



Supplementary Planning Committee

Wednesday 10 February 2016 at 7.00 pm

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

Membership:

Members

Councillors:

Marquis (Chair)
Agha (Vice-Chair)
S Choudhary
Colacicco
Ezeajughi
Mahmood
Maurice
M Patel

Substitute Members

Councillors:

Chohan, A Choudry, Hoda-Benn, Hylton, Khan
and W Mitchell Murray

Councillors

Colwill and Kansagra

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The press and public are welcome to attend this meeting

Members' briefing will take place at 6.00pm in Boardrooms 7 and 8

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
3. Garages next to and rear of 13-24, Mead Court and Communal Facility & Laundry, Mead Court, Buck Lane, London NW9 (Ref 15/4604)	Fryent	1 - 2
4. Brent House, 349-357 High Road, Wembley, HA9 6BZ (Ref. 15/4743)	Wembley Central	3 - 4
5. CAR PARK, Montrose Crescent & Land N/T 499 & 509 High Road, Wembley (including existing steps connecting to High Rd, Wembley with Station Grove), HA0 (Ref. 15/4473)	Wembley Central	5 - 8
6. 271-273 Kilburn High Road, London, NW6 7JR (Ref. 15/3695)	Kilburn	9 - 10
7. Moberly Sports Centre, Kilburn Lane, North Kensington, London, W10 4AH (Ref. 15/4226)	Queens Park	11 - 12
8. 76-78 Salusbury Road, London, NW6 6PA (Ref. 15/4590)	Queens Park	13 - 14

Supplementary Information Planning Committee on 10 February 2016

Agenda Item 03

Case No. 15/4604

Location	Garages next to and rear of 13-24, Mead Court and Communal Facility & Laundry, Mead Court, Buck Lane, London
Description	Demolition and replacement of existing derelict garages and laundry building with two pairs of 2 storey three bedroom semi-detached houses with associated car parking spaces, realignment of existing path to proposed dwellings, reinstatement of hard-standing as amenity space, landscaping and lighting to the public realm.

Agenda Page Number: 15-36

The Committee Site Visit on 6 February 2016 was not attended by any local residents, however Members raised a number of queries. Each of these queries have had a response from the applicants, BHP.

Safety and security of new access from Oak Tree Dell

Close boarded fences are proposed on either side of the area labelled "sloped path" which leads from Oak Tree Dell which results in limited overlooking of this path. This is path is proposed to be an open access to Oak Tree Dell, with bollards to prevent vehicular access. Amendments to the fencing layout to improve overlooking of this path have not been provided since the site visit took place. However, details of fencing are required through condition 3. The issue of safety and security for this path can be addressed by either placing a gate at the boundary with Oak Tree Dell (thus making the path a secure communal access for the two houses) or by removing the fence between the proposed path to the rear gardens and the communal amenity space and by moving the location of the gate to the northern house.

Revision to condition 3 to require revised fencing details.

It is recommended that part (c) of this condition is amended to append "and including revised details of boundary treatments for the path leading from Oak Tree Dell to ensure this path is sufficiently safe and secure".

The proximity of the proposed trees to the new houses and potential damage to the houses in the future

The species of tree and exact locations will be provided within the further details as required by the landscaping condition (Condition 3). BHP have taken on board the concerns raised and will work with their landscape architect and the Councils Tree Officer and Landscape Officer to consider appropriate species and location for the proposed tree.

Other improvements to the estate

A number of improvements have been proposed, including tree planting, other landscaping and improvements to car parking. However, they have confirmed their agreement to additional tree planting and confirmed this can be secured through condition.

Further revisions to condition 3

Condition 3 which requires further details of the proposed landscaping will be revised to include the words "having regard to the proximity of the proposed trees to the new houses" and to refer to the requirement to provide details of additional tree planting within the estate.

Clarification regarding repairs and service charge

Clarification regarding outstanding repairs and works within the estate

BHP have stated that repairs are reported by the Estate Officers when they carry out regular inspections as well as the residents. They have a record of 56 completed communal repairs in the last 12 months and in addition to this, there are currently 10 repairs that are currently awaiting closure on their repairs system

Cyclical repair cycle for the estate

BHP have stated the following in response to this query:

The whole estate was subject to the following works:

- Decent Homes works in 2005/06 to include external and communal decoration, installation of new double glazed windows and painting as necessary
- Cavity Wall insulation in 2014/15
- Fire Safety Works 2015/16
- Further Planned cyclical works are proposed to take place during 2018/19. This will include External and communal decorations, repairs to the roof and repainting as required

Apportionment of service charge

BHP have stated the following in response to this query:

- All residents will be subject to the rent and service charges as per the Councils rent policies. The service charges are made up of a number of elements specific to property, the block and the estate. For shared services such as Grounds Maintenance, Estate Repairs etc., these will be shared equally between all the residents of the estate (including the new homes, so currently where this is being divided by 68 units, subject to approval when the new homes are occupied, this will be divided by 72 to include the four new homes) and therefore, it is anticipated that the cost per property will most likely decrease before inflation etc. is applied.
- There are some elements of the service charges like insurance which will be different for different sized homes. Again, this is all in line with the Councils (approved) policies.

Conclusion

In line with the above queries, conditions 3 and 12 are recommended to be revised as follows:

Condition 3 to now proposed to read:

The areas so designated within the site, between the building elevations and garden boundaries and the site edge, as well as around the proposed car parking areas **and any other communal areas within Mead Court**, shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site. **Unless otherwise agreed in writing, the development hereby approved shall not be occupied unless the approved landscape work have been completed in full.**

Such a scheme shall include:-

- (a) all planting including location, species, size, density and number, **having regard to the proximity of the proposed trees to the new houses;**
- (b) areas of hard landscape works including details of materials and finishes. These shall have a permeable construction.
- (c) proposed and any retained boundary treatments, both within the site and along the site boundaries including walls, fencing and retaining walls, indicating materials and height **and including revised details of boundary treatments for the path leading from Oak Tree Dell to ensure this path is sufficiently safe and secure.**
- (d) details of proposed ornamental trees to be planted as part of the scheme, including within the proposed car parking areas, **including details of additional planting within the other communal areas within Mead Court;**

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

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

Recommendation: Grant Consent subject to revised condition 3.

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Supplementary Information Planning Committee on 10 February 2016

Agenda Item 04

Case No. 15/4743

Location	Brent House, 349-357 High Road, Wembley, HA9 6BZ
Description	Proposed demolition of existing office building and erection of two buildings of between eight and ten storeys accommodating 248 dwellings (84 x 1-bedroom, 108 x 2-bedroom, 49 x 3-bedroom & 7 x 4-bedroom units) and flexible commercial space at ground floor (for Use Classes A1, A2, A3, A4 and/or B1(a)), new public square, landscaped communal gardens, associated landscape works, alterations to existing crossover(s) and basement car and cycle parking.

Agenda Page Number: 37 - 72

Members visited the site on 6 Feb 2016. No local residents were present.

Members have sought further clarity on issues related to servicing arrangements, parking for visitors and the impacts that the proposal may have on social infrastructure.

Servicing & Parking:-

A shared loading bay is provided off the eastern vehicle access ramp. Transportation have confirmed that the size of the bay is sufficient to meet requirements for any of the proposed uses and can accommodate the maximum size of vehicle that will need to access the site.

Vehicle tracking diagrams have been produced that demonstrate a 12m rigid vehicle can enter, service and leave the site in forward gear. A vehicle up to this size is able to stand clear of both the highway and the access to the undercroft car parking area within the designated loading area. A refuse vehicle is typically 11m long, a fire attending pumping appliance 8m and a fire tender with hydraulic platform/ladders is 11m long. All of these can be accommodated with the proposed layout.

The proposal includes a designated loading bay for smaller vans (3m x 6m), provided at the bottom of the access ramp for general use additional loading bays for smaller transit size vehicles associated with home deliveries, couriers and / or trades persons have not been incorporated into the layout.

The applicants were asked to examine how further small bays could be accommodated within the site. They have specified that the main servicing bay can accommodate two smaller vans at the same time when the large loading bay is not in use by larger vehicles. Tracking diagrams have been submitted to back this up. This dual use is accepted by your Transportation officer, who also advised that additional bays would not be required to satisfy adopted servicing standards. It has also been clarified that the width and length of the access ramp would be sufficient to allow smaller transit sized vans to stop along one side without obstructing access for vehicles to the parking spaces at the southern end.

Clarity on the servicing strategy across the site has been provided. Platform lifts are provided adjacent to the main loading bay to allow goods to be moved from delivery vehicles to their destination in order to address level changes across the site.

The transfer distance for goods from the loading bay is approximately 30m to commercial Unit 2 and 45m to Unit 1. The distance from the large loading bay to the entrance of Block E is approximately 100m, though this building entrance point is within 30m of the undercroft car park, and 50m of the smaller (general use) delivery bay. So it is reasonable to expect smaller delivery vehicles servicing Block E to use these closer locations.

In any event a condition is recommended to secure the submission and approval of a detailed Delivery and Servicing Plan, which shall include details of a pre-booking system and how this will be managed, and if Members consider that it is necessary to secure additional on-site loading space(s) then this requirement could also be secured by condition requiring the submission and approval of a revised site layout.

Social Infrastructure:-

Three existing GP surgeries exist within 1km of the site, situated between the application site and the A406 North Circular Road to the south. A dental surgery is located on the High Road to the west of the site, with two additional surgeries also within 1km of the site.

With the population growth envisaged it is important that supporting social infrastructure such as schools, health centres and community facilities are adequately planned for. The Infrastructure and Investment Framework 2011 (IIF), prepared by the Council supports the policies and proposals in the Local Development Framework (LDF), and provides the evidence base for identified specific infrastructure needs, including social infrastructure for Wembley. This is predicated on the planned housing growth of at least 11,500 new homes in Wembley between 2010 and 2026.

Anticipated infrastructure is expected to include new schools, extensions to existing local schools, nursery places, at least 2.4ha of new public open space, improvements to the quality and accessibility of existing open space, a new community swimming pool, new health facilities (for GP's and dentists) and new multi-use community facilities. This is set out in Core Strategy policy WEM29.

School infrastructure needs are identified in the Brent School Place Planning Strategy. In terms of schools near to the application site the Council has identified the expansion of Elsley Primary School by two new forms of entry (to four forms of entry) and Oakington Manor Primary on one new form of entry (to four forms of entry). Ark Elvin Academy on the neighbouring site has been granted planning permission for a new secondary school of 1750 pupils in nine forms of entry.

To meet the identified infrastructure needs funding is expected largely to come from the Community Infrastructure Levy (CIL). This scheme will secure a CIL contribution of approximately £3.5 million.

TfL position update;-

It has now been confirmed by the applicant that they agree to the £319, 000 bus capacity enhancement contribution that TfL has identified as being required in this area. This contribution will be secured through the s106 legal agreement.

Landscape plan;-

It should be noted a minor update has been made to the landscape plan. This is due to the modest reduction in communal landscaping, as a result of the need to accommodate additional disabled parking spaces in the southern-western corner of the site (as discussed in the main report).

Additional conditions;-

In response to the GLA Stage 1 report, and their comments on sustainable drainage, officers recommend that a further condition be attached to secure the approval of such measures. The following wording is recommended to secure this;-

Prior to the commencement of development (save for demolition) full details of a scheme of drainage measures for all areas of hard surface within the site, showing those areas to be treated by means of hard landscape works to utilise a sustainable urban drainage system (SUDS) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development meets the requirements of London Plan Policy 5.13 Sustainable Drainage.

Network Rail note that the proposed north site boundary is 55m from the railway boundary and note that the proposal includes excavation and earthworks, in light of this Network Rail would require details of any vibro-impact works to be submitted to and approved in writing prior to the commencement of works. This is due to a potential for the works to impact the railway as these are based not just upon the distance from the railway boundary, but also the type of soil in the area. The following wording is recommended to secure this;-

The proposal includes excavation and earthworks, in light of this Network Rail would require details of any vibro-impact works to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site.

Reason;- This is due to the proximity to the railway and a potential for the works to impact the railway operation.

Recommendation:-

Remains approval, subject to additional conditions regarding drainage and vibro-impact works.

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Supplementary Information Planning Committee on 10 February 2016

Agenda Item 05

Case No. 15/4473

Location	CAR PARK, Montrose Crescent & Land N/T 499 & 509 High Road, Wembley (including existing steps connecting to High Rd, Wembley with Station Grove), HA0
Description	Proposed redevelopment of Montrose Crescent car park and land n/t 499 and 509 High Road, Wembley to include a part 3, 6, 13 and 18 storey development on Curtis Lane and a part 4 and 6 storey building on the High Road, Wembley comprising of 186 residential units (43 x 1 bed, 108 x 2 bed and 35 x 3 bed), 1,312 sqm of commercial space comprising A1, A2, A3, A5, B1(a) and/or D1 uses, replacement public car park comprising of 89 public car parking spaces, associated amenity space, landscaping, cycle parking, new lift access to High Road together with alterations to existing stepped access from the High Road to Curtis Lane and Station Grove and public realm improvements.

Agenda Page Number: 73 - 108

Members visited the site on 6 February 2016. In attendance were residents of Lodge Court and Councillor W. Mitchell Murray (Wembley Central ward), all in objection to the application.

Members have sought further clarity on matters related to Curtis Lane treatment, vehicle tracking, servicing arrangements, impacts on Lodge Court flats (outlook/sunlight/daylight), the treatment of the High Road pavement frontage and the effects of this scheme on social infrastructure.

Curtis Lane treatment and vehicle tracking

Extensive works are proposed to upgrade Curtis Lane. New wider footways are to be provided around the site;-

- The footway on the northern side of Curtis Lane will be widened from 1m to 2m.
- There will be a new footway installed along the southern side of Curtis Lane, 3m wide. Currently there is no footway along here.
- The footway along the northern side of Montrose Crescent will be widened to at least 2m, with a wider area provided at the bus stop.

New raised tables are proposed in two locations as discussed within the report and highlighted at the site visit.

In association with the above a new road layout and new road alignment is proposed to Curtis Lane. This layout has been subject to a number of amendments during the process at the request of your Transportation officer. The agreed layout secures four new dedicated on-street loading bays along Curtis Lane and Station Grove. The carriageway width of 3.7m is supported as this will allow the passage of a single lane of traffic (N.B this route is one way only). Tracking diagrams have demonstrated that vehicles can safely manoeuvre around Curtis Lane in the event that the on-street loading bays were occupied at the time. The reduction in road width to 3.7m is acceptable for one way flow and will reduce the potential for unauthorised parking to occur.

The above works and layout has all been re-confirmed by your Transportation officer as being acceptable.

Servicing

Members sought clarity on how the proposed servicing arrangements would work.

The loading bays that have been proposed are primarily to serve existing commercial units along Ealing Road and High Road as well as the commercial units within the proposed scheme. However these can be used for home deliveries associated with the residential units (e.g. supermarket deliveries etc). Transportation officers are of the view that an additional loading bay along Montrose Crescent isn't required as loading bays are available on the eastern and western sides of the site. However, should Members consider that it would be preferable to secure an additional bay to the southern frontage of the site along Montrose Crescent then this could be secured and the final detail of this (location, size etc) agreed as part of the wider S38/278 agreement.

Impacts / relationship to Lodge Court

To a large extent this has been covered in detail in paragraph's 108 and 109 of the main report. Robust testing of daylight and sunlight conditions has been carried out on a number of relationships with existing residential uses around the site, including the relationship of Lodge Court to the proposed development. Some of the headline conclusions to note are;-

- Lodge Court flats with a western outlook currently face the open car park, so when comparing existing and proposed situations there will inevitably be reductions above 20% in VSC to certain windows.
- The daylight distribution for all tested windows meets the BRE Guidelines, this result indicates that an acceptable internal environment will continue to be maintained.
- In sunlight terms, all windows meet the BRE Guidelines in terms of annual probable sunlight hours with the proposed building in place.

- Overall, the analysis demonstrates that Lodge Court flats are compliant with BRE Guidelines on daylight and sunlight with the proposed building in place.

In addition to the daylight and sunlight analysis the applicant has undertaken shadow casting analysis. This shows what time the proposed development will cast shadows on Lodge Court.

It shows the extent of overshadowing that will be caused by the development, between 9am onwards on March 21st and June 21st, at hourly intervals.

- These results show that in March, Lodge Court doesn't experience shadow until between 3pm and 4pm, depending on the position in the facade.
- On June 21st, Lodge Court experiences shadow from the scheme from between 2pm and 3pm, depending on the position within the facade.
- Therefore Lodge Court typically experiences around 2-4 hours additional shadow between March and September, and this is consistent with the results provided in the Daylight and Sunlight report.

Further modelling has been carried out, which considers the outlook from Lodge Court with the proposed building in place. It can be seen from the "viewing corridor" image that the majority of Lodge Court flats facing west retain a large unobstructed outlook to the south-west as the majority of the west facing facade of Lodge

Court will sit opposite the lower rise element of Block C. This is a very important point to note the two building will not directly face one another due to the existing position of Lodge Court, further south.

An additional perspective has been submitted showing the view from the third floor of Lodge Court, looking south-west across the lower element of Block C and out over Montrose Crescent to the south, and also looking north-west.

When considering this relationship there are some other important points to note:-

- The separation between Lodge Court and Block C will be 26m. This distance significantly exceeds the minimum separation distance of 20m that the Council would expect to be achieved in order to demonstrate compliance with SPG17.
- This is significantly greater than the level of separation between the northern facade of Lodge Court and the Travelodge hotel, which is approximately 11m;
- This level of separation is greater than the distance between Lodge Court (southern facade) and Ramsey House, which is approximately 22m.

The separation distance of 26m between buildings, across a road is not unusual. It is a greater level of separation than you would typically find in a built up urban environment. In the context of SPG17, and the requirement for a 20m separation this is considered to result in a generous level of separation, and on balance an acceptable relationship with current and prospective flats.

High Road pavement frontage

To confirm, the High Road building is set back which will allow the existing footway along the High Road frontage to be widened by 1.2m. As a result the pavement width will be increased to 4.5m and the widened section will be offered for adoption as part of the S38/278 agreement. The pavement widening is welcomed as this will provide increased circulation space close to the top of the steps and an existing bus stop.

The existing bus stop is approximately 12.57m from the top of the steps, this has been demonstrated on an updated layout plan. Any problems of congestion that are currently evident will be improved as the footway is being widened to 4.5m.

Social infrastructure

Lancelot Medical Centre (Lancelot Road) is within close proximity of the site and there are a number of other GP's and dentists surgeries within 1km of the site.

With the population growth envisaged it is important that supporting social infrastructure such as schools, health centres and community facilities are adequately planned for. The Infrastructure and Investment Framework 2011 (IIF), prepared by the Council supports the policies and proposals in the Local Development Framework (LDF), and provides the evidence base for identified specific infrastructure needs, including social infrastructure for Wembley. This is predicated on the planned housing growth of at least 11, 500 new homes in Wembley between 2010 and 2026.

Anticipated infrastructure in the Wembley AAP area is expected to include new schools, extensions to existing local schools, nursery places, at least 2.4ha of new public open space, improvements to the quality and accessibility of existing open space, a new community swimming pool, new health facilities (for GP's and dentists) and new multi-use community facilities. This is set out in Core Strategy policy WEM29.

School infrastructure needs are identified in the Brent School Place Planning Strategy and this recognises there is limited capacity in nearby primary schools. In terms of schools near to the application site the closest primary

schools are located at Barham Primary, Lyon Park Junior and Park Lane Primary. Ark Elvin Academy on the former Copland School site has been granted planning permission for the redevelopment of the secondary school, increasing the capacity to 1750 pupils in nine forms of entry (increase of one form of entry).

To meet the identified infrastructure needs funding is expected largely to come from the Community Infrastructure Levy (CIL). This scheme will secure a CIL of approximately 5.7m.

Additional objection received

Further email representation has been received from the objector at 525 High Road. This re-confirms their earlier reasons for objecting on the grounds of increased traffic congestion and the impact on the existing car park (see 'Consultation' section in the main report). They have also added that the proposal would create more pollution, noise and disruption locally.

Comment (support) received from Cllr Stopp

Councillor Stopp has made the following comment:

This site has been in need of regeneration for some time. The state of dereliction into which it has fallen has resulted in associated risks, such as anti-social behaviour and the accumulation of illegal rubbish dumping. I am therefore grateful to the Applicant for bringing forward this application and for the open way in which they have consulted on it.

Affordable Housing

There is a typing error within the main report, and the number of affordable units needs to be clarified for the avoidance of any doubt.

To confirm, of the 186 residential units proposed 38 are for affordable housing, and not the 34 units that is referred to in page 81 (Monitoring Residential Breakdown table) and page 99 (s106 details).

Of the 38 units (20%) for affordable housing 26 are for affordable rent and 12 for shared ownership, as opposed to 26 and 8 respectively that is wrongly referred to on page 81.

TfL bus capacity contribution

The applicant has now confirmed that they agree to the contribution level of £109,000 that TfL has requested for bus capacity enhancements. This contribution will be captured through the s106 agreement.

Additional CGIs

Four additional views have been submitted since the committee report was finalised, taken from the south-east corner at Curtis Lane (looking east), ground floor at lodge Court looking west, Montrose Crescent / Ealing Road junction (looking east) and from junction of High Road and Ealing Road.

Site allocation / piecemeal development

As discussed within the main report (paragraph's 1 - 7) the subject site forms part of a larger site allocation W1. This allocation supports comprehensive redevelopment that would involve the existing buildings that front the High Road and Ealing Road, which are to the north and west of the application site respectively. These buildings are outside of the current application site. Officers are aware that earlier schemes which attempted a comprehensive development were not progressed largely due to the complexities involved with the extremely fragmented ownership that makes up these existing frontages. The highly complex ownership has been a problem in the past and would continue to be in the future, and this should not serve as a barrier to redevelopment proposals for the site (in part).

The phased redevelopment of the site has the support of your officers and the GLA also supports this approach. It is considered this would not prejudice the remainder of the site were this to come forward for development in the future.

The current proposal provides an opportunity to unlock the development potential of this site, which has been a longheld ambition of the Council.

Section 106 Heads of Terms (amendments)

As mentioned above, the number of units for affordable housing is wrongly referred to as 34. This will be amended to 38 units.

On page 99 reference is made to the scope of the highway works that will need to be undertaken through a S38/278 agreement. Point (vi) mentions the need for "*the adjoining terrace to be narrowed by up to 800mm so as not to encroach over the line of the existing steps*". This requirement can be removed, it has since been demonstrated by the applicant, and confirmed by your Transportation officers that the proposed terrace area does not encroach over the existing steps, which are adopted highway.

Recommendation

Remains approval, subject to the above amendments to the Section 106 Heads of Terms.

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Supplementary Information Planning Committee on 10 February, 2016

Agenda Item 06

Case No. 15/3695

Location	271-273 Kilburn High Road, London, NW6 7JR
Description	Demolition of existing building and erection of a part four, part five storey building comprising an A3 unit (restaurant/cafe) on the ground floor and 7x self-contained flats (7 x 1 bed) on the upper floors with associated bin and cycle storage

Agenda Page Number: 109

Members visited the site on Saturday 6 February.

There were two issues raised concerning the impact of the development on the living conditions of neighbouring residents and the operation of the Tricycle Theatre:

1. Risk of overlooking from proposed Flat 7's roof terrace
2. Impact on daylight and sunlight to the adjacent flats on 275 Kilburn High Road (specifically Flat 5, the second floor flat facing the flank of the proposal) and on the Tricycle Theatre office and entrance corridor.

1. Overlooking towards 275 Kilburn High Road

The Applicant has submitted details to show a 1.2m deep planter along the side facing the units on 275 Kilburn High Road, however in response to Member's queries a privacy screen could be located along this section. This could be secured by amending the proposed landscape condition.

2. Daylight and sunlight

Officers accept that there will be some impact on the second floor flat facing the flank facade (Flat 5, 275 Kilburn High Road) but consider on balance this impact to be limited and not sufficient to merit a refusal. The affected flat at 275 Kilburn High Road faces South East and light to it is already hindered in the early morning by the front part of that development and by the balcony above it, meaning it is most likely to be slightly affected for a period from mid morning. During the afternoon and evening, it is not likely that the flat will be affected due to the orientation of the subject site.

The Daylight/Sunlight Analysis has been undertaken by the Applicant. There have been two models/assessments done; one assessment including balconies and one omitting balconies. The methodology for assessing the impact on 275 Kilburn has used Vertical Sky Component (VSC) and the No-Sky Line Contour (NSC). For daylight, the Annual Probable Sunlight Hours (APSH) method is used.

Within Daylight/Sunlight reports in more dense urban areas, balconies are often omitted as windows directly below typically receive less light. BRE Guidance states that the effect of a proposed scheme on an existing building should be undertaken with and without the balcony in place to determine whether the proposed development or the obstruction caused by the balcony is the main factor in the relative loss of light to the subject window (*Updated Guidance on Daylight and Sunlight – October 2011*).

With solid balconies (the model used for this particular test is unable to factor in a 'mesh' style balcony, which these are) the two windows to Flat 5 fail the guidance for the first test.

With balconies omitted, the VSC and NSC assessments show all windows and rooms have shown full compliance with the BRE criteria. In addition, the APSH assessment for sunlight has shown that all rooms relevant for assessment show full compliance with the recommendations of the BRE guide.

To this end, the two comparative assessments confirm that when balconies are omitted the appropriate guidance is met and when the balconies are included, there is a marginal failure of two windows to Flat 5. The clear conclusion is that the existing balconies have a detrimental affect on the daylight to Flat 5 and therefore contribute towards the marginal failure.

Officers stress that the BRE standards are guidance only and can be applied flexibly especially in denser urban areas. The numerical figures within the report should not be rigidly applied but used as part of a full evaluation of

the site including the site context, the existing and proposed massing, the scale and wider objectives of the development plan.

Your Officers believe that the proposals, on balance, are acceptable and whilst the BRE Sunlight/Daylight assessment does not satisfy every scenario, it shows strong conformity and with the broader assessment of the proposals.

Officers understand the concerns of the Tricycle Theatre; however the development is located to the north of the Theatre and will not be overshadowed by the proposals and the roof lights serve a corridor where the primary use is travel between two points. Within the rear façade of the main theatre building are south west facing windows which, being non-residential, are again considered less sensitive. The development adjoins the boundary in this location but does not directly block these windows such that they will maintain the long unobstructed sky view (over the top of the light wells considered above) to maintain diffuse daylight and sunlight levels. It is not considered that the proposal will unduly affect the theatre's operation in this regard.

Recommendation: Remains approval

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Supplementary Information Planning Committee on 10 February 2016

Agenda Item 07

Case No. 15/4226

Location	Moberly Sports Centre, Kilburn Lane, North Kensington, London, W10 4AH
Description	Details pursuant to condition 17 (Construction Logistics Plan) relating to planning application reference 13/3682 dated 04/02/2015 for full planning permission sought for demolition of all existing buildings and erection of a part 7/part 6/part 5/part 4-storey building with 9293sqm of Sports and Leisure Centre (Use Class D2), 56 flats (22 x 1-bed, 34 x 2-bed) and 240sqm of retail floor space (Use Class A1/A2/A3) and erection of 15 terraced townhouses (15 x 4-bed) with associated car and cycle parking and landscaping and subject to a Deed of Agreement dated 02 February 2015 under Section 106 of the Town and Country Planning Act 1990, as amended

Agenda Page Number: 133

Members visited the site on Saturday 6 February.

During the Committee the following concerns and questions were raised:

1. Query whether two-way traffic will be maintained along Chamberlayne Road
2. Could the carriageway be widened at this point?
3. Volume of buses along this part of Chamberlayne Road between 09.30 and 3.30?
4. Risk of increased pollution
5. Have alternatives been fully investigated?
6. Query existing parking suspension on Brent side of Kilburn Lane

1. Two way traffic

Chamberlayne Road has a carriageway width of 8m. A lorry using the loading bay would take out 2.5m of that width, leaving 5.5m. Two buses would therefore struggle to pass one another when passing the lorry, so would in practice have to wait for one another to pass before moving forward. However, the suspension of the parking bays opposite the loading bay will otherwise maintain two-way traffic flow along Chamberlayne Road and is an improvement on the current situation, where the bays and bus stop do restrict traffic to one lane when a bus is stopped. London Buses were involved in all the discussions and have approved the arrangements.

The applicant has stipulated that is difficult to put an exact time on how long unloading will take as each delivery may vary due to the material being delivered, however it will done as quickly as possible.

2. Widening of the carriageway

With regard to reducing footway widths, there is no legal minimum width, but for safe access for wheelchairs and pushchairs it should not be reduced to any less than the 1.5m, which is the width the applicant is proposing. The widening of the carriageway or strengthening the footway to accommodate loading on the footway would be likely to be very costly, as any services within the footway would need to be lowered to provide adequate cover. . .

3. Volume of buses

There are approximately 30 buses per hour each way along this part of Chamberlayne Road. For comparison, there are about 20 buses per hour along Banister Road.

4. Pollution

The implications of the impact of development on air quality in the local area have been considered as part of the original planning permission and it is not within the scope of this condition to address pollution in general. The effect of idling vehicles in congestion on air quality is not fully understood however there is evidence to suggest that idling vehicles result in increased air pollution. Your officers accept this is a likely impact of this development however it is not your officers' opinion that this proposal would result in considerably worse congestion than that which currently exists in this location.

The application site falls within an Air Quality Management Area which means air quality is monitored daily by Brent.

5. Alternatives locations

As outlined in the main report other alternatives have been considered and discounted.

The use of Bannister Road or Kilburn Lane as potential off-site loading areas is considered impractical and to carry greater challenges than that of Chamberlayne Road.

Banister Road is a shorter road that contains bus stops on both sides and is considered to have far greater challenges in providing an off-site loading bay that will not cause congestion, particularly as it would reduce the length of the approach lane to the traffic signals.

With regards Kilburn Lane, it is a residential road with parking bays along its length. The loss of parking bays and disturbance to local residents would be considered far greater if an off-site loading bay were placed along that street.

6. Parking suspension on Kilburn Lane

The parking bays have been temporarily suspended in conjunction with Thames Water sewer works in Chamberlayne Road and should be reinstated by the end of the month.(February 2016)

Recommendation: Remains Approval

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Location	76-78 Salusbury Road, London, NW6 6PA
Description	Change of use of the 1st, 2nd and part of the ground floor of the public house (Use class A4) to create 8 self-contained flats (3 x 1bed, 3 x 2bed and 2 x 3bed) together with associated alterations to include removal of rear dormer window, new 2nd floor rear extension, stairwell extension, replacement and relocation of some of the windows, insertion of new windows and rooflights, terraces and screening, cycle parking spaces and bin stores

Agenda Page Number: 153

Members visited the site on 08/02/2016. There were several issues raised in relation to:

- noise complaints
- entrance to the pub
- community use

1. Noise Complaints

Residents restated concerns of noise in early hours of the morning from some users of the function rooms, for instance bands. Officers have made enquiries with Environmental Health colleagues and whilst there has not been time for a detailed response to be provided, your officers have received confirmation that there is an extensive history of noise complaints associated with the site with meetings held between Environmental Health officers and local residents and with the operator. Your officers note this history however this has already been considered in the main report and this does not alter your officer's recommendation.

2. Entrance to the pub

Residents of Hopefield Avenue reiterated their objection to the use of the entrance on the corner of Hopefield Avenue and Salusbury Road as the entrance to the pub. Your officers note this concern however the corner of the property is in an area with a commercial character which covers this part of Salusbury Road and extends along part of Hopefield Avenue and your officers do not conclude that the use of this entrance would necessarily lead to unacceptable harm to the living conditions of residents of Hopefield Avenue.

Should Members be minded to grant consent a condition could be imposed to limit the hours during which outside drinking could take place and to not permit it along Hopefield Avenue at any time in recognition of that road's transition from commercial to residential character.

Community use

Members questioned where the community groups who previously used the premises had relocated to and whether it was likely that they would return. As far as your Officers have been able to establish the Community groups have found accommodation elsewhere however there is strong evidence both through the ACV representation and planning application representations to suggest that this is outside of the Borough. The nearby School/Salusbury Rooms have been popular in the relocation of some activities, such as the Choir. With regards to the likelihood of returning groups, this is of course unknown, however the point stands that if Community space wasn't re-provided within the scheme, it would result in a permanent loss of such stock to the Borough.

Members have asked officers to respond to a query from a resident as to whether a commuted sum could be taken partly in lieu of direct re-provision of community facilities along with some community access to the retained pub of a similar nature to that proposed by the applicant. Whilst it is feasible in planning policy terms it is not preferred, since it would erode the stock of community space in the Borough; however officers have investigated the likely amount that would be required based on a capitalised rent for a reasonably sized similar community space in the local area and this yields a figure in the low six-figures. It has not been possible, given the time allowed, to open discussions on this matter with the Applicant.

4. Further Representations

Your Officers have also received further representations from members of the public in support of the application on the grounds of:

- Support for residential units proposed;
- Support for the renovation of the interior and exterior of the property;
- Support the use of the ground floor as a retail/commercial focus.

5. Revised submission from Applicant

Information was received from the applicant after the Committee deadline. A summary of the revisions are:

- Within the revised ground floor the applicant now proposes the entire southern part of the ground floor be a “Dedicated Community Room”, 188sqm in size and with access from the main entrance of the Public House. The Public bar and associated space makes up 247sqm of the ground floor. The area sectioned off for the public bar is approximately 80sqm whilst the kitchens, toilets, bar areas and storage make up the rest;
- Amended Heads of Terms.

Officers have re-assessed the proposal in light of the above and regrettably, do not consider that these further submissions by the applicant adequately address the concerns that have arisen from having a dedicated community space on the ground floor.

Whilst the proposal does, in your officers’ judgment, provide an appropriate size of community room (approx. 188sqm) to offset the loss of the space currently provided on the first floor, the revised proposals do not give officers sufficient confidence: (1) that the public house and community room could interact in a successful way; and (2) that it would re-provide an appropriate space for the types of activities that operated in the past from the first floor function rooms for the following reasons:

Access: The “Dedicated Community Room” is still not distinct from the pub by means of physical separation – a bar and serving counter opens onto it- which raises the question of what type of groups it would remain attractive to. Access to the public bar, whilst the “Dedicated Community Room” is in use, would be hindered as they appear to be served from the same entrances.

Viability: Whilst the applicant has indicated that the space would operate as a Public House (for the majority of the time when not in use by a community function) it is difficult to envisage how the two uses would interact in a successful way whilst keeping the operation of the Public House viable. Officers would need a great deal of extra information as to the viability of the Public House and the operation of the “Dedicated Community Space” to ensure that they can support each other whilst providing an attractive, useable and functional space for community groups to use.

Heads of Terms: revised Heads of Terms give some clarity on when the “Dedicated Community Room” would not be available (not to be available for use within the time period of 20:00 to 24:00) and that the space would be available for a maximum of 17 hours a week and only when the pub is open. The Heads still do not reflect the nature of the existing S106, which is proactive in giving priority of the existing Function Room 1 to the Community.

Officers feel that unless the re-provided space and the way it is used reflects in a similar way, the historic uses of the first floor Function Rooms, then the type of groups and activities would be severely reduced and the ‘community’ element of the public house would be lost.

6. Summary

Your Officers feel that a great deal of weight should be given to the community value of the existing pub and ancillary function rooms. Unfortunately, whilst Officers feel that some progress has been made with the Applicant towards offering a provision of a ‘community space’, the revised proposals still do not give confidence that the ground floor ‘Dedicated Community Room’ would successfully replicate this nor that it could run in parallel with the Public House. As such the recommendation remains refusal.

Recommendation: Remains Refusal

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