



Supplementary Planning Committee

Wednesday 10 December 2014 at 7.00 pm

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Membership:

Members

Councillors:

Marquis (Chair)
Colacicco (Vice-Chair)
Agha
S Choudhary
Filson
Hylton
Kansagra
Mahmood

Substitute Members

Councillors:

Chohan, A Choudry, Conneely, Duffy,
Ezeajughi, W Mitchell Murray and M Patel

Councillors

Colwill and BM Patel

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democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Members' briefing will take place at 6.15pm in Boardrooms 7 and 8

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

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Supplementary Information

Planning Committee on 10 December, 2014

Case No.

14/2901

Location	Kingsland Hotel, Kingsbury Circle, London, NW9 9RR
Description	Outline planning application for demolition of the existing 28 bedroom hotel and external store and erection of a new 3, 4, 5 and 6 storey 92 bedroom hotel with associated alterations to car park layout and vehicular access off The Mall and landscaping along the frontage (matters to be determined: access, appearance, layout and scale)

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Members site visit

A number of issues/queries were identified on the members site visit. These are discussed below:

Car parking provision, overspill parking and coach management

It is noted that the new hotel will provide less parking than the existing hotel. The existing hotel has 15 to 20 spaces whereas the new hotel proposes 7 spaces (including four disabled). Transportation have advised that the proposed parking provision for the new hotel is acceptable, meeting parking standards as set out in the Unitary Development Plan. However, the number of spaces considered reasonably necessary are more related to the business model of the hotel operator than a specific standard.

On street parking space is generally available along The Mall & Kenton Road in the evenings and pay and display parking along Kingsbury Road, which can together safely accommodate overspill parking from the site without any need for guests to park in nearby residential streets. A recent overnight parking survey confirmed that neither Kenton Road or The Mall are heavily parked at night. The management of the new hotel would be expected to notify guests of the limited availability of parking at the hotel when making reservations, and this will form part of the management within the Travel Plan that is to be secured as part of a Section 106 Agreement.

There is currently no CPZ in place but it is noted as part of the Section 106 Agreement for the development at 1 to 3 The Mall (LPA Ref: 09/2650) that, in the event that a CPZ is introduced, the rights for residents to apply for parking permits has been removed. It is recommended as part of this scheme that the Section 106 Agreement is updated to remove the rights for staff and the hotel operator to apply for business parking permits. If a CPZ was introduced in the future, there would be no rights for guests to park on the roads subject to the CPZ.

The management of coaches arriving to the site will be secured as part of the management plan within the Travel Plan. It is likely given the size of the hotel that a full coach would occupy much of the hotel accommodation. However in the event that more than one coach party is booked to arrive, the Travel Plan will look for arrival times to be staggered.

Waste and recycling

There is no specific guidance on commercial developments in terms of the amount and number of bins to be provided. As such, it is recommended that the conditions are updated to include a separate condition for further details to be provided regarding the refuse storage facilities and collection arrangements with reference/detail provided of similar size hotels, with details to be submitted to and approved in writing by the Local Planning Authority. It is noted that additional space could be provided using the store next to the proposed bin store if required.

Sustainability

As discussed in the main committee report, the scheme meets BREEAM 'Excellent' and 37% carbon reduction improvement on Part L 2013 Building Regulations, exceeding the requirements of policy CP19 in Brent's Core Strategy and policy 5.2 of the London Plan 2011 which requires 35% carbon reduction improvement. The main report makes reference to renewable energy falling short of the London Plan requirements. The current plans only show PV panels on the southern wing at four level with the roof of the main building proposed with a brown roof. There is scope to provide additional PV panels on the main roof which will increase the percentage

of carbon reduction met by 'green' measures though this will result in a reduction of brown roof which also has sustainability benefits. It is recommended that a condition is secured for a revised roof plan to be provided that shows additional PV panels where appropriate and for the Energy Report to be secured as part of the Section 106 Agreement to be updated to reflect the additional PV panels.

Future Occupier

The applicant has advised that the existing hotel is occupied by generally overnight stayers, visiting London or Wembley. Many of the bookings are from Europe where guests are attracted to this location as it is close to Kingsbury Underground station and it is cheaper than paying Central London hotel prices. The applicant has advised that a low proportion of current guests travel by car.

Recommendation: Remains approval subject to completion of satisfactory Section 106 Agreement and alterations to planning conditions as discussed above.

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Agenda Item 04

Supplementary Information Planning Committee on 10 December, 2014

Case No. 14/1719

Location	PERFECT EXPRESS, 100 High Street, London, NW10 4SL
Description	Change of use from retail (Use class A1) to coffee shop/restaurant (Use class A1/A3), installation of new shop front, erection of a single storey rear extension with air conditioning units mounted onto the roof and installation of extract duct to the rear elevation

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Further to paragraph 10 of the main Officers report, the applicant has now confirmed that as far as the location of the proposed A/C units are concerned that the courtyard wall at ground floor level to the rear of the site would be the most beneficial location for the units in terms of minimising noise and visual impact. The drawings have now been amended to show the units in this location and the amended plans need to be referred to in the formal decision notice.

ADDITIONAL REPRESENTATION

The existing occupier of the shop has written in again repeating the claims that the change of use would result in him losing his livelihood. This specific point is discussed in the main Committee report.

Recommendation: Remains approval with amended plan numbers.

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Agenda Item 05

Supplementary Information Planning Committee on 10 December, 2014

Case No. 14/2928

Location	Building rear of 48, Haycroft Gardens, London
Description	Demolition of existing garage to the front and gym block to the rear and erection of a 2 bedroom bungalow on land to the rear of 48 Haycroft Gardens, NW10, with associated access, provision for car and cycle parking, patios and landscaping

Agenda Page Number: 37**Description of Development**

The description of development contained on the front page of the main report, erroneously refers to the erection of a '3 bedroom bungalow', as explained elsewhere in the main report, the scale of the proposed dwelling has been reduced to a '2 bedroom bungalow' and the decision notice will be updated to this effect.

Levels

A section drawing (No. HGCGRD-S201 Rev A) has been prepared for members information which shows the change in level from the front to the rear of the application site.

Details of Fencing

An additional condition has been added to secure information relating to the boundary treatments, the condition is worded as follows:

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

Reason: In the interests of the privacy and amenity of the occupants of the application site and neighbouring properties."

Recommendation: Remains grant permission, subject to additional condition and amended description.

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Agenda Item 06**Supplementary Information**

Planning Committee on 10 December, 2014

Case No.

14/2761

Location	Land rear of 40-42, Okehampton Road, London
Description	Demolition of 4 garages and erection of a two-storey, 3/4-bedroom dwellinghouse with basement containing habitable rooms, timber fencing (1.8m high) to boundary, installation of vehicular and pedestrian gate to front, formation of new pedestrian access, alterations to narrow existing vehicular access to site and raise part of existing dropped kerb, with provision of 1 car-parking space

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During the recent site visit clarification was sought on the following issues.

Design

It was pointed out that the site is located within an Area of Distinctive Residential Character (ADRC) and that the contemporary architecture of the proposed dwellinghouse would be at odds with the general character of the properties in the surrounding area. This matter is already considered in paragraphs 6 and 7 of the main committee report.

Construction

During the site visit it was suggested that the developer would require the use of land outside of their ownership in order to construct the proposed dwellinghouse. However, this would be a civil matter for the developer to resolve should planning permission be granted, it would not normally constitute grounds to withhold planning permission. Any grant of planning permission would not entitle the developer to access land without the agreement of the landowner.

Siting of proposed dwellinghouse

The existing garage block is located approximately 2.42.2m from the site boundary with the public footpath. The

main front wall of the proposed dwellinghouse, excluding the undercroft parking area, would be set back from the boundary with the public footpath by approximately 3.1-3.3m and would be set forward of the neighbouring property at 44 Dundonald Road (44DR) by approximately 1.3m. However, as the separation between the flank walls of 44DR and the proposed dwellinghouse would be approximately 2m, it is not considered that there would be any unreasonable impact on the light, outlook or amenity of occupiers of 44DR as a result of the forward projection.

Trees

The Council's Tree Protection Officer has reviewed the proposals and has recommended the following condition be placed on any permission in order to ensure that the proposed works would not harm the street tree located approximately 5.3m from the proposed dwellinghouse.

Prior to the commencement of any demolition or construction works on site a tree survey and impact assessment, including tree protection measures to be implemented during the development, in accordance with BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The development, including all demolition and construction works, shall be carried out in accordance with the approved details.

Reason: To ensure that the nearby street tree is not damaged during works on site.

Recommendation: Remains approval subject to additional condition above and those set out after paragraph 15 of the main committee report.

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Agenda Item 07

Supplementary Information

Planning Committee on 10 December, 2014

Case No.

14/2970

Location	24 Windermere Avenue, London, NW6 6LN
Description	Creation of a basement level to include lightwells to the front and rear garden of dwellinghouse

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ADDITIONAL REPRESENTATION

Prior to the Committee Site Visit, the Queens Park Residents Association (QPRA) wrote to the Council to re-iterate their original objections to the proposal as they felt their concerns commented on in the Committee Report had not been adequately addressed. In this letter, the QPRA highlighted that the proposed front window design does not mirror the window details of the frontage. In relation to the window design, the front glazing will be a door that has the same width at the sash window above and its design will not be visible from the street. As such, the proposed glazing is considered acceptable.

Members saw an existing basement at No.13 Windermere Avenue at the weekend visit and the physical impact on the established character and appearance of the street as a result of this current proposal is likely to be similar.

IMPACT OF THE PROPOSAL ON STRUCTURAL INTEGRITY/WATER TABLE

This is discussed in para. 14 and 15 of the Committee Report. In terms of the water table discussions have taken place with Brent's Environmental Health Officers:

- The underlying geology in Queens Park is London clay which has low permeability. London clay is approximately 80m in depth in parts of the borough and any ground water tends to be localised and perched above London clay, within overlying topsoil/made-ground. The depth of perched water is usually not very deep, depending on the history of a site - maybe 1m. As such, it is unlikely that there will be an impact to the water table in the area because of the underlying geology of Brent.
- The foundations of the house are likely to be within the London clay so extending further into the clay would make little difference to any superficial ground
- If perched groundwater under the house is present, then an engineering solution may be required to ensure

that the basement and adjoining properties have sufficient drainage/damp-proofing. This requires an assessment by an appropriately qualified engineer and is addressed through building regulations.

ROYAL BOROUGH OF KENSINGTON & CHELSEA APPROACH

Much has been made of RBKC's recent report on basements. To summarise:

- The draft Basement Policy document published by LB Kensington & Chelsea was found to be sound by the Planning Inspector who agreed that the disturbance created by this type of development is a material planning consideration. The Inspector reasoned that the level of deep concern from local residents during the consultation period had satisfied the policy requirement to have a positive and planned approach for basement developments in the borough.
- The Inspector agreed to the refusal of 'mega-basements' of more than 1 level; an outright ban on basements below listed buildings; the requirement for basement proposals to have a construction traffic management plan submitted with the planning application, to help limit disturbance during construction.

Brent Council acknowledges that basement proposals could cause disturbance to neighbouring residents in terms of noise and disturbance. As such, it has its own Basement Guidance document to advise residents of the council requirements for such proposals. Please see Para. 13 of the Committee Report. Additionally, Brent requires by condition that a developer joins the Considerate Contractor Scheme prior to undertaking works and the importance of complying with the Party Wall Act is set down in the Decision Notice.

Properties within K&C are much larger than those in the QPCA; and in relation to the Inspectors decision, it is unlikely that mega-basements can be built or will be acceptable in relation to existing planning policies in Brent. It is likely that the basement proposal for 24 Windermere Avenue would comply with the K&C basement policy

DISRUPTION WHILST WORKS ARE TAKING PLACE

It is understood that excavation of a basement in a residential street will have some disruption to local people, but is considered that this will not be significant given the way that the construction works have to take place taking account of site constraints. Please refer to paragraphs 13-17 of the Committee Report.

SOURCE OF OBJECTIONS FROM NEIGHBOURS

Objection was received from the occupier at no. 15 Windermere Avenue although no direct reference is made to problems created as a result of the neighbouring basement construction at No.13. There is no reference to any damage to No.15 as a result of the basement at No.13.

For the information of Members the adjoining neighbours at No's 22 and 26 Windermere Avenue have not objected to this current proposal.

Recommendation: Remains Approval

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Agenda Item 09

Supplementary Information Planning Committee on 10 December, 2014

Case No. 14/3550

Location	62 College Road, London, NW10 5ET
Description	Change of use from retail (Use class A1) to a 1 x1 bedroom residential flat (Use class C3) on the ground floor

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Location of other retail uses

Further clarification has been sought in relation to the location of other retail/convenience type uses of the nature referred to in the main report. The closest similar retail unit is located at 108 College Road, which functions as a post office and newsagent, this shop unit was referred to specifically in the report. A plan has been prepared

which shows the location of other retail centres within the vicinity of the application site. These are:

- College Road Local Centre - approximately 200m;
- Kensal Rise District Centre - approximately 450m; and
- College Park Local Centre (Harrow Road) - approximately 550m.

Loss of employment

The use of the shop (within use class A1) does not fall within the scope of employment generating uses, which are widely regarded as those within the 'B' use classes. Nevertheless, the shop offers the potential to provide small, localised employment opportunities although it is not clear whether the shop keeper actually employs anybody and the application form states that this is not the case. On the basis of the modest scale of the existing shop and its location outside of a defined retail centre officers do not consider that any concerns in relation to loss of employment opportunities outweighs the other planning considerations identified in the main report.

Recommendation: Remains grant permission.

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Agenda Item 11

Supplementary Information

Planning Committee on 10 December, 2014

Case No.

14/3841

Location	College Of North West London Willesden, Dudden Hill Lane, London, NW10 2XD
Description	Proposed redevelopment of Edison Building and erection of a new 5 storey building for educational use.

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Members visited the site on Saturday 6th December 2014.

HEIGHT OF THE BUILDING

The proposed building is 1.8m higher than the existing building. As set out in the main report, this would not unacceptably impact on neighbouring amenity and is considered to be acceptable.

BREEAM

This is the measurement of sustainability applicable to all non-residential developments (Code for Sustainable Homes is used for residential schemes). BREEAM criteria relate to energy and water use, health and well-being (within the building), pollution, transport, materials, waste, ecology and management processes and a straight forward marking system is set out enabling a score to be given in the range from 'Pass', 'Good', 'Very Good', 'Excellent' and 'Outstanding'. (Members may be aware the Civic Centre was awarded BREEAM Outstanding). Brent's Core Strategy policy CP19 expects all major developments to achieve BREEAM 'Excellent'.

Currently the BREEAM pre-assessment proposes to achieve 64.7% (60% is needed for 'Very good' while 70% is necessary for 'Excellent'), therefore the proposal is over 5% away from the 'Excellent' score. The applicant has provided additional information to explain its budget limitations and scope for improving its BREEAM score.

The College's budget for the development, based on its own funds and borrowing, is capped at £17m. Within this budget the applicant has calculated that they can comfortably achieve BREEAM 'Very good' only. They have, however, gone on to develop a solution that would enable the development to achieve BREEAM 'Excellent' with a score of 73% but this has an overall cost of £18m.

The applicant provided a background to the issue on Saturday at the Members visit. London Enterprise Panel (LEP) is now responsible for distributing capital funding for Further Education and currently has a fund of £120m for capital investment in colleges and work-based learning institutions in 2015/16 and 2016/17. The deadline for expressions of interest is 19th January. The applicant advises that their bid has passed the initial Expression of Interest stage and subject to detailed approval would be able to raise the budget for the project by £1m.

The consultant's review of the BREEAM pre-assessment raised some queries with the points which are proposed to be targeted to achieve 'Excellent' subject to funding and the applicant has provided responses for clarification. For example the consultants identified that a number of the credits are best achieved through early input into the design process including issues such as construction procurement. The applicant has confirmed that the development will not progress beyond a stage where it would make it unfeasible to obtain these credits.

Officers suggest the Heads of Terms be drafted as:

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Confirmation that upon a decision from the LEP the applicant shall, either:
 - in the event that the funding is secured submit a BREEAM pre-assessment demonstrating that the development will achieve BREEAM 'Excellent', and upon completion provide confirmation that it has achieved BREEAM 'Excellent'; or
 - in the event that additional funding is not received, submit a BREEAM pre-assessment maximising the score along with a detailed viability assessment in the event that BREEAM 'Excellent' is not proposed, and upon completion provide confirmation that the agreed score has been achieved,
- Achieve a 35% reduction in CO2 emissions beyond Part L 2013 Building Regulations.
- A score of at least 50% on Brent's sustainability checklist

Recommendation: Remains approval subject to conditions and revised Heads of Terms

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