



Supplementary Planning Committee

Wednesday, 28 September 2011 at 7.00 pm

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

Membership:

Members

Councillors:

Sheth (Chair)
Daly (Vice-Chair)
Baker
Cummins
Hashmi
Kabir
McLennan
Mitchell Murray
CJ Patel
RS Patel
Singh

First alternates

Councillors:

Thomas
Long
Kansagra
Cheese
Castle
Oladapo
J Moher
Van Kalwala
Lorber
Gladbaum
Hossain

Second alternates

Councillors:

R Moher
Naheerathan
HB Patel
Allie
Beck
Powney
Moloney
Butt
Castle
Harrison
Mashari

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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

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Supplementary Information

Planning Committee on 28 September, 2011

Case No.

11/1698

Location	The Crest Boy's Academy & The Crest Girl's Academy, Crest Road, London, NW2 7SN
Description	Phased development comprising enabling works including demolition of existing temporary structures, formation of new access road from Dollis Hill Lane and car park (44 spaces), erection of temporary school accommodation (2.5 year permission); Phase 1: erection of new school buildings comprising four no. four- to six-storey blocks with four-storey linking structures, associated hard and soft landscaping works and car park providing 61 spaces (6 accessible spaces), 238 no. cycle spaces, internal service road from Crest Road, grading, cutting and filling of ground, provision of building mounted mobile telephone antennae; and Phase 2: demolition of permanent school buildings, associated hard and soft landscaping works including one no. Multi Use Games Areas and one no. all-weather pitch with floodlighting (as amended by plans received 31/08/11)

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Site visit

Members visited the site on Saturday 24 September at 09.45. Some local residents raised a number of points regarding (1) the new access road and footpath from Dollis Hill Lane; (2) the service road from Crest Road; and (3) the visual impact of the new blocks from Vincent Gardens.

1. New access road and footpath from Dollis Hill Lane

Residents noted that an acoustic fence is proposed along part of the western boundary of the access route and queried why this could not be provided along the eastern boundary. The Noise Impact Assessment did not identify this eastern boundary as one which required further protection and so none is sought. Residents requested that the path be moved farther away from the eastern boundary; the road has been narrowed and the path moved during negotiations, to enable more existing trees to be retained and more new trees to be planted. Your officers do not consider the limited impact on local amenity of this path would merit further alteration to this part of the proposal. Residents also noted that the gradient of the access road does not meet normal standards; the borough Highway and Transportation officer is aware of this and accepts the steep road given the circumstances of the site. The proposed gradient is unlikely to differ substantially from the gradient of the nearby Hillcrest Gardens and your officers do not consider the limited impact on local amenity of this road would merit the significant burden of cutting it into the hillside and the corresponding loss of existing trees and lack of scope for new trees.

2. Service road from Crest Road

The service road would be 4m from the garden edge of Vincent Gardens properties at its closest points.

3. Visual impact of new blocks

The visual impact of the blocks is discussed in full in Section 2 of the Remarks section of the committee report; in summary, your officers are satisfied that the development would be in keeping with the character of the area and would not cause unacceptable harm to local amenity.

Floodlighting

New plans have been received which show the light spill for the proposed floodlights based on a maintained illuminance level appropriate for each proposed sport: the Girls' all-weather pitch, used for football and hockey practice, would be lit to approximately 225 lux, and the Boy's MUGA, used for football, netball and tennis, would be lit to 440 lux. These lighting plans have been assessed by the borough Environmental Health officer who confirms the floodlights would not have an unacceptable harmful impact on neighbouring residential amenity.

Further Consultation Responses

Greater London Authority (GLA)

The GLA has provided a formal response to the Stage I referral and in summary, the Mayor considers the scheme does not comply in full with the London Plan in respect of (1) education and community facilities; (2) inclusive design: (i) internal alterations to accessible lifts and toilets and (ii) amendments to blue badge spaces within car park (to be addressed with new conditions); (3) climate change adaptation: 140sqm green roof to be secured by condition; and (4) transport: (i) a Pedestrian Environment Review System (PERS) assessment, (ii) funding for bus stop accessibility improvements, (iii) funding for additional bus journey on the 245 bus route in the morning peak, (iv) a delivery and servicing plan, (v) a construction and logistics plan, and (vi) a travel plan.

Transport for London (TfL) has requested that the application be deferred to allow time for the financial contributions to be agreed before committee but the GLA have confirmed they have no objection the Council determining the application but the Stage II referral must be postponed until agreement is reached between the parties on the contributions.

Your officers recommend a number of additional conditions to address the GLA concerns, with the exception of the transport conditions which will be subject to further negotiation.

Amendments

Conditions

Add the following conditions:

Green roof

Notwithstanding the plans hereby approved, further details of the 140sqm green roof to the entrance porch shall be submitted to and approved in writing by the local planning authority prior to the commencement of the 'Phase 1' works. Such details shall include:

- (i) specification and details of the green roof.

The works shall be carried out in accordance with the approved plans and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: In accordance with London Plan policy 5.11

Internal alterations

Notwithstanding the plans hereby approved, further details of the internal layouts of the new academy buildings shall be submitted to and approved in writing by the local planning authority prior to the commencement of the 'Phase 1' works. Such details shall include:

- (i) confirmation the lift sizes comply with the minimum recommended size of 2000 x 1400mm as set out in BB102; and

- (ii) an additional accessible toilet in the bank of toilets in the eastern section of the Girls' academy buildings on each floor

The works shall be carried out in accordance with the approved plans and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: In accordance with London Plan policy 7.2

Blue badge spaces

Notwithstanding the plans hereby approved, further details of the provision of 'blue badge' disabled parking bays shall be submitted to and approved in writing by the local planning authority prior to the commencement of the 'Phase 1' works. Such details shall include:

- (i) provision of additional disabled bays within the upper car park to serve to the Boys' academy; and
- (ii) revise the existing disabled bays so marked access zones are shown either side of each bay, to accord with BS 8300:2010.

The works shall be carried out in accordance with the approved plans and retained thereafter unless otherwise agreed in writing with the local planning authority beforehand.

Reason: In the interests of climate change mitigation and to comply with London Plan policy

And revise the following conditions:

(10) ...results that demonstrate that the floodlights are **substantially** in accordance with the approved lightspill and glare plot plans

(20) ...otherwise agreed in writing with the local planning authority beforehand **and notwithstanding the provisions of Part 24 of the GPDO 1995 (as amended), no further telecommunications equipment shall be installed on the new academy buildings without the prior written approval of the local planning authority.**

(26) ...the applicant shall make appropriate arrangements in writing to enter into an agreement with the Local Highway Authority **under Section 278 of the Highways Act 1980** to directly implement or otherwise fund construction of the highway works

(28) ...development has failed to meet the above levels, compensatory measure **to ensure the development meets or exceeds a BREEAM 'Excellent' rating** shall be submitted to and approved

Drawing Nos.

Revise condition 2 to include the following new plans:

910004-P01 Planning SPG17 Distance Plan; 910010-P01 Proposed Site Plan; 061202-P01 GA Plan Proposed Plan Level 0; 061203-P01 GA Plan Proposed Plan Level 1; 061204-P01 GA Plan Proposed Plan Level 2; 061208-P02 GA Plan Proposed Plan Level 6; 940510-P04 Proposed Landscape Masterplan; 940513-P04 Proposed Hard Landscape General Arrangement Plan Sheet 3 of 3; 900402-P03 MUGA Lighting Plan; 910020-P00 Indicative Light Spill Diagram; UKS7310-7-HSPILL Horizontal Overspill; UKS7310-7-VSPILL Vertical Overspill; 060016-P02 View of Crest Academies from Vincent Gardens

And delete the following plan:

910502-P00 *Existing Site Plan & Tree Works*

Recommendation: Remains "To delegate authority to the Head of Area Planning to approve the application subject to consideration of any new substantive comments received and any associated conditions from the Greater London Authority and Transport for London."

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Agenda Item 05

Supplementary Information

Planning Committee on 28 September, 2011

Case No.

11/1813

Location	Zomba Records, Maybury Gardens, London, NW10 2NB
Description	Demolition of the existing recording studio and erection of a single-storey-to-4-storey and excavation of basement, mixed-use development, comprising office and commercial use and storage on the basement level, commercial use on the ground floor and part of the first floor, with 6 flats (1 studio, 3 one-bedroom and 2 two-bedroom) on the upper floors ("car-free" scheme)

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A comment has been received from Cllr Janice Long regarding damage to the pavement on Maybury Gardens caused by trees within the site adjacent to this application site. Cllr Long queried whether a condition could be put on the application to require the pavement to be relaid following the building work.

Members will be aware that conditions must relate to a specific development so the request is beyond the scope of this planning application. However, the information has been passed to the Council's Highway and Transport Delivery Section who have logged this concern so that it will be considered by an engineer shortly.

Conditions

The Legal & Procurement Department have commented on condition 4 and ask that it be amended to be clearer. The new condition is produced in full below. The revisions to it do not raise any new issues:

Prior to the commencement of the use of any part of the approved development the following shall be submitted to and approved in writing by the LPA and shall then be permanently marked out.

- A detailed revised site layout plan showing the allocation of parking spaces and commercial servicing for the proposed development and showing the division of parking between the application site and the existing Battery Studios. Thereafter they shall be retained and used solely for the specified purposes in connection with the development hereby approved and shall not be obstructed or used for any other purpose/s. No buildings shall be occupied until this is implemented.

Reason: To ensure a satisfactory design and access to service the development and to enable vehicles using the site to stand clear of the highway so that the proposed development does not prejudice the free-flow of traffic or the conditions of general safety within the site and / or along the neighbouring highways and in the interests of pedestrian safety.

Recommendation: Remains approval subject to amended condition 4, conditions and s106 agreement.

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Agenda Item 06

Supplementary Information

Planning Committee on 28 September, 2011

Case No.

11/2158

Location Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA
Description Variation of Condition 13 (details of external lighting) of planning permission 10/3203 to allow restricted light spillage to neighbouring gardens in accordance with the submitted lighting plans and specifications (maximum 8.1m high columns to MUGA, 4m high columns to school/carpark areas and 1m high light bollards elsewhere) and installation of all external lighting within 18 months of commencement of development.

Planning permission 10/3203 granted 14/03/11 for Erection of a one and two storey building to form a permanent primary school in the grounds of Preston Manor High School, with a new access between 109 & 111 Carlton Avenue East, comprising new classrooms, small and large halls, staff room, reception, kitchen and office space, with plant and photovoltaic panels, revised landscaping incorporating car park, a new Multi Use Games Area, (MUGA,) play areas, access paths, external amphitheatre and new trees subject to a Deed of Agreement dated 14th March 2011 under Section 106 of the Town and Country Planning Act 1990

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Response to objection letters

Further objection letters have been received raising the following additional issues:

The site is subject to a covenant

The school playing fields are subject to a restrictive covenant that prohibits the erection of buildings within the school grounds, except for houses or a sports pavilion. The view of Council Legal Officers is that the covenants are not intended to prevent the school's expansion; hence the proposals to alter and expand the existing high school were pursued. It is anticipated that an application to vary the covenant is likely to have a positive outcome. The 'Upper Tribunal' formerly the 'Lands Tribunal' would determine the application to vary the covenant. In any case the proposed external lights are not buildings and are therefore not prohibited by the covenant.

The proposal has killed off wildlife that used to inhabit the field

Construction of the primary school and pitch alterations elsewhere on the High School grounds has disturbed wildlife. However, this is on a temporary basis and the new primary school incorporates an extensive landscaping scheme including at least 53 new trees and a nature conservation area.

The committee report for the planning application for the High School's new floodlit hockey pitch (Reference 11/1822) approved by committee on the 6/09/2011 stated that the potential loss of value of property is not a material planning consideration. A case referred to by one of the objector's concerns compensation for the alleged depreciation in the value of houses attributable to noise and other nuisance from a new highway. There is specific provision for the possible payment of such compensation under the Land Compensation Act 1973. It is not, however, authority for saying that loss of value to a property is a material planning consideration. To be a material planning consideration it must relate to the use and development of the land.

The case also made reference to the Human Rights Act 1998. As with all planning applications the committee must balance any effect on the residential amenities of neighbouring residents with the requirement of the demands of the general interest of the public.

Condition wording changes:

The applicant has submitted details of the non-MUGA external lighting times, and consequently it is recommended that **condition 7 be varied to state:**

The external lighting hereby approved, with the exception of the MUGA floodlights which are subject to separate control and those which are required for security purposes, shall only be turned on when the school is in use and level of darkness requires it, and not outside the following times:

Monday – Friday: 6.00 am to 9.30 pm in the case of lighting columns and 6.00am to 9.45 pm in the case of lighting bollards

Saturday: 7.30 am to 8.30 pm in the case of lighting columns and 7.30am to 8.45 pm in the case of lighting bollards

Sunday & Bank Holidays: 8.30 am to 7.30 pm in the case of lighting columns and 8.30am to 7.45 pm in the case of lighting bollards

The development shall operate within these parameters unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties in respect of noise and light disturbance.

Recommendation: Grant consent subject to legal agreement

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