes and bird boxes, and their positioning;
- Details of ramped access for terrestrial mammals if excavations are left open overnight during the construction stages;
- Details of hard surface materials within the site, including means of demarcated areas within the private forecourt from the public highway.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and completed prior to the first use of the building hereby approved. Any planting that within a period of 5 years of planting are removed, die or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the local planning authority.

- 8) Prior to the first use of the building hereby permitted, further details of any external signage, including details of any illumination, shall be submitted to and approved in writing by the local planning authority. The signage and illumination shall be undertaken in accordance with the approved details and retained as approved thereafter.
- 9) Prior to the commencement of any works, including demolition and tree felling, the developer shall allow access to the site for a person or body nominated by the local planning authority for the purpose of the recording of the site by making measured drawings or taking photographs. A copy of the record shall be provided to the local planning authority.

APPEARANCES

FOR THE APPELLANT

Baptiste Mercier	On behalf of the Lycée
Frederic De La Borderie	On behalf of the Lycée
Iain Rhind MRTPI IHBC	Nathaniel Lichfield & Partners
Rachel Davies MRTPI	Nathaniel Lichfield & Partners
Sylwia Nyga	LSI Architects
Peter Courtney	LSI Architects
C Pickles	Catalyst Change
Richard Fairbairn	LA Law

FOR THE LOCAL PLANNING AUTHORITY:

David Glover	Area Planning Manager
Mark Price	Principal Heritage Conservation Officer

INTERESTED PARTIES:

Jonathan Sweet	Local resident
R Dunwell	QARA Group of Associations

DOCUMENTS

1	Heritage Observations, dated 27 November 2015.
2	Historic England letter, dated 28 October 2015.
3	Barn Hill Conservation Area map.
4	Email from Robert Dunwell, dated 5 November 2015.
5	Comments for Planning Application from Mr Antoine Detrie.
6	Comments for Planning Application from Mr Kamal Singam.
7	Comments for Planning Application from Mr Jonathan Sweet.
8	Notification letter for the appeals dated 15 September 2016.

9	Copies of site notices for application 15/4140 & 15/4141, dated 27 October 2015.
10	London Borough of Brent, Core Strategy (2010), Strategic Objectives 1, 2, 3, 4, 5, 6, 7, 8, and 9, and Policies CP 7 and CP 23.
11	Wembley Area Action Plan, Policies Site W 24, WEM 8, WEM 16, WEM 32, and WEM 33.