



Planning Committee

Tuesday, 2 November 2010 at 7.00 pm

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

Membership:

Members

Councillors:

RS Patel (Chair)
Sheth (Vice-Chair)
Adeyeye
Baker
Cummins
Daly
Hashmi
Kataria
Long
McLennan
CJ Patel

First alternates

Councillors:

Kabir
Mistry
Hossain
Steel
Cheese
Naheerathan
Castle
Oladapo
Thomas
J Moher
Lorber

Second alternates

Councillors:

Kataria
Mitchell Murray
Mashari
HM Patel
Allie
Ogunro
Clues
Powney
Powney
Moloney
Castle

For further information contact: Joe Kwateng, Democratic Services Officer,
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For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Members' briefing will take place at 6.15pm in Committee Room 4

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting 13 October 2010		1 - 14
Extract of Planning Code of Practice		
NORTHERN AREA		
3. 15 Eversley Avenue, Wembley, HA9 9JZ (Ref. 10/1942)	Barnhill;	19 - 24
4. 55 Dollis Hill Lane London NW2 6JH (Ref. 10/2241)	Dudden Hill;	25 - 30
5. Fryent Primary School, Church Lane, London, NW9 8JD (Ref. 10/2026)	Fryent;	31 - 38
6. Former Blarney Stone, Blackbird Hill, London, NW9 8RR (Ref. 10/2053)	Welsh Harp;	39 - 60
SOUTHERN AREA		
7. Flats 1-4 INC, 142A High Road, London, NW10 (Ref. 10/2106)	Willesden Green;	61 - 70
8. 26A Chevening Road, London, NW6 6DD (Ref. 10/1476)	Queens Park;	71 - 76
9. 40A-D INC, St Julians Road, London, NW6 7LB (Ref. 10/2304)	Kilburn;	77 - 84
10. 42A-D INC & 43 A-C INC, St Julians Road, London, NW6 7LB (Ref. 10/2289)	Kilburn;	85 - 92
WESTERN AREA		
11. Land Surrounding Wembley Stadium, Royal Route, Wembley, HA9 (Ref. 10/2202)	Tokynghon;	93 - 106
12. Land next to Central Middlesex Hospital, Acton Lane, London, NW10 (Ref. 10/2073)	Stonebridge;	107 - 124
13. Land next to Central Middlesex Hospital, Acton Lane, London, NW10 (Ref. 10/2164)	Stonebridge;	125 - 148
PLANNING APPEALS		
14. Appeals September 2010		
15. Any Other Urgent Business		

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

Site Visit Details

SATURDAY 30 OCTOBER 2010

Members are reminded that the coach leaves Brent House at 9.30am

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
10/2202	Land Surrounding Wembley Stadium, Royal Route, Wembley, HA9	11	Tokyngton	9:35	93-106
10/2053	Former Blarney Stone, Blackbird Hill, London, NW9 8RR	6	Welsh Harp	10:10	39-60

Date of the next meeting: Wednesday, 24 November 2010

The site visits for that meeting will take place the preceding Saturday 20 November 2010 at 9.30am when the coach leaves Brent House.



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
 - Toilets are available on the second floor.
 - Catering facilities can be found on the first floor near The Paul Daisley Hall.
 - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Wednesday, 13 October 2010 at 7.00 pm

PRESENT: Councillors RS Patel (Chair), Sheth (Vice-Chair), Adeyeye, Baker, Cummins, Daly, Hashmi, Long, McLennan and CJ Patel

ALSO PRESENT: Councillor Barry Cheese, Councillor Lesley Jones and Councillor Kana Naheerathan

Apologies for absence were received from Kataria

1. **Declarations of personal and prejudicial interests**

None at this meeting.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 15 September 2010 be approved as an accurate record of the meeting.

3. **14 Heber Road, London, NW2 6AA (Ref. 09/1616)**

Erection of single-storey detached outbuilding in garden of ground-floor flat (14b Heber Road) (as amended by plans received 16/11/2009 and 20/08/2010)

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives.

In introducing the report, the Area Team Manager Rachel McConnell stated the both proposed outbuilding and the existing shed were of a size commonly seen in residential areas and would cumulatively provide some 20sqm of storage space for a 2 bedroom flat. She added that the plans indicated that the proposed outbuilding would be used for storage however it could be used for other purposes such as a summer house which would also be considered incidental to the enjoyment of the residents of the ground floor flat. The Planning Manager continued that given the size and location of the proposed outbuilding 2m from the rear boundary, it was not envisaged that the building would damage the tree root structure or require significant works to the canopy which overhanged the site.

Members queried whether the building was self contained and if the use of the proposed outbuilding would be incidental to the main building. In the absence sufficient knowledge about the building, Councillor Cummins moved an amendment for refusal. This view was shared by Councillor Adeyeye.

In responding, the Head of Area Planning stated that the proposed use of the outbuilding was indicated to be incidental to the ground floor flat and drew members' attention to condition 4 as set out in the report and reiterated the recommendation after discussion with the Legal Services representative. Members however voted by a majority to refuse the application, contrary to the recommendation for approval.

In accordance with the provisions of the Planning Code of Practice, voting on the recommendation for approval was recorded as follows:

FOR: Councillors Daly, Long and CJ Patel. (3)

AGAINST: Councillors RS Patel, Adeyeye, Baker, Cummins and Hashmi (5)

ABSTENTIONS: Councillors Seth and McLennan (2)

DECISION: Planning permission refused due to insufficient information regarding the internal layout of the ground-floor flat and its relationship with the first-floor flat to allow consideration of whether the outbuilding would be incidental to the enjoyment of residents of the ground-floor flat.

4. 88, 90 & 92 Draycott Avenue, Harrow, HA3 0BY (Ref. 10/1781)

Demolition of 3 detached dwellings, erection of 6 x 5-bedroom semi-detached dwellinghouses and 2 blocks of flats totalling 14 units to rear, comprising 2 x studio, 7 x 1-bedroom and 5 x 2-bedroom flats, with formation of new access road from Draycott Road, parking, cycle and refuse store and associated landscaping as accompanied by Design & Access Statement, Landscape Strategy Report, Affordable Housing Report & Toolkit, Arboricultural Report, Sustainability Checklist, Energy Strategy Revised and Sustainability Statement Revised.

OFFICER RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary report the Area Planning Manager drew members' attention to the list of objections by the Chair of Queensbury Area Residents (QARA) Group of Associations adding that most of them had been addressed in the main report. She clarified that the Head of Transportation did not consider transport assessment a necessity for a site of that size and that previous appeal decisions for substantially more homes had been considered acceptable in transport terms and internal access arrangements.

In re-affirming the recommendation for refusal, Rachel McConnell informed the Committee that as the information submitted by the applicant had failed to demonstrate that the proposed development would meet the relevant policy objectives for sustainable construction and energy provision, sustainability issues would be dealt with through a section 106 legal agreement. She added that the

toolkit submitted by the applicant had provided insufficient evidence to substantiate the applicant's claim that their proposal could not make any viable contribution towards the Borough's affordable housing needs. She continued that the offer of post completion financial appraisal was not acceptable.

Mr Robert Dunwell on behalf of QARA urged members to support the recommendation for refusal but suggested a further reason for refusal on grounds of satisfactory transport assessment.

The Area Planning Manager Rachel McConnell reiterated the recommendation for refusal for the reasons set out in the report.

DECISION: Planning permission refused.

5. 33 Northwick Circle, Harrow, HA3 0EE (Ref. 10/1601)

Rebuilding of side dormer window facing No. 32 Northwick Circle and installation of one rear roof light to dwellinghouse (revised description).

OFFICER RECOMMENDATION: Grant planning permission granted subject to conditions.

DECISION: Planning permission granted subject to conditions.

6. Alleyway rear of 12-30, Princes Avenue, London, NW9 9JB (Ref. 10/1979)

Installation of alleygate running behind land r/o 12-30 Princes Avenue NW9 and r/o 1 Tennyson Avenue 2 Milton Avenue.

OFFICER RECOMMENDATION: Defer the application to enable officers and the contractors to undertake a site survey.

The Head of Area Planning Steve Weeks recommended a deferral of this application to the next meeting to enable officers of the Planning and Environmental Health Units to attend the site with the contractors who would undertake the work and mark exactly where the gates could be positioned. This step would allow a site survey to be undertaken and a more accurate plan produced to ensure members have sufficient accurate information on which to base their decision. A further advantage was that a deferral would allow for a period of re-consultation during which objectors would be able to see where the posts would be, as marked on the ground.

DECISION: Planning permission deferred to enable officers and the contractors to undertake a site survey.

7. 69 Barn Hill, Wembley, HA9 9LL (Ref. 10/1941)

Demolition of existing garage and erection of two storey side extension with integral garage at ground floor, single storey rear extension, basement, rear dormer window and two rooflights (one to each flank roof slope) to dwellinghouse (as per revised plans received on 16th September 2010).

OFFICER RECOMMENDATION: Grant planning permission granted subject to conditions.

DECISION: Planning permission granted subject to conditions.

8. 41-43, Mallard Way, London, NW9 (Ref. 10/1995)

Variation of condition 2 (development to be carried out in accordance with all plans and supporting documents) to allow minor material amendments consisting of:

- Enlargement of lower ground floor footprint to match that of ground floor (as amended by revised plans received 15/09/10) to planning permission reference 08/3405 dated 21/10/09 for demolition of existing rear garage and erection of part two-storey and part two-and-a-half-storey detached dwelling in rear garden of 41 & 43 Mallard Way, NW9, with formation of new vehicular access from Alington Crescent, 2 off-street parking spaces, bin stores and associated landscaping.

OFFICER RECOMMENDATION: Grant planning permission granted subject to conditions.

Mr Mullen an objector urged members to refuse the application on grounds of its impact on scale and character of the original properties.

The Area Planning Manager Rachel McConnell reiterated the changes over the approved scheme and that a separate entrance was not proposed. In her view, the grounds for objection were not material or significant as to warrant a refusal.

DECISION: Planning permission granted subject to conditions.

9. 182 Carlton Vale, 58 & garages rear of 58, Peel Precinct, London, NW6 5RX (Ref. 10/1841)

Erection of a part 6- and part 8-storey building, comprising 50 self-contained affordable flats (15 x 1-bedroom, 19 x 2-bedroom, 12 x 3-bedroom, 4 x 4-bedroom) with 25 basement car-parking spaces and bicycle storage and associated landscaping on site of former Texaco petrol station and garages.

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Area Planning Manager, Andy Bates corrected an error on the map on page 92 of the report adding that enlarged extent of the site area was shown on all documents submitted with the application. In recommending the application for approval he amended the standard contribution clause under S106 details to include 'including potential car club' after 'Sustainable Transport'.

DECISION: Planning permission granted subject to conditions and the completion of a satisfactory Section 106 or other legal agreement such agreement to incorporate reference to a City Car Club and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

10. 45 &45A Torbay Road, London, NW6 7DX (Ref. 10/1711)

Demolition of existing single-storey rear extension and erection of a new single-storey rear extension, single-storey side extension, formation of basement level with rear lightwell and conversion of two self-contained flats into a single family dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission granted subject to conditions.

The Area Planning Manager amended the number of representations received as 36 letters of objection and 2 letters of support.

Ms Suzanna Giner an objector stated that the formation of a basement in particular the rear lightwell, would not only contravene the Conservation Area Guidance but also create an undesirable precedent in the Conservation Area. She added that the proposed development would result in a negative impact due to its proximity to a local primary school. The objector also questioned the future use of the proposed development.

Mr Andy Kershaw the applicant stated that amendment suggested to the scheme essentially in order to protect the character of the area had been carried out. He added that an integral part of the proposed development was to restore the Victorian architecture of the building and enhance the character of the area. Mr Kershaw continued that the construction would be subject to strict building control regulations in order to protect residential amenities.

DECISION: Planning permission granted subject to conditions.

11. 66 Walm Lane, London, NW2 4RA (Ref. 10/2022)

Erection of a new single-storey rear infill extension, installation of a new extraction flue to the rear of the property and retention of air conditioning unit.

OFFICER RECOMMENDATION: Grant planning permission granted subject to conditions and informatives.

In accordance with the provisions of the Planning Code of Practice, Councillor Jones, ward member stated that she had been approached by the residents about the proposed development. Councillor Jones stated that as the current use of the property had raised noise abatement issues there was every need for the conditions recommended particularly on noise from the premises, to be tightly monitored.

Mr S Bachceci the applicant stated that he had made changes to the proposal that would minimise noise and visual impact on neighbours, the character and appearance of both the subject property and the surrounding Conservation Area. The changes included a reduction in the height of the extension, enclosed extract flue using insulated cladding that would be finished externally to give the appearance of matching brickwork together with satisfactory technical drawings and noise assessment report.

The Area Planning Manager added that in principle, the positioning of the proposed extract duct was considered appropriate to provide adequate mitigation against noise and odours. He recommended that following the installation of a new extract duct a noise assessment should be carried out to ensure that the system has been installed to comply with the requirements of Environmental Health. He drew members' attention to conditions 3, 4 and 5 on noise, fume extraction, odour control equipment and self closing doors which were aimed at protecting the amenities of residents. The Head of Area Planning also emphasised, and the applicant acknowledged, the need to operate the property without causing a noise nuisance.

DECISION: Planning permission granted subject to conditions and informatives together with an additional condition and informative.

12. Offices 1st, 2nd 3rd Floors, 101A Kilburn High Road and 2A Brondesbury Road London, NW6 (Ref. 10/0491)

Conversion of first, second and third floors into 2 (one studio and one two-bed) self contained flats, with rear terrace at first floor, replacement of first floor rear window with glazed doors and provision of bin store within entrance.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions, informatives and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Area Planning Manager, Andy Bates informed the Committee that in response to concerns expressed by an objector from Addison Court an additional condition on bin storage and an informative on access rights were recommended for the grant of planning permission.

DECISION: Planning permission granted subject to conditions to include a condition on bin storage , informatives to include access rights and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitors..

13. 27 Carlisle Road, Kilburn, London, NW6 6TL (Ref. 10/1647)

Erection of single-storey rear and side extension to ground-floor flat.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

14. Desi Dons Public House and Function Room, 86 East Lane, Wembley, HA0 3NJ (Ref. 10/1756)

Demolition of detached store, erection of a 4-storey rear extension comprising stairwell and access lift, side extension at second-floor level, installation of 9 rooflights to side elevations, 1 rooflight to rear elevation, creation of 8 self-contained flats at first-, second- and third-floor level, provision of 12 off-street parking spaces, a refuse-storage area, cycle-storage area and associated landscaping to site (as amended by plans dated 29/09/2010).

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor and, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

DECISION: Planning permission granted subject to conditions and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor and, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

15. 86 East Lane, Wembley, HA0 3NJ (Ref. 10/2050)

Installation of ATM machine to front elevation of former public house.

OFFICER RECOMMENDATION: Planning permission granted subject to conditions.

DECISION: Planning permission granted subject to conditions.

16. 86 East Lane, Wembley, HA0 3NJ (Ref. 10/2083)

Advertisement consent is sought for the installation of 2 externally illuminated fascia signage to ground floor of building facing East Lane, 1 externally internally illuminated fascia signage to ground floor facing Peel Road and 1 non-illuminated sign to first floor of building (facing Peel Road).

OFFICER RECOMMENDATION: Planning permission granted subject to conditions.

DECISION: Planning permission granted subject to conditions.

17. 86 East Lane, Wembley, HA0 3NJ (Ref. 10/2085)

Installation of plant equipment and associated brick enclosure to side of existing building.

OFFICEER RECOMMENDATION: Planning permission granted subject to conditions.

The Area Planning Manager drew members' attention to an additional condition on details of exterior lighting as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions and an additional condition requiring details of exterior lighting.

18. 86 East Lane, Wembley, HA0 3NJ (Ref. 10/2087)

Replacement of entrance doors, installation of 2 bollards to front elevation and widening of existing door to side elevation of building.

OFFICER RECOMMENDATION: Planning permission granted subject to conditions.

The Area Planning Manager drew members' attention to an amendment to condition 2 as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions as amended in condition 2.

19. 86 East Lane, Wembley, HA0 3NJ (Ref. 10/2100)

Installation and display of 4 external signs to car park, consisting of 1 gantry sign facing East Lane (externally illuminated), and 3 x non-illuminated "Euro parking" signs in car park (as amended by plans received on 24/09/2010).

OFFICER RECOMMENDATION: Planning permission granted subject to conditions.

DECISION: Planning permission granted subject to conditions.

20. 284 Ealing Road, Wembley, HA0 4LL (Ref. 10/2238)

Change of use from shop (Use Class A1) to betting office (Use Class A2).

OFFICER RECOMMENDATION: Planning permission granted subject to conditions.

Mr Davda the owner of the adjoining pharmacist shop objected on the grounds that an additional betting shop in the vicinity would materially alter the character of the area given the anti-social behaviour and opportunities for crime commonly associated with betting shops. He continued that the betting shop use would have a detrimental impact on his pharmacy business. Mr Davda added that the concerns he had expressed were equally shared by other residents, businesses, local residents and the local primary school.

Mr Christopher Miller an employee of the applicant speaking in support of the application stated that the concerns expressed by the objector related to licensing matters rather than planning. He added that the applicant, mindful of the possible impact would ensure that adequate constraints and measures were put in place to preserve amenities.

In response to questions by Councillor Long about the applicant's policy on patrons congregating outside the betting shop, Mr Miller stated that although the applicant had no such a policy nor could not exercise control outside the shop, it operated a strict control to prevent anti-social behaviour. He added that although smoking was not allowed inside the premises, food and drink were allowed.

In responding to concerns raised, the Area Planning Manager, Neil McClellan stated that noise and anti-social behaviour were matters for the licensing Committee and the police, adding that there were no policy basis for refusing the application. The Head of Area Planning added that without evidence fear of crime could have limited weight in considering the planning application, adding added that concerns about litter would be addressed through the Council's Streetcare unit.

DECISION: Planning permission granted subject to conditions.

21. Alperton House, Bridgewater Road, Wembley, HA0 1EH (Ref. 10/1631)

Change of use of first, second, third, fourth and fifth floors of building to a mixed use as an office (Use Class B1: business) and non-residential institution (Use Class D1: non-residential institutions - education and training centres).

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor and, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

With reference to the tabled supplementary report, the Area Planning Manager informed the Committee that additional objections raised to the application as set out in the supplementary were largely building-management and health & safety matters. He reported that as the applicant's notice served on all occupiers of the building would not have lapsed by the date of committee he requested Members to delegate authority to the Director of Environment and Culture or other duly authorised person to consider any comments raised within the 21 day period, and to approve the proposal subject to no new material considerations being raised that have not already been considered by members. In respect of the Travel Plan the Area Planning Manager recommended that the type/ level of Travel Plan and associated responsibilities for the building owner/ occupants be resolved through appropriately worded section 106 legal agreement.

Mr Diamond the applicant's agent stated that mixed use consent already existed for the property and that the current applicant sought to widen that existing consent so as to be able to get full use of the property. He was confident that

regulatory issues raised by some objectors would be complied with. In response to a question about how the applicant intended to upgrade facilities including those for the disabled, Mr Diamond stated that although there were no specific parking bays for the disabled, there were dedicated toilets within the building and that the lifts had all been adapted to accommodate all forms of disability. Furthermore, a satisfactory Fire Engineer's occupancy report had been carried out in addition to regular monitoring of health and safety and fire procedures.

In reiterating the recommendation for approval, the Head of Area Planning added a further condition requiring the applicant to submit details of disabled persons' parking and toilets. He advised that as the consultation period had not expired, delegated authority could be granted to the Director of Environment and Culture to grant planning permission if no further material objections are received after 13 October 2010.

DECISION: Delegated to the Director of Environment and Culture to grant planning permission if no further material objections are received after 13 October 2010 as the consultation period had not yet expired and subject to conditions including additional condition requiring further details to be submitted on disabled parking and toilets, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor and, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

22. 91 Sudbury Court Drive, Harrow, HA1 3SS (Ref. 10/2366)

Erection of side dormer and rear dormer roof extensions in addition to extensions already permitted under 10/0854: to convert garage into habitable room, erect single-storey rear, single-storey side and 2-storey side and rear extensions to dwellinghouse and alterations to frontage.

OFFICER RECOMMENDATION: Planning permission granted subject to conditions.

The Area Planning Manager drew members' attention to an amendment to condition 2 as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions as amended in condition 2.

23. Play Area at the junction of Pitfield Way & Henderson Close, Henderson Close, London, NW10 (Ref. 10/1980)

Relocation of existing playground and erection of a part 3- and part 4-storey block comprising 4 self-contained maisonnettes and 2 dwellinghouses, with provision of private amenity space to rear and associated landscaping to site, parking on southern side of Pitfield Way and alterations to existing parking area adjacent to Nos. 56-64 Lilburn Walk and 46 Henderson Close, and works to re-open Henderson Close to Pitfield Way involving the removal of existing bollards and installation of a "speed table".

OFFICER RECOMMENDATION: Defer to allow further discussions between the applicants and ward Councillors and local residents.

DECISION: Deferred to allow further discussions between the applicants and ward Councillors and local residents.

24. Boiler Room next to 65, Besant Way, London NW10 (Ref. 10/2076)

Demolition of a single-storey building and erection of a part 3- and part 4-storey building comprising 6 self-contained flats (4 one-bedroom & 2 two-bedroom), with new pedestrian access, provision of off-street car-parking, bin store and associated landscaping.

OFFICER RECOMMENDATION: Defer to allow further discussions between the applicants and ward Councillors and local residents.

DECISION: Deferred to allow further discussions between the applicants and ward Councillors and local residents.

25. Land next to 10, Tillett Close, London, NW10 (Ref. 10/2075)

Construction of 5 x 3-bedroom dwellinghouses on hardsurfaced area of Public Open Space with associated landscaping, car-parking and refuse and cycle storage.

OFFICER RECOMMENDATION: Defer to allow further revisions to the design and layout of the scheme.

DECISION: Deferred to allow further revisions to the design and layout of the scheme.

26. Planning & Enforcement Appeals August 2010

Following an introduction by the Head of Area Planning, the Committee;

RESOLVED:-

That the planning and enforcement appeals, August 2010 be noted.

27. Any Other Urgent Business

None.

The meeting ended at 9.10pm

RS PATEL
Chair

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

The Planning Code of Practice has been adopted by Brent Council to regulate the performance of its planning function. Its major objectives are to guide Members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is in addition to the Brent Members Code of Conduct adopted by the Council under the provisions of the Local Government Act 2000. The provisions of this code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members making such decisions are, and are perceived as being, accountable for those decisions. Extracts from the Code and the Standing Orders are reproduced below as a reminder of their content.

Accountability and Interests

4. If an approach is made to a Member of the Planning Committee from an applicant or agent or other interested party in relation to a particular planning application or any matter which may give rise to a planning application, the Member shall:
 - a) inform the person making such an approach that such matters should be addressed to officers or to Members who are not Members of the Planning Committee;
 - b) disclose the fact and nature of such an approach at any meeting of the Planning Committee where the planning application or matter in question is considered.
7. If the Chair decides to allow a non-member of the Committee to speak, the non-member shall state the reason for wishing to speak. Such a Member shall disclose the fact he/she has been in contact with the applicant, agent or interested party if this be the case.
8. When the circumstances of any elected Member are such that they have
 - (i) a personal interest in any planning application or other matter, then the Member, if present, shall declare a personal interest at any meeting where the particular application or other matter is considered, and if the interest is also a prejudicial interest shall withdraw from the room where the meeting is being held and not take part in the discussion or vote on the application or other matter.
11. If any Member of the Council requests a Site Visit, prior to the debate at Planning Committee, their name shall be recorded. They shall provide and a

record kept of, their reason for the request and whether or not they have been approached concerning the application or other matter and if so, by whom.

Meetings of the Planning Committee

24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendation the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.

25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the Minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the Minutes of the Meeting.

29. The Minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
 - (i) on any resolution of "Minded to Grant or minded to refuse contrary to Officers Recommendation";
 - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do

so for a maximum of 2 minutes. Where more than one person wishes to speak on the same application the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. In addition (and after hearing any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants the Chair and members of the sub-committee may ask them questions after they have spoken.

- (b) Persons wishing to speak to the Committee shall give notice to the Democratic Services Manager or his representatives prior to the commencement of the meeting. Normally such notice shall be given 24 hours before the commencement of the meeting. At the meeting the Chair shall call out the address of the application when it is reached and only if the applicant (or representative) and/or members of the public are present and then signify a desire to speak shall such persons be called to speak.
- (c) In the event that all persons present at the meeting who have indicated that they wish to speak on any matter under consideration indicate that they agree with the officers recommendations and if the members then indicate that they are minded to agree the officers recommendation in full without further debate the Chair may dispense with the calling member of the public to speak on that matter.

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Committee Report
Planning Committee on 2 November, 2010

Item No. 3
Case No. 10/1942

RECEIVED: 13 August, 2010

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 15 Eversley Avenue, Wembley, HA9 9JZ

PROPOSAL: Erection of two storey side extension, single storey rear extension, raised terrace and steps to garden and erection of rear dormer window to dwellinghouse (as amended by plans received 22/10/2010)

APPLICANT: Mrs Samina Bhandari

CONTACT: Mr Ayub Hanslot

PLAN NO'S:
See Condition 2

RECOMMENDATION

Approval

EXISTING

The existing property is a two-storey detached dwellinghouse located on the south side of Eversly Avenue. It is not a listed building but is within the Barnhill Conservation Area.

PROPOSAL

Full planning permission sought for the erection two storey side extension, single storey rear extension, raised terrace and steps to garden and erection of rear dormer window to dwellinghouse.

HISTORY

01/1916. Full planning permission sought for proposed alterations to forecourt, incorporating new hard and soft landscaping to front garden and new brick piers and coping to existing boundary wall and erection of timber screen to side passage. Granted 2001

00/2647. Full planning permission sought for the erection of a new porch (portico), lean to roof canopy over existing external passage, new hard and soft landscaping to front garden and new brick piers and coping to existing boundary wall. Appeal dismissed 2001.

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 - Local Context

BE9 - Architectural Quality

BE25 - Development in CA

BE26 – Alterations and Extensions to Buildings in CA

Barnhill Conservation Area Design Guide

CONSULTATION

7 neighbouring properties consulted. 6 objections received from local residents on the following grounds:

- 1) Loss of the gap and views through to trees and Wembley Stadium behind.
- 2) Loss of light
- 3) Excessive parking problems

These points have been addressed in the discussion in the remarks section of the report.

REMARKS

2-storey side extension

The proposal involves the demolition of the existing single storey detached garage and replacement with a two-storey side extension. This is setback 1.5m from the main front wall of the dwellinghouse and suitably set down from the main roof ridgeline. The width of the proposed side extension is in keeping with Council guidelines and is less than the internal width of the main front room (3.23m). It is set in 1m from the side boundary with No. 17.

The Design Guide recognises the need to protect gaps and views between buildings. To ensure that gaps are maintained two-storey side extensions are permitted where they are set in 1m from the side boundary and set back 1.5m from the main front wall of the dwelling. As the proposal complies with this guidance the proposed 2 storey side extension is considered acceptable. There is no right to a view over someone else's land.

The roof detailing is in keeping with the character and appearance of the Conservation Area and respects the character of the house. Materials are to match the existing and a condition requiring the submission of samples of external finishes will be sought.

Single Storey Rear Extension and Rear Terrace

The proposed single storey rear extension projects 3.5m beyond the rear wall of the dwellinghouse. It has a height of 4.5m from the ground level at the rear. This is considered to be the lowest height practical while still being in keeping with the character and appearance of the property in line with design guidance. The single storey rear projection behind the proposed side extension is considered acceptable as it only projects 2m from the rear wall of the dwellinghouse and is set in 1m from the boundary.

There is a significant change in ground levels across the site. To provide access to the rear garden there is a 1m deep rear terrace proposed which is stepped down into the rear garden. The area of the existing rear terrace is 35 sqm while the proposed terrace will have an area of 15sqm. It is considered that this will not result in a loss of amenity to neighbouring residents as it will principally be used for access to the rear garden and does not provide a significant area for sitting out on. To ensure that there is no detrimental impact a set-in of one metre from the boundary with No. 11 and two metres from the boundary with No. 17 has been proposed. Further details of the proposed boundary treatment will be sought by condition.

The proposed single storey rear extension and rear terrace are in accordance with the relevant design guidelines.

Proposed Rear Dormer

The proposed rear dormer window is modest in size, positioned centrally on the roof plane and is adequately set up from the eaves and in from the eaves line. This is in accordance with the Design Guide.

Front Forecourt

To offset the loss of 1 off-street parking space with the demolition of the garage 2 parking spaces are proposed in the front forecourt. There is a significant proportion of soft landscaping proposed in the front forecourt. This is in compliance with the Barnhill Design Guide. Given the parking provided on the driveway it is considered that there will not be a significant increase in off-street parking as a result of the proposed development.

Conclusion

The proposed two storey side extension, single storey rear extension, raised terrace and steps to garden and erection of rear dormer window are in accordance with the relevant design guidance and policies. Accordingly the proposed development is recommended for approval subject to the conditions set out below.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
Barnhill Conservation Area Design Guide

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings:

P4/10/D1RevA
P4/10/D2RevA

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) Notwithstanding any landscaping referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities), providing 50:50 soft/hard landscaping within the front forecourt area, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction works on the site. Any trees or shrubs planted in accordance with the approved landscaping scheme which, within five years of planting, are removed,

die, become seriously damaged or diseased, shall be replaced by trees and shrubs of a similar species and size as those originally planted, unless the Local Planning Authority gives its written consent otherwise. Such a scheme shall include:-

(a) details of the proposed planting behind the front boundary wall and along the side boundary;

(b) proposed boundary walls and fences in the rear garden, indicating materials and heights;

(c) details of the proposed hardstanding material to be retained in the area in front of the side extension.

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.

(4) Notwithstanding the submitted plans otherwise approved, further details shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. Such details shall include:

(a) Samples of the facing roof tiles proposed for the side extension;

(b) An elevation plan of the proposed windows to the front elevation at a scale of 1:10;

(c) Cross-section at a scale of 1:5 of the proposed windows to the front elevation through the transom, showing the relationship of opening and fixed lights and externally mounted glazing bars.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the Barn Hill Conservation Area.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

UDP 2004

Barnhill Design Guide

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: 15 Eversley Avenue, Wembley, HA9 9JZ

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**Supplementary Information
Planning Committee on 2 November, 2010**

**Item No. 3
Case No. 10/1942**

Location 15 Eversley Avenue, Wembley, HA9 9JZ
Description Erection of two storey side extension, single storey rear extension, raised terrace and steps to garden and erection of rear dormer window to dwellinghouse (as amended by plans received 22/10/2010)

Agenda Page Number: 19

Following comments from the Council's Legal Officer the following condition 3 should be amended to include the following statement:

The landscaping shall be implemented in accordance with the approved details in first planting season following commencement of works.

And condition 4 amended to include

The development shall be carried out in accordance with the approved details.

The conditions shall be amended accordingly.

Recommendation: Remains Approval

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Committee Report
Planning Committee on 2 November, 2010

Item No. 4
Case No. 10/2241

RECEIVED: 24 August, 2010

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: 55 Dollis Hill Lane, London, NW2 6JH

PROPOSAL: Erection of a single-storey rear extension to the dwellinghouse (revised description as per plans received on 13/10/2010)

APPLICANT: Mr P. Gupta

CONTACT: ABA Chartered Surveyors

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant planning permission

EXISTING

The application relates to a two-storey semi-detached dwellinghouse located on the south side of Dollis Hill Lane. There is a steep level change across the site from front to back of approximately 3 metres. The ground floor level of the house is 1.3m above the external ground level directly adjacent to the rear wall of the house.

The surrounding area is predominantly residential. The property is not a listed building nor is it within a Conservation Area.

PROPOSAL

Erection of a single storey rear extension to dwellinghouse. Revised plans were received on 13/10/10 omitting a door in the flank elevation and balcony.

HISTORY

10/1279 - Erection of a single-storey rear extension and the erection of a rear balcony. *Refused 22/07/2010*

10/1270 – Certificate of lawfulness sought for the erection of a hip-to-gable-end extension and rear dormer window. *Granted 18/06/2010*

E/10/0367 - The formation of a hard surface to the front garden and the erection of an extension in rear garden of the premises. *Ongoing enforcement case.*

A site visit carried out in September 2010 by an Enforcement Officer confirmed that there are no longer works being carried out at the front of the property with regard to the hard-surfacing in the front garden. In terms of a rear extension, the original single-storey rear "outrigger" has been demolished and no further works have been carried out regarding the erection of a rear extension.

POLICY CONSIDERATIONS
Brent UDP 2004

BE2 - Townscape

BE9 – Architectural Quality

SPG

SPG 5 – Altering and extending your home

CONSULTATION

Consultation period: 20/09/2010 – 11/10/2010 - 8 neighbouring properties were notified.

1 letter of objection and 1 petition (with 21 signatories) has been received on the following grounds:

- 1) The proposed extension would be out of keeping with the character of the area.
- 2) Loss of privacy to neighbouring residents.
- 3) Loss of light to neighbouring properties.
- 4) Contrary to policy BE9 (e), would be out of keeping with the character of the property.
- 5) Impact on water works and drainage.
- 6) Loss of green space.
- 7) The property is not used by the applicant but let out.
- 8) Unauthorised paving of the front garden.

Points 1-4 are material considerations and are assessed in the Remarks section of the report. With regard to the other points:

- 5) Drainage is not a planning issue and cannot therefore be addressed under planning.
- 6) The loss of green space (in this case garden area) is not considered to be significant as the footprint of the extension is modest and does not significantly impinge on the available garden area.
- 7) This is not a material planning consideration.
- 8) This is addressed in the *History* section of the report.

Re-consultation following revised plans:

14 October 2010 - 28 October 2010. 8 neighbouring properties, including those who originally objected, were notified. No further letters have been received.

REMARKS

The application proposes a single-storey rear extension to 55 Dollis Hill Lane. An application for a single-storey rear extension was previously refused under planning reference 10/1279. The previous application proposed a single-storey extension which would be the full width of the original property and also proposed a balcony. The amended scheme, subject of this current application, is for a smaller extension which is to be set in from the boundary with the adjoining property at no. 53 by 3.0m, and no longer proposes any raised platform or balcony.

In the assessment of this application, the main planning considerations are:

- 1) The impact on the character and appearance of the dwellinghouse.
- 2) The impact on the amenity of neighbouring residents.

Character & Design

The current application proposes an extension which is to be set in from the boundary with the adjoining property at no. 53 by 3.0m. It is to have a depth of 3.0m from the original rear wall of the house. The extension is to have a flat roof. The height of the proposed extension varies due to the steep change in levels in the rear garden. At its highest point it is to be 4.5m from the ground level immediately adjacent. The height of the extension where adjacent to the original wall of the house is to be 4.0m.

The initial plans submitted for the application included a door to the side of the extension facing no. 53, and also a raised balcony. The applicants have revised the application and have now omitted the balcony and door to the side facing 53 from the proposal. No alterations are proposed to the steps leading down to the garden. The design of the proposed window in the rear elevation of the proposed extension has been amended to be more in keeping with the existing windows of the of the original dwelling.

The extension is considered to appear as a subservient addition and is of a design considered appropriate in relation to the existing property and character of the area.

Impact on neighbouring properties

The extension is to be set in 3.0m from the adjoining property at no. 53 Dollis Hill Lane. Given the separation from the boundary, it is considered that the proposed extension would not have a detrimental impact on the residential amenities of the property at no. 53 in terms of loss of light, overlooking or loss of privacy.

The extension is to be set in from the flank wall of the property at no. 57 by 1.9m. The property at no. 57 also has an original single-storey 'outrigger' at the rear adjacent to no. 57, and the proposed rear extension would project approximately 0.8m further from the rear wall at no. 57. Given the existing 'outrigger' at no. 57, separation between the houses and the scale of the extension proposed, it is not considered to have a detrimental impact on the residential amenities of this property.

Overall, it is considered that the revised proposal will not have a significant impact on the amenities of neighbouring properties in and can be supported.

Conclusion

With reference to the Council's policies BE2 and BE9 of Brent Unitary Development Plan 2004, the proposed single-storey rear extension is considered to be within the scale and character with this and adjacent properties. It is accordingly recommended for planning approval subject to the conditions.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings:

Site location plan
1023-pl-04 rev. B

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) All new external work shall be carried out in materials that match, in colour, texture and design detail, those of the existing building.

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

- (4) No windows or glazed doors shall be constructed in the side walls of the building, as extended, without the prior written consent of the Local Planning Authority.

Reason: To protect the privacy of the adjoining occupiers.

INFORMATIVES:

- (1) The applicant is advised that this decision does not grant planning permission for any works to the existing steps leading to the garden area.

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Avani Raven, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5016



Planning Committee Map

Site address: 55 Dollis Hill Lane, London, NW2 6JH

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**Supplementary Information
Planning Committee on 2 November, 2010**

Item No. **4**
Case No. 10/2241

Location 55 Dollis Hill Lane, London, NW2 6JH
Description Erection of a single-storey rear extension to the dwellinghouse (revised description as per plans received on 13/10/2010)

Agenda Page Number: 25

Clarification

For clarification, consultation responses comprised 2 letters of objection, one with petition attached. Objections also included:

- Loss of outlook;
- Loss of views

Consideration of the impact on neighbouring properties is provided in the Remarks section of the report. Given the size of the extension and relationship with neighbouring properties, it is not considered to significantly impact on the outlook of adjoining residents. The loss of a view is not a material planning consideration.

Additional Objections

Two letters have been received from neighbouring residents who have already provided written objections, reiterating previous concerns

Councillor Hirani has been contacted by a local resident and would like the consideration to be given to the following:

- property will not be occupied by the applicant;
- loss of privacy;
- disrupt view of Gladstone Park.

Loss of privacy has been discussed in the Remarks section of the report. Whether or not the property is occupied by the applicant is not a material planning consideration providing it is used as a single family dwellinghouse. as detailed above, the loss of a view is not a material planning consideration.

Recommendation: Remains approval

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Committee Report
Planning Committee on 2 November, 2010

Item No. 1/03
Case No. 10/2026

RECEIVED: 27 August, 2010

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Fryent Primary School, Church Lane, London, NW9 8JD

PROPOSAL: Erection of an all-weather games area with 3m high perimeter fence and 4 floodlighting columns

APPLICANT: Mrs Paula Scott

CONTACT: Watts Group PLC

PLAN NO'S:
Refer to condition 2

RECOMMENDATION

Grant planning permission

EXISTING

The application site comprises Fryent Primary School located on Church Lane. The school is not situated within a conservation area nor is it a listed building.

The school site is surrounded on all sides, predominantly by residential dwellings, with access to the school off Church Lane between Nos. 325 and 329 Church Lane.

PROPOSAL

Erection of all-weather games area within the school grounds with 3m high perimeter fencing and four no. 8m high floodlight columns, one on each corner of the pitch.

HISTORY

Recent Planning History

08/2651: Full Planning Permission sought for installation of 3 air conditioning units to the west elevation of children's centre - Granted, 28/10/2008.

07/2964: Full Planning Permission sought for demolition of derelict existing building and erection of new single storey building (Sure Start Children's Centre), adjacent to the gardens of 315 - 319 Church Lane, with installation of CCTV cameras, gates, hardstanding and associated landscaping - Granted, 13/12/2007.

07/0646: Full Planning Permission sought for erection of an external enclosure within courtyard to house lift shaft to school main building - Granted, 27/04/2007.

03/0916: Full Planning Permission sought for replacement of existing crittal steel windows with new crittal steel windows to match existing school - Granted, 20/05/2003.

POLICY CONSIDERATIONS

National Policy Guidance

PPG17 "Planning for Open Space, Sports & Recreation"

Brent's Core Strategy 2010

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight.

CP18: Protection and Enhancement of Open Space, Sports and Biodiversity

Brent UDP 2004

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

BE8: Lighting & Light Pollution
BE9: Architectural Quality
OS8: Protection of Sports Grounds

CONSULTATION

Consultation Period: 22/09/2010 - 13/10/2010

Neighbouring Properties

82 neighbours consulted - three letters of objection received on the following grounds:

- The proposal will generate unacceptable levels of noise further to that experienced during school hours.
- Loss of privacy to surrounding neighbouring properties.
- Development will lead to security worries for the houses that back onto the playing fields.
- Floodlights will lead to neighbouring properties experiencing light pollution within the rear garden
- The floodlights will lead to the playing fields being used out of school hours for outside users
- Increased traffic

External Consultation

Sports England - No objections raised.

REMARKS

Introduction

This application seeks planning permission for a tarmac surface all-weather games area within the school grounds. It will measure 14m x 28m with 3m high perimeter fencing and four no. 8m high floodlight columns, one on each corner of the pitch.

The proposed all-weather games area is to be sited on the northern end of the school playing field. It will be surrounded on three sides by the existing school buildings. Beyond the school buildings the playing field is surrounded by residential gardens, including properties on Holly Grove, Maple Grove, Sycamore Grove and Church Lane. The nearest residential property on Holly Grove is over 20m from the MUGA.

Principle of Development

Loss of a playing field

Article 16(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010 defines a playing field as land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement. The site falls within the definition of a playing field as it is currently in use as a playing field and encompasses at least one playing pitch of 0.2 ha or more.

Sport England's policy on playing fields, which is also reinforced in policy OS8 of Brent's UDP 2004, opposes the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or lands last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the following five specific exceptions applies:

- e1)** a carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.
- e2)** the proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use
- e3)** the proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site
- e4)** the playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.
- e5)** the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field.

Sport England determines that the proposal meets exception e3 of that policy, on the basis that it is the submitted documentation indicates that the development will take place on land that cannot readily be used as a playing field owing to physical constraint.

In summary, the loss of part of the playing field proposed as part of the proposal is considered acceptable in principle for the reason as outlined above, and is in accordance with PPG17 and Policy OS8 of Brent's UDP 2004.

Use of the all-weather games area

The description on the application form describes the proposal as Multi Use Games Area (MUGA). Sport England have advised that whilst not a sufficient reason to object, the development proposal cannot actually be described as a 'MUGA' as such a facility, by definition, requires that three or more sports can be played within the court. The dimensions of 14m x 28m for this MUGA proposal are too small to meet the requirements of any sport apart from those stipulated by the Lawn Tennis Association for school tennis. The school has been informed of this constraint and has advised that the purpose of the proposal is to be used as a multi-weather playground/pitch for the school children to use during inclement weather. This requirement has been made, as during the winter

months of the year, especially during heavy periods of rainfall, large areas of the playing field is unavailable for use. The proposal will allow a greater area for the children to play various sport activities during the winter months. Given that the proposal is of an appropriate size to enable flexible use of the games area to meet the school needs, the principle can be supported.

Impact upon residential amenity

Flood lighting

The documents submitted as part of the application make reference to the floodlight columns at both 8m and 10m in height. The applicants have since confirmed that the floodlight columns will be 8m in height.

Sport England's Planning bulletin 14 "Intensive use sports facilities revisited" refers to floodlighting. Within this document it is recognised that floodlights which are properly planned and installed by recognised companies are unlikely to result in any adverse impacts on surrounding areas. However, it is necessary to ensure that the floodlighting installation is designed for its intended purpose and for its intended level of competition.

The scheme achieves an average of 250 lux over the playing surface. The level of illuminance falls sharply away from playing surface with an illuminance level of 0 lux on the boundaries with residential properties.

Your officers consider that the floodlighting columns will not adversely impact upon the visual amenities of surrounding residential properties. As the all-weather games area will only be used during school hours (7.30am to 6.00pm), the floodlights will only be required for a limited time throughout the year, only during winter months when daylight is shorter. To ensure that the amenities of surrounding residential properties are protected, your officers recommend that conditions are secured for floodlight baffles/shielding; and restriction on the hours of use.

Noise Impact

The all-weather games area is proposed to be used during school hours. It is considered that the proposed hours of use are reasonable. The all-weather games area is a considerable distance away from surrounding residential properties and is considered to be no worse in terms of noise experienced from the existing playing field and hardsurfaced play ground.

Landscaping

There are five trees to the north of the all-weather games area. These trees are considered to be of high amenity value. Officers recommend that a condition is secured for a tree survey, protection method statement and plan to be submitted to and approved by the Local Planning Authority prior to the installation of the floodlights.

The existing landscaping features along the boundary with neighbouring residential properties will not be affected by this proposal.

Transportation

This application does not propose any alterations to the existing pedestrian or vehicular access. The proposal is to be used by the existing school children. It does not increase the number of children to the school or is not proposed to be used for external bodies or out of school opening hours. It is therefore considered that the proposal is not going to increase traffic to the school.

Response to objections raised

Objections have been raised in relation to the amenities of surrounding residential properties being detrimentally affected by increased noise, traffic and light pollution from the floodlights. These issues have been addressed above. Additional objections have also been raised which are discussed below:

- Loss of privacy to surrounding neighbouring properties.

The existing landscaping along the boundary with residential properties will not be affected by this proposal and the proposed all-weather games area is located over 20m from the nearest residential garden. It is therefore considered that the proposal will not result in a loss of privacy to surrounding neighbouring properties.

- Development will lead to security worries for the houses that back onto the playing fields.

The all-weather games area will be used as an additional sporting facility for the existing school. It will not be used by outside organisations or the general public. It is not considered that the proposal will compromise the security of surrounding residential properties.

Conclusions

In conclusion, the all-weather games area will allow for a wider range of sporting activities within the school site that are currently restricted on the existing playing field throughout the winter months of the year. Given its location away from neighbouring properties and restrictions on the hours of use of the floodlights, it is not considered to have an adverse impact on neighbouring properties as a result of noise or light pollution.

The proposal is in accordance with national policy guidance as set out in PPG17 and policies OS8 and BE8 of Brent's UDP 2004. Approval is accordingly recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004
Central Government Guidance

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

112995/01

112995/02

112995/03

112995/04

Design & Access Statement

Light Spillage Details prepared by LTL Contracts

Memo from Watts

Specification for MUGA and Floodlighting

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The multi weather games area and floodlights shall only be used between the hours of 0730 hours until 1800 hours on Mondays to Fridays during school term times and at no other times without the consent in writing of the Local Planning Authority.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (4) The proposed multi weather games area hereby approved shall only be used by pupils of Fryent Primary School, and shall not be used by outside bodies without the prior written approval of the Local Planning Authority.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (5) The proposed floodlights hereby approved shall be no higher than 8m and painted green to match the perimeter fencing of the multi weather games area, and shall not thereafter be altered unless the prior written approval of the Local Planning Authority has been obtained in writing.

Reason: In the interests of the amenities of the locality.

- (6) Prior to any works commencing on the installation of the floodlights, a full tree survey and protection method statement in accordance with BS 5837:2005 shall be provided showing how roots and the above ground parts of the trees are to be protected throughout all phases of the construction of the floodlights. The tree protection methods shall be installed and retained, as approved, throughout the period of the work.

Reason: To ensure the trees are not damaged during the installation of the floodlights.

- (7) Prior to the commencement of works on site details of flood light baffles/shielding and their position on the floodlights shall be submitted to and approved in writing by the

Local Planning Authority and implemented in accordance with the approved scheme. No alterations to the shielding shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To prevent light nuisance to nearby residential properties.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

PPG17 "Planning for Open Space, Sports & Recreation"

Brent's Core Strategy 2010

Brent's UDP 2004

Three Letters of Objection

Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: Fryent Primary School, Church Lane, London, NW9 8JD

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This map is indicative only.

Supplementary Information Planning Committee on 2 November, 2010

Item No. 5
Case No. 10/2026

Location Fryent Primary School, Church Lane, London, NW9 8JD
Description Erection of an all-weather games area with 3m high perimeter fence and 4 floodlighting columns

Agenda Page Number: 31

Additional consultation responses

Three additional letters have been received, raising objections to the proposal. The details of which are set out below:

- *MUGA would be harmful to a predominantly residential area due to the increased noise and light pollution from the flood lights*

The impact upon residential amenity has been discussed within the remarks section of the committee report referring both to flood lighting and noise impact.

- *The MUGA would be open during out of school hours for the general public. It is likely to have a lack of proper supervision comprising the security of the residential properties that adjoin the school playing field*

The all-weather games area will only be used during school hours by the school itself. It is therefore considered that the security of neighbouring properties will not be adversely affected by the proposal.

- *Balls will be kicked over the fence into the gardens of the residential properties that adjoin the school playing fields*

The all-weather games area will be enclosed by 3m high fencing. In addition, the games area is located next to the school playground closed in to the north, east and west by the existing school buildings. The nearest residential properties to the south are approx. 60m away. It is therefore considered that there is very limited opportunity for balls from the games being played in the games area being kicked over the fence into the rear gardens of the residential properties.

- *Opening the MUGA for outside bodies other than the school would change the school into a commercial venture rather than an educational use*

The all-weather games area will only be used by the school during school hours. As referred to in the remarks section of the committee report, the all-weather games area is required to allow a greater area for children to play various sporting activities during the winter months. This is due to the playing field being unavailable for use during the winter months, especially during period of heavy rainfall.

- *Loss of privacy to the surrounding residential properties when the MUGA is in use during the weekend*

A referred to above the all-weather games area will only be used by the school during school hours. With regards to the privacy of neighbouring properties, the all-weather games area will

be enclosed on three sides by the existing school buildings. Views are restricted to a southerly direction, with a distance of 60m maintained between the all-weather games area and the rear gardens of residential properties. It is therefore considered that the privacy of residential properties will not be compromised by the all-weather games area.

Recommendation: Remains approval

DocSuppF

Committee Report
Planning Committee on 2 November, 2010

Item No. 6
Case No. 10/2053

RECEIVED: 31 August, 2010

WARD: Welsh Harp

PLANNING AREA: Willesden Consultative Forum

LOCATION: Former Blarney Stone, Blackbird Hill, London, NW9 8RR

PROPOSAL: Proposed mixed-use redevelopment of the Blarney Stone Public House, Kingsbury, with the erection of two 3-storey houses and 34 flats in 3/4/5 storeys above a retail unit of 470m² and parking partly at basement level, with associated landscaping

APPLICANT: Mr Ayoub Rofail

CONTACT: Chassay+Last Architects

PLAN NO'S:
(see condition 2 for details)

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) 28%-50% Affordable Housing, the level defined on a resubmitted agreed toolkit with the actual costs and values in, allowing for a 17% return. The Toolkit is to be submitted prior to Practical Completion, with the Affordable Housing to be provided prior to Occupation.
- (c) A contribution of £3,000 per bedroom/£2,400 per affordable housing bedroom, index-linked from the date of committee, for Education, Sustainable Transportation, Open Space and Sports in the local area, including a new footway on the Old Church Lane / Blackbird Hill corner.
- (d) Sustainability – Code for Sustainable Homes Level 3 Post Construction Assessment and Certificate shall be submitted prior to occupation; achieve 50% on the Brent Sustainable Development Checklist, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction; compliance with the ICE Demolition protocol, demonstrated by submission of an independent report detailing demolition and new build material use and recycling; and details of 107sqm of evacuated solar thermal panels and 147sqm of PV panels to be submitted, approved and maintained throughout the lifetime of the development.

- (e) Prior to Practical Completion enter into a s278/s35 requiring the provision of a 10m radius kerb on the northern side of the car park access and reinstatement of the redundant crossover onto Blackbird Hill to footway.
- (f) Join and adhere to the Considerate Constructors scheme.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Core Strategy, Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The application site comprises the Blarney Stone Public House located on Blackbird Hill. The site is currently vacant. The site fronts both the Blackbird Hill and Old Church Lane, with the Blackbird Hill frontage being the primary one.

The site abuts the St Andrews Conservation Area which is located to the north of the application site. On the opposite side of Old Church Lane, fronting Blackbird Hill are two storey terraced properties with retail and similar uses at ground floor and residential above. This parade is defined as a Neighbourhood Centre within the Core Strategy. On the opposite side of Blackbird Hill is Lidl superstore and BP Petrol Station.

Blackbird Hill is a London Distributor Road and on the London Bus Priority Network

PROPOSAL

Demolition of existing public house and erection of mixed-use redevelopment of the site incorporating both residential and retail use in a part three-, four-, five- and six-storey building. The residential element comprises a mixture of affordable and private residential units in the form of two houses and 34 flats. The retail element comprises a retail unit at basement/ground-floor level of 470sqm. Residential parking is provided at basement level. Alterations to the vehicular accesses and landscaping of the site is also proposed.

HISTORY

Recent Planning History

E/07/0456: Enforcement investigation into building rubble within the site under Section 215 (untidy land) - Case closed on 15/08/2007 as the site was cleared.

05/1485: Full Planning Permission sought for erection of single storey front, rear and side extension and access ramp to front of building - Granted, 15/07/2005.

POLICY CONSIDERATIONS

National Planning Policy

Planning Policy Statement 1 – Creating Sustainable Communities

Planning Policy Statement 3 – Housing

Planning Policy Statement 4 - Planning for Sustainable Economic Growth

Planning Policy Statement 23 - Planning and Pollution Control

Planning Policy Guidance 24 - Planning and Noise

Regional Planning Policy

The London Plan - Consolidated with Alterations since 2004

3A.3: Maximising the potential of sites

3A.5: Housing Choice
3A.9: Affordable housing targets
3A.10: Negotiating affordable housing in individual private residential and mixed-use schemes
3A.11: Affordable housing thresholds
3D.13: Children and young people's play and informal recreation strategies
4A.1: Tackling climate change
4A.3: Sustainable design and construction
4A.4: Energy Assessment
4A.6: Decentralised Energy - Heating, Cooling and Power
4A.7: Renewable Energy
4A.9: Adaption to Climate Change
4A.11: Living Roofs and Walls
4A.14: Sustainable Drainage
4A.19: Improving Air Quality
4A.20: Reducing noise and enhancing soundscapes
4B.1: Design principles for a compact city
4B.5: Creating an inclusive environment

Local Planning Policy

Brent's Core Strategy 2010

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight. The following policies are considered to be relevant for this application:

CP2: Population and Housing Growth
CP6: Design & Density in Place Making
CP16: Town Centres and the Sequential Approach to Development
CP17: Protecting and Enhancing the Suburban Character of Brent
CP18: Protection and Enhancement of Open Space, Sports & Biodiversity
CP19: Brent Strategic Climate Mitigation and Adaption Measures
CP21: A Balanced Housing Stock

Brent UDP 2004

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

BE2: Townscape - Local Context & Character
BE3: Urban Structure - Space & Movement
BE5: Urban Clarity & Safety
BE6: Public Realm - Landscape Design
BE7: Public Realm - Streetscape
BE9: Architectural Quality
BE11: Intensive and Mixed-Use Developments
BE12: Sustainable Design Principles
BE25: Development in Conservation Areas
BE31: Sites of Archaeological Interest
EP2: Noise & Vibration
EP3: Local Air Quality Management
H12: Residential Quality - Layout Considerations
H13: Residential Density
TRN3: Environmental Impact of Traffic

TRN11: The London Cycle Network
TRN15: Forming an access onto a road
TRN22: Parking Standards - Non Residential Developments
TRN23: Parking Standards - Residential Developments
TRN34: Servicing in New Development
TRN35: Transport Access for Disabled People & Others with Mobility Difficulties

Supplementary Planning Guidance

Supplementary Planning Document: "S106: Planning Obligations"
Supplementary Planning Guidance 2 - "Commenting on a Planning Application"
Supplementary Planning Guidance 17 – "Design guide for new development"

SUSTAINABILITY ASSESSMENT

The applicants have submitted an "Energy Demand and Renewables Option Assessment" and "Sustainability Statement".

The scheme proposes a number of measures to contribute towards achieving sustainable development. These include measures to reduce carbon emissions; onsite renewables; water efficiency measures; sustainable materials; brown roofs; landscape measures and a permeable paving system.

Reduction in carbon emissions and onsite renewables

Policy CP19 of Brent's Core Strategy requires developments to contribute towards climate change mitigation and adaption. Details of the measures proposed to reduce carbon emissions and consideration of onsite renewables are set out in the "Energy Demand and Renewables Option Assessment". The reduction in CO2 emissions is achieved by the combination of improved insulation, air tightness, low energy lighting and communal Gas Absorption Heat Pump. The average carbon reduction across the development is 31% which exceeds the requirements required for Code for Sustainable Home Level 3.

A number of options for onsite renewable energy measures have been considered, and the use of solar PV and solar thermal have been identified as suitable options and are proposed to be incorporated within the scheme. This includes 88sqm of the 'pergola' area over the roof terraces together with 19sqm of the flat roof area for evacuated tube solar thermal collectors and the remaining 147sqm of unshaded flat roof area for solar PV. This will provide a further 16.25% of carbon reduction. It is recommended that further details of the evacuated solar thermal panels and PV panels are secured as part of the Section 106 Heads of Terms.

Code for Sustainable Homes

Policy CP19 requires the development to achieve a minimum Level 3 in relation to the Code for Sustainable Homes (CSH). A pre-assessment report has been prepared which indicates that the scheme will achieve a score of 59.75 which meets Level 3. It is recommended that a CSH Level 3 Post Construction Assessment and Certificate is submitted prior to occupation. This should be secured as part of the Section 106 Heads of Terms.

Brent's Sustainable Development Checklist

This application is required to achieve a minimum score of 50% on the Brent Sustainable Development Checklist. The applicants have submitted the checklist achieving a score of 52.5%. Officers have reviewed the checklist and have a score of 50%. This is still considered to be an acceptable level and it is recommended that the Section 106 Heads of Terms secures a score of 50% on the Brent Sustainable Development Checklist, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction.

Other Matters

In addition to the above, officers recommend that the Heads of Terms of the Section 106 Agreement secure compliance with the ICE Demolition protocol and for the development to join and adhere to the Considerate Constructors scheme.

CONSULTATION

Consultation Period: 15/09/2010 - 06/10/2010

Press Notice: 16/09/2010 - 07/10/2010

Site Notices Displayed: 23/09/2010 - 14/10/2010

Public Consultation

276 neighbours consulted - 12 letters and one petition with 22 signatures received, objecting to the development on the following grounds:

- Overdevelopment of the site
- Design, layout and appearance do not fit in with the character and appearance of the surrounding area.
- Proposal will significantly increase traffic in an already heavily congested area (which is particularly bad during the rush hours and child drop-off and pickup times) making it difficult for emergency services to access the area due to cars parking on Old Church Lane.
- No parking provided for retail element.
- Increased traffic levels will lead to further pollution and noise.
- Increased traffic levels will compromise the safety of pedestrians in the vicinity of the site, including children at the adjacent school.
- Development will overshadow the back gardens and rear living areas of adjacent properties, particularly Nos. 1 and 3 Old Church Lane.
- Development will result in a loss of privacy for adjacent properties, including Nos. 1 and 3 Old Church Lane.
- Location of vehicular access next to No. 1 Old Church Lane will lead to additional disturbance to this property.
- Development would create a precedent if approved, resulting in the loss of family housing and changing the overall character of the area.
- Planning rules within the conservation area are very restricted, i.e. permission required for a garden shed, but this building is much larger and should also not be allowed.
- A new retail unit would have a detrimental impact on other smaller businesses in the area.
- The size of the retail unit proposed is inappropriate for a neighbourhood centre and would undermine the vitality and viability of Neasden District Centre.
- Loss of public house.
- No play facilities for children.
- The public house is a Listed Building and should be preserved.
- Proposal will adversely affect house prices in the area.
- Impact of noise and air pollution on adjoining property, No. 1 Old Church Lane.
- Construction of building, i.e. digging of the foundations, basement car park and new planting, damaging neighbouring buildings and land, including trees and boundary fences.
- Insufficient consultation period.

The two letters of support raised the following point:

- The proposal will enhance the area which is currently run-down

The above matters are discussed in the "Remarks" section of the report.

Internal Consultation

Transportation Unit

Proposal can be supported on transportation grounds subject to a financial contribution of £45,000 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site and conditions requiring the provision of a 10m radius kerb on the northern side of the car park access and reinstatement of the redundant crossover onto Blackbird Hill to footway at the developer's expense.

Policy & Research Team

With regards to the retail element, the proposal passes the sequential test as there are no alternative available sites within the catchment area. The proposed store is not considered to have any significant adverse impacts on the existing Neighbourhood Centre, and can be supported.

It is recommended that the proposed store provides an ATM cash machine so as to strengthen the offer of the Neighbourhood Centre.

Officer comment: A condition will be imposed to secure the provision of an ATM cash machine.

Environmental Health

No objections raised, subject to conditions securing post-completion testing for noise levels and control of hours for construction and demolition.

Urban Design & Conservation

Recognises that the development adheres to many general urban design principles. However, suggests that further work could be done on the greening of the building and the overall quality of the elevations. There is also the opportunity to enhance the public realm.

Landscape Team

The landscape elements of the proposal are acceptable in principle. However, it is recommended that full details of hard and soft landscape features are secured by condition and submitted to and approved by the Local Planning Authority prior to commencement of any demolition/construction work on site.

Policy & Research Team - Sustainability

Proposal can be supported on sustainability grounds subject to details being secured as part of the Section 106 agreement. Further details are set out in the "Sustainability" section of this report.

External Consultation

Thames Water

Comments provided on surface-water drainage. These details are recommended to be included as an informative to the decision.

Environment Agency

No comments to make as it is considered to pose a low environmental risk.

English Heritage (Greater London Archaeology Advisor Service)

As the site lies in an area where heritage assets of archaeological interest can be anticipated, it is recommended that a condition is secured for the implementation of a programme of archaeological work.

REMARKS

Introduction

This application proposes to demolish the former Blarney Stone Public House and erection a mixed use development on the site comprises retail (Use Class A1) and residential use (Use Class C3). This report will consider the principle of the development; archaeological importance of the site; the design, scale and massing; density and unit mix; affordable housing provision; standard of proposed accommodation; impact upon surrounding properties; parking and transportation; landscape features; and environmental health considerations.

Principle of Development

Loss of a public house

The scheme proposes to demolish the existing building which although is now vacant was previously used as a public house (Use Class A4). There is no policy in place within Brent's Core Strategy or Unitary Development Plan that protects the use of a building to be retained as a public house. The building itself is not listed or situated within a conservation area, and thus can be demolished without the benefit of planning permission.

The loss of the public house is therefore considered acceptable in principle, subject to an appropriate mixed-use scheme in accordance with policies contained within the Core Strategy and UDP.

Introduction of a retail unit on the site

The application site is not located within a defined centre but directly adjacent to the site, on the opposite side of Old Church Lane, is the Blackbird Hill Neighbourhood Centre. The existing building falls within Use Class A4, and can be converted to retail (Use Class A1) without the benefit of planning permission. The existing gross internal floor area of the public house is 480sqm. The gross internal floor area of the new retail unit is comparable to the existing floor area.

Notwithstanding the above, the applicants have submitted a retail assessment. The site has been considered as an 'Out of Centre Retail Development' and in line with PPS4 and policy CP16 of Brent's Core Strategy has considered the appropriateness of the location in terms of the sequential approach and the ability to locate the floorspace in policy defined Centres. The retail assessment has also considered the impact of the proposed retail unit on the vitality and viability of nearby centres and the other defined 'impacts'.

Your officers have reviewed the retail assessment and consider that the proposal passes the sequential test as there are no alternative suitable sites within the catchment area. It is also considered that the proposal will not have any significantly adverse impacts on the existing Neighbourhood Centre. However, your officers recommend that the proposed store provides an ATM cash machine so as to help strengthen the offer of the Neighbourhood Centre. It is recommended that details of the ATM cash machine are secured by condition. In conclusion, it is considered that the retail store meets the objectives of PPS4 and policy CP16 of Brent's UDP and can be supported in this location.

It is also recommended that a condition is secured to control the hours of use of the new retail unit given its relationship with the residential units. The recommended hours of use are 7am to 11pm.

Introduction of residential use on the site

There are no policies within Brent's Core Strategy or UDP that restricts the principle of residential use on the site. The London Plan also encourages mixed use development. Whilst the principle of a residential use is acceptable, it is subject to consideration of the density of the proposal, impact of the proposal upon the character of the area, quality of proposed accommodation, impact on

neighbouring properties, highway considerations and other matters. These have been discussed in detail below.

Affordable Housing

The application proposes to provide 10 of the 36 residential units for affordable housing, accounting for 28% of the total units or 31% of total habitable rooms. Brent's Core Strategy and the London Plan seeks to deliver 50% affordable housing on new housing sites of ten units or greater. This scheme falls short of this target, and in response to this shortfall the applicant has submitted a GLA Three Dragons Toolkit to show that the scheme cannot provide any further affordable housing..

Officers have reviewed the toolkit and at this stage can advise that evidence has not been provided to substantiate the values provided within the toolkit. As such, officers would be requesting a review of the toolkit at the post-construction stage of the development. This is to be agreed with the applicant and will be addressed in further detail within a supplementary report to members.

Density and Mix

The scheme proposes 36 units with a total of 147 habitable rooms as counted according to the method set out in the borough adopted UDP; habitable rooms larger than 18sqm are counted as 2 habitable rooms. The proposed scheme has a site area of 2,400m² (0.24ha), as stated in the application form. The area for calculating density, however, includes an area up to half the width of the longest adjacent road, to a maximum width of 6m (p104, Appendix 3, UDP 2004); this increases the site area to 2,820m² (0.282ha).

The overall density is 521 habitable rooms per hectare (hrh), or 148 dwellings per hectare (dph). This high hrh figure compared to the dph figure is a result of the high percentage of family housing on the site, which gives an average habitable room per unit figure of 3.11.

Density guidance within SPG17 suggests a range of 150 - 350hrh for sites located in areas of moderate and above moderate transport accessibility. Given the sites location along a main arterial route and the mix of different uses in the vicinity of the site, it is considered reasonable to refer to this site as 'urban' rather than 'suburban' for the purposes of the London Plan density matrix, suggesting a range of 200 - 450 hrh.

Whilst the proposed scheme exceeds the suggested density range as set out in the London Plan and SPG17, increased densities are promoted in PPS3, the London Plan and the borough UDP where public transport accessibility is good due to the need to use land more efficiently, increase housing delivery and in part due to the sustainability advantages increased density can confer. This is a specific objective of the borough's UDP as stated in policy STR3, which states that development of previously developed urban land will be maximised. As defined by PPS3, this site is previously developed urban land.

Policy H13 relates to density and states that the primary consideration in determining the appropriate density of new development will be achieving an appropriate urban design which makes efficient use of land and meets the amenity needs of future residents. It goes on to say that density should have regard to context and nature of the proposal, the constraints and opportunities of the site and the type of housing proposed. Your Officers are of the view that the proposed scheme meets Policy H13 (UDP 2004) as the proposal is considered to respect the context of the surrounding buildings, provides a satisfactory standard of accommodation (see below) and as such meets the design led approach.

Of the 36 units proposed, 10 are affordable housing (social rented) and 26 are market housing, The affordable element comprises 2 x 4-bed houses, 2 x 1-bed flats, 5 x 2-bed flats and 1 x 3-bed flats. The market housing element comprises 8 x 1-bed flats, 11 x 2-bed flats and 7 x 3-bed flats. According to this mix 28% of units are three or more bed units, which is considered acceptable given the location and is in accordance with policy CP21.

Design, Appearance and Character of the Area

The application site is located on a prominent corner location. The proposal takes advantage of the level differences across the site by proposing a part three part four, part five and part six storey building with basement space. The topography-cutting into the slope has assisted in concealing much of the mass of the building, and allowed for a piazza which will be a shared surface to encourage pedestrians to cross the public part of the site. The building is set back from both the Blackbird Hill and Old Church Lane frontages respecting the established building lines and allowing for the introduction of soft landscaping along the Blackbird Hill frontage.

The building has respected the height of adjacent buildings, with the height proposed at three storeys next to Gower House School and three storeys with the fourth floor set in next to No.1 Old Church Lane. Whilst it is higher than the houses along Old Church Lane, there is a sufficient gap between the properties to allow for the increased height. Towards the junction of Blackbird Hill and Old Church Lane, the building increases in height to five storeys, with the sixth storey set back. It has been designed to provide a transition between the larger-scale blocks on Blackbird Hill and the domestic properties on Old Church Lane.

The building has been well articulated, with the massing broken up by the angles between the blocks; use of external materials, set back of the upper floor and angled pergolas; and the use of window and balcony design. The proposed materials have taken on board the character of the surrounding area, including brick work and white render, but of a more contemporary design solution. The use of a green wall along the Blackbird Hill frontage has also assisted in provide visual interest. Subject to samples of external materials and further details of the green wall, the choice of materials is considered acceptable.

Access to the houses and affordable units are provided off the Blackbird Hill frontage. Access to retail unit and the other flats is provided via the piazza from both the Blackbird Hill frontage and Old Church Lane frontage. The entrances to the flats have designed to be legible and attractive. The signage for the retail unit has been designed to be integrated into the base of the building wrapping around both frontages. The signage is considered acceptable in principle, but officers recommend that further details of the design and illumination levels are secured by condition.

Quality of Residential Accommodation

All units meet or exceed the minimum standards for internal floor areas as outlined in SPG 17.

The standard of amenity provided is in general compliance with the requirements of SPG17. With regards to outlook, whilst some of the units do not provide dual aspect, in all the case of all of these units, none of the habitable rooms have outlook in a north-facing direction. It is also noted that outlook for the ground-floor units is restricted to the rear by the proximity of the boundary between the unit's private external amenity space and the communal external amenity space. It is considered that, given that the outlook is restricted to the bedrooms rather than living area, and that this boundary will form an attractive barrier between the private and communal space, a good level of amenity will still be provided for these units.

Privacy levels for the proposed units are generally considered acceptable. Although it is observed that the units within the corner of the 'L' shape of the building will be in close proximity to one another. Given the angle between these units, views between the units will be restricted.

The London Plan requires 10% of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair adaptable. It also requires all new homes to be built to 'Lifetime Home' standards. Policy H26 of Brent's Unitary Development Plan advocates a similar approach. The Design and Access Statement confirms that four of the units are adaptable for wheelchair users and all of the units will be built to 'Lifetime Home' standards.

External amenity Space

General guidance suggests amenity space should usually be provided at a rate of 50sqm per family unit, and 20sqm for others. The ground-floor units all have access to private gardens, balconies and the communal amenity space. Security and privacy will be provided for the private gardens through the use of timber fencing and hedges. All of these units meet the minimum guidance for private external amenity space, except for one of the three-bedroom units (Unit A16) which has access to 36sqm of private external amenity space and 5sqm of balcony space. However, given that the size of the unit exceeds SPG17 and that they will also have access to the communal amenity space, it is not considered that this shortfall warrants a reason for refusal.

The upper-floor units all have access to private balconies or roof terraces together with the communal garden. The total amount of usable communal external amenity space proposed is 352sqm. Combined with the balconies and roof terraces, the equates to 22sqm of external amenity for the upper floor flats, which meets SPG17.

Play features are proposed within the communal amenity space including swings and stepping stone logs. Policy 3D.13 of the London Plan seeks developments to make provision for play and informal recreation. Based on the calculations provided in the London Plan SPG on Children and young people's play and informal recreation strategies, the child yield for this development is 10.86. This equates to 108sqm of play space required for the development with a reduction in the allowance for children under the age of five in houses with gardens. The proposed play features meet the objectives of the London Plan policy. It is also noted that the site is not within a defined area of local level or district level open space deficiency.

Your officers recommend that a condition is attached to secure details of the landscape proposals for the amenity space areas together with details of the boundary treatments.

Impact upon neighbouring properties

SPG17 sets out general guidance for the massing of new buildings, to ensure they do not have an overbearing impact on the neighbouring properties and avoid unnecessary overshadowing. In general, the building envelope should be set below a line of 30 degrees from the nearest rear habitable-room window of adjoining existing properties, measured from height of 2m above floor level. Due to the orientation of the proposed development and the siting of rear habitable rooms of adjoining properties, the 30-degree guidance is not considered applicable in this case.

SPG17 goes on to say that where proposed development adjoins private amenity/garden area, then the height of the new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. The proposed development generally sits below this line. However, it is marginally broken in the gap between the garage of No. 1 Old Church Lane and the electricity substation. However, given that this area is of limited value in amenity terms, this shortfall is not considered to have a detrimental impact upon the amenities of No. 1 Old Church Lane, and would not warrant a reason for refusal.

SPG17 sets out the standards of privacy levels between existing properties for new developments. It requires a minimum distance of 20 metres between directly facing habitable rooms and a minimum distance of 10 metres between habitable-room windows on the rear elevation and rear boundary or flank wall of adjoining development. The proposal does not direct face habitable-room windows of adjoining properties. A distance of 15m is achieved between the

proposed development and the boundary with No. 1 Old Church Lane which exceeds the guidance as outlined in SPG17. In addition to meeting the minimum privacy distances, landscaping is proposed along the boundary with No. 1 Old Church Lane and a boundary wall of 1.8m high.

Local residents have raised concerns with increased noise and disturbance as a result of increased traffic movement within the site and the proposed vehicular access located next to No. 1 Old Church Lane. Your officers viewed the existing parking provision and vehicular access arrangements for the site when in use as a public house. A site plan from planning application ref: 05/1785 indicated that there were 36 car-parking spaces at ground level along the boundary with Gower House School, Blackbird Hill and Old Church Lane frontage. No dedicated service area was provided. Two vehicular access points were provided, one off Old Church Lane and one off Blackbird Hill. The one off Old Church Lane is proposed to be retained as part of this proposal. There is an electricity sub-station between the access and No. 1 Old Church Lane. Given that there is an existing vehicular access on the Old Church Lane frontage, and the level of car-parking is comparable with the existing use, it is not considered that the proposal will materially harm the amenities of surrounding residential properties. It should also be noted that the car park will be at basement level which with soft landscaping at ground floor, will assist in reducing noise levels from vehicles and improve the visual appearance of the site.

In summary, it is considered that the amenities of adjoining residential properties will not be detrimentally impacted upon. Adequate levels of privacy will be maintained and the building will not appear overbearing when viewed from the neighbouring garden. The proposal meets the requirements of policy BE9 of the UDP and SPG17.

Parking and Transportation

The site is located on the northwestern corner of the signalised junction of Blackbird Hill and Old Church Lane. No entry is available into Old Church Lane from Blackbird Hill at these signals, whilst pedestrian crossing phases are provided on the Old Church Lane and Blackbird Hill arms of the junction. The existing site has an extensive car park and servicing area, accessed via crossovers of 9m and 5m width onto Blackbird Hill and Old Church Lane respectively. Public transport access to the site is moderate (PTAL 3), with five bus services within 640 metres.

On-street parking along Blackbird Hill frontage and Old Church Lane junction is prohibited at all times, with loading also prohibited at peak times. These restrictions relax to 8am - 6.30pm Mondays to Saturdays only along Old Church Lane, with unrestricted parking on the western side of the road to the north of the site. At the time of your officer site visit, it was observed that the unrestricted length of Old Church Lane was fully parked.

Car parking

Car-parking allowances for the proposed uses are set out in standards PS7 and PS14 of the adopted UDP. As the site does not have good access to public transport services, the full residential allowances apply, permitting a maximum of 46 off-street parking spaces. The application proposes 37 car-parking spaces located in a basement car-park that is accessed from Old Church Lane. The proposed provision will allow one space per unit to alleviate any concern that the development may lead to extensive overspill parking in the surrounding streets. As such it would comply with standard PS14 of the UDP.

No vehicular parking is proposed for the retail unit. Your officers in the Transportation Unit have not raised objections to the absence of parking provision for the retail use. The absence of parking provision for the retail unit is considered acceptable given the proximity of the site to the existing Neighbourhood Centre and existing transport links within the area.

Six of the 37 parking spaces are proposed to be designated as disabled bays. This provision is sufficient to allow one such space to be allocated to each designated wheelchair accessible unit, whilst still providing two surplus spaces to meet more general requirements. This complies with

standard PS15 of the adopted UDP.

Cycle parking

Standard PS16 requires the provision of at least one secure bicycle-parking space per unit. A total of 28 cycle spaces are proposed within the car park, and a further 16 spaces are provided in the entrance hall to Block B. The use of a "Josta" double-parking system is proposed. The proposed provision is considered to satisfy Standard PS16. In addition, three bicycle stands are proposed in front of the retail store entrance for public use. Given that the cycle stands will form part of the street furniture within the piazza area, it is recommended that further details of the design of the cycle stands are conditioned.

Pedestrian access

Pedestrian access to both the houses and affordable flats is provided directly off Blackbird Hill, and the access to the private flats is accessed off Old Church Lane. A shared surface piazza is proposed which will allow pedestrian access across the public parts of the site and the public highway in front of the application site will be improved as part of the proposal. Such works are recommended to be secured as part of the Section 106 Agreement.

Servicing arrangements

The retail unit requires access by at least transit sized vehicles. The servicing for the retail unit is proposed to be provided within the shared surface area accessed off Old Church Lane. The applicants have submitted the swept path of a rigid 10m lorry indicating that the proposed servicing area can accommodate a vehicle of this size tracking for 10m. Whilst your officers in Transportation have advised that this arrangement is acceptable in principle, it is considered that the proposed crossover for the car-park entrance appears unnecessarily wide and provision of a 10m kerb radius on the northern side of this access would assist in reducing the width of the crossing over the Old Church Lane frontage to around 6m. The agreed works are recommended to be secured as part of the Section 106 Heads of Terms.

It is recommended that a condition is secured to control the hours for servicing/delivery vehicles for the retail unit. The recommended hours for when such vehicles can service the site are between 7am and 9pm on Mondays to Saturdays, and 8am to 6pm on Sundays and Bank Holidays. This is to safeguard the amenities of the residential units above.

Other works to the highway

The existing crossover on the Blackbird Hill frontage will be made redundant as part of this proposal. The crossover will need to be reinstated to footway and it is recommended that such works are secured as part of the Section 106 Agreement.

Financial contribution

Your transportation officers have requested a financial contribution of £45,000 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site. This contribution will be secured as part of the Section 106 agreement.

Refuse storage

Separate refuse-storage areas are provided for the affordable flats and for the private flats. The two houses will also have their own refuse-storage area within the front forecourt of the houses. A separate refuse-storage area is provided for the retail unit. Your officers in Transportation have advised that the location of the refuse-storage areas will allow refuse carrying distances to be complied with without the need for refuse vehicles to enter the site.

The Council's *Waste and Recycling Storage and Collection Guidance* revised in January 2010, sets out the required amount of refuse-storage facilities that should be provided for residential developments. This includes both general refuse and recyclable refuse. The two houses require provision for 1 x 240l or 1 x 140l wheeled bin for refuse; 1 x 240l wheeled bin for organic waste; and

1 x 44l box for dry recycling. Two bin stores have been indicated within the front forecourt of the two houses. It is, however, recommended that further details of the design of the bin store, demonstrating that they can accommodate both general and recyclable refuse, is conditioned.

The affordable flats require a refuse-storage area to accommodate a capacity of 900l of refuse and 660l of dry recyclable material. The proposed storage area is sufficient to accommodate the required provision. The private flats require a refuse-storage area to accommodate a capacity of 3060l of refuse and 2244l of dry recyclable material. The proposed storage area is sufficient to accommodate the required provision.

In addition to the above, timber "bee hive" composters are proposed to be provided within the planting strip, away from the buildings. The applicants have also confirmed that the Contractor will commit to providing a Site Waste Management Plan.

Landscaping

A number of landscape improvements are proposed as part of the development. These include a landscape buffer and new trees planted along the Blackbird Hill frontage which will assist in defining this boundary and improve the visual appearance of the streetscene. New trees and soft landscaping are also proposed along the Old Church Lane frontage, and along the boundary with No. 1 Old Church Lane. The existing Sycamore tree and laurel hedge located next to the electricity substation are proposed to be retained as part of the proposal. A tree survey has been submitted with the application confirming the retention of the Sycamore tree.

A brown roof is also proposed onto of the building which will incorporate a number of biodiversity features including a Redstart Box, Bat Brick, Wet Area and Loggery for Stag Beetles.

It is recommended a condition is attached to secure the submission of full landscape details prior to the commencement of works on site together with details of the proposed protection method statement and construction method statement in relation to the Sycamore tree.

Environmental Health

Noise

Given the site's location next to Blackbird Hill, the applicants have submitted a noise survey, in accordance with the guidance as outlined in PPG24. The survey reveals that the worse case facades fall into Noise Exposure Category C. The remainder of the facades fall within Noise Exposure Category B. Noise should be taken into account when determining planning applications and, where appropriate conditions imposed to ensure an adequate level of protection against noise.

By incorporating noise-mitigation measures, the internal noise criteria required as part of BS 8233 should be achieved. Such mitigation measures include suitably specified glazing and ventilation. Your officers in Environmental Health have advised that post-completion testing is carried out to verify this prior to the occupation of the units, and for further mitigation measures to be carried out, should the noise criteria not be achieved.

It is also recommended that a condition is secured to control the hours of use for construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary.

Air Quality

An Air Quality Assessment Report has been submitted which indicates that National Air Quality Objectives will be exceeded for NO₂. Mitigation measures are therefore required to minimise the future occupiers' exposure to air pollution. It is recommended that a mechanical closed air ventilation system is used. The system is required to be installed in accordance with Building

Regulation ADF Table 5.2d System 4).

A number of objections have been raised by neighbouring properties concerning increased air pollution as a result of additional traffic in the area. The Air Quality Assessment Report concludes that the development related traffic generation onto the local traffic network will have an insignificant impact on air quality for occupiers of existing local residential property.

Archaeology

The site is designated as a Site of Archaeological Importance. The applicants have submitted an archaeological desk-based assessment. English Heritage have reviewed the submitted desk-based assessment. They have advised that given that the proposal may affect remains of archaeological importance, it is recommended that a condition is secured as part of the planning permission for the implementation of a programme of archaeological work in accordance with a written investigation.

Response to Objectors

A large number of objections have been received during the consultation period, raising a number of concerns. A number of the points raised by local residents and business have been addressed above, which include the following points:

- Overdevelopment of the site
- Design, layout and appearance do not fit in with the character and appearance of the surrounding area
- Loss of public house
- The public house is a listed building and should be preserved
- No parking provided for retail element
- A new retail unit would have a detrimental impact on other smaller businesses in the area.
- The size of the retail unit proposed is inappropriate for a neighbourhood centre and would undermine the vitality and viability of Neasden District Centre
- No play facilities for children
- Development will overshadow the back gardens and rear living areas of adjacent properties, particularly Nos. 1 and 3 Old Church Lane
- Development will result in a loss of privacy for adjacent properties, including Nos. 1 and 3 Old Church Lane
- Location of vehicular access next to No. 1 Old Church Lane will lead to additional disturbance to this property
- Increased traffic levels will lead to further pollution and noise

The following points have not been addressed within the Remarks section of the committee report and are discussed below:

- *Increased traffic levels will compromise the safety of pedestrians in the vicinity of the site, including children at the adjacent school.*

The Transport Statement has advised that the traffic generation for the proposed scheme will be low and will not have a material impact on the operation of the public highway. It is also considered that pedestrian safety along the Blackbird Hill frontage will be improved as part of the proposal as the footway will be reinstated next to Gower House School.

- *Development would create a precedent if approved, resulting in the loss of family housing and changing the overall character of the area.*

The proposal is not considered to create a precedent within the area. Each application is assessed on its individual merits, being considered in line with the policies contained within the Core Strategy

and UDP. This application does not result in the loss of family housing, and if in the future an application came in which involved the loss of family housing, it will need to be considered in line with policy CP21 of the Core Strategy.

- *Planning rules within the conservation area are very restricted, i.e. permission required for a garden shed, but this building is much larger and should also not be allowed.*

The application site lies outside of the conservation area. This report has discussed the reasons why the building of the size and scale proposed is appropriate for this location.

- *Proposal will adversely affect house prices in the area.*

This is not a material planning consideration and therefore cannot be considered as part of the application.

- *Construction of building, i.e. digging of the foundations, basement car park and new planting, damaging neighbouring buildings and land, including trees and boundary fences.*

The building construction works and impact of the building upon the structural soundness of neighbouring buildings is not a planning consideration. Construction works are considered as part of Building Regulations.

- *Insufficient consultation period and no opportunity for the public to meet Council representatives to discuss the case.*

Prior to the application being submitted to the Council, the agents undertook a public exhibition on 12 June 2010 at St Andrews Church.

Since the application has been submitted to the Council, the Local Planning Authority has consulted on the application in accordance with The Town and Country Planning (Development Management Procedure) Order 2010 and the guidance as outlined in the Council's SPG2 "Commenting on a Planning Application". The time period available for the consultation is considered to be sufficient.

The case officer for the application responded to local residents' request for a meeting to discuss the application. This offer was not taken up by the residents.

Conclusions

The proposal redevelops an under-utilised site, adding to the Borough's housing stock and provides significant benefits in the form of affordable housing. Furthermore the proposal will add to the vitality and viability of Blackbird Hill Neighbourhood Centre. The scheme meets the current relevant standards and policies in terms of parking provision, residential amenity and the protection of adjoining residents. The proposed scheme is in accordance with Unitary Development Plan policies and central government guidance, and therefore is recommended for approval, subject to a Section 106 Agreement.

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-

Brent's Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
Supplementary Planning Document: "S106: Planning Obligations"

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Employment: in terms of maintaining and sustaining a range of employment opportunities
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
Transport: in terms of sustainability, safety and servicing needs
Design and Regeneration: in terms of guiding new development and Extensions

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

Environmental Noise Survey and PPG24 Assessment Report prepared by HannTucker Associates
Transport Statement prepared by Savell Bird & Axon
Design and Access Statement prepared by Chassat + Last Architects
Air Quality Assessment prepared by Accon UK
Retail Assessment prepared by Barton Willmore
Sustainability Statement prepared by Energy Solutions
Energy Demand and renewables Option Assessment prepared by Energy Solutions
Archaeological Desk Based Assessment prepared by CgMs Consulting

Application Drawings as listed below:

OCL-01; OCL-02; OCL-03; OCL-04; OCL-05; OCL-06 Rev A; OCL-07 Rev A;
OCL-08 Rev A; OCL-09; OCL-10; OCL-11; OCL-12; OCL-13 Rev A; OCL-14;
OCL-15 Rev A; OCL-16 Rev A; OCL-17; OCL-18 Rev A; OCL-19; OCL-20; OCL-21;
OCL-22; OCL-23; OCL-24; OCL-25; OCL-26; OCL-29; OCL-31; OCL-32; OCL-40;
OCL-42 Rev A; OCL-46; OCL-49 Rev A; OCL-50; OCL-53; OCL-54; OCL-55;
OCL-57; OCL-64; OCL-66; OCL-67; OCL-68; and OCL-69

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The brown roof layout shall be full implemented in accordance with the details as proposed in Plan Nos: OCL-53 and OCL-54 prior to first occupation of any of the units hereby approved, and thereafter permanently retained in accordance with the approved details.

Reason: In the interests of biodiversity.

- (4) All of the parking spaces proposed in the basement car shall be constructed and permanently marked out prior to first occupation of any of the units approved. Such works shall be carried out in accordance with the approved plans and thereafter shall not be used for any other purpose, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure a satisfactory development which contributes to the visual amenity of the locality and which allows the free and safe movement of traffic throughout the site and to provide and retain car parking and access in the interests of pedestrian and general highway safety and the free flow of traffic within the site and on the neighbouring highways.

- (5) The proposed cycle parking facilities and refuse storage facilities for the units of both the affordable and private units shall be provided in accordance with the details as shown in approved Plan Nos: OCL-03, OCL-04; and OCL-57, and thereafter retained in accordance with such approved details unless the prior written approval of the Local Planning Authority has been obtained.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality and to provide adequate facilities for cyclists..

- (6) Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

Monday to Fridays 08:00 to 18:00

Saturday 08:00 to 13:00

At no time on Sundays or Bank Holidays

Reason: to safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance from noise, dust, odour.

- (7) The premises shall not be open for retail trade except between the hours of 7am and 11pm, Mondays to Saturdays, and 10am and 6pm, Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjoining residential occupiers.

- (8) The premises shall not be open for servicing/ delivery vehicles except between the hours of 7am and 9pm, Mondays to Saturdays, and 8am and 6pm, Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjoining residential occupiers.

- (9) Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (10) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development shall be submitted to and approved in writing by the Local

Planning Authority prior to the commencement of any demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (i) areas of hard landscape works including details of materials and finishes. These shall have a permeable construction;
- (ii) the location of, details of materials and finishes of, all street furniture, storage facilities and lighting (including the cycle parking facilities within the piazza);
- (iii) proposed boundary treatments including walls and fencing, indicating materials and height;
- (iv) all planting including location, species, size, density and number;
- (v) any sustainable construction methods which are to be used;
- (vi) details of proposed children's play equipment;
- (vii) details of the green walls;
- (viii) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

Any planting that is part of the approved scheme that, within a period of five years after planting, is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

- (11) Details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material for the two houses shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved. Such details shall include a location of each storage area and details of its means of construction, including materials.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (12) No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority, and thereafter fully implemented in accordance with the written scheme of investigation.

Reason: In the interests of archaeological remains within the site.

- (13) The results of the post-completion testing undertaken in the noise-affected units as identified in the Environmental Noise Survey and PPG24 Assessment Report, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the units hereby approved. If the results of the post-completion testing do not meet the criteria set out in BS8233, further mitigation measures shall be submitted to and approved in writing by the Local Planning Authority to achieve the defined criteria.

Reason: To verify that the internal noise levels specified can be met and safeguard

the amenity of future occupants of the development.

- (14) Further details of the proposed shopfront, including details of materials, design and illumination and the location and design of the proposed ATM cash machine, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The signage and ATM cash machine shall thereafter be fully implemented in accordance with the approved details unless the prior written approval of the Local Planning Authority has been obtained.

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

- (15) No works shall commence on site (including demolition) before tree-protection details in accordance with BS5837:2005, including the protection of the existing sycamore tree and laurel hedge along the boundary with the electricity substation fronting Old Church Lane, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall include details on how these landscape features will be protected during the demolition and construction phases and details of root-protection zones provided. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure retention and protection of trees and other landscape features on the site in the interests of amenity.

INFORMATIVES:

- (1) The development of this site is likely to damage heritage assets of archaeological interest. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.
- (2) With regards to surface-water drainage it is the responsibility of a developer to make proper provision for drainage to groundwater courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. This is to ensure that the surface-water discharge from the site will not be detrimental to the existing sewerage system.

REFERENCE DOCUMENTS:

Letters and petition of objection

Letters of support

Planning Policy Statement 1 – Creating Sustainable Communities

Planning Policy Statement 3 – Housing

Planning Policy Statement 4 - Planning for Sustainable Economic Growth

Planning Policy Statement 23 - Planning and Pollution Control

Planning Policy Guidance 24 - Planning and Noise

The London Plan - Consolidated with Alterations since 2004

Brent's Core Strategy 2010

Brent UDP 2004

Supplementary Planning Document: "S106: Planning Obligations"

Supplementary Planning Guidance 2 - "Commenting on a Planning Application"

Supplementary Planning Guidance 17 – “Design guide for new development

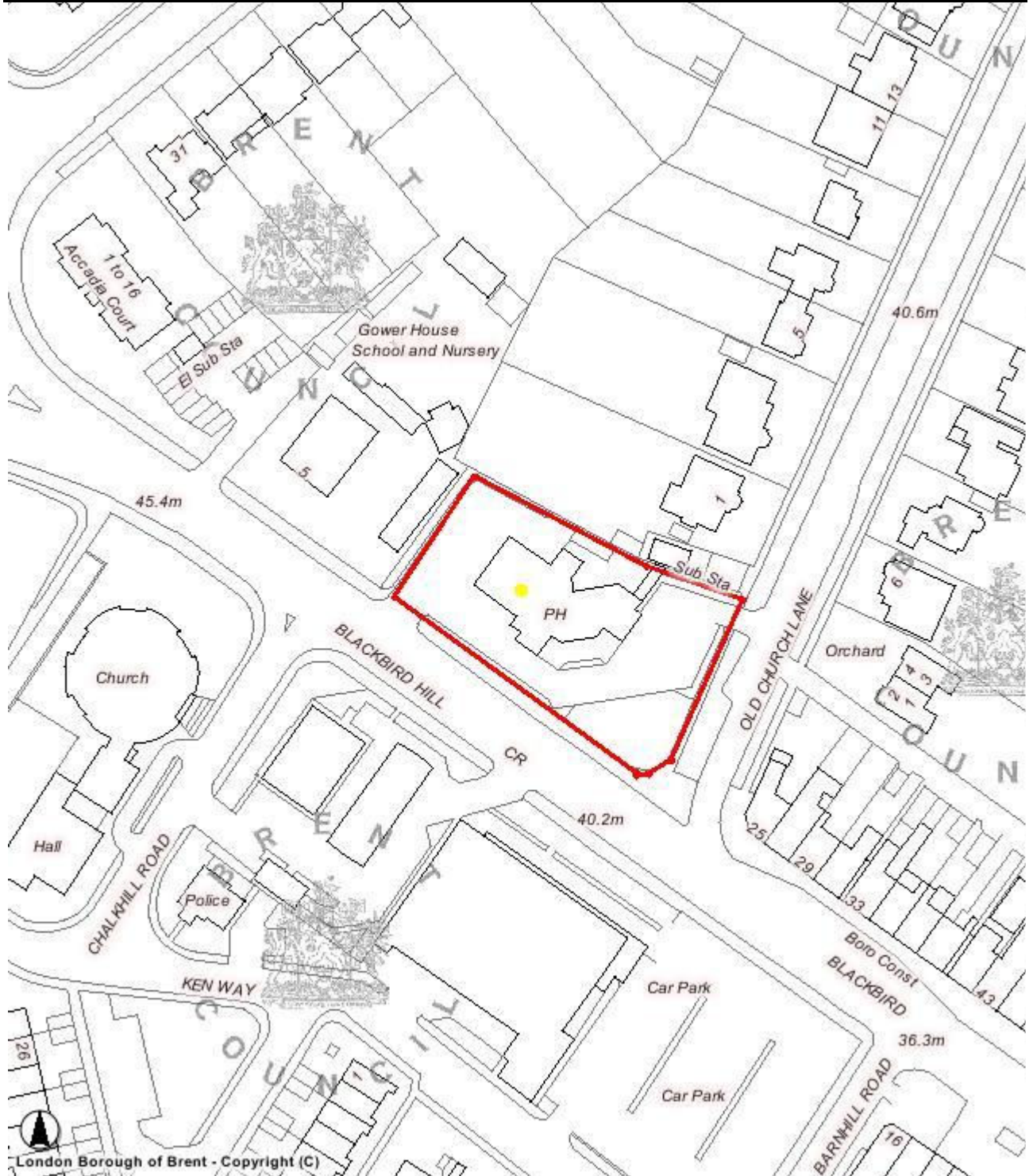
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: Former Blarney Stone, Blackbird Hill, London, NW9 8RR

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Supplementary Information Planning Committee on 2 November, 2010

Item No. **6**
Case No. 10/2053

Location Former Blarney Stone, Blackbird Hill, London, NW9 8RR
Description Proposed mixed-use redevelopment of the Blarney Stone Public House, Kingsbury, with the erection of two 3-storey houses and 34 flats in 3/4/5 storeys above a retail unit of 470m² and parking partly at basement level, with associated landscaping

Agenda Page Number: 39

Consultation responses

Three additional letters of objection have been received. The objections reiterate previous comments. Additional points raised are:

- Proposal would be harmful to the adjoining conservation area
- Site never intended to be used for residential or retail use

These matters have been addressed within the remarks section of the main committee report.

Members site visit

A number of issues were raised by members during the site visit on 30th October 2010. These issues include:

- Impact/scale from residential gardens to the north;
- Use and prominence of the retail unit;
- Play facilities;
- Access for cars and servicing in view of local conditions; and
- Mix of units proposed on site.

These issues have been addressed within the remarks section of the main committee report.

Comparison of existing and proposed car parking and servicing provision on the site

The former public house provided 29 formal parking spaces within the site. No designated service area was provided, however this is likely to have been carried out within the parking area. The site could be accessed from both Blackbird Hill and Old Church Lane. The proposed development includes 37 car parking spaces for the residential units at basement level together with a designated service area to the front of the retail unit accessed off Old Church Lane. It is not considered that the proposed parking significantly exceeds the previous provision.

Impact upon the amenities of No. 1 Old Church Lane

The former public house consisted of a two storey detached building with a hipped roof. A number of extensions were added to the building, with the most recent extensions being granted in 2005 (LPA Ref: 05/1485). The rear extension to the former public house was located at approx. 5.0m from the boundary with No. 1 Old Church Lane. The extension was

approved at approx. 3.4m in height. A single storey detached building was also located on the boundary with the rear garden of No. 1 Old Church Lane.

Whilst the proposed development is higher than the former public house, it is set further away from the boundary with No. 1 Old Church Lane. Given the position of the public house located fairly centrally within the site, it is considered that the proposed development which enables the building to be set further away from the boundary with No. 1 Old Church Lane is acceptable. Trees are also proposed along this boundary to assist in screening the development at the lower levels when viewed from the rear garden of No. 1 Old Church Lane.

Planning status of No. 1 Old Church Lane

Your officers can advise that there is a current planning application at No. 1 Old Church Lane for the continued use of ground floor of the premises for religious mediation and instruction (LPA Ref: 08/3362). The application is under consideration by your officers. Your officers in transportation have not raised objections with regards to increased traffic from the temple impacting upon the local highway network.

Affordable Housing

An amendment to the Head of Term for the amount of affordable housing has been agreed with the applicant and reads as follows:

28% by Units (31% by Hab room) Affordable Housing, provided on site with 10 Social Rented units, broken down as 2 x 1-bed, 5 x 2-bed and 1 x 3-bed flats, and 2 x 4-bed houses. In addition, a contribution of £50,000 towards the provision of Affordable Housing in the Borough, due on Material Start and index-linked from the date of committee.

Your officers are of the view that this level of affordable housing is deemed acceptable in acknowledging the submission of a toolkit, with the provision of 10 socially rented units, (comprising 2 x 4-bed houses and a contribution of £50,000 towards off-site provision), with the certainty if this development proceeds these affordable units will be provided.

Vehicular Access

The northern side of the car park access has been amended to include a 10m radius kerb as requested by your officers in transportation. The details are shown in Plan Nos. OCL-03 Rev A; OCL-42 Rev B; and OCL-49 Rev B. Condition 2 will be amended accordingly.

Recommendation: Remains approval subject to the completion of a satisfactory Section 106.

DocSuppF

Committee Report
Planning Committee on 2 November, 2010

Item No. 7
Case No. 10/2106

RECEIVED: 4 August, 2010

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: Flats 1-4 INC, 142A High Road, London, NW10

PROPOSAL: Erection of second-floor extension and conversion of first and second floors to three self-contained flats (1x two-bedroom, 1x one-bedroom and 1 x studio) (car-free)

APPLICANT: Mr Jim O'Reilly

CONTACT: SIAW Ltd

PLAN NO'S:
(see condition 2 for details)

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Borough Solicitor.

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £12,600 (£3,000 per additional bedroom), due on Material Start and index-linked from the date of committee for Education, Sustainable Transportation, Air Quality and Open Space & Sports in the local area.
- (c) Join and adhere to the Considerate Contractors scheme.
- (d) Car-Free Scheme
- (e) £600 to go towards the provision of 2 Public Cycle Stands

And, to authorise the Head of Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The property is located on the junction of Villiers and High Road. The ground floor of the property is being used as a part restaurant and office space, whilst the first floor is being used as residential accommodation. The property is not located within a Conservation Area nor is the property a listed building.

PROPOSAL

See above.

HISTORY

The property has an extensive site history. However of particular relevance in the assessment of this application is:

Full planning permission (Ref No: 09/1514) for the first-floor rear extension, erection of new second floor with rear roof terrace and third floor with front and side balcony/terrace and conversion of building into 6 self-contained flats which was refused last summer on 20 August 2009. The application was refused for the following reasons:

- 1 *The proposed development, by reason of the design, height, overall size, siting, bulk, close proximity to boundaries, prominence on site and density, would constitute an unacceptable form of development, detracting from the character of the locality and relating poorly to surrounding forms of development. The proposal would thus result in a development that is to the detriment of the visual character and appearance of this area. As a result, the proposal would be contrary to policies BE9 and H12 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".*
- 2 *The proposed development, by virtue of its scale, massing, height, position, extent position and its relationship with existing buildings and gardens, would result in an unacceptable deterioration in the amenity of neighbouring residents in terms of outlook and privacy contrary to policy BE9 of Brent's Adopted Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development".*
- 3 *In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area and increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment, and increased pressure on education infrastructure, without any contribution to education improvements. As a result, the proposal is contrary to policies TRN4, TRN11, OS7 and CF6 of Brent's adopted Unitary Development Plan 2004 and Supplementary Planning Document: S106 Planning Obligations.*
- 4 *The proposed development, due to the poor quality and quantity of outdoor amenity space would result in an unacceptable standard of amenity for future residents, particularly given the internal spaces proposed are also contrary to policies BE9 and H12 of Brent's Adopted Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development".*
- 5 *The proposed development does not identify the units as Lifetime Homes compliant, contrary to policy 3A.4 of the London Plan.*
- 6 *The development inappropriate stacking of rooms between the self-contained flats, insufficient personal storage provision purposes and lack of bicycle storage and would present a sub-standard form of accommodation to the detriment of the amenities of potential future residential occupiers of the scheme, contrary to policies H18 and PS16 of the adopted Unitary Development Plan 2004 and Supplementary Planning Guidance 17 - "The Design Guide for New Development".*

POLICY CONSIDERATIONS

London Borough of Brent Adopted Unitary Development Plan 2004

The development plan for the purpose of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies are considered to be the most pertinent to the application.

STR 3 - This policy attempts to maximise the use of previously development land to achieve a sustainable development.

STR11 - Which seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.

STR14 - New development will be expected to make a positive contribution to improving the quality of the urban environment.

STR19 - New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

BE2 - Design should have regard to the local context, making a positive contribution to the character of the area. Account should be taken of existing landform and natural features, the need to improve the quality of existing urban spaces, materials and townscape features that contribute favourably to the area's character and the opportunity for improvement or variety in an area of poor uniform character. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

BE3 - Proposals should have regard for the existing urban grain, development patterns and density and should be designed that spaces between and around buildings should be functional and attractive to their users, layout defined by pedestrian circulation taking the form of urban blocks, particular emphasis on prominent corner sites, entrance points and creating vistas, respect the form of the street by building or responding to the established line of frontages, unless there is clear urban design justification. Development layouts should also make explicit the movement framework by prioritising movement by foot, cycle and public transport, encourage convenient pedestrian access to important civic areas by retaining existing or providing new routes and linkages which contribute to the permeability of the areas, minimise traffic conflicts between vehicles, pedestrians and cyclists by ensuring clear delineation of routes and unencumbered entrances and circulation and integrate the proposed development with public transport and car parking facilities.

BE5 - Development should be understandable, free from physical hazards and to reduce opportunities for crime, with a clear relationship between existing and proposed urban features outside and within the site. Public, semi-private and private spaces are clearly defined in terms of use and control, informal surveillance of public and semi-private spaces through the positioning of fenestration, entrances etc., front elevations should address the street with, where possible, habitable rooms and entrances, with private areas to the rear and significant areas of blank wall and parking should be avoided on back edge of pavement locations, entrances should be overlooked by development with good lighting and visible from the street, rear gardens should not adjoin public space, parking spaces are provided within view and if not made safe in other ways and are not normally accessible via rear gardens of residential properties and accessways are through or adjoining a site are overlooked by development, provided with good lighting, set away from cover, provide clear sightlines and not run next to rear gardens.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding

buildings, the retention of existing trees, shrubs and hedgerows particularly where they form part of the character of the area, new planting of an appropriate species, size, density of planting with semi-mature or advanced nursery stock, new integrally designed structural landscaping on appropriate larger sites, boundary treatment (fencing, railings) which complement the development and enhance the streetscene, screening of access roads and obtrusive development from neighbouring residential properties. .

BE7 - High quality of design and materials required for the street environment. In existing residential areas, the excessive infilling of space between buildings and between buildings and the road, the loss of paving, front walls, railings or hedges of character to the street which should be restored or reproduced where practical, the hardsurfacing of more than half of the front garden area and forecourt parking detracting from the streetscene or setting of the property or creates a road/pedestrian safety problem, will be resisted.

BE9 - New buildings should have an appropriate design solution specific to the site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design and landscape characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which have a direct relationship with the street at ground floor level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be aid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

BE12 - Encourages adherence to sustainable design principles in terms of design, construction and pollution control.

H12 - Layout and urban design of residential development should reinforce/create an attractive/distinctive identity appropriate to the locality, housing facing streets, have access and internal layout achieving traffic safety with cars subsidiary to cyclists and pedestrians, normally preventing vehicles travelling more than 32 kph (20 mph), with cul-de-sacs only used in parts of development sites that cannot be serviced in any other way, appropriate car parking and cycle parking ,where dedicated on-street parking is maximised as opposed to in curtilage parking and avoids excessive tarmac and hard landscaping and provides an amount and quality of open landscaped areas appropriate to the character of the area, local availability of open space and needs of prospective residents.

H13 - The appropriate density will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites and meets the amenity needs of potential residents. The most dense developments will be in areas with good and very good public transport accessibility. surrounding densities should at least be matched unless it would harm residential amenity. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.

TRN4 – Where transport impacts are unacceptable, measures will be considered to acceptably mitigate this.

TRN11 - Changes or additions to the highways will be assessed for their impact on cycling examining the coherence, directness, attractiveness safety and comfort of routes. Measures to improve conditions for cyclists will be assessed in the following order of declining preference; traffic reduction, traffic calming, junction treatment and traffic management, redistribution of the carriageway and off road provision. Developments should comply with the minimum standards in PS16 with cycle parking situated in convenient, secure and where appropriate sheltered locations

TRN12 – In assessing planning applications, priority will be given to road safety issues particularly those affecting the convenience and safety of vulnerable road users such as pedestrians and cyclists.

TRN14 - New highway layouts, visibility splays and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.

TRN23 - Parking for residential development should not provide more than the levels in standard PS14. Lower standards apply for developments of affordable housing.

PS14 - Residential parking standards - Maximum of 1 space per 1 bedroom unit, 1.2 spaces per 2 bedroom unit, 1.6 spaces per 3 bedroom unit and 2 spaces per 4+ bedroom units. This can be reduced by up to 50% for affordable housing.

PS15 - 1 Wheelchair space per disabled unit next to the dwelling.

PS16 - 1 cycle parking space per unit

London Borough of Brent's Supplementary Planning Guidance

Supplementary Planning Guidance Note 17 - Design Guide for New Development

Provides comprehensive and detailed design guidance for new development and seeks to raise the design quality of buildings, and to protect the character of properties and streets.

London Plan

3A.4 Housing Choice – All new development should offer a range of housing choices, be built to 'Lifetime Homes' standard and ten per cent should be designed to be wheelchair accessible or easily adaptable for wheelchair users

National Planning Policy Guidance

Planning Policy Statement 1 – Creating Sustainable Communities

PPS1 sets out the Government's vision for planning and the key policies and principles which should underpin the planning system. These are built around three themes – sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

Planning Policy Statement 3 – Housing

PPS3 establishes the Government's objectives for housing and reinforces the commitment to more sustainable patterns of development. PPS3 sets broad guidelines for the provision of affordable housing, placing emphasis on the importance of high quality design and creating mixed, balanced and integrated communities with wider opportunities for home ownership and improved affordability through an increase in supply of housing. The guidance also requires Local Authorities to deliver sustainable development objectives.

CONSULTATION

External

45 properties were consulted on the 8 September 2010. The Local Authority has received three letters of objection. The proposal has been amended to remove elements that it was considered would have caused a loss of amenity and the matter of the development being a car-free scheme has been agreed in principle. The objections will be listed below for completeness:

1. Loss of light.
2. Loss of privacy.
3. Additional strain on parking.
4. The proposed development does not respect the character of the area.
5. No emergency exit.

Internal

Transportation Engineer: no objection, subject to a Section 106 Legal Agreement securing "car free" development.

REMARKS

Context

An application for 6 units was refused for the reasons detailed in the report's site history. This application is a result of pre-application advice and seeks to overcome officers' concerns relating to:

- Design
- Impact on neighbouring properties
- Quality of accommodation for future occupiers
- S106 contributions

Impact on Adjoining Occupiers

Owing to the nature of the development the impact on amenity of neighbouring occupiers specifically, the loss of outlook, privacy and daylight/sunlight must be considered. The Council's UDP, as expanded in SPG17, clearly sets out guidelines in this regard.

The 2009 proposal occupied a large portion of the site with the first-floor rear extension being set forward of neighbouring property No. 2 Villiers Road and the main body of the building containing roof terraces. These features were considered to severely compromise amenities of neighbouring residents by way of loss outlook, light and privacy .

The current proposal omits the first-floor rear addition (i.e. above the shop) and roof terraces.

The reduced size of the extension ensures the new extension will occupy the area on top of the original frontage building only and not extend down Villiers Road. Therefore, no part of the new development will create a loss of outlook and light from neighbouring properties.

Instead of having roof terraces, bathroom and kitchen windows (i.e. secondary windows) are now proposed in the rear wall. These are located 5m away from the boundary and look directly onto the flank wall of 2 Villiers Road. Officers are satisfied the proposal will not create a loss of privacy for neighbouring properties.

Officers consider the proposal to respect the amenities of neighbouring properties

Standard of Accommodation for Future Residents

Size of units

The proposal envisages a 2-bedroom unit (65m²) on the proposed second floor, with a 1-bedroom unit (45m²) and a studio flat (33m²) on the extended first floor. All units meet guidance set out in SPG 17 and are considered large enough to accommodate the number of occupiers

External amenity space

No external amenity is provided, however owing to the Town Centre location and there being no

family sized accommodation proposed, officers consider that this does not make the scheme unacceptable. As indicated below, a S106 is sought that would make a financial contribution to mitigate this shortfall.

Outlook

All but two windows look onto either the High Road or Villiers Road. The remaining two windows serving a first-floor kitchen and second-floor bathroom will look directly onto the flank Wall of No 2 Villiers Road as explained above. The flank wall of 2 Villiers Road is located approximately 5m away from these windows.

SPG 17 requires non-habitable-room windows to be located a minimum of 1m away from the site boundary. The UDP defines kitchens less than 13m² and all bathrooms to be non-habitable rooms. As these non-habitable windows are proposed to be 5m from the mentioned flank wall, no issue is taken with the level of outlook proposed in principle, however there remains a need to ensure the quality of accommodation proposed is acceptable.

The small, open-planned kitchen will be used in conjunction with the living/dining area. The open planned living/dining/kitchen area will also be served by two other windows with direct views of Villiers Road. Owing to the number of windows in this room and the outlook offered, officers are satisfied the level of outlook to all units will be acceptable.

On balance, officers consider the new development to propose an acceptable level of accommodation for future occupiers.

Cycle and Refuse storage

An upgraded storage area for refuse and recycling storage will be provided on the ground floor, however, minimal detail has been provided of how this will work and, as a result, further details will be secured by condition.

The proposal fails to provide cycle parking at a rate of 1 space per dwelling as suggested in PS16 of the UDP-2004, however there is no clear location where such secure covered storage could be provided on site. It is therefore recommended the shortfall be mitigated by a financial contribution of £300 per cycle stand to provide 2 public cycle stands (ie: 4 parking spaces). A number of locations on the High Road have been identified for public cycle stands. The financial contribution will be secured by a S106 agreement

On balance, officers consider the new development to provide an acceptable level of accommodation for future occupiers.

Design & Scale

As mentioned the property is located on a prominent corner property and as such, any design must pay particular attention as design affects not only the appearance and functioning of individual buildings, but also the use of public spaces and the character of areas they collectively form. After a number of iterations and adjustments the proposed extension is now much more contextually sensitive.

The proposed design sits more comfortably within the streetscape in terms of scale and massing. In an attempt to respect the street scene the upper floor has a 1m set-in. This approach has been employed on neighbouring developments. The scale of the extra storey of this corner site is further balanced by the red brick building on the opposite corner of the junction with Villiers Road.

The design for the extra storey refers to the simple 19th-century architecture of the existing building and follows the historic rhythm of the existing fenestration and composition. The building has simple string and cornice moulding details which have been simply re-interpreted on the new storey. The windows will match the historic precedents in configuration and proportion which balances the proportion of the extra storey with the existing ground and first-floor elements. In

order to ensure the quality of this otherwise relatively simple scheme, materials will be secured by condition.

Officers consider the design of the building to be acceptable.

Transportation

The property is located on the Northern side of the High Road NW10, a London Distributor road, and to the Eastern side of Villiers Road, a Local access road which is defined as being heavily parked. The site lies within a CPZ which operates between the times of 08:00 -1830 on Monday to Saturday and has good accessibility with a PTAL rating of level 4. Dollis Hill Station (Jubilee tube) is within walking distance of the site, while six bus routes are locally available.

The calculated increase in parking as per PS14 is noted to be 2.1 car-parking spaces. This is considered to be a significant increase as the existing 2-bed flat requires a maximum of 0.7 spaces. Officers note the site cannot provide off-street parking, while Villiers Road is already heavily parked, and the High Road is a Distributor Road. Officers will therefore only accept a "car-free" scheme provided it is secured by a S106 agreement.

Officers consider the proposal to be acceptable if a car-free agreement can be secured by legal agreement

S106

For the avoidance of doubt, this particular scheme would attract the following requirements:

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £12,600 (£3,000 per additional bedroom), due on Material Start and index-linked from the date of Committee for Education, Sustainable Transportation, Air Quality and Open Space & Sports in the local area.
- (c) Join and adhere to the Considerate Contractors scheme.
- (d) Car-Free Scheme.
- (e) £600 provision of two Public Cycle stands.

Response to objections

Objections relating to the loss of light, privacy and parking have been expanded on, in the body of this report.

On the matter of the proposed flatted development harming the character of the area, officers find the use of upper floors on the High Road for residential purposes to be a common practice. As such, officers do consider the flatted development to respect the character of the area.

No emergency exit

The requirement for an emergency exit is not covered by the Town and Country Planning Act and therefore cannot form a reason for refusal. However, the development will be required to provide such facilities under Building Regulations. The applicant will be reminded by way of an informative to bear this in mind.

Conclusion

As demonstrated above, the proposal envisages a scheme that will respect neighbouring amenities, provide an adequate level of accommodation for future occupiers and respect the character of the area by way of sympathetic design. Therefore a recommendation to approve subject to a legal agreement is set forward.

Officers recommend the application be approved subject to a legal agreement and attached conditions.

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 17: Design Guide for New Development

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment

Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing:

A-HR29-PL-01 Revision D 28.09.10

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) Details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material (including litter bins inside and outside the premises) shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (4) Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

INFORMATIVES:

- (1) The applicant is advised to contact Brent's Building Control department regarding emergency exits on 020 8937 5499.

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



Planning Committee Map

Site address: Flats 1-4 INC, 142A High Road, London, NW10

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**Committee Report
Planning Committee on 2 November, 2010**

Item No. 8
Case No. 10/1476

RECEIVED: 12 August, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 26A Chevening Road, London, NW6 6DD

PROPOSAL: Installation of replacement white UPVC-framed sash windows and a "oak leaf" UPVC/GRP door to front elevation of basement flat

APPLICANT: Mrs Diana Perks

CONTACT:

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The subject site, located on the southern side of Chevening Road, is occupied by a two-storey, plus basement, terraced property comprising of three self-contained flats. The property has a front light-well which provides direct access to the basement flat, the subject of the current application. The subject site is located within the Queen's Park Conservation Area (Article 4(2)).

PROPOSAL

See above

HISTORY

An previous planning application (09/3360) for a similar development was refused in December 2009. This application was refused for the following reason:-

The proposed replacement of the existing timber framed window and front door to the front elevation of the ground floor flat with a UPVC framed window and UPVC front door, by virtue of the choice of materials and the lack of detailing and poor proportions of the window and door, would not be considered to preserve or enhance the character of the building or the wider Queens Park Conservation Area, to the detriment of the visual amenities within the locality, contrary to policies BE2, BE9 and BE26 of the adopted Brent Unitary Development Plan 2004 and the Queens Park Conservation Area Design Guide.

The current application also seeks permission for the installation of a UPVC replacement door and windows but with a revised design in terms of opening patterns and fenestration.

Planning permission (84/0379) for the conversion of the property and erection of a bin store, which still exists, was granted in 1984.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

BE2	Townscape: Local Context & Character
BE9	Architectural Quality
BE25	Development in Conservation Areas
BE26	Alterations & Extensions to Buildings in Conservation Areas

Queen's Park Conservation Area Design Guide

SUSTAINABILITY ASSESSMENT

The application does not exceed the threshold that would require the submission of a sustainability statement

CONSULTATION

Consultation letters, dated 13th September 2010, were sent to 14 neighbouring owner/occupiers and the Queen's Park Residents Association (West). Two letters of objection have been received in response. The concerns of the objectors relate to the impact that the installation of uPVC windows and doors would have on the character and appearance of the Queen's Park Conservation Area.

REMARKS

The subject site sits within a section of Chevening Road generally characterised by the modest two-storey terraced Victorian dwellings which enclose the street on either side. A number of the dwellings along the southern side of this stretch of Chevening Road have existing basement levels, many of which are accessed directly from the street through the provision of a staircase within a light-well. Whilst relatively frequent within this section of Chevening Road these basements are not a common feature of the buildings in other parts of the Conservation Area. The subject site is occupied by a property which has an existing basement level and the current proposal envisages the replacement of the existing window and door to the front of this basement. It is considered that the main planning consideration in this case is whether the proposal would either preserve or enhance the character of the Queen's Park Conservation Area.

As discussed the existing window and door to be replaced are both located at the front of the basement level. The basement level is accessed by a light-well within the front garden which is serviced by a stairwell. The light-well is relatively well enclosed by an existing bin store at the front of the garden and the existing boundary treatments. As such, due to their siting at basement level the existing window and door are not particularly visible from the wider views along the street. The existing window to be replaced, whilst constructed using a timber frame, is not an original feature of the property. The window is generally divided by the frame into three sections with the top of both outer sections having top hung casement openings. The proportions, fenestration and opening pattern of the existing window are not characteristic of the properties in the Queen's Park Conservation Area. The general character of the Queen's Park Conservation Area is for the properties to have timber sliding sash windows, similar to those installed to the subject property at ground and first floor level. The existing door to be replaced, whilst again constructed from timber, is also not an original feature and is of a design which fails to incorporate many of the important features which give the traditional front doors within Queen's Park their distinctive character.

The proposal would involve the installation of replacement windows and a door which are generally constructed from uPVC frames. The style of the proposed replacement windows would be sliding sash and these would be installed as three discreet units which would form distinctive mullions between them which would have a more characteristic appearance than the single framed window currently installed. The proposed replacement door would have a simple design with panelling on

the lower section with mullions between the two glazing panels above. Whilst it is acknowledged that all of these replacement features are constructed using a material which is generally unsympathetic to the character of the Queen's Park Conservation Area, and usually resisted, they would also incorporate a number of design elements which would improve on the appearance of the existing windows and doors in terms of the character of the Conservation Area.

Officers are clear that uPVC windows and doors would not normally be considered appropriate within Queen's Park Conservation Area, and in particular where they would be visible from the street. However, considering the specific circumstances of this particular case, including the unsympathetic style of the existing windows and door to be replaced, the limited visibility of these features within the streetscene and the more characteristic fenestration and opening pattern of the proposed windows, it would make it difficult to argue that the development would cause harm to the character and appearance of the Conservation Area. On balance, for the reasons above, it is considered that the proposed development would at least preserve the existing character of the Queen's Park Conservation Area.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004
Queen's Park Conservation Area Design Guide

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment

CONDITIONS/REASONS:

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

(2) The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

- Unnumbered 1:10 elevation (stamped 'Revised')
- Isometric Sketch (Issue D January 2008)

Reason: For the avoidance of doubt and in the interests of proper planning.

(3) Notwithstanding the approved documents, further details, in plan form, of the appearance of the door to be installed shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved

Reason: To ensure a satisfactory appearance and to preserve the character of the Queen's Park Conservation Area.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004

Queen's Park Conservation Area Design Guide

Two letters of objection

Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: 26A Chevening Road, London, NW6 6DD

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**Committee Report
Planning Committee on 2 November, 2010**

**Item No. 9
Case No. 10/2304**

RECEIVED: 3 September, 2010

WARD: Kilburn

PLANNING AREA:

LOCATION: 40A-D INC, St Julians Road, London, NW6 7LB

PROPOSAL: Erection of front and rear mansard roof, with 2 dormer windows at front and 2 at rear, to create 1 two-bedroom flat at third-floor level, with associated refuse-storage area to front of flats

APPLICANT: PCHA

CONTACT: Nicholas Taylor & Associates

PLAN NO'S:

Please see condition 2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £12000 due on Material Start and index-linked from the date of committee for Education, Sustainable Transportation, Air Quality and Open Space & Sports in the local area.
- (c) Join and adhere to the Considerate Contractors scheme.
- (d) Car Free Agreement

And, to authorise the Head of Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The subject site is a three storey terraced building, with a basement situated on St Julian's Road. The surrounding uses are predominantly residential with similar type dwellings. The site is not located in a Conservation Area nor is the structure listed.

PROPOSAL

See above

HISTORY

Full planning permission (Ref No: 09/1454) for a front and rear roof with 2 dormer windows to rear

and 2 to front to create 1 self contained flat at roof level was refused in July 2009. This application was refused for the following reasons:

The proposed extensions to the roof would result in a fundamental alteration and a substantial and incongruous addition to the building, and appear visually obtrusive and unsympathetic to the scale, design and appearance of the property, which would be contrary to policies BE2 and BE9 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance 5: "Altering and Extending Your Home"

The proposed two-bedroom flat would not provide a satisfactory living environment, in that its size falls below minimum floorspace standards, and in addition to its lack of provision of external amenity space, the proposal would be contrary to policy H18 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development". Furthermore, the development would also reduce the size of the existing two-bedroom, second-floor flat to significantly below the minimum floorspace standards and thus would form substandard living accommodation, contrary to policy H18 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development"

The proposed conversion of the roofspace to accommodate a two-bedroom flat is considered unacceptable as the development would generate additional parking demand, which cannot be controlled by legal agreements, and cannot be accommodated in the locality without prejudicing pedestrian and highway safety, contrary to policies TRN24 and PS14 of Brent's Unitary Development Plan 2004.

In the absence of a legal agreement to control the matter, the development would result in an increased demand for school places within the Borough, without providing any contribution to building new school classrooms or associated facilities; pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area; and increased pressure for the use of existing open space, without contributions to enhance that open space or make other contributions to improve the environment. As a result, the proposal is contrary to policies CF6, TRN10, OS18 and H7 of Brent's Unitary Development Plan 2004

The applicant appealed this refusal and the subsequent appeal was discussed on 13 July 2010. However, the Inspector concluded that it was only, the absence of a 'robust' legal agreement that made the proposal unacceptable on all other grounds he did not support the Council's stance

POLICY CONSIDERATIONS

Brent UDP 2004

BE2- Townscape: Local Context & Character

BE7- Public Realm: Streetscene

BE9 – Architectural Quality

H12 – Residential Quality: Layout Considerations

H18 – The Quality of Flat Conversions

TRN23 – Parking Standards: Residential Developments

SPG

SPG 17 – Design Guide for New Development

CONSULTATION

External

67 Neighbouring properties were consulted on 23 September 2010. To date the Local Authority has received 3 letters of objection. The principle objections were:

- Noise pollution created by building
- No Fire Escape
- Additional strain on parking
- Exasperate Health problems

Internal

Transportation Engineer - Continues to raise concerns about the as the administration and management of a 'Car free' agreement for only part of a building.

REMARKS

Context

The proposed scheme is the subject of a dismissed appeal as such officers assessment must follow that of the Inspectors Decision. In brief the Council refused the application for reasons set out in the site history, whilst the Inspector found the proposal would:

- Respect the character and appearance of the original building and its surroundings (Roof Extensions)
- Provide an appropriate standard of living accommodation for future occupiers
- Endanger Highway and Pedestrian Safety

These will be addressed in turn:

Front and rear roof extension

No 40 is situated towards the Southern end of St Julians Road. Together with Nos 41-43. it forms part of a distinctive group with a different design to the other houses in the terrace. The remainder of the terrace have been largely modified with pitched and slated roofs.

The proposed front and rear roof extensions will project from the ridgeline of the original roofplane by 4.7m and will be 2.9m in height. On the face of the both roof extensions (I.e. front and rear) two dormer windows (each) have been proposed. The proposed dormer windows will project 0.45m from the extended roofplane.

In the refused application the Council found the roof extensions to create an incongruous addition that would appear visually obtrusive and unsympathetic to the scale, design and appearance of the property and its surroundings.

However in paragraphs 7 and 8 of the Inspectors Decision, the Inspector found the proposal to be visually appropriate when compared to similar developments on St Julians Road and went on to find the rear views of the property to be limited by the extant buildings in Priory Park Road, Aldershot Road and Opel Mews. They therefore concluding no harm to the original building or the Character of the area.

Whilst officers obviously disagree with the Inspectors findings, subsequent consideration must be lead by the Inspectors views. As such, officers consider that it would be difficult to object to the roof alterations in principle

Residential quality

The proposal aims to create a new two bedroom unit in the roof and aims to convert the existing second floor two bedroom unit to a one bedroom with 'study'

The new two bedroom (54sqm) flat is marginally smaller than that of requirements set out in SPG 17 (55sqm). This unit will have no external amenity space.

The proposal to convert the existing two bedroom unit to a one bedroom unit with a 'study' does not convince officers that the reduced unit will be converted into a single bedroom unit. As a matter of fact the existing flat has the potential to be used as a two bedroom flat and should be considered on that basis

The application was previously refused as the quality of accommodation for future occupiers was considered to be substandard by reason of lack of internal floorspace and external amenity space. Officers also found the new two bedroom unit would cause the existing second floor two bedroom unit to be substandard by reason of insufficient internal floor area as the new stairs would take away floorspace at second floor level

The Inspector found the shortfall in internal floor space of the new unit to be "insignificant" and found a financial contribution of £12000 to be an appropriate sum to offset the lack of external amenity space.

On the matter of officers being unconvinced about the future of the existing second floor, the existing two bedroom units, the Inspector found that the use as a one bedroom unit only could be secured by condition and consequently this is attached here.

Again whilst officers have reservations with the Inspectors decision, officers must be lead by the Inspectors findings. As such a recommendation to view the quality of accommodation as acceptable subject to a financial contribution of £12000 secured by a legal agreement and condition securing the use of the two bedroom unit as a single bedroom unit only is set forward.

Transportation

The proposed unit, which is located in an area of good public transport accessibility and a CPZ; would create a significant increase of 0.7 parking spaces in accordance with PS14 of the UDP 2004.

In consideration that no off-street parking is available and no further on-street car parking can be allowed since the street is already heavily parked, the development would lead to an unacceptable increase to the detriment to highway and pedestrian safety.

In the life of the refused application, the applicant stated a 'Car Free' agreement will be accepted for the site. However officers objected to this agreement finding a 'Car free' agreement can only be accepted when it applies to every residential unit within a building. Failure to secure all units will result in the administration and management of the agreement to be unfeasible and could not result in units being given parking permits when they were not entitled to them.

The Inspector acknowledged the Councils concerns relating to administration and management, but did not consider this to be a reason for refusal. The Inspector found the covenant proposed to be imprecise and insufficiently robust. Instead the Inspector suggested an effective agreement relating to application of permits would have linkages with tenancy agreements, possible sanctions or penalties, and car ownership or use would be notably absent.

Having considered the Inspectors Decision the applicant proposes the new two bedroom units to be 'car free'

with an undertaking to link car permits to the new tenancy agreement, an undertaking to surrender within 7 days any permit received and accepting failure to do so will result in enforcement.

Whilst officers continue to question the practicality of such an agreement, the Inspectors Decision must be considered. As such officers recommend issues previously raised relating regarding administration and management be removed and the application be approved subject to 'Car free' agreement secured by a Legal Agreement.

Other

Details of refuse and recycling storage have been included in this revised version of the scheme, shown in a front storage area fitted against the existing stepped access to the upper ground floor of the property. This element is acceptable.

S106

For the avoidance of doubt, this particular scheme would attract the following requirements:

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £6000 due on Material Start and index-linked from the date of committee for Education, Sustainable Transportation, Air Quality and Open Space & Sports in the local area.
- (c) Join and adhere to the Considerate Contractors scheme.

These will be secured by a S106 agreement (Legal), if the recommendation to approve is accepted

Response to objections

Objections relating to the parking have been expanded on, in the body of this report.

No emergency exit

The requirement for an emergency exit is not covered by the Town and Country Planning Act and therefore cannot form a reason for refusal. However the development will be required to provide such facilities under Building Regulations. The applicant will be reminded of his responsibilities by way of an informative.

Disturbance caused by building works

Whilst the Council empathises with objectors concerns over health risks, noise pollution and disturbance in general, unfortunately these issues are not covered by the Town and Country Planning Act. The development will be required to join and adhere to the 'Considerate Contractors Scheme'. Officers are satisfied this will overcome matters relating to noise pollution.

Conclusion

Whilst officers still have concerns with the quality of accommodation, impact on the original property, impact on neighbouring properties and Highway and Pedestrian safety, owing to the Inspectors Decision, it is considered that it would be difficult to persist with those concerns in light of the Inspectors comments. As such a recommendation to approve subject to a Legal agreement (£12000 and 'Car Free') and attached conditions is set forward

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17 - Design Guide for New Development

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings:

PO1	PO2a	PO2b
PO4	PO5	PO6
PO7	PL102	PL103
PL104	PL11	PL12
PL15	P03	

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) When the extension hereby approved is constructed, the existing second floor two bedroom unit shall be converted to a one bedroom unit with study in accordance with the approved plans and thereafter shall be used only as a one bedroom unit with study.

Reason: In the interest of protecting amenities of future occupiers

- (4) Details to be submitted
Before any building works commence on the site, a scheme providing for the insulation of the proposed building shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented.

Reason: To ensure that the occupiers are not subjected to excessively high noise levels and to ensure an adequate standard of amenity.

INFORMATIVES:

- (1) The applicant is advised to contact Brent Building Control regarding emergency exits on 020 8937 5499.

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



Planning Committee Map

Site address: 40A-D INC, St Julians Road, London, NW6 7LB

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**Supplementary Information
Planning Committee on 2 November, 2010**

Item No. **9**
Case No. 10/2304

Location 40A-D INC, St Julians Road, London, NW6 7LB
Description Erection of front and rear mansard roof, with 2 dormer windows at front and 2 at rear, to create 1 two-bedroom flat at third-floor level, with associated refuse-storage area to front of flats

Agenda Page Number: 77

A query regarding the storage and disposal of waste has been raised by ex-councillor Anthony Dunn. This application aims to store waste on the forecourt which is of a limited size. The submitted plans do show details of refuse storage but it is important that the proposed facilities are in place prior to the occupation of the new unit as such the following condition is suggested:

The details of refuse and recycling storage as indicated on the approved plans shall be fully implemented prior to occupation of the proposed flats and shall be permanently maintained thereafter.

Reason: To allow the Local Planning Authority to exercise proper control over the development and to ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

For the avoidance of doubt a sum of £6000 will be sought for the additional unit as detailed in the remarks section of the officers' report and not £12000 as mentioned in the S106 Heads of Terms at the start of the report.

Recommendation: Remains Approval subject to Legal Agreement

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Committee Report
Planning Committee on 2 November, 2010

Item No. 10
Case No. 10/2289

RECEIVED: 3 September, 2010

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 42A-D INC & 43 A-C INC, St Julians Road, London, NW6 7LB

PROPOSAL: Erection of front and rear mansard roof, with 2 dormer windows at front and 2 at rear, to create 1 two-bedroom flat at third-floor level, with associated refuse-storage area to front of flats

APPLICANT: PCHA

CONTACT: Nicholas Taylor & Associates

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £12000 due on Material Start and index-linked from the date of committee for Education, Sustainable Transportation, Air Quality and Open Space & Sports in the local area.
- (c) Join and adhere to the Considerate Contractors scheme.
- (d) Car Free Agreement

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The subject site comprises of two, three storey terraced buildings, with basements situated on St Julians Road. The surrounding uses are predominantly residential with similar terraced type dwellings. The subject site is not located within a conservation area, nor is it a listed building.

PROPOSAL

See Above

HISTORY

Full planning application (09/1592) for the erection of front and rear mansard roof extension with 2 front and 2 rear dormer windows to each property to create 2 x two bedroom self contained flats was refused permission on 21 August 2009. This application was refused for the following reasons:

The proposed extensions to the roofplanes of 42 and 43 St Julians Road would result in a fundamental alteration and a substantial and incongruous addition to the buildings, and appear visually obtrusive and unsympathetic to the scale, design and appearance of the properties and is contrary to adopted design guidance SPG5 and policies BE2 and BE9 of the UDP 2004.

The proposed two bedroom self contained units would not provide a satisfactory living environment, in that it falls below minimum floorspace standards, and in addition to its lack of provision of external amenity space, the development would be contrary to policies H18 of the UDP 2004 and SPG17. Furthermore, the proposed development would reduce the existing, two bedroom, second floor units, significantly under minimum floorspace standards and thus would form living accommodation which is substandard contrary to policy H18 of the UDP 2004 and Supplementary Planning Guidance 17.

The proposed conversion of the roofspaces to accommodate two, self contained two bedroom flats are considered unacceptable as the proposed would generate parking demand, which cannot be controlled by agreements, and cannot be accommodated in the locality without prejudicing pedestrian and highway safety contrary to policies TRN24 and PS14 of the UDP 2004.

In the absence of a legal agreement to control the matter, the development would result in an increased demand for school places within the Borough; without providing any contribution to building new school classrooms or associated facilities; pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area; and increased pressure for the use of existing open space, without contributions to enhance that open space or make other contributions to improve the environment. As a result, the proposal is contrary to policies CF6, TRN10, OS18 and H7 of Brent's UDP 2004.

The proposed roof extensions, by virtue of their bulk, massing and orientation would be unduly harmful to the residential amenity of neighbours on Priory Park Road, through overbearing and loss of daylight, and therefore be contrary to policy BE9 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance Note 17 "Design Guide For New Development".

The applicant appealed this refusal and the subsequent appeal was dismissed on 13 July 2010. However, the Inspector concluded that it was only, the absence of a 'robust' legal agreement that made the proposal unacceptable on all other grounds he did not support the Council's stance

POLICY CONSIDERATIONS

Brent UDP 2004

BE2- Townscape: Local Context & Character

BE7- Public Realm: Streetscene

BE9 – Architectural Quality

H12 – Residential Quality: Layout Considerations

H18 – The Quality of Flat Conversions

TRN23 – Parking Standards: Residential Developments

SPG

SPG 17 – Design Guide for New Development

CONSULTATION

46 Neighbouring properties were consulted on 24 September 2010. To date the Local Authority

has received 2 letters of objection. The principle objections were:

- Noise pollution created by building
- No Fire Escape
- Additional strain on parking
- Exacerbate health problems

Internal

Transportation Engineer - Continues to raise concerns about the as the administration and management of a 'Car free' agreement for only part of a building.

REMARKS

Context

The proposed scheme is the subject of a dismissed appeal as such officers assessment must follow that of the Inspectors Decision. In brief the Council refused the application for reasons set out in the site history, whilst the Inspector found the proposal would:

- Respect the character and appearance of the original building and its surroundings (Roof Extensions)
- Provide an appropriate standard of living accommodation for future occupiers
- Endanger Highway and Pedestrian Safety
- Not create a loss of light and Sunlight to neighbouring properties

These will be addressed in turn:

Front and rear roof extension

Nos 42 and 43 are situated towards the Southern end of St Julians Road. Together with No 41 it forms part of a distinctive group with a different design to the other houses in the terrace. The remainder of the terrace have been largely modified with pitched and slated roofs.

The proposed front and rear roof extensions will project from the ridgeline of the original roofplane by 4.7m and will be 2.9m in height. On the face of the both roof extensions (I.e. front and rear) two dormer windows (each) have been proposed. The proposed dormer windows will project 0.45m from the extended roofplane.

The proposed roof extensions increases the height of the original ridgeline by 0.7m and brings the pitch angle closer towards residential properties on Priory Park Road.

During the refused application the Council found the roof extensions to create an incongruous addition that would appear visually obtrusive and unsympathetic to the scale, design and appearance of the property and its surroundings. The refusal also raised concerns of loss of daylight and sunlight to neighbouring properties to the immediate south of the property.

However in paragraphs 9, 10 and 21 of the Inspectors Decision letter, the Inspector found the proposal to be visually appropriate when compared to similar developments on St Julians Road and went on to find the rear views of the property to be limited by the extant buildings in Priory Park Road, Aldershot Road and Opel Mews. On the matter of detrimental impact on neighbouring properties by way of loss of daylight and sunlight, the Inspector found the reduction in daylight and sunlight to be minimal. Therefore concluded no harm to the original building or the Character of the area and minimal loss of daylight and sunlight.

Whilst officers obviously disagree with the Inspectors findings, subsequent consideration must be lead by the Inspectors views. As such, officers consider that it would be difficult to object to the roof alterations in principle

Residential quality

The proposal aims to create 2x new two bedroom units in the roof and aims to convert the existing second floor two bedroom units to one bedroom units with 'study'

The new two bedroom (54sqm) flats are marginally smaller than that of requirements set out in SPG 17 (55sqm). These units will have no external amenity space.

The proposal to convert the existing two bedroom units to a one bedroom unit with a 'study' did not convince officers that the reduced unit will be converted into a single bedroom unit. As a matter of fact the existing flat has the potential to be used as a two bedroom flat and should be considered on that basis.

The application was previously refused as the quality of accommodation for future occupiers was considered to be substandard by reason of lack of internal floorspace and external amenity space. Officers also found the new two bedroom unit would cause the existing second floor two bedroom units to be substandard by reason of insufficient internal floor area as the new stairs would take away floorspace at second floor level.

The Inspector found the shortfall in internal floor space of the new unit to be "insignificant" and found a financial contribution of £12000 to be an appropriate sum to offset the lack of external amenity space.

On the matter of officers being unconvinced about the future of the existing second floor, the Inspector concluded that the use of this area as a one bedroom unit only could be secured by condition and consequently this is attached here.

Again whilst officers have reservations with the Inspectors decision, officers must be lead by the Inspectors findings. As such a recommendation to view the quality of accommodation as acceptable subject to a financial contribution of £12000 secured by a legal agreement and condition securing the use of the two bedroom unit as a single bedroom unit only is set forward.

Transportation

The proposed units, which are located in an area of good public transport accessibility and a CPZ; would create a significant increase of 1.4 parking spaces in accordance with PS14 of the UDP 2004.

In consideration that no off-street parking is available and no further on-street car parking can be allowed since the street is already heavily parked, the development would lead to an unacceptable increase to the detriment to highway and pedestrian safety.

In the life of the refused application, the applicant stated a 'Car Free' agreement will be accepted for the site. However officers objected to this agreement finding a 'Car free' agreement can only be accepted when it applies to every residential unit within a building. Failure to secure all units will result in the administration and management of the agreement to be unfeasible and could not result in units being given parking permits when they were not entitled to them.

The Inspector acknowledged the Councils concerns relating to administration and management, but did not consider this to be a reason for refusal. The Inspector found the covenant proposed to be imprecise and insufficiently robust. Instead the Inspector suggested an effective agreement relating to application of permits would have linkages with tenancy agreements, possible sanctions or penalties, and car ownership or use would be notably absent.

Having considered the Inspectors Decision the applicant proposes the new two bedroom units to be 'car free'

with an undertaking to link car permits to the new tenancy agreement, an undertaking to surrender within 7 days any permit received and accepting failure to do so will result in enforcement.

Whilst officers continue to question the practicality of such an agreement, the Inspectors Decision must be considered. As such officers recommend issues previously raised relating regarding

administration and management be removed and the application be approved subject to 'Car free' agreement secured by a Legal Agreement.

Other

Details of refuse and recycling storage have been included in this revised version of the scheme, shown in a front storage area fitted against the existing stepped access to the upper ground floor of the property. This element is acceptable.

S106

For the avoidance of doubt, this particular scheme would attract the following requirements:

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £12000 due on Material Start and index-linked from the date of committee for Education, Sustainable Transportation, Air Quality and Open Space & Sports in the local area.
- (c) Join and adhere to the Considerate Contractors scheme.
- (d) Car Free

Response to objections

Objections relating to the parking have been expanded on, in the body of this report.

No emergency exit

The requirement for an emergency exit is not covered by the Town and Country Planning Act and therefore can not form a reason for refusal. However the development will be required to provide such facilities under Building Regulations. The applicant will be reminded of his responsibilities by way of an informative

Disturbance caused by building works

Whilst the Council empathises with objectors concerns over health risks, noise pollution and disturbance in general, unfortunately these issues are not covered by the Town and Country Planning Act. The development will be required to join and adhere to the 'Considerate Contractors Scheme'. Officers are satisfied this will overcome matters relating to noise pollution.

Conclusion

Whilst officers still have concerns with the quality of accommodation, impact on the original property, impact on neighbouring properties and Highway and Pedestrian safety, owing to the Inspectors Decision, it is considered that it would be difficult to persist with those concerns in light of the Inspectors comments. As such a recommendation to approve subject to a Legal agreement (£12000 and 'Car Free') and attached conditions is set forward

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17 - Design Guide for New
Development

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment

Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings:

PO1	PO2	PO4
PO5	PO6	PO7
PO8	PO9	P10
P11	P12	P13
PL14	PL15	PL104
PL11	PL12	PL15
P03		

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) Before any building works commence on the site, a scheme providing for the insulation of the proposed building shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented.

Reason: To ensure that the occupiers are not subjected to excessively high noise levels and to ensure an adequate standard of amenity.

- (4) When the extension hereby approved is constructed, the existing second floor two bedroom unit shall be converted to a one bedroom unit with study in accordance with the approved plans and thereafter shall be used only as a one bedroom unit with study.

Reason: In the interest of protecting amenities of future occupiers

- (5) Refuse store on plans must be provided prior to first occupation and be suitably maintained

Reason: In the Interest of protecting amenities of future occupiers

INFORMATIVES:

- (1) The applicant is advised to contact Brent Building Control regarding emergency exits on 020 8937 5499.

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



Planning Committee Map

Site address: 42A-D INC & 43 A-C INC, St Julians Road, London, NW6 7LB

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**Supplementary Information
Planning Committee on 2 November, 2010**

Item No. **10**
Case No. 10/2289

Location 42A-D INC & 43 A-C INC, St Julians Road, London, NW6 7LB
Description Erection of front and rear mansard roof, with 2 dormer windows at front and 2 at rear, to create 1 two-bedroom flat at third-floor level of each property, with associated refuse storage area to front of flats

Agenda Page Number: 85

A query regarding the storage and disposal of waste has been raised by ex-councillor Anthony Dunn. This application aims to store waste on the forecourt which is of a limited size. The submitted plans do show details of refuse storage but it is important that the proposed facilities are in place prior to the occupation of the new units, as such the following condition is suggested:

The details of refuse and recycling storage as indicated on the approved plans shall be fully implemented prior to occupation of the proposed flats and shall be permanently maintained thereafter.

Reason: To allow the Local Planning Authority to exercise proper control over the development and to ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

Recommendation: Remains Approval subject to Legal Agreement

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Committee Report
Planning Committee on 2 November, 2010

Item No. 11
Case No. 10/2202

RECEIVED: 31 August, 2010

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Land Surrounding Wembley Stadium, Royal Route, Wembley, HA9

PROPOSAL: Erection of a 7-storey building comprising 7,544m² of designer-outlet retail (Use Class A1), 306m² of sports retail (Use Class A1), 6,176m² of food & drink (Use Class A3, A4 or A5), 9,430m² of leisure (9-screen multiplex cinema, Use Class D2) and associated infrastructure, including partially covered pedestrian "retail walk", relating to plot "W07" of the Quintain outline planning consent reference 03/3200.

This application is submitted as the Reserved Matters pursuant to condition 2 (i) (ii) (iii) (iv) (v) (siting, design, appearance, means of access and landscaping), and details pursuant to conditions 6 (iii) (iv) (v) (scheme parameters), 60 (disabled access), 63 (sunlight/daylight studies) and 64 (wind-tunnel testing) for Plot W07 only of outline planning permission reference 03/3200, dated 29 September 2004.

Planning consent reference 03/3200 was for:

Works for the re-orientation of Wembley Arena; Class A1 (Retail) comprising up to 14,200m² designer retail outlet, 11,800m² sports retailing; Class A1/A2 shops/financial and professional services up to 8,000m² (including up to 2,000m² supermarket); Class A1 (Retail) comprising up to 400 square metres of hotel boutique retail; Class A3 (Food and Drink), up to 12,700m²; Class B1 (a) (b) and (c) Business, up to 63,000m²; Class C1 (Hotel), up to 25,400m²; Class C1/Sui Generis (Hotel apartments), up to 26,700m²; Class C2 (Residential institutions) up to 5,000m²; Class C3 (dwellings) up to 277,000m², (up to 3,727 dwellings); Student accommodation (Sui Generis), up to 16,600m²; Class D1 (Non-residential institutions), up to 8,200m²; Class D2 (Assembly and Leisure), up to 28,500m² (including the existing Arena of 13,700m²); together with associated open space, public market area (Class A1), hard and soft landscaping, highway and engineering works, electricity substation, other utility requirements, other parking and servicing, and improvements to Olympic Way; AND; reserved matters relating to siting, design, external appearance and means of access for the 3-storey structure to provide car and coach parking).

APPLICANT: Quintain Estates

CONTACT: Signet Planning Ltd

PLAN NO'S:
(see condition 2 for details)

RECOMMENDATION

That this application for the approval of Reserved Matters relating to Plot W07 is Approved.

SECTION 106 DETAILS

The outline planning consent, reference 03/3200, was accompanied by a Section 106 agreement this agreement which is subsequently applicable to all of the Reserved Matters Applications.

EXISTING

Plot W07, directly to the west of York House, is situated between Lakeside Way and Royal Route within the application area of the original Quintain outline consent (reference 03/3200), known as the Quintain Stage 1 consent. It adjoins Plot W05 to the north (currently under construction), Plot W08 to the east (future development site) and the Multi-storey car park and "Red House" to the south (Plot W10 for which the Planning Committee recently resolved to grant planning permission for a new temporary car park).

The site is currently cleared and ready for redevelopment.

PROPOSAL

This application seeks the approval of the Reserved Matters for plot W07 to provide retail and food and drinks uses together with a 9 screen multiplex cinema.

The retail uses are situated on the lower floors (Level 00 and 01), with the majority of this floorspace (7,544 sqm) providing the "Designer Outlet" shopping that was approved within the Stage 1 consent. The remainder of the retail floorspace (306 sqm) is to be "sports retail" which also formed a part of this consent.

A total of 6,176 sqm of food and drink floorspace is proposed on the floors above the retail uses (Level 02 and 03).

The multiplex cinema is situated on the upper floors, as detailed within the plans for Level 04 to 06.

The application description refers to the 7-storey height of the building. However, given the nature of the uses and the associated internal spaces, this is better represented using actual measurements. The maximum height of the proposed building is 32.5 m (72.5 AOD) with the significant change in ground level across the site (in excess of 4.5 m) resulting in a building that appears significantly lower in some elevations.

This is a revised application for Reserved Matters relating to this site. The previous scheme included 251 residential flats which have now been excluded, and only proposed 408 sqm of food and drinks floorspace in comparison to the 6,176 sqm now proposed. This resulted in significant changes to the design of the scheme and to the uses proposed within this building, thus requiring the submission of a revised application. The proposal does not change the nature of uses to be provided within the Quintain Stage 1 consent as a whole.

HISTORY

The Quintain Stage 1 outline planning consent, reference 03/3200, was granted in September 2004 allowing:

Works for the re-orientation of Wembley Arena

Class A1 (Retail) comprising up to 14,200m² designer retail outlet, 11,800m² sports retailing

Class A1/A2 shops/financial and professional services up to 8,000m² (including up to 2,000m² supermarket)

Class A1 (Retail) comprising up to 400 square metres of hotel boutique retail

Class A3 (Food and Drink), up to 12,700m²
 Class B1 (a) (b) and (c) Business, up to 63,000m²
 Class C1 (Hotel), up to 25,400m²
 Class C1/Sui Generis (Hotel apartments), up to 26,700m²
 Class C2 (Residential institutions) up to 5,000m²
 Class C3 (dwellings) up to 277,000m², (up to 3,727 dwellings)
 Student accommodation (Sui Generis), up to 16,600m²
 Class D1 (Non-residential institutions), up to 8,200m²
 Class D2 (Assembly and Leisure), up to 28,500m² (including the existing Arena of 13,700m²)
 3-storey structure to provide car and coach parking
 together with associated open space, public market area (Class A1), hard and soft landscaping,
 highway and engineering works, electricity sub-station, other utility requirements, other parking and
 servicing, and improvements to Olympic Way;

Minor non-material amendments to this proposal were approved by the Council in 2006, resulting in revisions to a number of the parameter plans.

Elements of this outline planning consent that have delivered to date includes:

- Works to the re-orient and renovate Wembley Arena
- The construction of Arena Square
- Forum House (Plot W01): 8-storey building arranged around a central courtyard with basement comprising of 286 residential units, 8 composite residential/business units, a retail unit, an employment agency and a crèche
- Quadrant Court (Plot W04): 8-storey building arranged around a central courtyard with basement comprising of 232 residential units, 618m² of local-needs floorspace, 2800m² of designer-outlet retail floorspace, 1469m² of D1 community floorspace in the form of a Primary Care Health Centre (PCHC)

Reserved Matters consent for plots W05 has been approved and works have commenced on this building. The Planning Committee resolved to grant planning permission for a temporary car park on Plot W10. However, this consent has not been issued as the Section 106 agreement has not been completed yet. Reserved Matters consent for plot W03 (to the east of Arena Square) has also been approved. However, works have not commenced on site and the Council is currently considering an application for the temporary use of that site as a 5-a-side football centre.

W03 Approved Reserved Matters, ref: 06/3631

The erection of a part 11-storey and part 14-storey building with two-level basement, comprising 336 residential units (45 x studio flats, 115 x one-bedroom flats, 162 x two-bedroom flats, 14 x three-bedroom flats), all of which are for private accommodation. In addition, the application proposes 2101sqm of D2 leisure, 3682sqm of retail floorspace, basement parking for 272 cars (10% of which are disabled bays), 336 cycle-parking spaces, 10 electrical car-charging spaces, 10 motorcycle-parking spaces, 15 visitor car-parking spaces, 29 visitor cycle bays, and associated communal landscaping, located on the corner of Wembley Park Boulevard, Engineers Way and Olympic Way forming part of the Quintain Stage 1 permission (ref: 03/3200)

W05 Approved Revision to Reserved Matters consent 07/1583: ref: 10/1842

The erection of a part 8-/part 10-storey hotel building comprising 441 rooms and a 9-storey student accommodation block comprising 656 rooms. In addition, the building is proposed to contain 5579m² of Class A1 designer outlet retail, 1556m² of Class A1 sports retail, Class A1/A2 local needs, 396m² of Class A3/A4/A5 food and drink, 5 residential units, each with 3 bedrooms, parking over the ground, first and second floors for 225 cars with access from Lakeside Way (200 hotel spaces, 23 student accommodation spaces, 1 residential unit space and 1 adapted bay in the hotel drop-off area), 398 cycle-parking spaces, and landscaping works, on the corner of Lakeside Way, Wembley Park Boulevard and the future Stadium Way (site of the former Elvin House) forming part of the Quintain Stage 1 permission (ref: 03/3200).

Revisions to this consent reduce the number of hotel rooms to 361 and increase the number of student rooms to 660.

W07 previous approval of Reserved Matters, Ref: 08/0826

The erection of a part 9-/part 11-storey building comprising 251 residential units (15 x studio flats, 74 x one-bedroom flats, 153 x two-bedroom flats, 9 x three-bedroom flats). Of these residential units, 15 x studio, 40 x one-bedroom and 97 x two-bedroom flats are for private accommodation; 24 x one-bedroom and 26 x two-bedroom flats are for intermediate accommodation; and 10 x one-bedroom, 30 x two-bedroom and 9 x three-bedroom flats are for social rented accommodation.. In addition, the building is proposed to contain 7441m² of Class A1 designer outlet retail, 6774m² of Class D2 leisure floorspace in the form of a 10-screen cinema, 408m² of Class A3/A4/A5 food and drink, basement parking for 115 cars, 251 cycle-parking spaces, and landscaping works, on the land bounded by Stadium Way, Royal Route and Wembley Park Boulevard (site of the former Exhibition Halls) forming part of the Quintain Stage 1 permission (ref: 03/3200).

W10 Temporary Car Park Reserved Matters, Ref: 10/1417

Approval of reserved matters for provision of interim car park with access from South Way, new pedestrian link and service access road between South Way and Royal Route, pursuant to condition 2(i), (ii), (iii), (iv) and (v) of Outline planning application 03/3200, relating to plot W10.

Consents relating to adjoining land:

Planning consent for extensions to and the part change of use of York House were approved in 2008.

Reference: 08/0827, approved 11 July 2008

Erection of 2-storey side and single-storey rear extensions with canopy, reconfiguration of existing car park, installation of new vehicle crossover to Stadium Way, removal of existing vehicle crossover to Empire Way, and change of use of the ground floor and first floor to include the provision of 2180m² retail (Use Class A1) floorspace and 836m² of food and drink (Use Class A3/A4/A5) floorspace, with the restaurant/cafe and some of the retail floor space being sited at ground-floor level to the side of York House and subject to a Deed of Agreement dated 11th July 2008 under Section 106 of the Town and Country Planning Act 1990, as amended

An application for non-material amendments to this consent is currently being considered (reference 10/2229).

A planning application for a new retail unit on the York House site which would be situated between the retail units approved within consent reference 08/0827 and this site has also been submitted and is currently being considered:

Reference: 10/2331:

Construction of single storey building to provide new retail unit (Use Class A1 restricted to Designer Outlet), sited between Plot W07 of the Quintain Stage 1 consent (reference 03/3200) and the extensions to York House (reference 08/0827)

POLICY CONSIDERATIONS

This section of the report sets out the planning policies and guidance documents that are relevant to the proposal.

The outline planning consent established the principles for the majority of parameters that apply to the application, such as the quantum and nature of uses, the plot location and overall siting of the building and the maximum height of the building. Therefore, whilst the below list of policies and guidance are applicable, the consideration will focus on the issues of detail rather than the over-arching principles of the proposal.

NATIONAL

Planning Policy Statement 1 – Creating Sustainable Communities

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Planning Policy Statement 12 – Local Spatial Planning

Planning Policy Guidance 13 – Transport

Planning Policy Statement 22 – Renewable Energy

Planning Policy Guidance 24 – Planning and Noise

Planning Policy Statement 25 – Planning and Flood Risk

REGIONAL

The London Plan

The London Plan, which was adopted in February 2004 and revised in 2006 and 2008, sets out an integrated social, economic and environmental framework for the future development of London.

The vision of the Plan is to ensure that London becomes a prosperous city, a city for people, an accessible city, a fair city and a green city. The plan identifies six objectives to ensure that the vision is realised:

Objective 1: To accommodate London's growth within its boundaries without encroaching on open spaces

Objective 2: To make London a healthier and better city for people to live in;

Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth

Objective 4: To promote social inclusion and tackle deprivation and discrimination;

Objective 5: To improve London's accessibility;

Objective 6: To make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well-designed and green city.

The Plan recognises Wembley as an Opportunity Area for leisure related development and the provision of new homes and employment opportunities. It identifies an additional employment capacity of 5,500 jobs and the provision of minimum of 5000 new homes between 2001 and 2026, and specifies the "realization of the potential of Wembley as a nationally and internationally significant sports, leisure and business location, co-ordinated with town centre regeneration and new housing". The plan specifies that the Mayor will work with strategic partners to implement his Tourism Vision and to achieve 40,000 net additional hotel bedrooms by 2026.

Supplementary Planning Guidance

- Sustainable Design and Construction – Supplementary Planning Guidance (2006)
- Accessible London: achieving an inclusive environment – The London Plan Supplementary Planning Guidance (2004)

LOCAL

Brent Unitary Development Plan 2004

Strategy

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

The relevant policies in this respect include Policies STR3-4 (prioritising locations and land-uses to achieve sustainable development), STR5 and 9 (reducing the need to travel) and STR12-15 (protecting and enhancing the environment)

Policies

BE2	Local Context
BE3	Urban Structure: Space & Movement
BE4	Access for disabled people
BE5	Urban clarity and safety
BE6	Landscape design
BE7	Streetscene
BE8	Lighting and light pollution
BE9	Architectural Quality
BE12	Sustainable design principles
BE34	Views and Landmarks
EP2	Noise and Vibration
EP3	Local air quality management
EP6	Contaminated land
EP12	Flood protection
EP15	Infrastructure
TRN1	Transport assessment
TRN2	Public transport integration
TRN3	Environmental Impact of Traffic
TRN4	Measures to make transport impact acceptable
TRN6	Intensive Development at Selected Transport Interchanges
TRN9	Bus Priority
TRN10	Walkable environments
TRN11	The London Cycle Network
TRN12	Road safety and traffic management
TRN13	Traffic calming
TRN14	Highway design
TRN15	Forming an access to a road
TRN16	The London Road Network
TRN17	Restrictions on New Roads
TRN22	Parking Standards – non-residential developments
TRN34	Servicing in new developments
TRN35	Transport access for disabled people & others with mobility difficulties
WEM2	Pedestrian Route/Promenade
WEM7	Access to development – the National Stadium Policy Area
WEM9	Comprehensive Development – The National Stadium Policy Area
WEM16	Urban design quality – Wembley Regeneration Area
WEM17	The public realm – Wembley Regeneration Area
WEM19	Views of the Stadium

Brent Local Development Framework Core Strategy 2010

CP1	Spatial Development Strategy
CP5	Placemaking
CP6	Design and density in place shaping
CP7	Wembley Growth Area
CP14	Public Transport Improvements
CP15	Infrastructure to Support Development
CP16	Town Centres and the Sequential Approach to Development
CP19	Brent Strategic Climate Mitigation and Adaption Measures

Brent Council Supplementary Planning Guidance and Documents

SPG12	Access for disabled people
SPG13	Layout standards for access roads

Other Council Publications

Destination Wembley – A framework for development (2003) Supplementary Planning Guidance

Wembley Masterplan 2009

Wembley Vision (2002)

Wembley From Vision to Reality (2007)

SUSTAINABILITY ASSESSMENT

The applicant has submitted a TP6 Sustainability Checklist to accompany this application. The applicant has scored the TP6 at 53 % (“Very Positive”) taking into account some credits which relate to the outline scheme in its entirety, such as the establishment of a car club and the provision of new publicly accessible open spaces. Your officers have scored the TP6 at 50.5 %. Whilst below the applicant’s score, it remains above the minimum level of 50 % and is accordingly considered acceptable.

The building will achieve a BREEAM rating of “Very Good” in accordance with the Outline Consent, with a pre-assessment score of 62.28 %. The building will be linked to the Energy Centre (with CHP) within Plot W05 and will, in conjunction with building fabric and management measures, achieve a minimum carbon reduction of 10 % below the Building Regulations Part L Target Emissions Rate. Cooling will be supplied through the use of a condenser cooling system within W05.

CONSULTATION

Statutory (application) consultation process

Consultation letters sent: 10 September 2010

Site notices erected: 13 September 2010

Advertised in local press: 16 September 2010

3rd party comments:

60 letters were sent to adjoining and nearby properties.

Your officers hand delivered consultation letters to the 234 flats and the Tesco store in W04.

One letter was received from Wembley National Stadium Limited (WNSL) highlighting the following points:

- This application is supplemented by the planning application ref: 10/2331 (new retail unit within York House site to adjoin the W07 plot) and the cumulative impacts should be assessed in tandem prior to the determination of either application.
- WNSL would be grateful to receive confirmation that the application does not prevent compliance with the construction management and air quality conditions attached to the outline consent (conditions 33, 34, 35, 37, 39, 40, 43, 45 and 46 of ref 03/3200).
- WNSL is concerned to ensure that parking (provided on plot W10) is dealt with adequately to avoid conflicts with parking on both Event and Non-Event days. WNSL is particularly interested to see the details in the Parking Management Plan required by the outline consent and would like the opportunity to comment on the Plan.

Internal Consultees

Transportation:

There are no objections on transportation grounds to the amended proposals for this plot.

A more detailed discussion of the Transportation comments will be incorporated into the remarks section of this report.

Urban Design:

The massing and scale are generally considered acceptable, but the design lacks distinctiveness. The building has a straight forward form with interest and architecture expressed mainly through the finishes and cladding systems. The quality of materials and the detailing of junctions and terminations will accordingly be pivotal to the success of the building.

Landscape Design:

It is recommended that soft landscaping or internal containerised planting is incorporated. A higher quality of paver is recommended. The choice of seating is considered acceptable. However, more detail on the location of the seats is required. There is also a lack of detail for additional street furniture such as litter bins, signage and incidental play/art/sculpture/focal points. If there is any usable or green roof space then additional information should be provided regarding this. It is noted that no street trees have been proposed. It is presumed that these will be considered in applications for adjacent sites.

External Consultees

Thames Water:

Thames Water have no observations to make.

London Fire and Emergence Planning Authority:

Access and facilities for fire services should be provided in accordance with “The Requirement B5 of Approved Document B” [of the Building Regulations. This is controlled by other legislation and therefore should not be considered in this application].

London Fire Brigade:

No additional fire hydrants are required for the site, however, hydrant 44768 may need to be relocated so that it remains accessible at all times. [this is also outside of planning control, but the details have been provided to the applicants]

REMARKS

General Principle: Proposed Uses

The uses and maximum amount of floorspace were set within the Stage 1 outline consent (ref: 03/3200).

The explanatory report that accompanies this application cites the following floorspace totals which reflect the sites which have been granted Reserved Matters consent (W01, W03, W04 and W05):

Use Class	Type	Stage 1 consent	Approved to date	W07 proposed	Total	Remaining permissible
A1	Design outlet retail	14,200	6,656	7,544	14,200	0
A1	Sports retail	11,800	1,178	306	1,484	10,316
A3-A5*	Food and Drink	12,700	6,479	6,176	12,655	45
D2	Assembly and leisure	28,500	15,801	9,430	25,231	3,269

*Note: floorspace figures are given in square metres gross external area. *the outline consent referred to Use Class A3 “Food and Drink” as this application was considered prior to the creation of Use Classes A4 and A5.*

The total floorspace accordingly does not exceed the maximum levels set out within the Outline Consent. The quantum and nature of the proposed uses are accordingly acceptable.

Height, design and massing

The maximum heights of buildings are set out within the parameter plans that were approved within the Stage 1 consent. The maximum permissible height for the building is 73m AOD within northern, western and southern facades, and 79m AOD within the eastern facade.

The maximum height of the main elements of the building is 72.5m AOD and the proposed building therefore does not exceed the levels set out within the outline consent. The applicants have detailed a suggested element of signage which would project up to 4.2m above the main element of the building. However, this detail is only indicative and is not being considered within this application.

The lower floors (retail and food and drink) are to be expressed through the use of brick piers separating the glass fronted units with a horizontal brick element providing definition between the lower floors and the cinema. Articulation and a sense of rhythm is achieved through the visual contrast between brick and glazed elements of the building, whilst activity is provided through the glass frontages and the presence of recessed and projecting balcony elements for some food and drink units.

The large bulk of the cinema is dressed quilted stainless steel cladding and aluminium standing seam cladding, arranged in a vertical fashion. A two level partially covered walkway is provided between buildings W05 and W07 allowing direct access to shops on levels 00 and 01. A partially covered "retail square" is proposed in the area between W04, W05 and W07 to help link the retail offer within each building. The applicants have confirmed that the building has been designed to be part M (of the Building Regulations, relating to disabled access) compliant. Visual interest is provided through the incorporation of a large glazed feature to accentuate the north-eastern corner of the building.

Natural surveillance is achieved within the majority of facades through the provision of internal servicing routes to the rear of most units. However, the ground floor of the building "turns it back" on the area adjacent to Royal Route, with servicing access and escape cores accessed from this location. Whilst this is unfortunate and will require other measure to address the safety of those who use this route, this is the shortest facade of the building (37 m long) and improved natural surveillance can be achieved in the future when the works to Royal Route are undertaken and the adjacent buildings (W09 and W11) are constructed. It should be noted that the timing of these works are not known.

The design approach relies heavily on the quality of materials and detailing due to the reliance on differing materials to provide articulation. However, such details can be adequately secured through the conditions that were attached to the original outline consent and your officers consider that whilst the design is not distinctive, it is robust and can result in a good quality building.

Landscaping

The application site only includes a small element of footway within the Boulevard (eastern facade) and within the southern elevation. As such, the row of trees proposed along the Boulevard that were detailed within the Outline application will be provided within the separate application for the boulevard.

The applicants have not detailed any soft landscaping in the remainder of the area surrounding the building, but have specified that seasonal planting will be provided within the "retail walk" within removable planters. Whilst your officers typically recommend the use of permanent planters, this approach is considered acceptable given the nature of this space. The applicants have detailed zones for seating within the retail walk and have suggested a modern design. Your officers consider this approach to be acceptable, and details of planting and hard and soft landscaping are secured through conditions 28 and 29 of the Outline Consent. Additional seating can also be secured within the Boulevard when the associated Reserved Matters application has been received.

Landscape Design have questioned the quality of the pavers given the high use nature of the area. However, this type of surfacing has been approved in other schemes and the applicants have confirmed that the surfacing will be well maintained.

Whilst permanent soft landscaping is not proposed within this site, your officers consider that the proposal to be in accordance with the Outline consent and acceptable as the row of trees will be provided as part of the proposals for the new Boulevard.

Transportation

Residential units are no longer proposed on-site and as such, the proposed building is to rely on the car-parking that is to be provided within the multi-storey car parks envisaged within the Outline application. This includes the multi-storey car park on Plot W10 that was recently considered by the Planning Committee and incorporates disabled parking at ground floor level. No car parking is to be provided on site. The level and location of car parking was agreed within the outline consent and this accordingly will not be discussed within this report.

Public cycle parking is to be proposed on the "Wembley Park Boulevard". This new street which will run along the eastern side of plots W05 and W07 will be the subject of a separate application.

Servicing arrangements remain unchanged from the previously approved scheme, with a new service yard containing space for three full-sized vehicles 5 x 12 m lorries and 2 x 10 m lorries to be provided within York House. The service yard is considered to be of sufficient size to accommodate both W07 and the units within the York House site.

Emergency Services access is available along Royal Route, Wembley Park Boulevard (when provided), with further access to part of the building via Stadium Way.

The proposed building is considered to be acceptable on Transportation grounds.

Noise

This revised application does not include any residential units and therefore reduces the number of sensitive users. However, cinema uses are also to noise whilst the proposed building adjoins residential flats and student accommodation, which are both sensitive to noise that may be generated from the building.

The submitted explanatory report examines background noise levels, having regard to a variety of sources which include noise generated from events at Wembley Arena, Arena Square and Wembley Stadium. With regard to noise from the Stadium, this report extrapolates data recorded from York House during a Wembley Stadium event in 2007. The report confirms that the units will be designed to meet the BS 8233 internal noise targets of 40 dB for retail and commercial units and 30-35 dB for the cinema. The report also sets out the design criteria for noise transmission of the external facade that is required to achieve these levels based on the noise monitoring data, and confirms that noise levels from plant will be at least 5 dB below background noise levels.

Your officers consider that the level of detail included within this application provides sufficient reassurance regarding noise and that the remaining further detail has been secured through conditions 12 to 15 of the Outline consent.

Other matters

Publically accessible toilets

The proposed building incorporates toilet facilities for shoppers and other users of the centre, including accessible WCs, an Accessible changing room and a baby feeding facility. This will be open during the core opening hours of the centre.

Wind

The applicants have submitted supporting information which specifies that the proposal is acceptable with regard to the wind environment.

Light

The documents confirm that the shadowing effects of the proposed building are less than that demonstrates within the outline consent and the previously approved reserved matters application. It is also highlighted that the directly adjoining buildings are not residential in nature and comprise hotel, office and student accommodation.

Waste

Waste receptacles linked to the Envac Centralised Waste Collection system will be located in the servicing yard within the York House site. Additional facilities for glass and cardboard will also be provided in the service yard.

Comments from Wembley National Stadium Limited (WNSL)

WNSL have commented that the cumulative effect of this application and the application to construct an additional Design Outlet retail unit adjoining this building should be considered in tandem. The floorspace proposed within this application has been considered and approved within the Quintain Stage 1 outline consent and it accordingly has not been discussed at length within this application. Your officers concur that the Quintain application to construct a new retail unit adjoin W07 should have regard to the extant consents in the immediate vicinity. This includes not only this application relating to Plot W07, but also the approved extensions and part change of use of York House. However, this consideration must occur as part of the separate application for the new retail unit rather than in this Reserved Matters application.

The letter from WNSL also asks whether this Reserved Matters application will prevent the compliance with the construction management and air quality conditions of the Outline Consent. Your officers do not consider that this application would not prevent compliance with these conditions.

WNSL have also specified that they would like to comment on the Parking Management Strategy when submitted, with a particular interest in details relating to Event Day management and traffic impact from coaches. Quintain confirmed the intention to revise the parking-management plan to reflect the interim car-park proposed within Plot W10 and this information would be available for viewing by the WNSL.

Conclusions

Your officers consider that the revised proposals relating to Quintain Plot W07 are acceptable, having regard to quantum and nature of uses, the height massing and design of the building, landscaping, transportation including car-parking, cycle-parking and servicing (all provided off-site), noise, wind light and waste. The proposal is considered to be in compliance with the Quintain Stage 1 Outline Consent, and it is recommended that the Reserved Matters relating to this plot are approved.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(1) The proposed development is in general accordance with policies contained in the:-

Brent Local Development Framework Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Tourism, Entertainment and the Arts: the need for and impact of new tourists and visitor facilities
Transport: in terms of sustainability, safety and servicing needs
Wembley Regeneration Area: to promote the opportunities and benefits within Wembley

CONDITIONS/REASONS:

The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

1390.001	3199-AP(04)6503 Rev P01	3199-AP(05)6601 Rev P01
1390.002	3199-AP(04)6504 Rev P01	3199-AP(05)6602 Rev P01
3199-AP(03)0112 Rev P02	3199-AP(04)6505 Rev P01	3199-AP(06)6700 Rev P01
3199-AP(03)0113 Ref P02	3199-AP(04)6506 Rev P01	3199-AP(06)6701 Rev P01
3199-AP(03)0130 Ref P02	3199-AP(04)6507 Rev P01	3199-AP(06)6704 Rev P01
3199-AP(04)6501 Rev P01	3199-AP(04)6508 Rev P01	3199-AP(06)6705 Rev P01
3199-AP(04)6502 Rev P01	3199-AP(05)6600 Rev P01	

Design and Access Statement, dated August 2010
Explanatory Report, dated August 2010
Summary Report, dated 27 August 2010
Sustainable Development Checklist TP6

Reason: For the avoidance of doubt and in the interests of proper planning.
(1)

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

The London Plan Consolidated with Amendments Since 2004
Brent Unitary Development Plan 2004
Brent Local Development Framework Core Strategy

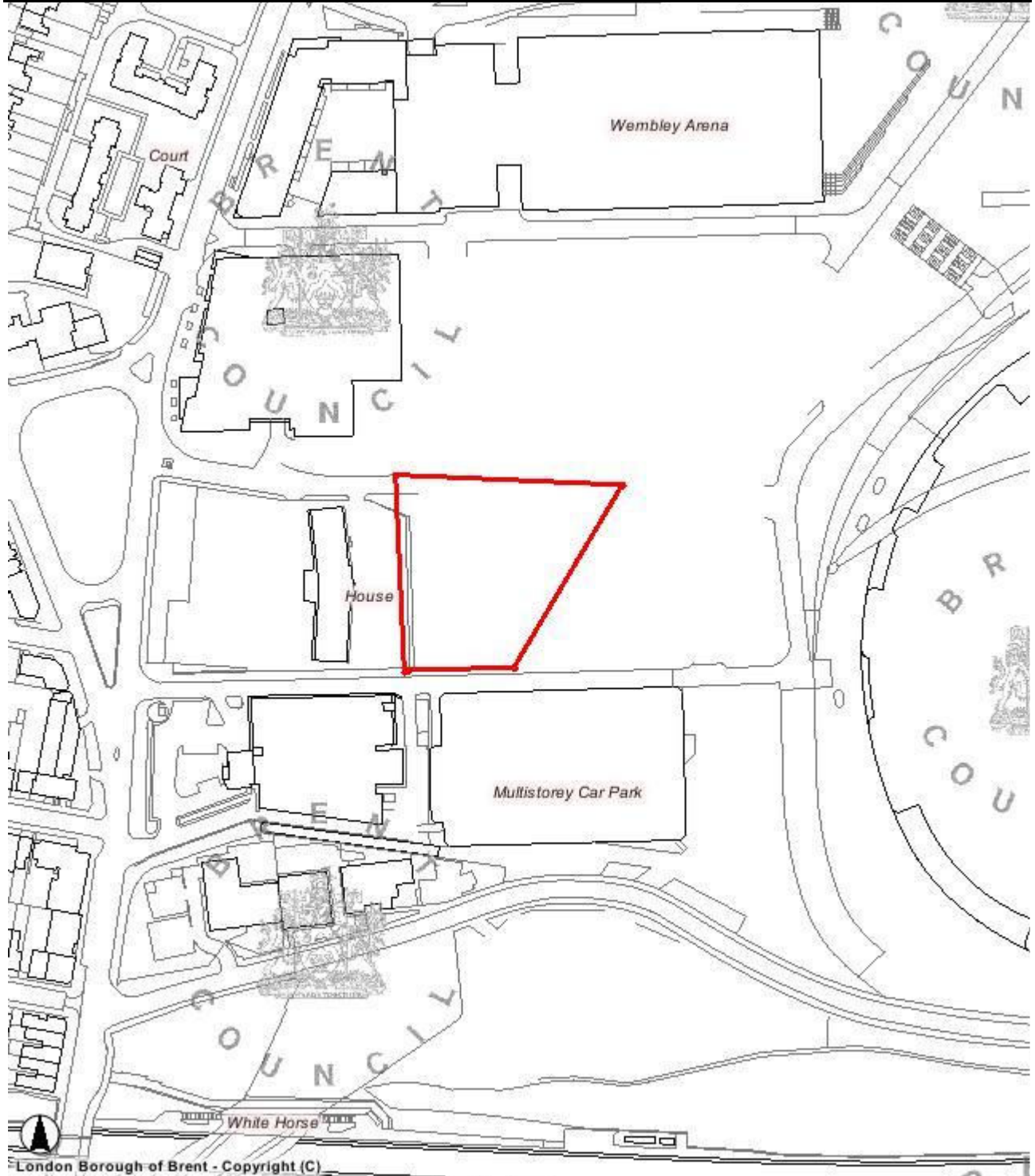
Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344



Planning Committee Map

Site address: Land Surrounding Wembley Stadium, Royal Route, Wembley, HA9

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This map is indicative only.

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Location Land Surrounding Wembley Stadium, Royal Route, Wembley, HA9
Description Erection of a 7-storey building comprising 7,544m² of designer-outlet retail (Use Class A1), 306m² of sports retail (Use Class A1), 6,176m² of food & drink (Use Class A3, A4 or A5), 9,430m² of leisure (9-screen multiplex cinema, Use Class D2) and associated infrastructure, including partially covered pedestrian “retail walk”, relating to plot “W07” of the Quintain outline planning consent reference 03/3200.

This application is submitted as the Reserved Matters pursuant to condition 2 (i) (ii) (iii) (iv) (v) (siting, design, appearance, means of access and landscaping), and details pursuant to conditions 6 (iii) (iv) (v) (scheme parameters), 60 (disabled access), 63 (sunlight/daylight studies) and 64 (wind-tunnel testing) for Plot W07 only of outline planning permission reference 03/3200, dated 29 September 2004.

Planning consent reference 03/3200 was for:
Works for the re-orientation of Wembley Arena; Class A1 (Retail) comprising up to 14,200m² designer retail outlet, 11,800m² sports retailing; Class A1/A2 shops/financial and professional services up to 8,000m² (including up to 2,000m² supermarket); Class A1 (Retail) comprising up to 400 square metres of hotel boutique retail; Class A3 (Food and Drink), up to 12,700m²; Class B1 (a) (b) and (c) Business, up to 63,000m²; Class C1 (Hotel), up to 25,400m²; Class C1/Sui Generis (Hotel apartments), up to 26,700m²; Class C2 (Residential institutions) up to 5,000m²; Class C3 (dwellings) up to 277,000m², (up to 3,727 dwellings); Student accommodation (Sui Generis), up to 16,600m²; Class D1 (Non-residential institutions), up to 8,200m²; Class D2 (Assembly and Leisure), up to 28,500m² (including the existing Arena of 13,700m²); together with associated open space, public market area (Class A1), hard and soft landscaping, highway and engineering works, electricity substation, other utility requirements, other parking and servicing, and improvements to Olympic Way; AND; reserved matters relating to siting, design, external appearance and means of access for the 3-storey structure to provide car and coach parking).

Agenda Page Number: 93

Clarification of issues raised by Members at the site visit.

The Boulevard

The applicants have specified that the “Boulevard” will be provided prior to the opening of the Designer Outlet Centre in 2013 for both commercial reasons (pedestrian access, aesthetics etc) and for emergency services access. The precise application submission date and final design have not yet been determined. However, they intend to submit the application within the next 12 months. The Boulevard will initially be provided in a temporary form until the alterations to Royal Route (lowering the road so that it crosses level with the Boulevard) come forward together with the detailed design for the buildings to the east of this new road (plots W03, W06 and W08).

Landscaping proposals

The Masterplan approved within the 2004 Outline Consent set out the strategy for public realm landscaping within Stage 1 application area. In relation to this site, a tree lined Boulevard was detailed to the east of the W07 building, with a number of large trees on either side of this new road. Other trees were envisaged within the external main road frontages (Engineers Way and Olympic Way) and within raised courtyards. However, many of the internal streets were proposed to be of a durable urban nature with a predominance of hard surfacing.

Of the open spaces to be provided within the Quintain Stage 1 area, Arena Square has already been delivered whilst the Stadium Piazza has been granted Reserved Matters approval but not delivered, and First Square (to the East of the Stadium) has not been granted detailed approval yet. Other open spaces are envisaged within the Brent Council Wembley Masterplan 2009, including a 0.4 Ha park within the land to the north of Engineers Way and west of Olympic Way, and 1.2 Ha and 0.4 Ha parks within the land to the east of Olympic Way. No applications have been received for these sites yet. However, Quintain intend to submit an application for the area to the west of Olympic Way (their "North Western lands" shortly).

Implications for cafes/restaurants during Stadium Events

The applicants have specified that they intend that the cinema, shops, cafes and restaurants will continue to operate during event days. This is to increase the number of people who travel to Wembley for more than just the game or event by providing other activities in the local area. Quintain specify that the responsibility for crowd management lies with the Stadium and that they undertake this in conjunction with the Police.

Liveability issues

The buildings that Quintain have delivered to date (Forum House and Quadrant Court) together with W05 (currently on site) and W07 (this application) will result in approximately 510 flats, 660 student rooms and a 361 bed hotel. This adds activity to this area and can generate demand for local facilities, such as convenience shopping and Healthcare. A Tesco Metro was delivered within Quadrant Court and other local needs retail floorspace has been delivered within Forum House (currently vacant) and will be delivered within W05. With regard to larger supermarkets, Asda (Wembley Park) is relatively close to the site and Tesco (Brent Park) is a short bus ride away. The draft Wembley Link masterplan for which the consultation period commenced on 1 November also suggests that the Brent House site may be suitable for another large supermarket (approximately 6,000 sqm). Space for a PCT Clinic was also delivered within Quadrant Court. However, the PCT have decided not to take this floorspace at this point of time and a change of use application is currently being considered by the Council.

Recommendation: Remains approval

Committee Report
Planning Committee on 2 November, 2010

Item No. 12
Case No. 10/2073

RECEIVED: 23 August, 2010

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Land next to Central Middlesex Hospital, Acton Lane, London, NW10

PROPOSAL: Application for the approval of reserved matters relating to appearance, landscaping, scale and access, pursuant to condition 1 of planning permission reference 10/0140, granted 25/02/2010, which varied condition 10 of outline planning consent reference 08/1043, relating to the scale of the development.

(Outline planning consent 08/1043, granted 16/11/2009, was for erection of three linked buildings for mixed-use development on land next to Central Middlesex Hospital to provide up to 650m² of creche/primary health-care facility (Use Class D1), up to 2,160m² of retail (Use Class A1), up to 467m² of cafe/restaurant (Use Class A3) floorspace, up to 13,480m² of care and treatment facilities (Use Class C2/C2A - Residential Institutions/Secure Residential Institutions) and up to 5,370m² of Use Class B1(b)/additional care and treatment (Use Class C2/C2A), formation of refuse storage, loading bay, cycle storage and 32 car-parking spaces, to include 2 disabled parking spaces on ground floor and associated landscaping.)

APPLICANT: Montpelier Estates

CONTACT:

PLAN NO'S:

Please see condition 1.

RECOMMENDATION

That the Reserved Matters pursuant to condition 1 of planning permission reference 10/0140 are approved.

SECTION 106 DETAILS

As this application is for the approval of Reserved Matters, the Section 106 agreement was secured within the original outline application. The Heads of Terms from that agreement were as follows:

- a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- b) Prior to occupation, to offer a no cost to the council the land to the south of the development shown on plan X, for adoption by the council as public highway.
- c) A contribution of £50,000 due on Material Start and index-linked from the date of committee for Sustainable Transportation in the Park Royal area.
- d) A contribution of £20,000, due on Material Start and index-linked from the date of committee for Landscaping and tree planting in the Park Royal area.

- e) A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing, at Reserved Matters stage and at least 4 months prior to commencement of works. This shall demonstrate how the development will achieve an BREEAM 'Very Good' rating, and how the indicated Brent Sustainability Checklist measures (Energy, Water, Materials, Demolition/Construction & Pollution) and how the measures to provide energy through onsite renewable sources will be implemented within the scheme. Adherence to the approved Strategy.
- f) The applicant shall include/retain appropriate design measures in the development for those energy and water conservation, sustainable drainage, sustainable/recycled materials, pollution control, renewable energy, and demolition/construction commitments made within Brent's Sustainability Checklist and other submitted documentation (or agreed by further negotiation), and adopt adequate procurement mechanisms to deliver these commitments.
- g) On completion, independent evidence (through a BRE Post-Construction Review) shall be submitted on the scheme as built, to verify the implementation of these sustainability measures on site, and the achievement of at least a BREEAM "Very Good" rating.
- h) The applicant shall provide evidence that materials reclamation/recycling targets, negotiated using the Demolition Protocol (where relevant), have been implemented.
- i) If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the following will accordingly be required
- j) the submission and approval in writing by the Local Planning Authority of measures to remedy the omission; or, if this is not feasible,
- k) the submission and approval in writing by the Local Planning Authority of acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures to be agreed by the Local Planning Authority, to be used by the Council to secure sustainability measures on other sites in the Borough
- l) The submission and approval in writing of a Workplace Travel Plan and to implement this plan. The plan shall be in accordance with "Guidance for workplace travel planning for development", TfL Group, 2008, or any later revisions to this guidance.
- m) To notify Brent In2 Work of all job vacancies within the construction of the proposed development and the approved uses.

EXISTING

The subject site fronts Acton Lane and adjoins the car park and bus gyratory of Central Middlesex Hospital. The site is currently cleared and ready for development.

The site is within the Park Royal Strategic Employment Area and is surrounded by a variety of uses, including Industrial/Warehousing uses that are typical of an Employment Area together with retail and food and drink uses.

PROPOSAL

This application seeks the approval of reserved matters relating to appearance, landscaping, scale and access, pursuant to condition 1 of planning permission reference 10/0140, granted 25/02/2010. This application varied condition 10 of outline planning consent reference 08/1043, relating to the scale of the development.

The approval of an application to vary a condition results in a new consent being issued. The conditions and Section 106 obligations are typically identical with the exception of the condition that the application relates to.

The applicants accordingly submitted this application for the approval of Reserved Matters pursuant to the varied consent.

The details submitted in this application reflect those previously approved within application

reference 09/2415 with non-material amendments approved through application reference 10/0947.

The application seeks the approval of all matters that were reserved, namely Appearance, Landscaping, Scale and Access.

The maximum levels of floorspace approved within the previous Outline consent were:

- 650m² of creche/primary health-care facility (Use Class D1)
- 2,160m² of retail (Use Class A1)
- 467m² of cafe/restaurant (Use Class A3) floorspace
- 13,480m² of care and treatment facilities (Use Class C2/C2A – Residential Institutions/Secure Residential Institutions)
- 5,370m² of Use Class B1(b) or additional care and treatment (Use Class C2/C2A)

The outline application did not set minimum levels of floorspace for any of the uses.

The Reserved Matters application followed by the non-material amendment approvals then set the actual levels of floorspace for each use, and this mix is being proposed within this new full application:

- 891m² of retail/food & drink (Use Class A1 or A3)
- 17,842m² of care & treatment facilities (Use Class C2/C2A – residential institutions or secure residential institutions).

The previous reserved matters approval and this current application accordingly propose

- 1736 sqm less retail and cafe/restaurant floorspace than the maximum approved
- 1,008 sqm less care and treatment floorspace (secure/unsecure Residential Institutions)
- No primary health-care facility or crèche
- No B1(b) floorspace

The other matters relating to the proposal, including the height, massing, design and layout remain unchanged from the previous Reserved Matters approval, and this application proposes three linked buildings which range in height from 3- to 9-storeys.

The report for the previous Reserved Matters application specified (note: text from previous reports has been denoted using italics):

The retail elements of the building, situated within "Plot 1", have only been detailed as a shell, with the internal subdivision specified as "Subdivision to suite tenant requirements".

Plot 1 has been described as "Assisted living for elderly and people with dementia", and includes self contained units with communal facilities, accessed through a controlled communal entrance.

Plot 2 has been described as "Nursing care, including those with dementia and acquired brain injury".

Plot 3 has been described as "Learning disability or mental healthcare patients".

The application proposed two parking/servicing areas that are access from the access road to the North of the site. A total of 32 parking spaces are proposed, with 10, 11, and 11 provided for plots 1, 2 and 3 (respectively). Access to the parking area of Plot 1 is through the parking/servicing area for Plot 2.

50 staff cycle storage spaces are proposed within Plot 2 and 10 within Plot 1. None are proposed within Plot 3, thus requiring access to the Plot 2 area for users of the Plot 3 facility. 25 Publicly accessible parking spaces are detailed.

HISTORY

Note: This section of the report is identical to that within application reference 10/2164 with the exception of the paragraph referring to application 10/2164.

Outline planning permission for the redevelopment of the majority of the hospital site was granted in 2003. The hospital building and the associated car park and bus gyratory were completed some time ago leaving two parts of the site (Plot 8 and 9) undeveloped. Plot 8 is situated at the northern end of the site, adjoining Great Central Way whilst Plot 9 is the subject of this current planning application.

The development that was included within the original outline planning consent that was not delivered as part of the 2003 consent includes the 120 units of Key Worker housing, the crèche, the 8,580 m² of office development, and the majority of the 1920 m² of retail and food and drink floorspace.

A new full application for the redevelopment of Plot 8 to provide 145 Key Worker flats was granted in 2009 (our reference 08/3012), and this building is currently under construction. Permission to provide the crèche on Plot 8 was granted in 2005 (ref: 04/0950). However, the Key Worker housing scheme is in the place of this proposal and does not provide the crèche.

An Outline Planning application for the redevelopment of the subject site (Plot 9, reference 08/1043) was received in 2008 and was granted in 2009 following completion of the Section 106 agreement. The Reserved Matters application was submitted in late 2009 and was approved in 2010. Non-material amendments to this were then approved in 2010 (reference 10/0947). An application to vary condition 10 of the Outline Consent to allow some changes to the scale of the building was also approved in 2010 (reference 10/0140).

The 2003 outline permission for the hospital secured the provision of land along the southern boundary of the subject site to allow the provision of a bus lane along Acton Lane. If required, the bus lane would be provided on the southern side of Acton Lane and the land within the subject site would be used to reposition the road. It is not certain that the bus lane and the associated land take will actually be required. However, the Section 106 agreement for the 2003 permission allowed 15 years from the date of that permission for this to be implemented. Therefore, whilst the need for this lane is not certain at present, one cannot assume that it will not be required in the future and any proposals for this site must take this requirement in to account.

Judicial Review

The NHS Foundation Trust and Brent PCT challenged the Council's decision in relation to the 2008 Outline Consent (ref: 08/1043) by submitting an application for permission to apply for Judicial Review on the following grounds:

- The description of development referred to "care and treatment facilities (Use Class C2/C2A)" and did not enable those consulted to be properly informed about the nature of the use which includes secure accommodation.
- The Design and Access Statement and Planning Statement did not make reference to the provision of secure accommodation.
- The Officers report did not refer to secure accommodation, and whilst the Supplementary Report did, it did not assess the associated material planning considerations.
- The Council did not consider the material planning considerations that affect an application for a C2A use, including:
 - Whether the Secure use was in accordance with planning policy and guidance;
 - Whether an outline application was appropriate given that the inclusion of a C2A use may have a considerable effect on external appearance;
 - To what extent external boundaries may be affected by the need to provide secure fencing, which affects the appropriateness of a C2A facility in this location (they cite best practice guidance which specifies that a medium secure facility should have a 5.2 m high security fence);

- The extent to which public perception of the overall scheme would be affected by the inclusion of a secure element within Use Class C2A.

In determining the application for permission to apply for Judicial Review, the Judge refused permission specifying that "It is not reasonably arguable that the Defendant's decision making process is unlawful".

The applicants have submitted a new full application to allow the commencement of works on the development without risk from the current appeal of the refusal to allow permission to apply for Judicial Review. This application has also been recommended for approval and is being considered at this Planning Committee meeting.

08/1043, granted 16 November 2009

Outline planning application for the erection of three linked buildings for mixed-use development on land next to Central Middlesex Hospital to provide up to 650m² of creche/primary health-care facility (Use Class D1), up to 2,160m² of retail (Use Class A1), up to 467m² of cafe/restaurant (Use Class A3) floorspace, up to 13,480m² of care and treatment facilities (Use Class C2/C2A) and up to 5,370m² of Use Class B1(b)/additional care and treatment (Use Class C2/C2A), formation of refuse storage, loading bay, cycle storage and 32 car-parking spaces, to include 2 disabled parking spaces on ground floor and associated landscaping (matters to be determined: layout), subject to a Deed of Agreement dated 13/11/2009 under Section 106 of the Town and Country Planning Act 1990 (as amended)

09/2415, granted 25 February 2010

Approval of reserved matters relating to appearance, landscaping, scale and access of outline planning permission reference 08/1043.

10/0140, granted 25 February 2010

Variation of condition 10 (scale of the development) of outline planning permission reference 08/1043, granted on 16/11/2009, for the erection of three linked buildings for mixed-use development on land next to Central Middlesex Hospital

10/0947, granted 14 May 2010

Proposed non material minor amendments for the following:

- Wholesale minor internal adjustments to the Plot 2 layout in order to acknowledge current legislative requirements and operational needs of the Care Home on Plot 2.
- Plot 2 Bed numbers unamended at 115 beds. Building floor area slightly reduced as a consequence at ground floor. Slight enlargement of building at fourth floor level.
- Increases in height of plot 2 buildings of between 200mm and 300mm.
- Amendments to cladding and fenestration.

of Reserved Matters Permission reference 09/2415 dated 25 February 2010, for Approval of reserved matters relating to appearance, landscaping, scale and access of outline planning permission reference 08/1043

10/2073, being considered concurrently and also recommended for approval

Application for the approval of reserved matters relating to appearance, landscaping, scale and access, pursuant to condition 1 of planning permission reference 10/0140, granted 25/02/2010, which varied condition 10 of outline planning consent reference 08/1043, relating to the scale of the development.

POLICY CONSIDERATIONS

This section of the report sets out the planning policies and guidance documents that are relevant to the proposal.

NATIONAL

Planning Policy Statement 1 – Creating Sustainable Communities
Planning Policy Statement 4 – Planning for Sustainable Economic Growth
Planning Policy Statement 12 – Local Spatial Planning
Planning Policy Guidance 13 – Transport
Planning Policy Statement 22 – Renewable Energy
Planning Policy Guidance 24 – Planning and Noise

REGIONAL

The London Plan

The London Plan, which was adopted in February 2004 and revised in 2006 and 2008, sets out an integrated social, economic and environmental framework for the future development of London.

The vision of the Plan is to ensure that London becomes a prosperous city, a city for people, an accessible city, a fair city and a green city. The plan identifies six objectives to ensure that the vision is realised:

- Objective 1: To accommodate London's growth within its boundaries without encroaching on open spaces
- Objective 2: To make London a healthier and better city for people to live in;
- Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth
- Objective 4: To promote social inclusion and tackle deprivation and discrimination;
- Objective 5: To improve London's accessibility;
- Objective 6: To make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well-designed and green city.

Supplementary Planning Guidance

- Sustainable Design and Construction – Supplementary Planning Guidance (2006)
- Accessible London: achieving an inclusive environment – The London Plan Supplementary Planning Guidance (2004)
- Planning for Equality and Diversity in London (2007)
- Park Royal Opportunity Area Planning Framework (2008)

LOCAL

Brent Unitary Development Plan 2004

Strategy

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

The relevant policies in this respect include Policies STR3 (sustainable development), STR5 and 9 (reducing the need to travel) and STR12 to15 (protecting and enhancing the environment)

Policies

BE2	Local Context
BE3	Urban Structure: Space & Movement
BE4	Access for disabled people

BE5	Urban clarity and safety
BE6	Landscape design
BE7	Streetscene
BE8	Lighting and light pollution
BE9	Architectural Quality
BE12	Sustainable design principles
EP2	Noise and Vibration
EP3	Local air quality management
EP4	Potentially Polluting Development
EP6	Contaminated land
TRN1	Transport assessment
TRN2	Public transport integration
TRN3	Environmental Impact of Traffic
TRN4	Measures to make transport impact acceptable
TRN9	Bus Priority
TRN10	Walkable environments
TRN11	The London Cycle Network
TRN12	Road safety and traffic management
TRN13	Traffic calming
TRN14	Highway design
TRN15	Forming an access to a road
TRN16	The London Road Network
TRN20	London Distributor Roads
TRN22	Parking Standards – non-residential developments
TRN34	Servicing in new developments
TRN35	Transport access for disabled people & others with mobility difficulties
PR1	Major developments in Park Royal
PR3	Public Realm in Park Royal
PR7	Central Middlesex Hospital Zone

Brent Local Development Framework Core Strategy 2010

CP1	Spatial Development Strategy
CP3	Commercial Regeneration
CP5	Placemaking
CP6	Design and density in place shaping
CP12	Park Royal
CP14	Public Transport Improvements
CP15	Infrastructure to Support Development
CP16	Town Centres and the Sequential Approach to Development
CP19	Brent Strategic Climate Mitigation and Adaption Measures
CP20	Strategic and Borough Employment Areas

Brent Council Supplementary Planning Guidance and Documents

SPG3	Forming an access to a road
SPG12	Access for disabled people
SPG13	Layout standards for access roads
SPG17	Design Guide for New Development
SPG19	Sustainable design, construction and pollution control
SPD	Section 106 Planning Obligations

SUSTAINABILITY ASSESSMENT

This is also unchanged from the previous Reserved Matters application, reference 09/2415. The report for this application specified:

The Sustainability Assessment that sets out the measures that will be incorporated into the

development was approved within the Outline Planning Application. The submission of a Sustainability Implementation Strategy at least 10 weeks prior to the commencement of works was required through the Section 106 agreement, and the strategy must be approved prior to commencement. This strategy will accordingly be submitted and approved outside of this application.

CONSULTATION

Statutory (application) consultation process

Consultation letters sent: 1 September 2010

Site notices erected: 2 September 2010

Advertised in local press: 9 September 2010

Neighbouring and nearby Residents, owners or occupiers:

No 3rd party comments or objections were received.

Internal Consultees

Transportation

No objections. It should be borne in mind that planting details in the footway along acton lane will be subject to further approval by the Highway Authority at the time that detailed S38/278 drawings are submitted, so therefore may not be achievable in practice and should thus be treated as indicative only.

Landscape Design: Please refer to previous comments.

External Consultees

Thames Water have no observations to make.

Brent Primary Care Trust: Note: these comments relate to both this application and the separate but identical new full application (reference 10/2164).

- Primary Care Facility
 - The Brent PCT Strategic Plan sets out their wish to develop Central Middlesex Hospital as a Polyclinic Plus with the relocation of up to two GP practices on to the site. This would support their network of primary and community services for Harlesden and the whole of Brent south of the North Circular.
 - A primary care facility next to Central Middlesex Hospital would lead to duplication and the PCT could not afford to commission a new practice.
 - [The Primary Care element of the development is no longer proposed]
- Residential Institutions/Secure Residential Institutions
 - The NHS rules about which body is the responsible commissioner means that once residents move to such institutions, the cost of their NHS care becomes an NHS Brent cost.
 - The NHS/PCT would be responsible for commissioning their GP care and any hospital care they receive. This would include Free Nursing Care Contributions, GP and associated cost related to residents, responsibility for Mental Health patients (transferred under CPA arrangements) and care for older people.
 - The proposal is projected to result in costs to the NHS of £1,644,414 in the 2011/12 year, £4,694,480 in 2012/13 and £5,580,606 in 2013/14.

The applicants, Montpelier, provided a response to the PCT comments which discussed the Primary Care floorspace originally proposed together with the costs to the NHS and PCT. With regard to the costs, Montpelier specified:

NHS rules on the responsible commissioner are set out in DoH "Who pays? Establishing the Responsible Commissioner". It is absolutely clear that patients in secure care are paid for by

the original commissioning body. The indicated cost of £2,667,169 (2013/14) will not be met by NHS Brent.

FNC costs will not apply to the secure hospital. Older peoples (and all other) costs have been calculated as though every patient will be a new resident of Brent. The proposal responds directly to Brent Council's own policy to address shortfall of local bed-space. These patients are already part of the Brent healthcare economy.

The costs indicated are inaccurate, according to NHS Rules. However NHS Brent provide services to the ever fluctuating size of Brent's population, which will undoubtedly vary by more than 119 people. The NHS provides a truly national service which is without boundaries. Notwithstanding the above, none of the issues raised by NHS Brent are infact planning considerations.

REMARKS

As this application is the resubmission of three previous applications, this report simply quotes the previous officers report, with limited additional text being added. A new section regarding the comments from the PCT can be found near to the end of the Remarks section. The text from previous reports will be highlighted through the use of italics whilst new information will be written in bold text.

This application seeks the approval of the Reserved Matters, which in relation to this application relates to Appearance, Landscaping, Scale and Access.

These matters are set out within Circular 01/2006 as:

- Scale – the height, width and length of each building proposed in relation to its surroundings.
- Appearance – the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.
- Access – this covers accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- Landscaping – this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures,

The quantum and nature of uses within the building were approved within the Outline Consent and accordingly will not be discussed within this application, other than to confirm that the submission is in accordance within the Outline consent.

The quantum of floorspace for each use does not exceed the maximum specified within the Outline consent. The total amount of floorspace for the town centre uses (A Use Classes) is less than half of the maximum permissible by the Outline Consent. The subdivision of the retail units has not been detailed. However, this is controlled through condition 4 of the Outline consent and your officers consider that it is not necessary to view this detail within the Reserved Matters approval. Access to the retail units for servicing purposes can be undertaken, as detailed within the Outline consent.

Other uses are included within the Care and Treatment floorspace, such as the Café, kitchen facilities, dining facilities, laundrette, hairdresser's room. However, the layout and scale of these uses is such that they are considered to be ancillary to the main use of the unit.

The retail units are proposed within Plot 1 and are situated on either side of the pedestrian route through the site, providing active frontages in this location. Windows are proposed within the ground floor of Plots 2 and 3. Whilst your officers consider it possible that some of these windows may be obscured due to the nature of the suggested use of the building, natural surveillance will be provided through other windows within the units.

A total of 32 parking spaces, 50 staff cycle spaces and 26 public cycle spaces have been detailed within the proposal. This represents a reduction by 2 parking spaces. It should be noted that the overall quantum of floorspace is lower than the maximum levels previously approved and your officers consider that the levels of parking and cycle storage are acceptable.

Appearance

The proposal maintains a similar overall form to the building detailed within the Outline consent, with the inclusion of three linked buildings which set down in height from west to east.

Your officers considered that the taller element of the building as initially proposed required some further work to introduce additional visual interest in the building. The applicants subsequently submitted drawing sk083 which detailed the revised treatment of the south western corner of the building, providing a feature from first floor to roof level. Your officers consider that this architectural device results in an interesting feature in the most prominent corner of the building.

The revised plans which detail this amendment together with alterations to the internal layout of this element of the building have not been received. These alterations do not alter the nature or scale of the use. Your officers will confirm receipt of the revised drawings within the Supplementary Report.

Plot 1:

This is the tallest of the proposed linked buildings, reaching a height of 9-storeys or 31 m (including mezzanine floor, excluding lift overrun) with the exception of the feature corner of the building which reaches a maximum height of 32.2 m. The taller element of this building is 65 m wide (maximum), with a lower (single storey and mezzanine) element linking the building to Plot 2. The indicative drawings that were submitted with the outline consent detailed a building with cantilevered upper floors, similar to the London Development Agency's Palestra Building within Southwark. As Appearance was reserved within the outline consent, the details were submitted to demonstrate that the specified floorspace could be delivered on the site, and that the building could have an acceptable external appearance.

The design approach that has been adopted within this Reserved Matters application is more geometric in form. A strong vertical emphasis is provided through the inclusion of "columns" of façade, comprising vertically stacked rendered and glazed elements. The rendered vertical "columns" are broken by a horizontal band of contrasting colour (indicated as grey) which varies in height across the building. The regular pattern of "punched hole" windows linked by timber cladding helps to break the visual mass of the building down within the horizontal plane. Large elements of the building project out, and in some cases up from the façade to then deviate from the linear patterns and rhythms in the building.

The south-western corner of the building has been used to provide an architectural feature through the use of a large glazed element that is skewed from the main front wall of the building.

The ground floor is predominantly glazed and reflects the nature of the retail use of the floorspace.

Plot 2:

The design of this 5-storey building has a stronger horizontal emphasis than the much taller, building within Plot 1. This is broken up by the use of a projecting, timber clad vertical features above the main entrance and to the rear of the building. The building is visually linked to plot 1 through the use white horizontal render bands and "punched hole" windows linked by coloured panels.

Plot 3:

The eastern most of the proposed linked buildings continues the horizontal emphasis of Plot 2, but includes panels and screening to provide visual interest and to introduce a vertical element within

the Acton Lane elevation and the façade that faces the hospital.

Appearance summary:

Your officers consider that the proposal includes sufficient articulation to break down the visual mass the building whilst the design approach and architectural devices provide interest within the building facades.

Outside of the formal application process, questions were received by the Council seeking clarification on how the C2A Use (Secure Residential Institutions) would affect the external appearance of the building, and whether it is appropriate to deal with such matters within an Outline Application. Whilst no such comments have been received in relation to this application, your officers consider it appropriate to discuss this matter in this report. The Outline consent was accompanied by Indicative drawings and 3D images which demonstrated how the proposed uses could be provided, and the Planning Committee considered that the external appearance as detailed was acceptable. As Appearance was a Reserved Matter, these details were only indicative and the final design has been detailed in the drawings and documents that accompany this application. The C2A Use (Secure Residential Institutions) is specified as being located within the Plot 3 element of the site. This element of the building includes a profiled screen which also incorporating vertically aligned coloured panels. The screening and louvres introduce visual interest in this element of the building, and the design and appearance of this element of the building is considered to make a significant positive contribute to the streetscene.

Landscaping

The submission details the landscaping proposals for the roofspaces and the land surrounding the building.

The determination of Landscaping within this Reserved Matters application is similar to the landscaping proposals that are typically considered within a full application, whereby the landscaping strategy for the site is considered which includes the areas of hard and soft landscaping and the overall design approach. However, further details are then required through condition. Condition 17 of the Outline Consent, which is to be submitted at a later stage, relates to the further details of the landscaping and includes:

- the planting plan
- the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- proposed walls and fences, indicating materials and heights;
- screen planting along the car-park façade;
- adequate physical separation, such as protective walls and fencing, between landscaped and paved areas;
- existing contours and any proposed alteration to ground levels;
- areas of hard landscape works and proposed materials;
- the detailing and provision of green roofs/amenity roofs;
- details of the proposed arrangements for the maintenance of the landscape works.

Ground level landscaping:

The building is set well back from the existing kerb line within Acton lane to ensure that an adequately sized footway may be provided if the bus lane is required in the future. The landscaping proposals accordingly reflect this by detailing hard surfacing adjoining the building within this frontage.

The initial proposals indicated a raised soft landscaped area adjacent between this paved area and the highway. However, Transportation rightfully specified that this land falls within the adopted highway and is outside of the subject site. Any landscaping proposals within this area accordingly could not be given any weight as they would require further approval through a S38/S278 Agreement.

The applicants subsequently revised the proposal by simplifying the landscaping proposals within this area in accordance with suggestions from Transportation. The existing mature trees within this frontage are to be retained unless their loss is unavoidable, whilst the further planning of trees was envisaged within the Outline Application which secured a financial contribution of £20,000 towards the planting of trees in the locality. These trees can be planted within the Acton Lane footway that is widened as part of this proposal, or in the local area if other factors prevent this, such as the presence of services under the footway.

Upper floors:

The stepped nature of the buildings allows significant opportunities to include landscaping at roof level. The applicants proposal a mix of intensive and extensive green roofs and brown roofs.

Plot 1:

The floor of the taller element of the plot 1 is proposed as a brown roof, comprising crushed rubble that over time will be naturally colonised. Such roofs help to limit runoff and provide habitat for birds. Access to this roof will typically be for maintenance purposes only.

The lower roof (Floor 1 level) is to be used as an accessible roof garden for the occupiers of the Care and Treatment floorspace within Plot 1. This includes an area of extensive green roof (i.e. no access to this element of the roof but greater value for biodiversity) and an accessible area comprising colour tarmac and artificial grass bordered by planters an including benches, tables, chairs and parasols.

Plots 2 and 3

Within each of these plots, the roof terraces are arranged over three levels.

The terraces at 5th floor level within Plot 2 and at 3rd floor level within Plot 3 are proposed as extensive green and brown biodiversity roofs, with access only for maintenance purposes. An element of extensive green and brown roof is also proposed within the 4th floor terrace within Plot 2.

The remainder of the roof terrace space comprises coloured tarmac, artificial grass and/or fan cobble pattern imprinted concrete with planters breaking down the spaces in smaller defined spaces. Again, benches, tables, chairs and parasols are proposed within these terraces.

The Landscape Design team have made comments requesting further details relating to tree protection, materials for the car park, roof construction and drainage, boundary treatment and maintenance, and specify that these details should be secured through condition. Condition 17 of the outline consent requires these further details.

Landscape Design have also requested that the artificial grass is replaced with real grass and that the ground floor paving is permeable. Significant amounts of "soft" landscaping are proposed the extensive green roof, brown roof and the planters and the principle of using of artificial grass within roof terraces that experience high intensities of use all year round was also established within the Reserved matters application for student accommodation in Quintain's Wembley Plot W05. The use of permeable paving at ground floor level was not including within the Sustainability proposals approved through the Outline consent and your officers accordingly considered that their use should not be required within Reserved Matters consent.

Landscape Summary:

Your officers consider that the landscaping proposals are acceptable. Further details of the landscaping, such as tree protection, the planting plan and hardsurfacing materials, are required through condition.

Scale

The indicative plans that were submitted with the Outline planning application demonstrated that the maximum levels of floorspace proposed could be provided within a building of an appropriate scale, massing and design. However, Scale in itself was Reserved within that application and approval of this matter is now sought.

Plot 1:

This is the taller of the three linked buildings, reaching a height of 31 m for the majority of the building (excluding plant and lift overrun) with the feature corner reaching 32.2 m. The main element of the building is 65 m wide (maximum) and 16 m deep (typical depth), with architectural features taking the maximum depth to 17.2 m. A lower element, 6.7 m in height, links the 9-storey element with Plot 2.

The indicative drawings for the Outline consent detailed a building with maximum height of 31.0 m, width of 63.4 m and depth of 15.4 m. The proposed building exceeds some of the dimensions within the indicative drawings for the Outline consent, with the additional size typically relating to architectural features that have been incorporated into the design now proposed. This includes the projecting corner feature and the projecting elements of the remainder of the building which contribute significantly to the design and appearance of the building and help to reduce its visual mass. The indicative drawings within the Outline scheme also detailed a 7 m "step" within the two upper floors, and a mono-pitched roof ranging in height from 28.0 to 31.0 m (see insert below). The height of the building as proposed would project above the lower element of the roof and into the "step". However, these elements of the previous indicative drawings were architectural devices and that the Scale of the building, is considered by your officers to remain acceptable, providing a landmark building within an area of low architectural quality.

The lower linking element of the building is proposed at the same height as that detailed within the Outline application.

Plot 1 Rear (Northern) Elevation, as detailed within the Indicative drawings submitted with the Outline Consent reference 08/1043

Plot 2:

The central linked building is proposed to have a maximum height of 17.6 m (again excluding plant and lift overrun), width of 33 m and depth of 48.2 m. When compared to the respective dimensions from the indicative drawings submitted for the outline application (21.3 m high, 37.3 m wide and 49.5 m deep), the proposal does not exceed the scale previously detailed. This plot continues to provide a stepped approach to height from east to west within the site, emphasising Plot 1 as the landmark adjoining the "Heart of Park Royal" and emphasising the entrance to the Hospital site.

Plot 3:

The western-most and lower of the three proposed linked buildings has a maximum height of 13 m, width of 45.5 m and depth of 51.8 m. The outline consent indicated a building with a height of 14.6 m to 17.8 m and depth of 52.6 m and the proposal accordingly falls below these dimensions. The width of this building as detailed within the Outline consent was 42 m whilst the width as detailed in this Reserved Matters application is 45.5 m. However, the width of the link building within Plot 2 is 4.3 m less than that detailed within the Outline consent and the combined with accordingly does not exceed that previously detailed. This results in a 3.5 m wide element of building that is 1.9 m deeper than the building detailed within the previous indicative drawings. This element of the building provides a transition in scale to the surrounding industrial uses and your officers consider that the Scale of the building within Plot 3, as proposed is acceptable.

Condition 10 of Planning Permission reference 08/1043:

Condition No. 10 specified that the Scale of the building shall not exceed that detailed within that application. The full wording was as follows:

The scale of the development hereby approved, namely the height, width and length of each of the linked buildings, shall not exceed that detailed within the submitted indicative drawings.

Reason: In order to ensure a satisfactory development.

The scale of the building within Plot 3 is greater than that detailed within the Reserved Matters consent. As discussed above, the Scale of the building within Plot 2 has been reduced to compensate for this and your officers consider that the Scale of the three linked buildings as proposed is acceptable. However, the proposal is not in compliance with Condition 10 as detailed within the Outline Consent.

The applicants have accordingly submitted an application to vary condition 10 (our reference 10/0140) that is being considered concurrently with this application and has also been presented to this Committee for determination. This application seeks to vary condition 10 so that it refers to the drawings that were submitted for this Reserved Matters application rather than the drawings submitted with the Outline application. As discussed above, the changes to the Scale of each linked building do not differ significantly from that previously approved, and your officers consider that the Scale of the linked buildings, as now proposed, is acceptable. Your officers are accordingly recommending that the Planning Application to vary condition No. 10 is also approved. **It should be noted that the application to vary condition 10 referred to in the above paragraph was approved, and this application has been submitted pursuant to the varied condition, No 5 of application 10/0140 which specifies:**

The scale of the development hereby approved, namely the height, width and length of each of the linked buildings, shall not exceed that detailed within the following drawings:

- 050_003_revB** **050_004_revB**
- 050_005_revB** **050_006_revA**
- 050_007_revA** **050_008_revA**
- 050_009_revA** **050_010_revA**
- 050_011_revA** **050_020_revA**
- 050_021_revA** **050_030_revA**
- 050_031_revA**

Reason: In order to ensure a satisfactory development.

Scale Summary:

When the Scale of the building proposed with that detailed within the Indicative drawings, there are two elements that project beyond the envelope of the building previously detailed. Where this relates to Plot 1, the proposed building does not exceed the maximum height of the building previously detailed. Having regard to Plots 2 and 3, the additional width of the plot 3 building is compensated for by a reduction of width of Plot 2 building, and the increase in massing relates to a 4 m x 1.9 m element of the building.

Your officers consider that the proposal provides a landmark building which helps to approve legibility within Park Royal, and that the stepped approach to scale provides a transition to the scale of the surrounding buildings. The proposal achieves an adequate footway and relationship with the street is maintained within the Acton Lane footway, and that the variations in the extent of the Plot 3 building maintain a Scale of building that is appropriate for its location. Your officers consider that the scale of the building, when having regard to the nature of the site which adjoins the area identified as the “Heart of Park Royal”, is acceptable.

The comments from the Officer’s report for the outline consent (reference 08/1043) were as follows:

The proposed building reaches a maximum height of 8-storeys within an area within which buildings do not exceed 4-storeys in height. Whilst the proposal constitutes a significant increase in scale, it provides a landmark on an important road junction within the “Heart of Park Royal”. The Planning Area Framework specifies that the “Tall buildings are supported around a new

central landscaped square. This would function as a focal point, creating an identity and point of orientation.” And suggests the provision of a public space within the land at the junction of Park Royal and Coronation Roads, land opposite the subject site and currently occupied by part of the Asda car park within the Borough of Ealing. Whilst there is no certainty that this space will be provided, the principles of identity and orientation are applicable, improving the legibility of the area.

Access

Vehicular Access

One vehicular access point to the site was detailed within the outline application, leading from the access road to the north of the building. Transport for London and the Council’s Transportation Service both specified previously that vehicular access to the building should not be provided from Acton Lane or from the small access road to the East of the site. Condition 11 of the Outline Consent restricts the access accordingly.

Two access vehicle access points have been proposed from the access road to the North of the site. These lead to the parking and servicing areas for the building. Transportation have commented that they have no objections to the proposed accesses to the adjoining road.

The revised plans detail 10 parking spaces within Plot 1 that are accessible through the Plot 2 parking and servicing area. Servicing access for Plot 1 is to be provided via an internal corridor from the Plot 2 servicing area, or by using a trolley route along the footway adjacent to the bus gyratory. 11 Parking spaces are proposed for plot 2 and 11 for plot 3. The applicants have also detailed a ambulance drop off point adjacent to the bus gyratory but outside the subject site. Formal comments from Transportation have not yet been received regarding this plan and any issues that are raised will be detailed in the Supplementary Report.

Pedestrian Access

The footpaths and pedestrian accesses within the site are in general accordance with the Outline consent. The proposal significantly increases the size of the footway along Acton Lane, resulting in a set-back of between 4.5 m to 9.7 m from the kerb. The ability of the Council to adopt the additional areas of footway has been secured through the Section 106 agreement. The bus lane, if required, will reduce the width of this footway by approximately 2.8 to 2.9 m, with a smaller reduction at the western element of the site. The 4.5 m set-back would be at the far western end of the site where the likely reduction in the footway associated with the bus lane is much lower (approximately 0.8 m). The other “pinch points” along the length of the building likely to result in a reduction in footway width from 6 m to 3.1 m if the bus lane is required. Your officers accordingly consider that the minimum of width of the footway is appropriate for the approved uses.

The width of the pedestrian access way through the site ranges from 7.4 to 12 m (measured along the face of the building). This has been varied from the drawings submitted with the Outline application which detail an access that ranges in width from 7.4 to 18.5 m. Whilst the maximum width of this access has been reduced, your officers consider that the proposed access way is of a width that will provide a good quality route through the site for which levels of natural surveillance will remain adequate.

The pedestrian entrances to the retail units have not been detailed and would be the subject of future shop front applications. However, the aforementioned width of the footway and access way is suitable to serve these units.

Pedestrian access to the care and treatment facilities within Plots 2 and 3 is also from the Acton Lane footway, which, as discussed previously, is considered to be of an appropriate width to allow such access. Access to the care and treatment facility within Plot 1 is adjacent to the bus gyratory. The entrance is set in from the main building line to allow a 3m width in front of the main access door. The care and treatment facilities are internally accessible by stairs and lift.

Cycle Access

Cycle storage is provided within secure areas adjoining the parking areas for staff, and on the publicly accessible hard landscaped areas for members of the public and other visitors to the site. Should the bus lane be provided, cycle access will be provided within this bus lane. Given that the footway is to be adopted, if the bus lane is not provided then the Council could choose to provide a cycle lane within the footway as widened by this proposal.

Access summary:

Your officers consider that the proposal is acceptable with regards to Access.

Costs to Brent PCT and NHS

The Brent PCT have highlighted the potential cost of providing health care services to the future residents of the proposed development.

The Council's Section 106 officer has provided the following comments regarding the matters raised by the PCT:

The first principle that must be met in order to seek Section 106 contributions is that there either is insufficient existing capacity or that the quantum of development is such that it requires its own or additional provision. This has not been made or evidenced. For this reason alone officers do not consider that the Council is currently in a position to seek further S106 obligations or refuse this application on its impact on local NHS provision.

Dealing with the matters in the e-mail particularly, whilst it is not clear what percentage of residents will come from Brent, those that do will have a neutral impact on NHS Brent's costings. Mental Health patients and those needing care will have existing conditions and their existing provider will continue to pay for these. A & E costs will need to be met by the nearest A & E to where the accident occurs, which may or may not be NHS Brent. Those from outside Brent seeking older people's care may place a greater impact on services, but as mentioned no capacity baseline for services has been established.

It should also be noted Section 106 agreements are secured through the Outline Consent rather than the subsequent Reserved Matters applications, and additional developer contributions could not be secured at this stage even if an impact of development outside the site that required mitigation had been identified.

Summary

Your officers consider that the details submitted pursuant to condition 1 of Planning Consent reference 10/0140, the Reserved Matters, are acceptable and recommend that this application is approved.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(1) The proposed development is in general accordance with policies contained in the:-

Brent Local Development Framework Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
Council's Supplementary Planning Guidance

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Employment: in terms of maintaining and sustaining a range of employment opportunities
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
Transport: in terms of sustainability, safety and servicing needs
Park Royal: to promote the opportunities and benefits within Park Royal

CONDITIONS/REASONS:

(1) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

050_003_revB	050_042
050_004_revB	050_043
050_005_revB	050_044
050_006_revA	050_045
050_007_revA	050_050_revA
050_008_revA	050_051_revA
050_009_revA	050_052_revA
050_010_revA	050_053
050_011_revA	050_054
050_020_revA	0644/F14/A/L1/002
050_021_revA	0644/F14/B/L1/002
050_030_revA	0644/F14/B/L4/002
050_031_revA	0644/F14/C/L1/002
050_032_revA	0644/F14/C/L2/002
050_040	0644/F14/EX/001
050_041	S106_003

Design Statement: 09029_DS_20 November 2009 Montpellier Estates

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

The London Plan Consolidated with Amendments Since 2004
Brent Unitary Development Plan 2004
Brent Local Development Framework Core Strategy

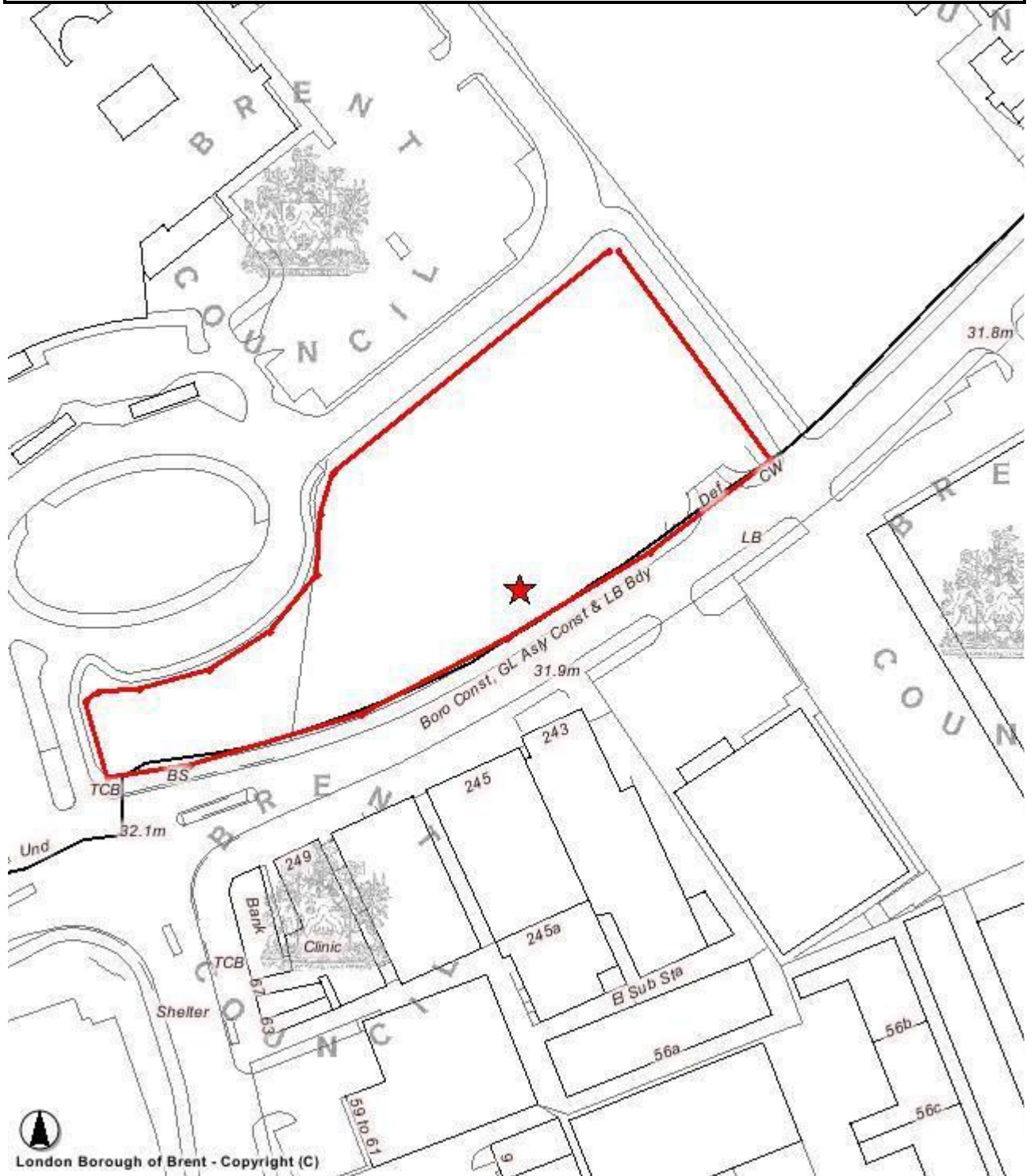
Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344



Planning Committee Map

Site address: Land next to Central Middlesex Hospital, Acton Lane, London, NW10

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This map is indicative only.

Location Land next to Central Middlesex Hospital, Acton Lane, London, NW10
Description Application for the approval of reserved matters relating to appearance, landscaping, scale and access, pursuant to condition 1 of planning permission reference 10/0140, granted 25/02/2010, which varied condition 10 of outline planning consent reference 08/1043, relating to the scale of the development.

(Outline planning consent 08/1043, granted 16/11/2009, was for erection of three linked buildings for mixed-use development on land next to Central Middlesex Hospital to provide up to 650m² of creche/primary health-care facility (Use Class D1), up to 2,160m² of retail (Use Class A1), up to 467m² of cafe/restaurant (Use Class A3) floorspace, up to 13,480m² of care and treatment facilities (Use Class C2/C2A - Residential Institutions/Secure Residential Institutions) and up to 5,370m² of Use Class B1(b)/additional care and treatment (Use Class C2/C2A), formation of refuse storage, loading bay, cycle storage and 32 car-parking spaces, to include 2 disabled parking spaces on ground floor and associated landscaping.)

Agenda Page Number: 107

Administrative error in Committee Agenda:

Two applications are being considered for this site – reference 10/2164 (full application) and 10/2073 (Reserved Matters Application). An administrative error has resulted in the committee report for the full application being printed twice in the agenda (page 107 and 131) and the report for this application being omitted. Copies of the report for this application were circulated on Friday (29 October) and letters/e-mails were sent to external representees.

Update on the judicial review proceedings:

The NHS Trust and Brent Teaching Primary Care Trust have now withdrawn their proceedings and will be paying the Council's costs.

Revised drawings received:

The applicants have submitted a set of revised plans incorporating a number of minor amendments to the scheme. These changes have already been approved by the Council under a formal "non-material amendments" application approved under delegated authority on 14 May 2010 (Reference number: 10/0947). The applicants want the same changes to be applied to the current reserved matters application.

The remarks section from the delegated report that dealt with the changes previously is set out below:

The proposed amendments can be summarised as follows:

Ground floor:

- *Reduction in internal space and associated increase in size of parking/loading area (reduced by approx 21.7 sqm)*

Floor 4:

- *Additional floorspace (approximately 32.6 sqm).*

Floors G, 1, 2, 3, 4:

- *Internal alterations, not resulting in significant change to nature or intensity of use or external appearance.*

Floor 5

- *Change in extent of built form associated with increase in floorspace at 4th floor level*
- *Change in extent of pergola*
- *Lift over-run detailed*
- *Plant omitted*

Sections AA and BB

- *Changes in height within 200mm of previously agreed heights*
- *Changes to window siting, design, size, number*
- *Changes to internal floor height*
- *Plant omitted*
- *Rainwater goods detailed (within courtyard)*

Sections CC to FF

- *Changes to window siting, design, size, number*
- *Changes to internal floor height*
- *Plant omitted*
- *Lift shaft detailed*
- *Increase in height of building, within 300mm of previously agreed heights within section EE*

N/S Elevation

- *Changes in height within 200mm of previously agreed heights*
- *Changes to window siting, design, size, number*
- *Plant omitted*
- *Change in detail of cladded element above entrances*
- *Change in treatment of ground floor wall/gate/screening (facing hospital)*

E/W Elevations

- *See previous comments re: height*

Materials

- *Many material types detailed on the plans are in line with approved documents*
- *The original timber trellis panels detailed have been amended as the original proposal was not appropriate for this type of building. The revised details are more in-keeping with this style of building.*
- *Timber cladding accepted in principle. However, the material submission (pursuant to the materials condition) would need to show that the vertical emphasis was strong even from a distance.*

Summary

- *The proposed amendments are considered to be non-material involving only a minor alteration to the height of the buildings involving an increase of no more than 300mm.*
- *There is an increase in internal floorspace (excluding the car park in the calculation) of approximately 11 sqm. This increase is considered non-material given the scale of the increase in relation to the floorspace of the proposed building.*
- *The design changes alter the external appearance of the building but are considered to be non-material.*
- *It should be noted that Section E-E details a lift shaft which was not detailed on the*

original approved plans although the lift was shown within the building. The shaft would be set away from the elevations and would not be prominent from the public realm thus does not raise concerns for officers.

Recommendation: Remains approval

Revised drawings:

050_003 Rev D	050_020 Rev C
050_004 Rev D	050_021 Rev D
050_005 Rev D	050_030 Rev D
050_006 Rev C	050_031 Rev D
050_007 Rev C	050_032 Rev D
050_008 Rev C	050_042 Rev B
050_009 Rev B	050_043 Rev B
050_011 Rev B	

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**Committee Report
Planning Committee on 2 November, 2010**

Item No. 13
Case No. 10/2164

RECEIVED: 31 August, 2010

WARD: Stonebridge

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Land next to Central Middlesex Hospital, Acton Lane, London, NW10

PROPOSAL: Erection of 3 linked buildings for mixed-use development on land next to Central Middlesex Hospital, to provide 891m² of retail/food & drink (Use Class A1 or A3) and 17,842m² of care & treatment or secure hospital floorspace (Use Class C2/C2A – residential institutions or secure residential institutions), with formation of refuse storage, loading bay, cycle storage, car-parking and associated landscaping

APPLICANT: Montpelier Estates

CONTACT:

PLAN NO'S:
(see condition 2 for details)

RECOMMENDATION

To grant planning permission subject to referral to the Mayor of London under the Town and Country Planning (Mayor of London) Order 2008 and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning, or other duly authorised person, to agree the exact terms thereof on advice from the Borough Solicitor.

SECTION 106 DETAILS

As this scheme is identical to that previously granted Outline and Reserved Matters approval, the Section 106 Heads of Terms for this application should reflect the original agreement.

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- b) Prior to occupation, to offer a no cost to the council the land to the south of the development shown on plan X, for adoption by the council as public highway.
- c) A contribution of £50,000 due on Material Start and index-linked from the date of committee for Sustainable Transportation in the Park Royal area.
- d) A contribution of £20,000, due on Material Start and index-linked from the date of committee for Landscaping and tree planting in the Park Royal area.
- e) A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing, at Reserved Matters stage and at least 4 months prior to commencement of works. This shall demonstrate how the development will achieve an BREEAM 'Very Good' rating, and how the indicated Brent Sustainability Checklist measures (Energy, Water, Materials, Demolition/Construction & Pollution) and how the measures to provide energy through onsite renewable sources will be implemented within

- the scheme. Adherence to the approved Strategy.
- f) The applicant shall include/retain appropriate design measures in the development for those energy and water conservation, sustainable drainage, sustainable/recycled materials, pollution control, renewable energy, and demolition/construction commitments made within Brent's Sustainability Checklist and other submitted documentation (or agreed by further negotiation), and adopt adequate procurement mechanisms to deliver these commitments.
 - g) On completion, independent evidence (through a BRE Post-Construction Review) shall be submitted on the scheme as built, to verify the implementation of these sustainability measures on site, and the achievement of at least a BREEAM "Very Good" rating.
 - h) The applicant shall provide evidence that materials reclamation/recycling targets, negotiated using the Demolition Protocol (where relevant), have been implemented.
 - i) If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the following will accordingly be required
 - j) the submission and approval in writing by the Local Planning Authority of measures to remedy the omission; or, if this is not feasible,
 - k) the submission and approval in writing by the Local Planning Authority of acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures to be agreed by the Local Planning Authority, to be used by the Council to secure sustainability measures on other sites in the Borough
 - l) The submission and approval in writing of a Workplace Travel Plan and to implement this plan. The plan shall be in accordance with "Guidance for workplace travel planning for development", TfL Group, 2008, or any later revisions to this guidance.
 - m) To notify Brent In2 Work of all job vacancies within the construction of the proposed development and the approved uses.

And to authorise the Chief Planner, or other duly authorised person, to refuse planning permission by the end of the 13-week application process or by another date if agreed in writing with the Local Planning Authority, if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and LDF Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

And, if the application is refused for the reason above, or withdrawn, to delegate authority to the Chief Planner, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that a satisfactory Section 106 has been entered into.

EXISTING

The subject site fronts Acton Lane and adjoins the car park and bus gyratory of Central Middlesex Hospital. The site is currently cleared and ready for development.

The site is within the Park Royal Strategic Employment Area and is surrounded by a variety of uses, including Industrial/Warehousing uses that are typical of an Employment Area together with retail and food and drink uses.

The site adjoins but is not within the London Borough of Ealing. The site is within Brent, whilst the Acton Lane footway and road are within Ealing.

PROPOSAL

This application is identical to the schemes that have already been granted consent through application references 08/1043 (Outline consent), 09/2415 (Reserved Matters approval) and 10/0947 (non-material amendments). This application was submitted in response to the application for permission to apply for Judicial Review that was lodged by the Central and North West London NHS Foundation Trust (the NHS Foundation Trust) and the Brent Primary Care Trust

(the Brent PCT). This is discussed in more detail below. It should be noted that the application by the NHS Trust and PCT was unsuccessful as the Judge found that the Council's decision making process was lawful (CO reference CO/1144/2010 dated 29/6/2010). However, the NHS Trust then decided to appeal the Judge's decision and the applicant submitted this new full planning application to allow the commencement of works without having to wait for the outcome of the appeal against the judicial review decision.

The maximum levels of floorspace approved within the previous Outline consent were:

- 650m² of creche/primary health-care facility (Use Class D1)
- 2,160m² of retail (Use Class A1)
- 467m² of cafe/restaurant (Use Class A3) floorspace
- 13,480m² of care and treatment facilities (Use Class C2/C2A – Residential Institutions/Secure Residential Institutions)
- 5,370m² of Use Class B1(b) or additional care and treatment (Use Class C2/C2A)

The outline application did not set minimum levels of floorspace for any of the uses.

The Reserved Matters and non-material amendment approvals then set the actual levels of floorspace for each use, and this mix is being proposed within this new full application:

- 891m² of retail/food & drink (Use Class A1 or A3)
- 17,842m² of care & treatment facilities (Use Class C2/C2A – residential institutions or secure residential institutions).

The previous reserved matters approval and this current application accordingly propose

- 1736 sqm less retail and cafe/restaurant floorspace than the maximum approved
- 1,008 sqm less care and treatment floorspace (secured/unsecured Residential Institutions)
- No primary health-care facility or crèche
- No B1(b) floorspace

The other matters relating to the proposal, including the height, massing, design and layout remain unchanged from the previous approvals which proposed three linked buildings ranging in height from 3- to 9-storeys.

HISTORY

Outline planning permission for the redevelopment of the majority of the hospital site was granted in 2003. The hospital building and the associated car park and bus gyratory were completed some time ago leaving two parts of the site (Plot 8 and 9) undeveloped. Plot 8 is situated at the northern end of the site, adjoining Great Central Way whilst Plot 9 is the subject of this current planning application.

The development that was included within the original outline planning consent that was not delivered as part of the 2003 consent includes the 120 units of Key Worker housing, the crèche, the 8,580 m² of office development, and the majority of the 1920 m² of retail and food and drink floorspace.

A new full application for the redevelopment of Plot 8 to provide 145 Key Worker flats was granted in 2009 (our reference 08/3012), and this building is currently under construction. Permission to provide the crèche on Plot 8 was granted in 2005 (ref: 04/0950). However, the Key Worker housing scheme is in the place of this proposal and does not provide the crèche.

An Outline Planning application for the redevelopment of the subject site (Plot 9, reference 08/1043) was received in 2008 and was granted in 2009 following completion of the Section 106 agreement. The Reserved Matters application was submitted in late 2009 and was approved in 2010. Non-material amendments to this were then approved in 2010 (reference 10/0947). An application to vary condition 10 of the Outline Consent to allow some changes to the scale of the building was also approved in 2010 (reference 10/0140).

The applicants have also submitted a new Reserved Matters application (reference 10/2073) which is identical to this proposal and has only been submitted to formalise the approval of Reserved Matters following the approval of the variation of condition application (10/0140). This application has also been recommended for approval and is being considered at this Planning Committee meeting.

The 2003 outline permission for the hospital secured the provision of land along the southern boundary of the subject site to allow the provision of a bus lane along Acton Lane. If required, the bus lane would be provided on the southern side of Acton Lane and the land within the subject site would be used to reposition the road. It is not certain that the bus lane and the associated land take will actually be required. However, the Section 106 agreement for the 2003 permission allowed 15 years from the date of that permission for this to be implemented. Therefore, whilst the need for this lane is not certain at present, one cannot assume that it will not be required in the future and any proposals for this site must take this requirement into account.

Judicial Review

The NHS Foundation Trust and Brent PCT challenged the Council's decision in relation to the 2008 Outline Consent (ref: 08/1043) by submitting an application for permission to apply for Judicial Review on the following grounds:

- The description of development referred to "care and treatment facilities (Use Class C2/C2A)" and did not enable those consulted to be properly informed about the nature of the use which includes secure accommodation.
- The Design and Access Statement and Planning Statement did not make reference to the provision of secure accommodation.
- The Officers report did not refer to secure accommodation, and whilst the Supplementary Report did, it did not assess the associated material planning considerations.
- The Council did not consider the material planning considerations that affect an application for a C2A use, including:
 - Whether the Secure use was in accordance with planning policy and guidance;
 - Whether an outline application was appropriate given that the inclusion of a C2A use may have a considerable effect on external appearance;
 - To what extent external boundaries may be affected by the need to provide secure fencing, which affects the appropriateness of a C2A facility in this location (they cite best practice guidance which specifies that a medium secure facility should have a 5.2 m high security fence);
 - The extent to which public perception of the overall scheme would be affected by the inclusion of a secure element within Use Class C2A.

In determining the application for permission to apply for Judicial Review, the Judge refused permission specifying that "It is not reasonably arguable that the Defendant's decision making process is unlawful".

08/1043, granted 16 November 2009

Outline planning application for the erection of three linked buildings for mixed-use development on land next to Central Middlesex Hospital to provide up to 650m² of creche/primary health-care facility (Use Class D1), up to 2,160m² of retail (Use Class A1), up to 467m² of cafe/restaurant (Use Class A3) floorspace, up to 13,480m² of care and treatment facilities (Use Class C2/C2A) and up to 5,370m² of Use Class B1(b)/additional care and treatment (Use Class C2/C2A), formation of refuse storage, loading bay, cycle storage and 32 car-parking spaces, to include 2 disabled parking spaces on ground floor and associated landscaping (matters to be determined: layout), subject to a Deed of Agreement dated 13/11/2009 under Section 106 of the Town and Country Planning Act 1990 (as amended)

09/2415, granted 25 February 2010

Approval of reserved matters relating to appearance, landscaping, scale and access of outline planning permission reference 08/1043.

10/0140, granted 25 February 2010

Variation of condition 10 (scale of the development) of outline planning permission reference 08/1043, granted on 16/11/2009, for the erection of three linked buildings for mixed-use development on land next to Central Middlesex Hospital

10/0947, granted 14 May 2010

Proposed non material minor amendments for the following:

- *Wholesale minor internal adjustments to the Plot 2 layout in order to acknowledge current legislative requirements and operational needs of the Care Home on Plot 2.*
- *Plot 2 Bed numbers unamended at 115 beds. Building floor area slightly reduced as a consequence at ground floor. Slight enlargement of building at fourth floor level.*
- *Increases in height of plot 2 buildings of between 200mm and 300mm.*
- *Amendments to cladding and fenestration.*

of Reserved Matters Permission reference 09/2415 dated 25 February 2010, for Approval of reserved matters relating to appearance, landscaping, scale and access of outline planning permission reference 08/1043

10/2073, being considered concurrently and also recommended for approval

Application for the approval of reserved matters relating to appearance, landscaping, scale and access, pursuant to condition 1 of planning permission reference 10/0140, granted 25/02/2010, which varied condition 10 of outline planning consent reference 08/1043, relating to the scale of the development.

POLICY CONSIDERATIONS

This section of the report sets out the planning policies and guidance documents that are relevant to the proposal.

NATIONAL

Planning Policy Statement 1 – Creating Sustainable Communities

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Planning Policy Statement 12 – Local Spatial Planning

Planning Policy Guidance 13 – Transport

Planning Policy Statement 22 – Renewable Energy

Planning Policy Guidance 24 – Planning and Noise

REGIONAL

The London Plan

The London Plan, which was adopted in February 2004 and revised in 2006 and 2008, sets out an integrated social, economic and environmental framework for the future development of London.

The vision of the Plan is to ensure that London becomes a prosperous city, a city for people, an accessible city, a fair city and a green city. The plan identifies six objectives to ensure that the vision is realised:

Objective 1: To accommodate London's growth within its boundaries without encroaching on open spaces

Objective 2: To make London a healthier and better city for people to live in;

Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth

Objective 4: To promote social inclusion and tackle deprivation and discrimination;

Objective 5: To improve London's accessibility;

Objective 6: To make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well-designed and green city.

Supplementary Planning Guidance

- Sustainable Design and Construction – Supplementary Planning Guidance (2006)
- Accessible London: achieving an inclusive environment – The London Plan Supplementary Planning Guidance (2004)
- Planning for Equality and Diversity in London (2007)
- Park Royal Opportunity Area Planning Framework (2008)

LOCAL

Brent Unitary Development Plan 2004

Strategy

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

The relevant policies in this respect include Policies STR3 (sustainable development), STR5 and 9 (reducing the need to travel) and STR12 to 15 (protecting and enhancing the environment)

Policies

- BE2 Local Context
- BE3 Urban Structure: Space & Movement
- BE4 Access for disabled people
- BE5 Urban clarity and safety
- BE6 Landscape design
- BE7 Streetscene
- BE8 Lighting and light pollution
- BE9 Architectural Quality
- BE12 Sustainable design principles
- EP2 Noise and Vibration
- EP3 Local air quality management
- EP4 Potentially Polluting Development
- EP6 Contaminated land
- TRN1 Transport assessment
- TRN2 Public transport integration
- TRN3 Environmental Impact of Traffic
- TRN4 Measures to make transport impact acceptable
- TRN9 Bus Priority
- TRN10 Walkable environments
- TRN11 The London Cycle Network
- TRN12 Road safety and traffic management
- TRN13 Traffic calming
- TRN14 Highway design
- TRN15 Forming an access to a road
- TRN16 The London Road Network
- TRN20 London Distributor Roads
- TRN22 Parking Standards – non-residential developments
- TRN34 Servicing in new developments
- TRN35 Transport access for disabled people & others with mobility difficulties

PR1 Major developments in Park Royal
PR3 Public Realm in Park Royal
PR7 Central Middlesex Hospital Zone

Brent Local Development Framework Core Strategy 2010

CP1 Spatial Development Strategy
CP3 Commercial Regeneration
CP5 Placemaking
CP6 Design and density in place shaping
CP12 Park Royal
CP14 Public Transport Improvements
CP15 Infrastructure to Support Development
CP16 Town Centres and the Sequential Approach to Development
CP19 Brent Strategic Climate Mitigation and Adaption Measures
CP20 Strategic and Borough Employment Areas

Brent Council Supplementary Planning Guidance and Documents

SPG3 Forming an access to a road
SPG12 Access for disabled people
SPG13 Layout standards for access roads
SPG17 Design Guide for New Development
SPG19 Sustainable design, construction and pollution control
SPD Section 106 Planning Obligations

SUSTAINABILITY ASSESSMENT

The applicants have submitted both the both the original and revised Energy Policy Statements that were submitted with the original Outline application, together with the TP6 Sustainability Checklist. As this information has not changed, your officers discussion has not changed with the exception of the BREEAM rating. The Core Strategy now requires a BREEAM rating of “Excellent” for non-residential schemes whilst a rating of “Very Good” was previously required and secured through the original outline application. Your officers consider that decision making process associated with the original outline application, which included determination by the Planning Committee and referral to the Mayor of London, was sound and that the outline planning consent (reference 08/1043) is an extant consent that was recently issued (16 November 2009) and could be implemented. As such, your officers consider that this proposal differs from applications that are either significantly different from the previous approval or are submitted close to the date of expiry. It accordingly is not considered reasonable to apply the LDF Core Strategy BREEAM rating of “Excellent”.

The discussion of Energy and Sustainability from the original outline consent was as follows:

The previous comments regarding the Energy Policy Statement were as follows:

Policy 4A.1 of the London Plan specifies that the following hierarchy should be used to minimise CO2 emissions associated with new development:

- *using less energy, in particular by adopting sustainable design and construction measures;*
- *supplying energy efficiently, in particular by prioritising decentralised energy generation, and*
- *using renewable energy.*

The Mayor of London accordingly specifies that boroughs should require an assessment of the energy demand and carbon dioxide emissions from proposed major developments which should demonstrate the expected energy and carbon dioxide emission savings from the energy efficiency and renewable energy measures incorporated in the development, including the feasibility of CHP/CCHP and community heating systems.

The applicants specify that the scheme will achieve a BREEAM rating of "Very good" and that they will achieve a 20 % reduction in CO2 emissions from Building Regulations through the following measures:

The core strategy for the various energy users in the building is as follows:-

- *Heating - ground source heat pumps serving under floor heating*
- *Hot Water - small scale CHP producing domestic hot water with high efficiency gas water heaters for back up and to assist in periods of peak demand*
- *Ventilation - natural ventilation throughout with mechanical extract ventilation to internal WC's and bathrooms only.*
- *Cooling – where ever possible, the requirement for mechanical forms of cooling will be avoided by means of passive measures including external shading and solar performing glass*
- *Grid displaced electricity – by means of the CHP detailed above and roof mounted PV Panels*

The applicants have scored the submitted TP6 Sustainability checklist at 50.5 % ("Very positive"). However, your officers have given the checklist a score of 49 % ("Fairly positive"). This can be improved through the submission of further detail secured within the Section 106 agreement.

CONSULTATION

Statutory (application) consultation process

Consultation letters sent: 9 September 2010

Site notices erected: 22 September 2010

Advertised in local press: 16 September 2010

Neighbouring and nearby Residents, owners or occupiers:

One comment was received on 7 September highlighting the absence of full titles for the drawings and documents on the Council's web site. These titles were added and a response sent on 9 September.

No other third-party comments or objections were received.

Internal Consultees

Transportation

No objections subject to a Section 106 agreement to secure Travel Plan, Section 106 financial contributions, and a Section 38/278 Agreement to widen the footway along the Acton Lane Site Frontage including reinstatement of the existing redundant crossover to the site from Acton Lane to footway.

Landscape Design

Please refer to previous comments.

Environmental Health

Environmental Health are satisfied with the investigation and agree the recommendations therein. In order to ensure that these recommendations are carried out, conditions are recommended regarding evidence of the site soil strip and waste disposal, capping of underlying soils and gas protection measures.

External Consultees

Environment Agency

The EA have no objections nor do they recommend any conditions are imposed. They have, however, provided advice which has been passed to the applicant.

Thames Water

Thames Water have not objected to the proposal, but have recommended that Informatives and a condition are attached.

Brent Primary Care Trust

- Primary Care Facility
 - The Brent PCT Strategic Plan sets out their wish to develop Central Middlesex Hospital as a Polyclinic Plus with the relocation of up to two GP practices on to the site. This would support their network of primary and community services for Harlesden and the whole of Brent south of the North Circular.
 - A primary care facility next to Central Middlesex Hospital would lead to duplication and the PCT could not afford to commission a new practice.
 - [The Primary Care element of the development is no longer proposed]
- Residential Institutions/Secure Residential Institutions
 - The NHS rules about which body is the responsible commissioner means that once residents move to such institutions, the cost of their NHS care becomes an NHS Brent cost.
 - The NHS/PCT would be responsible for commissioning their GP care and any hospital care they receive. This would include Free Nursing Care Contributions, GP and associated cost related to residents, responsibility for Mental Health patients (transferred under CPA arrangements) and care for older people.
 - The proposal is projected to result in costs to the NHS of £1,644,414 in the 2011/12 year, £4,694,480 in 2012/13 and £5,580,606 in 2013/14.

The applicants, Montpelier, provided a response to the PCT comments which discussed the Primary Care floorspace originally proposed together with the costs to the NHS and PCT. With regard to the costs, Montpelier specified:

NHS rules on the responsible commissioner are set out in DoH "Who pays? Establishing the Responsible Commissioner". It is absolutely clear that patients in secure care are paid for by the original commissioning body. The indicated cost of £2,667,169 (2013/14) will not be met by NHS Brent.

FNC costs will not apply to the secure hospital. Older peoples (and all other) costs have been calculated as though every patient will be a new resident of Brent. The proposal responds directly to Brent Council's own policy to address shortfall of local bed-space. These patients are already part of the Brent healthcare economy.

The costs indicated are inaccurate, according to NHS Rules. However NHS Brent provide services to the ever fluctuating size of Brent's population, which will undoubtedly vary by more than 119 people. The NHS provides a truly national service which is without boundaries. Notwithstanding the above, none of the issues raised by NHS Brent are infact planning considerations.

Ealing Council

Confirmed receipt of the consultation letter.

Greater London Authority

Confirmed receipt of the consultation letter.

The Stage 1 response from the mayor has not been received. However, it is not anticipated that this will vary significantly from that received in relation to the previous application, and GLA officers have informally advised that this is the case. The response will be discussed within the Supplementary Report.

REMARKS

As this application is the resubmission of three previous applications, this report will include

elements of text from the previous reports. This will be highlighted through the use of italics whilst new information will be written in bold text.

It should be noted that with the exception of the BREEAM rating discussed previously, there are no changes in policy or guidance that significantly affect the determination of this application. Your officers consider that neither the recently adopted Local Development Framework Core Strategy or PPS 4 affect the acceptability of the proposal.

Principles of use

Retail / food and drink

This application proposes less than half the town centre (Use Class A1 to A5) floorspace approved within the original outline application. The discussion of this “out of centre” floorspace was as follows:

The subject site constitutes the out-of-centre provision of retail and food uses which accordingly must be justified under PPS6 [note: now PPS4]. When considering such provision, the Park Royal Opportunity Area Planning Framework is also applicable. The Framework places the site on the boundary of the “Heart of Park Royal”, an area predominantly to the subject site and within Ealing Council which they have designated a neighbourhood centre. With regard to the subject site, the Framework specifies that “Brent Council recognises that the Central Middlesex Hospital and the frontages bordering Ealing’s designated centre contribute to the Heart of Park Royal.”, thus acknowledging the role of the retail uses that were approved through the previous outline planning consent and the potential of the subject site with regard to town centre uses.

The Framework also specifies the following:

“Increasing the use of the Heart of Park Royal for community, leisure and retail purposes is an essential part of creating a better environment for businesses and enabling the growth of jobs. Some changes involving mixed-use in the centre of Park Royal that aim to complete its development as a neighbourhood centre should be actively encouraged. These will include measures to improve the retail offer, local amenities and the public realm, ensuring that these and the hospital are properly connected and accessible by public transport.”

Policy PR7 of the adopted UDP 2004 specifies that small scale retail/leisure facilities to serve hospital users and workers in the area will normally be acceptable but should generally be less than 200 m2 in size.

The applicants have not submitted documentations demonstrating that a sequential test has been undertaken for the proposed retail uses, have not addressed need and have only specified that they consider that the uses will not affect nearby centres but have not demonstrated why this is the case. However, given the following factors, your officers do not consider that the proposed uses within this out-of-centre location warrants the refusal of planning permission:

- the scale of increase above that previously approved;*
- the location of the site directly adjoining the “Heart of Park Royal” and the Ealing neighbourhood centre;*
- the acknowledged need to improve the retail offer as specified within the Planning Framework;*
- the absence of car parking other than the pay and display hospital car park; and*
- the presence of the large Asda superstore within the Heart of Park Royal.*

The subdivision of the retail units has not been detailed. However, condition 4 of the Outline Consent restricted the maximum size of most retail units to 200 sqm, allowing one unit to be larger (up to 450 sqm). It is accordingly recommended that this condition is also attached to this consent.

Other uses are included within the Care and Treatment floorspace, such as the Café, kitchen

facilities, dining facilities, laundrette, hairdresser's room. However, the layout and scale of these uses is such that they are considered to be ancillary to the main use of the unit.

The retail units are proposed within Plot 1 and are situated on either side of the pedestrian route through the site, providing active frontages in this location. Windows are proposed within the ground floor of Plots 2 and 3. Whilst your officers consider it possible that some of these windows may be obscured due to the nature of the suggested use of the building, natural surveillance will be provided through other windows within the units.

Care and Treatment (Use Class C2 / C2A – Residential Institutions / Secure Residential Institutions)

This application proposes 17,842 sqm of care and treatment floorspace that would fall within Use Classes C2 and C2A. This allows both standard and secure care to occur, but would be restricted to "Care and Treatment" and would not allow other uses that fall within these use classes, such as boarding schools, residential colleges and training centres within Class C2 or prisons, young offenders institutions, detention centres, secure training centres, custody centres or short term holding centres within Use Class C2A. The use was restricted to "Care and Treatment" within condition 6 of the Outline consent and your officers recommend that this condition is attached to this consent.

The previous officers reports included the following text:

The applicants describe this floorspace as private facilities to provide specialised long term care accommodation that will compliment the adjoining hospital use. The applicants have specified that the types of care may include (but would not be limited to):

- *Acquired brain injury;*
- *Huntingdons disease;*
- *Aspergers;*
- *Learning disability;*
- *Mental health;*
- *Alzheimer's;*
- *Dementia; and*
- *Elderly mentally infirm;*

The applicants have requested that the precise type of care is not overly restricted within the consent to ensure sufficient flexibility to respond to market demand. Whilst the provision of specialised care accommodation is considered to be acceptable in policy terms, your officers recommend that a condition is attached to restrict the type of care uses to ensure that the facilities that are provided are indeed specialised and as such, benefits from proximity to the hospital, rather than other forms of accommodation, such as sheltered housing. Such a condition is considered appropriate and necessary given the location of this site within designated Strategic Employment Land.

It should also be noted that the applicant has indicated that the Hospital has put in place a restrictive covenant on the land to ensure that the future uses on the subject site do not compete with and affect the viability of the hospital.

The NHS Trust and PCT questioned whether the applications previously considered whether the secure use was acceptable in terms of planning policy and guidance. With regard to the principle of use, the secure nature of the care and treatment floorspace does not affect the determination of this application and your officers consider the proposed use to be acceptable.

Creche / Surgery

Whilst proposed within the original Outline application, this is no longer proposed. This

accordingly addresses the concerns raised by the Brent PCT in relation to this floorspace.

Research and Development floorspace

Such floorspace was also proposed within the previous Outline application, but is no longer proposed.

Scale

The comments from the previous reports were as follows:

The proposed building reaches a maximum height of 8-storeys within an area within which buildings do not exceed 4-storeys in height. Whilst the proposal constitutes a significant increase in scale, it provides a landmark on an important road junction within the “Heart of Park Royal”. The Planning Area Framework specifies that the “Tall buildings are supported around a new central landscaped square. This would function as a focal point, creating an identity and point of orientation.” And suggests the provision of a public space within the land at the junction of Park Royal and Coronation Roads, land opposite the subject site and currently occupied by part of the Asda car park within the Borough of Ealing. Whilst there is no certainty that this space will be provided, the principles of identity and orientation are applicable, improving the legibility of the area.

Plot 1:

This is the taller of the three linked buildings, reaching a height of 31 m for the majority of the building (excluding plant and lift overrun) with the feature corner reaching 32.2 m. The main element of the building is 65 m wide (maximum) and 16 m deep (typical depth), with architectural features taking the maximum depth to 17.2 m. A lower element, 6.7 m in height, links the 9-storey element with Plot 2.

Plot 2:

The central linked building is proposed to have a maximum height of 17.6 m (again excluding plant and lift overrun), width of 33 m and depth of 48.2 m. This plot continues to provide a stepped approach to height from east to west within the site, emphasising Plot 1 as the landmark adjoining the “Heart of Park Royal” and emphasising the entrance to the Hospital site.

Plot 3:

The western-most and lower of the three proposed linked buildings has a maximum height of 13 m, width of 45.5 m and depth of 51.8 m. This element of the building provides a transition in scale to the surrounding industrial uses and your officers consider that the Scale of the building within Plot 3, as proposed is acceptable.

Scale Summary:

Your officers consider that the proposal provides a landmark building which helps to approve legibility within Park Royal, and that the stepped approach to scale provides a transition to the scale of the surrounding buildings. The proposal achieves an adequate footway and relationship with the street is maintained within the Acton Lane footway, and that the variations in the extent of the Plot 3 building maintain a Scale of building that is appropriate for its location. Your officers consider that the scale of the building, when having regard to the nature of the site which adjoins the area identified as the “Heart of Park Royal”, is acceptable.

Appearance

The comments from the previous reports were as follows:

Your officers considered that the taller element of the building as initially proposed required some further work to introduce additional visual interest in the building. The applicants subsequently submitted drawing sk083 which detailed the revised treatment of the south western corner of the building, providing a feature from first floor to roof level. Your officers consider that this

architectural device results in an interesting feature in the most prominent corner of the building.

Plot 1:

The design approach that has been adopted within this application is geometric in form. A strong vertical emphasis is provided through the inclusion of “columns” of façade, comprising vertically stacked rendered and glazed elements. The rendered vertical “columns” are broken by a horizontal band of contrasting colour (indicated as grey) which varies in height across the building. The regular pattern of “punched hole” windows linked by timber cladding helps to break the visual mass of the building down within the horizontal plane. Large elements of the building project out, and in some cases up from the façade to then deviate from the linear patterns and rhythms in the building.

The south-western corner of the building has been used to provide an architectural feature through the use of a large glazed element that is skewed from the main front wall of the building.

The ground floor is predominantly glazed and reflects the nature of the retail use of the floorspace.

Plot 2:

The design of this 5-storey building has a stronger horizontal emphasis than the much taller, building within Plot 1. This is broken up by the use of a projecting, timber clad vertical features above the main entrance and to the rear of the building. The building is visually linked to plot 1 through the use white horizontal render bands and “punched hole” windows linked by coloured panels.

Plot 3:

The eastern most of the proposed linked buildings continues the horizontal emphasis of Plot 2, but includes panels and screening to provide visual interest and to introduce a vertical element within the Acton Lane elevation and the façade that faces the hospital.

Appearance summary:

Your officers consider that the proposal includes sufficient articulation to break down the visual mass the building whilst the design approach and architectural devices provide interest within the building facades.

Outside of the formal application process, questions were received by the Council seeking clarification on how the C2A Use (Secure Residential Institutions) would affect the external appearance of the building, and whether it is appropriate to deal with such matters within an Outline Application. Whilst no such comments have been received in relation to this application, your officers consider it appropriate to discuss this matter in this report. The Outline consent was accompanied by Indicative drawings and 3D images which demonstrated how the proposed uses could be provided, and the Planning Committee considered that the external appearance as detailed was acceptable. As Appearance was a Reserved Matter, these details were only indicative and the final design has been detailed in the drawings and documents that accompany this application. The C2A Use (Secure Residential Institutions) is specified as being located within the Plot 3 element of the site. This element of the building includes a profiled screen which also incorporating vertically aligned coloured panels. The screening and louvres introduce visual interest in this element of the building, and the design and appearance of this element of the building is considered to make a significant positive contribute to the streetscene.

Layout and access

The comments from the previous reports were as follows:

The proposed building occupies the majority of the site area and provides a pedestrian link between the existing Acton Lane crossing and the crossing over the hospital bus gyratory. The proposal provides active frontages along Acton Lane and also facing the bus gyratory through the siting of retail/food and care and treatment uses. This increases the natural surveillance of these

areas whilst significant improving the public realm.

Pedestrian Access

The building is set sufficiently back from the existing Acton Lane kerb to allow the provision of a footpath that exceeds a width of 3 m, even if the land is required to provide the new bus lane.

Transportation have indicated that it is currently considered unlikely that the land will be required for the bus lane. However, this land has been reserved for such purposes for a period of 15 years and it is possible that this position may change with time.

The proposal significantly increases the size of the footway along Acton Lane, resulting in a set-back of between 4.5 m to 9.7 m from the kerb. The ability of the Council to adopt the additional areas of footway has been secured through the Section 106 agreement. The bus lane, if required, will reduce the width of this footway by approximately 2.8 to 2.9 m, with a smaller reduction at the western element of the site. The 4.5 m set-back would be at the far western end of the site where the likely reduction in the footway associated with the bus lane is much lower (approximately 0.8 m). The other "pinch points" along the length of the building likely to result in a reduction in footway width from 6 m to 3.1 m if the bus lane is required. Your officers accordingly consider that the minimum of width of the footway is appropriate for the approved uses.

The width of the pedestrian access way through the site ranges from 7.4 to 12 m (measured along the face of the building). This has been varied from the drawings submitted with the Outline application which detail an access that ranges in width from 7.4 to 18.5 m. Whilst the maximum width of this access has been reduced, your officers consider that the proposed access way is of a width that will provide a good quality route through the site for which levels of natural surveillance will remain adequate.

The pedestrian entrances to the retail units have not been detailed and would be the subject of future shop front applications. However, the aforementioned width of the footway and access way is suitable to serve these units.

Pedestrian access to the care and treatment facilities within Plots 2 and 3 is also from the Acton Lane footway, which, as discussed previously, is considered to be of an appropriate width to allow such access. Access to the care and treatment facility within Plot 1 is adjacent to the bus gyratory. The entrance is set in from the main building line to allow a 3m width in front of the main access door. The care and treatment facilities are internally accessible by stairs and lift.

Vehicle Access

Vehicle access to the site is from the Central Middlesex Hospital access road, on the northern side of the site. Your officers consider this to be preferable to access from Acton Lane which would be unacceptable due to the impact that would have on the free-flow of traffic.

Two access vehicle access points have been proposed from the access road to the North of the site. These lead to the parking and servicing areas for the building. Transportation have commented that they have no objections to the proposed accesses to the adjoining road.

The plans detail 10 parking spaces within Plot 1 that are accessible through the Plot 2 parking and servicing area. Servicing access for Plot 1 is to be provided via an internal corridor from the Plot 2 servicing area, or by using a trolley route along the footway adjacent to the bus gyratory. 11 Parking spaces are proposed for plot 2 and 11 for plot 3. The applicants have also detailed an ambulance drop off point adjacent to the bus gyratory but outside the subject site.

A total of 32 parking spaces, 50 staff cycle spaces and 26 public cycle spaces have been detailed within the proposal. This represents a reduction by 2 parking spaces from the original Outline application. It should be noted that the overall quantum of floorspace is lower than the maximum levels previously approved and your officers consider that the levels of parking and cycle storage

are acceptable.

Cycle Access

Cycle storage is provided within secure areas adjoining the parking areas for staff, and on the publicly accessible hard landscaped areas for members of the public and other visitors to the site. Should the bus lane be provided, cycle access will be provided within this bus lane. Given that the footway is to be adopted, if the bus lane is not provided then the Council could choose to provide a cycle lane within the footway as widened by this proposal.

Summary

Your officers consider that the proposed layout provides significant improvements to pedestrian safety and flow within the locality and access to the Hospital whilst the siting of the vehicle access is sufficient to limit any impact on the free flow of traffic to the hospital.

Park Royal Partnership consider that additional land should be made available to provide an additional exit lane for the hospital. However, Transportation have indicated that should this be required, it could easily be provided by rearranging the existing vehicle entrance to the hospital from Acton Lane without the need for additional land. There currently are three entrance lanes and one exit lane. This could be altered to provide two entrance and two exit lanes.

Landscaping

The comments from the previous reports were as follows:

The landscaping zones detailed within the subject site reflect the nature of the site and uses. Your officers consider that, given the scale of the proposed use and the limited amount of space that would remain on-site for landscaping, the quality of hard and soft landscaping should be exemplary and shall include a high quality of hard and soft landscaping within the public realm, the planting of large trees within the street, the retention of existing trees along the Acton Lane frontage (unless the removal of any trees can be satisfactorily justified) and a high quality of landscaping provision within the roof terraces. Your officers and the Greater London Authority consider that the roof terraces should be provided as living, green roofs wherever possible, details of which would be provided through the submission of reserved matters.

Ground level landscaping:

The building is set well back from the existing kerb line within Acton lane to ensure that an adequately sized footway may be provided if the bus lane is required in the future. The landscaping proposals accordingly reflect this by detailing hard surfacing adjoining the building within this frontage.

The initial proposals indicated a raised soft landscaped area adjacent between this paved area and the highway. However, Transportation rightfully specified that this land falls within the adopted highway and is outside of the subject site. Any landscaping proposals within this area accordingly could not be given any weight as they would require further approval through a S38/S278 Agreement.

The applicants subsequently revised the proposal by simplifying the landscaping proposals within this area in accordance with suggestions from Transportation. The existing mature trees within this frontage are to be retained unless their loss is unavoidable, whilst the further planning of trees was envisaged within the Outline Application which secured a financial contribution of £20,000 towards the planting of trees in the locality. These trees can be planted within the Acton Lane footway that is widened as part of this proposal, or in the local area if other factors prevent this, such as the presence of services under the footway.

Upper floors:

The stepped nature of the buildings allows significant opportunities to include landscaping at roof level. The applicants proposal a mix of intensive and extensive green roofs and brown roofs.

Plot 1:

The floor of the taller element of the plot 1 is proposed as a brown roof, comprising crushed rubble that over time will be naturally colonised. Such roofs help to limit runoff and provide habitat for birds. Access to this roof will typically be for maintenance purposes only.

The lower roof (Floor 1 level) is to be used as an accessible roof garden for the occupiers of the Care and Treatment floorspace within Plot 1. This includes an area of extensive green roof (i.e. no access to this element of the roof but greater value for biodiversity) and an accessible area comprising colour tarmac and artificial grass bordered by planters an including benches, tables, chairs and parasols.

Plots 2 and 3

Within each of these plots, the roof terraces are arranged over three levels.

The terraces at 5th floor level within Plot 2 and at 3rd floor level within Plot 3 are proposed as extensive green and brown biodiversity roofs, with access only for maintenance purposes. An element of extensive green and brown roof is also proposed within the 4th floor terrace within Plot 2.

The remainder of the roof terrace space comprises coloured tarmac, artificial grass and/or fan cobble pattern imprinted concrete with planters breaking down the spaces in smaller defined spaces. Again, benches, tables, chairs and parasols are proposed within these terraces.

The Landscape Design team have made comments requesting further details relating to tree protection, materials for the car park, roof construction and drainage, boundary treatment and maintenance, and specify that these details should be secured through condition.

Landscape Design have also requested that the artificial grass is replaced with real grass and that the ground floor paving is permeable. Significant amounts of "soft" landscaping are proposed the extensive green roof, brown roof and the planters and the principle of using of artificial grass within roof terraces that experience high intensities of use all year round was also established within the Reserved matters application for student accommodation in Quintain's Wembley Plot W05.

Landscape Summary:

Your officers consider that the landscaping proposals are acceptable. Further details of the landscaping, such as tree protection, the planting plan and hardsurfacing materials, are required through condition.

Costs to Brent PCT and NHS

The Brent PCT have highlighted the potential cost of providing health care services to the future residents of the proposed development.

The Council's Section 106 officer has provided the following comments regarding the matters raised by the PCT:

The first principle that must be met in order to seek Section 106 contributions is that there either is insufficient existing capacity or that the quantum of development is such that it requires its own or additional provision. This has not been made or evidenced. For this reason alone officers do not consider that the Council is currently in a position to seek further S106 obligations or refuse this application on its impact on local NHS provision.

Dealing with the matters in the e-mail particularly, whilst it is not clear what percentage of residents will come from Brent, those that do will have a neutral impact on NHS Brent's costings. Mental Health patients and those needing care will have existing conditions and

their existing provider will continue to pay for these. A & E costs will need to be met by the nearest A & E to where the accident occurs, which may or may not be NHS Brent. Those from outside Brent seeking older people's care may place a greater impact on services, but as mentioned no capacity baseline for services has been established.

Summary

The proposal will provide significant improvement to the public realm and will provide a local landmark adjacent to the hospital and adjoining the "Heart of Park Royal". The proposed mix and quantum of uses is considered acceptable, given the site history and its proximity to the hospital and the Heart of Park Royal. A high standard of design and detailing will be required within the Reserved Matters and the submission of details pursuant to conditions. Approval is recommended, subject to the referral under the Mayor of London Order 2008 and the completion of a satisfactory Section 106 agreement.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

- (1) The proposed development is in general accordance with policies contained in the:-

Brent Local Development Framework Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
Council's Supplementary Planning Guidance

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Employment: in terms of maintaining and sustaining a range of employment opportunities
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
Transport: in terms of sustainability, safety and servicing needs
Park Royal: to promote the opportunities and benefits within Park Royal

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s), with the role of each drawing or document clarified by the un-numbered submitted document detailing "submitted document" and "status of document":

2008.04 - Turleys Planning Supporting Statement
 2008.12.11 - Turley Associates – Briefing Note
 20080627175514517 (Turley Associates Retail Issues)
 2008.08 - HLM - Design and Access Statement rev-A
 2008.07.10 - SDP - Energy Policy Statement Response to GLA Comments Issue 01
 2010.04.02 - Energy Policy Statement Issue 02
 2008.01 4590 R1 Noise Intrusion Assessment
 2008.02 - Phil Jones Associates – Supporting Transport Statement
 09029_050_010_A_Level06-08
 09029_050_032_A_Materials
 09029_050_040
 09029_050_041
 09029_050_044
 09029_050_045
 09029_050_050_A_3D view
 09029_050_051_A_3D view
 09029_050_052_A_3D view
 09029_050_053_3D view
 09029_050_054_3D view
 09029_S106-plan 1 site location
 09029_S106-plan 2 dedication
 09029_S106-Plan 3 phasing
 DESIGN STATEMENT_Nov09
 2008.11 - SBA - Draft Travel Plan
 SBA Technical Note - Trip Generation1 2008.10.14
 2010.01.14 Preliminary Energy Strategy
 2010.01.18 Sustainability Development Checklist v2
 2010.01.25 Biofuel CHP Report issue No.2
 2010.01.29 BREEAM Pre Assessment v4
 2010.03.10 Biofuel CHP & Air Quality Assessment Report
 2010.04.06 S106 3.1d Pollution Control Statement
 19022010 Acton Lane Materials target
 CG5292_DSR_Jan 10 (Mixed Care Facility, Acton Lane, London, Desk study report – 2010.01)
 CG5292_GGEIR_Feb 10 (Mixed Care Facility, Acton Lane, London, Geotechnical and Geo-environmental Interpretative Report – 2010.02)
 CG5292_Jan 10
 Monitoring 9 Feb2010
 Monitoring 15 Feb2010
 Monitoring 28 Jan2010
 TP6 Sustainability Checklist
 050_003_revD (Ground Floor)
 050_004_revD (Mezzanine Level)
 050_005_revD (First Floor)
 050_006_revC (Second Floor)
 050_007_revC (Third Floor)
 050_008_revC (Fourth Floor)
 050_009_revB (Roof)
 050_011_revB (Overall Roof)
 050_020_revC Sections A-A & B-B
 050_021_revD Sections C-C, D-D, E-E, F-F
 050_030_revD North West and South East Elevation
 050_031_revD North East and South West Elevations
 050_032_revD Materials Schedule
 050_042_revB (Elevation Bay Plot 2 (North))

050_043_revB (Elevation Bay Plot 2 (South))
SKMBT_C25210071408530
0644-F14-A-L1-002
0644-F14-B-L1-002
0644-F14-B-L4-002
0644-F14-C-L1-002
0644-F14-C-L2-002
0644-F14-EX-001
0644-F14-EX-006 - Proposed Cycle Storage
Creative Environmental Networks 2007, Energy and Carbon worksheet, RE
Technologies worksheet and summary worksheet
Table titled "submitted document" and "status of document"

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The proposed retail (Use Class A1) units hereby approved shall not exceed 200m² (gross) each, with the exception of one unit which shall not exceed 450m² (gross), without the prior written approval of the Local Planning Authority.

Reason: To ensure that the development is not detrimental to the vitality or viability of nearby shopping centres.

- (4) Notwithstanding the provisions of the Town & Country Planning (Use Classes Order) 1987, as amended, the care and treatment facilities hereby permitted shall only be used for the provision of residential accommodation and care to people in need of care or as a hospital or nursing home and for no other purposes within Class C2 or C2A of the schedule to the Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification.

Reason: To ensure that the use remains appropriate for the site location and to ensure that the standards applied to the consideration of the approved development are maintained in connection with the completed development so approved.

- (5) All parking spaces, turning areas, loading bays, access roads and footways shall be constructed and permanently marked out prior to commencement of use of each phase of the development as approved by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety within the site and along the neighbouring highway.

- (6) The loading area(s) indicated on the approved plan(s) shall be maintained free from obstruction and not used for storage purposes (whether temporary or permanent) unless prior written approval has been obtained from the Local Planning Authority. Suitable arrangements shall be made and agreed in writing by the Local Planning Authority for the storage and disposal of rubbish and waste. All loading and unloading of goods and materials, including fuel, shall, unless otherwise agreed by the Local Planning Authority, be carried out entirely within the curtilage of the property.

Reason: To ensure that vehicles waiting or being loaded or unloaded are parked in loading areas so as not to interfere with the free passage of vehicles or pedestrians within the site and along the public highway.

- (7) The reinstatement of the redundant crossover(s) onto Acton Lane shall be undertaken in accordance with details to be submitted to and approved in writing by

the Local Planning Authority and at the applicant's expense, prior to the occupation of any of the units hereby approved and all accesses shall remain thereafter unobstructed and available for access unless the prior written permission of the Local Planning Authority is obtained by way of a formal planning application.

Reason: To provide adequate safe servicing in the interests of the free flow of traffic and conditions of general highway safety on the estate and neighbouring highways.

- (8) No vehicular access to the development hereby approved, shall be provided from the Southern (Acton Lane) or Eastern road frontages of the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development that is not prejudicial to the free and safe flow of traffic, the efficiency of the bus network, or access to the hospital for emergency-services vehicles.

- (9) Each phase of the development, as hereby permitted, shall not commence until further details of the following have been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority:

- i) infrastructure, including any roads, parking spaces, servicing areas, footpaths, street furniture, including visitor cycle-parking spaces and planters;
- ii) foul and surface water drainage;
- iii) footpath and cycleway layout, connections and traffic-management measures, including all surface treatments;

The approved details shall be implemented in full.

Reason: In order to ensure a satisfactory development.

- (10) Details of the provision of a minimum of 50 secure staff cycle-parking spaces and 25 publicly accessible cycle-parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle-parking spaces for each phase have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (11) For each phase, no development shall take place before a scheme of sound-insulation and ventilation for the building(s) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the building(s) shall not be occupied until the approved scheme has been fully implemented.

Reason: To safeguard the amenities of future occupiers.

- (12) Each phase of the development hereby approved shall not be occupied until a Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Servicing Management Plan shall thereafter be implemented in full.

Reason: To ensure a satisfactory development that does not affect the free and safe flow of traffic.

- (13) For each phase of the development, details of materials for all external surfaces of

the buildings and all other external works, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced on site and the works shall be carried out in full accordance with the approved details.

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

- (14) A scheme for the landscape works and treatment of the surroundings of the proposed development and the roof gardens/terraces (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works relating to each phase of the development. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of the associated phase of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (b) proposed walls and fences, indicating materials and heights;
- (c) screen planting along the car-park façade;
- (d) adequate physical separation, such as protective walls and fencing, between landscaped and paved areas;
- (e) existing contours and any proposed alteration to ground levels;
- (f) areas of hard landscape works and proposed materials;
- (g) the detailing and provision of green roofs/amenity roofs;
- (g) details of the proposed arrangements for the maintenance of the landscape works.

Any planting that is part of the approved scheme that, within a period of five years after planting, is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and to ensure that it enhances the visual amenity of the area.

- (15) A scheme detailing water efficiency and management measures for each phase of development, including measures to limit the use of water, together with rainwater harvesting and grey-water re-use, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on the associated phase of development. Should any of these measures not be proposed, the reasons for excluding such measures should be outlined within the scheme. Each phase of the development shall be carried out in full accordance with the approved details.

Reason: To ensure a sustainable development.

- (16) Prior to the commencement of works relating to each phase of the development hereby approved, a construction and freight logistics and management plan shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway free-flow and safety.

- (17) Details of external lighting shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any works within the associated phase of development and the approved details shall be implemented in full.

Reason: In the interests of safety, amenity and convenience and in the interests of the amenities of the adjoining residents.

- (18) The development hereby approved shall not be occupied unless further details regarding the contaminated land remediation measures have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:
- a) Evidence of the site soil strip and waste disposal;
 - b) The capping of soft landscaping with a suitable layer of clean topsoil/subsoil on top of a geotextile membrane to prevent mixing with the underlying soils.
 - c) In light of limited ground gas monitoring, gas protection measures must be installed or incorporated into the design of the development.

The approved details shall be implemented in full.

Reason: To ensure the safe development and secure occupancy of the site proposed for use in accordance with UDP policy EP6.

- (19) No impact piling shall take place unless a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure and the programme for the works) has been submitted to and approved by the Local Planning Authority in consultation with the relevant water or sewerage undertaker. Any piling must thereafter be undertaken in accordance with the approved details.

Reason: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

INFORMATIVES:

- (1) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water, Developer Services will be required. They can be contacted on 08454 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- (2) A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes – toilets, showers, washbasins, baths and canteens). Typical Trade Effluent processes include: Laundrette/Laundry, PCB manufacture, photographic/printing, food preparation, abattoir, farm wastes,

vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London, SE2 9AQ. Telephone 020 8507 4321.

- (3) Thames Water would recommend that petrol/oil interceptors be fitted in all car parking / washing / repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local waterways.
- (4) Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. They further recommend, in line with best practice for the disposal of Fats, Oils, Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio-diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321.
- (5) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at a point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

REFERENCE DOCUMENTS:

The London Plan Consolidated with Amendments Since 2004
Brent Unitary Development Plan 2004
Brent Local Development Framework Core Strategy

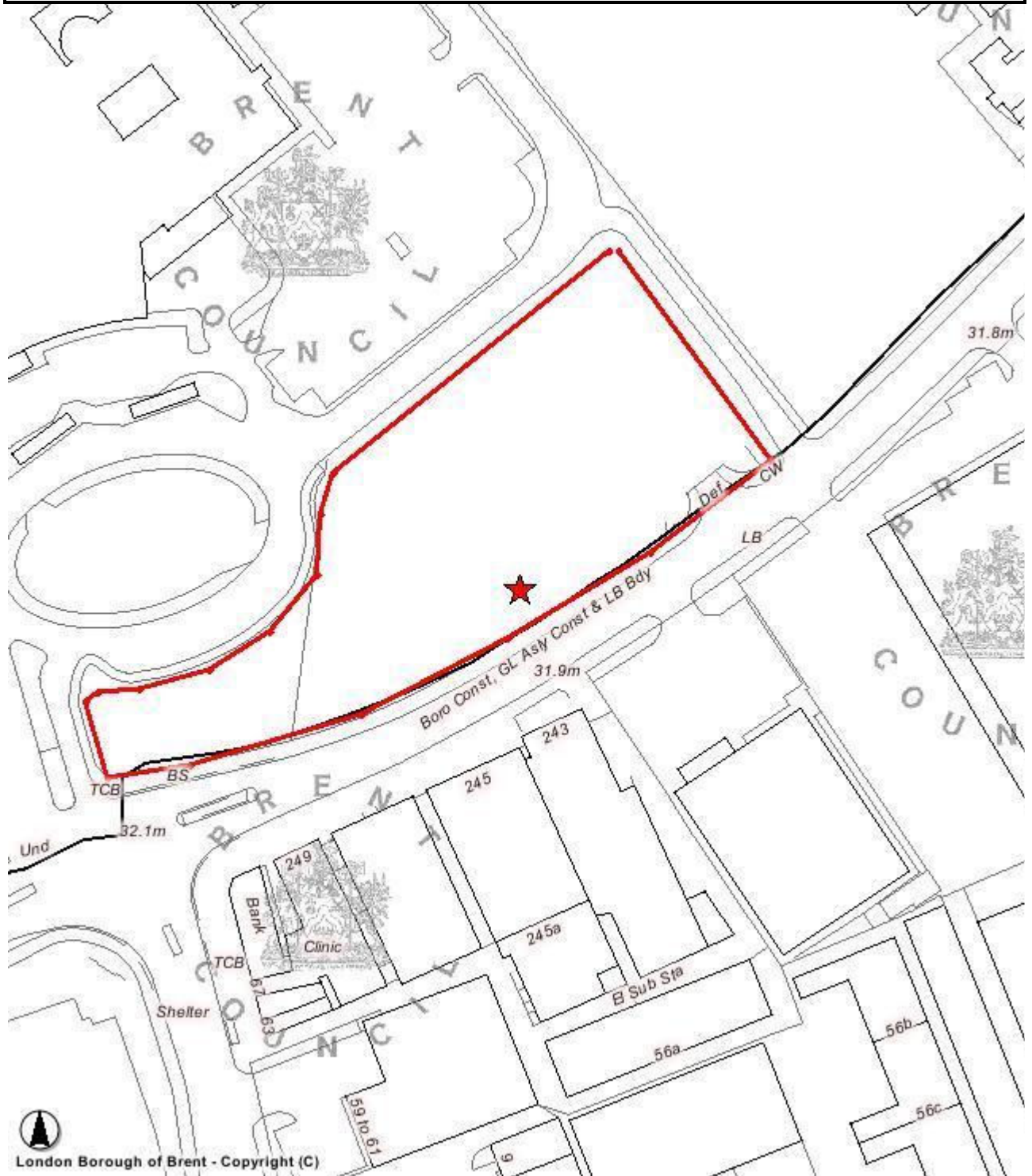
Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344



Planning Committee Map

Site address: Land next to Central Middlesex Hospital, Acton Lane, London, NW10

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This map is indicative only.

Location	Land next to Central Middlesex Hospital, Acton Lane, London, NW10
Description	Erection of 3 linked buildings for mixed-use development on land next to Central Middlesex Hospital, to provide 891m ² of retail/food & drink (Use Class A1 or A3) and 17,842m ² of care & treatment or secure hospital floorspace (Use Class C2/C2A – residential institutions or secure residential institutions), with formation of refuse storage, loading bay, cycle storage, car-parking and associated landscaping

Agenda Page Number: 125

Update on the judicial review proceedings:

The NHS Trust and Brent Teaching Primary Care Trust have now withdrawn their proceedings and will be paying the Council's costs.

Stage 1 Response from Greater London Authority:

The Mayor has specified that he does not need to be consulted further on this application. The application therefore does not need to be referred to the Mayor again. The recommendation has accordingly been revised to approval subject to the completion of a Section 106 agreement.

Ealing Council comments:

Ealing Council have raised concern regarding the CHP engine and the possible impact of this on the residents of the Wesley Estate (approximately 200 m from the site at its closest point) with regard to air quality. They note that the stack height has not been detailed and that the submitted Air Quality Assessment only includes a limited amount of information. It does not provide a dispersion model or levels at the relevant receptors and does not demonstrate that the emissions will meet the target levels beyond the 24 month manufacturers guarantee period.

Environmental Health have commented that details of the stack can be secured through condition whilst the longevity of the system can be addressed through the approval of a maintenance plan. They do not object to the approval of planning permission

Additional condition 20: Whilst the sustainability details are secured through the Section 106 agreement, for the avoidance of doubt, your officers recommend that an additional condition is attached regarding the submission and approval of details regarding any plant to be installed within the building, including details of the plant equipment, flue and stack height and location and maintenance.

Recommendation: Remains approval subject to Section 106 and additional condition 20

To grant planning permission subject to completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning, or other duly authorised person, to agree the exact terms thereof on advice from the Borough Solicitor.

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**Supplementary Information
Planning Committee on 2 November, 2010**

**Item No. 3
Case No. 10/1942**

Location 15 Eversley Avenue, Wembley, HA9 9JZ
Description Erection of two storey side extension, single storey rear extension, raised terrace and steps to garden and erection of rear dormer window to dwellinghouse (as amended by plans received 22/10/2010)

Agenda Page Number: 19

Following comments from the Council's Legal Officer the following condition 3 should be amended to include the following statement:

The landscaping shall be implemented in accordance with the approved details in first planting season following commencement of works.

And condition 4 amended to include

The development shall be carried out in accordance with the approved details.

The conditions shall be amended accordingly.

Recommendation: Remains Approval

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**Supplementary Information
Planning Committee on 2 November, 2010**

Item No. **4**
Case No. 10/2241

Location 55 Dollis Hill Lane, London, NW2 6JH
Description Erection of a single-storey rear extension to the dwellinghouse (revised description as per plans received on 13/10/2010)

Agenda Page Number: 25

Clarification

For clarification, consultation responses comprised 2 letters of objection, one with petition attached. Objections also included:

- Loss of outlook;
- Loss of views

Consideration of the impact on neighbouring properties is provided in the Remarks section of the report. Given the size of the extension and relationship with neighbouring properties, it is not considered to significantly impact on the outlook of adjoining residents. The loss of a view is not a material planning consideration.

Additional Objections

Two letters have been received from neighbouring residents who have already provided written objections, reiterating previous concerns

Councillor Hirani has been contacted by a local resident and would like the consideration to be given to the following:

- property will not be occupied by the applicant;
- loss of privacy;
- disrupt view of Gladstone Park.

Loss of privacy has been discussed in the Remarks section of the report. Whether or not the property is occupied by the applicant is not a material planning consideration providing it is used as a single family dwellinghouse. as detailed above, the loss of a view is not a material planning consideration.

Recommendation: Remains approval

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**Supplementary Information
Planning Committee on 2 November, 2010**

Item No. **5**
Case No. 10/2026

Location Fryent Primary School, Church Lane, London, NW9 8JD
Description Erection of an all-weather games area with 3m high perimeter fence and 4 floodlighting columns

Agenda Page Number: 31

Additional consultation responses

Three additional letters have been received, raising objections to the proposal. The details of which are set out below:

- *MUGA would be harmful to a predominantly residential area due to the increased noise and light pollution from the flood lights*

The impact upon residential amenity has been discussed within the remarks section of the committee report referring both to flood lighting and noise impact.

- *The MUGA would be open during out of school hours for the general public. It is likely to have a lack of proper supervision comprising the security of the residential properties that adjoin the school playing field*

The all-weather games area will only be used during school hours by the school itself. It is therefore considered that the security of neighbouring properties will not be adversely affected by the proposal.

- *Balls will be kicked over the fence into the gardens of the residential properties that adjoin the school playing fields*

The all-weather games area will be enclosed by 3m high fencing. In addition, the games area is located next to the school playground closed in to the north, east and west by the existing school buildings. The nearest residential properties to the south are approx. 60m away. It is therefore considered that there is very limited opportunity for balls from the games being played in the games area being kicked over the fence into the rear gardens of the residential properties.

- *Opening the MUGA for outside bodies other than the school would change the school into a commercial venture rather than an educational use*

The all-weather games area will only be used by the school during school hours. As referred to in the remarks section of the committee report, the all-weather games area is required to allow a greater area for children to play various sporting activities during the winter months. This is due to the playing field being unavailable for use during the winter months, especially during period of heavy rainfall.

- *Loss of privacy to the surrounding residential properties when the MUGA is in use during the weekend*

A referred to above the all-weather games area will only be used by the school during school hours. With regards to the privacy of neighbouring properties, the all-weather games area will

be enclosed on three sides by the existing school buildings. Views are restricted to a southerly direction, with a distance of 60m maintained between the all-weather games area and the rear gardens of residential properties. It is therefore considered that the privacy of residential properties will not be compromised by the all-weather games area.

Recommendation: Remains approval

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Supplementary Information Planning Committee on 2 November, 2010

Item No. 6
Case No. 10/2053

Location Former Blarney Stone, Blackbird Hill, London, NW9 8RR
Description Proposed mixed-use redevelopment of the Blarney Stone Public House, Kingsbury, with the erection of two 3-storey houses and 34 flats in 3/4/5 storeys above a retail unit of 470m² and parking partly at basement level, with associated landscaping

Agenda Page Number: 39

Consultation responses

Three additional letters of objection have been received. The objections reiterate previous comments. Additional points raised are:

- Proposal would be harmful to the adjoining conservation area
- Site never intended to be used for residential or retail use

These matters have been addressed within the remarks section of the main committee report.

Members site visit

A number of issues were raised by members during the site visit on 30th October 2010. These issues include:

- Impact/scale from residential gardens to the north;
- Use and prominence of the retail unit;
- Play facilities;
- Access for cars and servicing in view of local conditions; and
- Mix of units proposed on site.

These issues have been addressed within the remarks section of the main committee report.

Comparison of existing and proposed car parking and servicing provision on the site

The former public house provided 29 formal parking spaces within the site. No designated service area was provided, however this is likely to have been carried out within the parking area. The site could be accessed from both Blackbird Hill and Old Church Lane. The proposed development includes 37 car parking spaces for the residential units at basement level together with a designated service area to the front of the retail unit accessed off Old Church Lane. It is not considered that the proposed parking significantly exceeds the previous provision.

Impact upon the amenities of No. 1 Old Church Lane

The former public house consisted of a two storey detached building with a hipped roof. A number of extensions were added to the building, with the most recent extensions being granted in 2005 (LPA Ref: 05/1485). The rear extension to the former public house was located at approx. 5.0m from the boundary with No. 1 Old Church Lane. The extension was

approved at approx. 3.4m in height. A single storey detached building was also located on the boundary with the rear garden of No. 1 Old Church Lane.

Whilst the proposed development is higher than the former public house, it is set further away from the boundary with No. 1 Old Church Lane. Given the position of the public house located fairly centrally within the site, it is considered that the proposed development which enables the building to be set further away from the boundary with No. 1 Old Church Lane is acceptable. Trees are also proposed along this boundary to assist in screening the development at the lower levels when viewed from the rear garden of No. 1 Old Church Lane.

Planning status of No. 1 Old Church Lane

Your officers can advise that there is a current planning application at No. 1 Old Church Lane for the continued use of ground floor of the premises for religious mediation and instruction (LPA Ref: 08/3362). The application is under consideration by your officers. Your officers in transportation have not raised objections with regards to increased traffic from the temple impacting upon the local highway network.

Affordable Housing

An amendment to the Head of Term for the amount of affordable housing has been agreed with the applicant and reads as follows:

28% by Units (31% by Hab room) Affordable Housing, provided on site with 10 Social Rented units, broken down as 2 x 1-bed, 5 x 2-bed and 1 x 3-bed flats, and 2 x 4-bed houses. In addition, a contribution of £50,000 towards the provision of Affordable Housing in the Borough, due on Material Start and index-linked from the date of committee.

Your officers are of the view that this level of affordable housing is deemed acceptable in acknowledging the submission of a toolkit, with the provision of 10 socially rented units, (comprising 2 x 4-bed houses and a contribution of £50,000 towards off-site provision), with the certainty if this development proceeds these affordable units will be provided.

Vehicular Access

The northern side of the car park access has been amended to include a 10m radius kerb as requested by your officers in transportation. The details are shown in Plan Nos. OCL-03 Rev A; OCL-42 Rev B; and OCL-49 Rev B. Condition 2 will be amended accordingly.

Recommendation: Remains approval subject to the completion of a satisfactory Section 106.

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**Supplementary Information
Planning Committee on 2 November, 2010**

Item No. **9**
Case No. 10/2304

Location 40A-D INC, St Julians Road, London, NW6 7LB
Description Erection of front and rear mansard roof, with 2 dormer windows at front and 2 at rear, to create 1 two-bedroom flat at third-floor level, with associated refuse-storage area to front of flats

Agenda Page Number: 77

A query regarding the storage and disposal of waste has been raised by ex-councillor Anthony Dunn. This application aims to store waste on the forecourt which is of a limited size. The submitted plans do show details of refuse storage but it is important that the proposed facilities are in place prior to the occupation of the new unit as such the following condition is suggested:

The details of refuse and recycling storage as indicated on the approved plans shall be fully implemented prior to occupation of the proposed flats and shall be permanently maintained thereafter.

Reason: To allow the Local Planning Authority to exercise proper control over the development and to ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

For the avoidance of doubt a sum of £6000 will be sought for the additional unit as detailed in the remarks section of the officers' report and not £12000 as mentioned in the S106 Heads of Terms at the start of the report.

Recommendation: Remains Approval subject to Legal Agreement

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**Supplementary Information
Planning Committee on 2 November, 2010**

Item No. **10**
Case No. 10/2289

Location 42A-D INC & 43 A-C INC, St Julians Road, London, NW6 7LB
Description Erection of front and rear mansard roof, with 2 dormer windows at front and 2 at rear, to create 1 two-bedroom flat at third-floor level of each property, with associated refuse storage area to front of flats

Agenda Page Number: 85

A query regarding the storage and disposal of waste has been raised by ex-councillor Anthony Dunn. This application aims to store waste on the forecourt which is of a limited size. The submitted plans do show details of refuse storage but it is important that the proposed facilities are in place prior to the occupation of the new units, as such the following condition is suggested:

The details of refuse and recycling storage as indicated on the approved plans shall be fully implemented prior to occupation of the proposed flats and shall be permanently maintained thereafter.

Reason: To allow the Local Planning Authority to exercise proper control over the development and to ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

Recommendation: Remains Approval subject to Legal Agreement

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**Supplementary Information
Planning Committee on 2 November,
2010**

Item No.
Case No.

11
10/2202

Location Land Surrounding Wembley Stadium, Royal Route, Wembley, HA9
Description Erection of a 7-storey building comprising 7,544m² of designer-outlet retail (Use Class A1), 306m² of sports retail (Use Class A1), 6,176m² of food & drink (Use Class A3, A4 or A5), 9,430m² of leisure (9-screen multiplex cinema, Use Class D2) and associated infrastructure, including partially covered pedestrian “retail walk”, relating to plot “W07” of the Quintain outline planning consent reference 03/3200.

This application is submitted as the Reserved Matters pursuant to condition 2 (i) (ii) (iii) (iv) (v) (siting, design, appearance, means of access and landscaping), and details pursuant to conditions 6 (iii) (iv) (v) (scheme parameters), 60 (disabled access), 63 (sunlight/daylight studies) and 64 (wind-tunnel testing) for Plot W07 only of outline planning permission reference 03/3200, dated 29 September 2004.

Planning consent reference 03/3200 was for:

Works for the re-orientation of Wembley Arena; Class A1 (Retail) comprising up to 14,200m² designer retail outlet, 11,800m² sports retailing; Class A1/A2 shops/financial and professional services up to 8,000m² (including up to 2,000m² supermarket); Class A1 (Retail) comprising up to 400 square metres of hotel boutique retail; Class A3 (Food and Drink), up to 12,700m²; Class B1 (a) (b) and (c) Business, up to 63,000m²; Class C1 (Hotel), up to 25,400m²; Class C1/Sui Generis (Hotel apartments), up to 26,700m²; Class C2 (Residential institutions) up to 5,000m²; Class C3 (dwellings) up to 277,000m², (up to 3,727 dwellings); Student accommodation (Sui Generis), up to 16,600m²; Class D1 (Non-residential institutions), up to 8,200m²; Class D2 (Assembly and Leisure), up to 28,500m² (including the existing Arena of 13,700m²); together with associated open space, public market area (Class A1), hard and soft landscaping, highway and engineering works, electricity substation, other utility requirements, other parking and servicing, and improvements to Olympic Way; AND; reserved matters relating to siting, design, external appearance and means of access for the 3-storey structure to provide car and coach parking).

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Clarification of issues raised by Members at the site visit.

The Boulevard

The applicants have specified that the “Boulevard” will be provided prior to the opening of the Designer Outlet Centre in 2013 for both commercial reasons (pedestrian access, aesthetics etc) and for emergency services access. The precise application submission date and final design have not yet been determined. However, they intend to submit the application within the next 12 months. The Boulevard will initially be provided in a temporary form until the alterations to Royal Route (lowering the road so that it crosses level with the Boulevard) come forward together with the detailed design for the buildings to the east of this new road (plots W03, W06 and W08).

Landscaping proposals

The Masterplan approved within the 2004 Outline Consent set out the strategy for public realm landscaping within Stage 1 application area. In relation to this site, a tree lined Boulevard was detailed to the east of the W07 building, with a number of large trees on either side of this new road. Other trees were envisaged within the external main road frontages (Engineers Way and Olympic Way) and within raised courtyards. However, many of the internal streets were proposed to be of a durable urban nature with a predominance of hard surfacing.

Of the open spaces to be provided within the Quintain Stage 1 area, Arena Square has already been delivered whilst the Stadium Piazza been granted Reserved Matters approval but not delivered, and First Square (to the East of the Stadium) has not been granted detailed approval yet. Other open spaces are envisaged within the Brent Council Wembley Masterplan 2009, including a 0.4 Ha park within the land to the north of Engineers Way and west of Olympic Way, and 1.2 Ha and 0.4 Ha parks within the land to the east of Olympic Way. No applications have been received for these sites yet. However, Quintain intend to submit an application for the area to the west of Olympic Way (their "North Western lands" shortly).

Implications for cafes/restaurants during Stadium Events

The applicants have specified that they intend that the cinema, shops, cafes and restaurants will continue to operate during event days. This is to increase the number of people who travel to Wembley for more than just the game or event by providing other activities in the local area. Quintain specify that the responsibility for crowd management lies with the Stadium and that they undertake this in conjunction with the Police.

Liveability issues

The buildings that Quintain have delivered to date (Forum House and Quadrant Court) together with W05 (currently on site) and W07 (this application) will result in approximately 510 flats, 660 student rooms and a 361 bed hotel. This adds activity to this area and can generate demand for local facilities, such as convenience shopping and Healthcare. A Tesco Metro was delivered within Quadrant Court and other local needs retail floorspace has been delivered within Forum House (currently vacant) and will be delivered within W05. With regard to larger supermarkets, Asda (Wembley Park) is relatively close to the site and Tesco (Brent Park) is a short bus ride away. The draft Wembley Link masterplan for which the consultation period commenced on 1 November also suggests that the Brent House site may be suitable for another large supermarket (approximately 6,000 sqm). Space for a PCT Clinic was also delivered within Quadrant Court. However, the PCT have decided not to take this floorspace at this point of time and a change of use application is currently being considered by the Council.

Recommendation: Remains approval

Location Land next to Central Middlesex Hospital, Acton Lane, London, NW10
Description Application for the approval of reserved matters relating to appearance, landscaping, scale and access, pursuant to condition 1 of planning permission reference 10/0140, granted 25/02/2010, which varied condition 10 of outline planning consent reference 08/1043, relating to the scale of the development.

(Outline planning consent 08/1043, granted 16/11/2009, was for erection of three linked buildings for mixed-use development on land next to Central Middlesex Hospital to provide up to 650m² of creche/primary health-care facility (Use Class D1), up to 2,160m² of retail (Use Class A1), up to 467m² of cafe/restaurant (Use Class A3) floorspace, up to 13,480m² of care and treatment facilities (Use Class C2/C2A - Residential Institutions/Secure Residential Institutions) and up to 5,370m² of Use Class B1(b)/additional care and treatment (Use Class C2/C2A), formation of refuse storage, loading bay, cycle storage and 32 car-parking spaces, to include 2 disabled parking spaces on ground floor and associated landscaping.)

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Administrative error in Committee Agenda:

Two applications are being considered for this site – reference 10/2164 (full application) and 10/2073 (Reserved Matters Application). An administrative error has resulted in the committee report for the full application being printed twice in the agenda (page 107 and 131) and the report for this application being omitted. Copies of the report for this application were circulated on Friday (29 October) and letters/e-mails were sent to external representees.

Update on the judicial review proceedings:

The NHS Trust and Brent Teaching Primary Care Trust have now withdrawn their proceedings and will be paying the Council's costs.

Revised drawings received:

The applicants have submitted a set of revised plans incorporating a number of minor amendments to the scheme. These changes have already been approved by the Council under a formal "non-material amendments" application approved under delegated authority on 14 May 2010 (Reference number: 10/0947). The applicants want the same changes to be applied to the current reserved matters application.

The remarks section from the delegated report that dealt with the changes previously is set out below:

The proposed amendments can be summarised as follows:

Ground floor:

- *Reduction in internal space and associated increase in size of parking/loading area (reduced by approx 21.7 sqm)*

Floor 4:

- *Additional floorspace (approximately 32.6 sqm).*

Floors G, 1, 2, 3, 4:

- *Internal alterations, not resulting in significant change to nature or intensity of use or external appearance.*

Floor 5

- *Change in extent of built form associated with increase in floorspace at 4th floor level*
- *Change in extent of pergola*
- *Lift over-run detailed*
- *Plant omitted*

Sections AA and BB

- *Changes in height within 200mm of previously agreed heights*
- *Changes to window siting, design, size, number*
- *Changes to internal floor height*
- *Plant omitted*
- *Rainwater goods detailed (within courtyard)*

Sections CC to FF

- *Changes to window siting, design, size, number*
- *Changes to internal floor height*
- *Plant omitted*
- *Lift shaft detailed*
- *Increase in height of building, within 300mm of previously agreed heights within section EE*

N/S Elevation

- *Changes in height within 200mm of previously agreed heights*
- *Changes to window siting, design, size, number*
- *Plant omitted*
- *Change in detail of cladded element above entrances*
- *Change in treatment of ground floor wall/gate/screening (facing hospital)*

E/W Elevations

- *See previous comments re: height*

Materials

- *Many material types detailed on the plans are in line with approved documents*
- *The original timber trellis panels detailed have been amended as the original proposal was not appropriate for this type of building. The revised details are more in-keeping with this style of building.*
- *Timber cladding accepted in principle. However, the material submission (pursuant to the materials condition) would need to show that the vertical emphasis was strong even from a distance.*

Summary

- *The proposed amendments are considered to be non-material involving only a minor alteration to the height of the buildings involving an increase of no more than 300mm.*
- *There is an increase in internal floorspace (excluding the car park in the calculation) of approximately 11 sqm. This increase is considered non-material given the scale of the increase in relation to the floorspace of the proposed building.*
- *The design changes alter the external appearance of the building but are considered to be non-material.*
- *It should be noted that Section E-E details a lift shaft which was not detailed on the*

original approved plans although the lift was shown within the building. The shaft would be set away from the elevations and would not be prominent from the public realm thus does not raise concerns for officers.

Recommendation: Remains approval

Revised drawings:

050_003 Rev D	050_020 Rev C
050_004 Rev D	050_021 Rev D
050_005 Rev D	050_030 Rev D
050_006 Rev C	050_031 Rev D
050_007 Rev C	050_032 Rev D
050_008 Rev C	050_042 Rev B
050_009 Rev B	050_043 Rev B
050_011 Rev B	

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Location	Land next to Central Middlesex Hospital, Acton Lane, London, NW10
Description	Erection of 3 linked buildings for mixed-use development on land next to Central Middlesex Hospital, to provide 891m ² of retail/food & drink (Use Class A1 or A3) and 17,842m ² of care & treatment or secure hospital floorspace (Use Class C2/C2A – residential institutions or secure residential institutions), with formation of refuse storage, loading bay, cycle storage, car-parking and associated landscaping

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Update on the judicial review proceedings:

The NHS Trust and Brent Teaching Primary Care Trust have now withdrawn their proceedings and will be paying the Council's costs.

Stage 1 Response from Greater London Authority:

The Mayor has specified that he does not need to be consulted further on this application. The application therefore does not need to be referred to the Mayor again. The recommendation has accordingly been revised to approval subject to the completion of a Section 106 agreement.

Ealing Council comments:

Ealing Council have raised concern regarding the CHP engine and the possible impact of this on the residents of the Wesley Estate (approximately 200 m from the site at its closest point) with regard to air quality. They note that the stack height has not been detailed and that the submitted Air Quality Assessment only includes a limited amount of information. It does not provide a dispersion model or levels at the relevant receptors and does not demonstrate that the emissions will meet the target levels beyond the 24 month manufacturers guarantee period.

Environmental Health have commented that details of the stack can be secured through condition whilst the longevity of the system can be addressed through the approval of a maintenance plan. They do not object to the approval of planning permission

Additional condition 20: Whilst the sustainability details are secured through the Section 106 agreement, for the avoidance of doubt, your officers recommend that an additional condition is attached regarding the submission and approval of details regarding any plant to be installed within the building, including details of the plant equipment, flue and stack height and location and maintenance.

Recommendation: Remains approval subject to Section 106 and additional condition 20

To grant planning permission subject to completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning, or other duly authorised person, to agree the exact terms thereof on advice from the Borough Solicitor.

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