



## Supplementary

**Wednesday 22 August 2012 at 7.00 pm**

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

### Membership:

#### Members

Councillors:

Ketan Sheth (Chair)  
Daly (Vice-Chair)  
Aden  
Baker  
Cummins  
Hashmi  
John  
CJ Patel  
RS Patel  
Krupa Sheth  
Singh

#### first alternates

Councillors:

Thomas  
Long  
J Moher  
Kansagra  
Ms Shaw  
Cheese  
Van Kalwala  
Hopkins  
Gladbaum  
Oladapo  
Hossain

#### second alternates

Councillors:

R Moher  
Naheerathan  
Moloney  
HB Patel  
Allie  
Beck  
Ogunro  
Lorber  
Harrison  
Powney  
Mashari

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**The press and public are welcome to attend this meeting**

**Members' briefing will take place at 5.30pm in Committee Room 4**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

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## Agenda Item 03

### Supplementary Information

### Planning Committee on 22 August 2012

Case No. 08/2315

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Location BP Petrol Station, 17-27 Cricklewood Broadway, London, NW2 3JX

Description Refurbishment of No. 17 Cricklewood Broadway to provide 53sqm retail unit (Use Class A1) on ground floor and two x two-bedroom and one x one-bedroom flats on the upper floors and demolition of existing petrol filling station and garage buildings and erection of a five-storey building, comprising a 478sqm retail unit (Use Class A1) on the ground floor and 18 new flats on the first, second, third and fourth floors (consisting of 10 x one-bedroom, four x two-bedroom and four x three-bedroom flats), including cycle and bin storage, removal of vehicular accesses onto Cricklewood Broadway and Hoveden Road and provision of amenity space and landscaping to rear, with pedestrian access onto Hoveden Road, NW2

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The agent has confirmed that the proposal is anticipated to achieve a score of 43.5% in Brent's Sustainability Checklist (Form TP6), which is lower than the normal target which is 50%. Your officers have considered this lower score in light the fact the scheme has been designed to achieve a higher Code for Sustainable Homes level (CSH) than the development plan requires for a site in this location (Level 4 instead of Level 3); your officers accept that this higher CSH level can offset a shortfall in the Sustainability Checklist score and the recommendation remains to grant consent.

To reflect this, your officers propose to vary clause (e) of the s.106 heads of terms to read:

*Submission and compliance with a Sustainability Implementation Strategy including the Brent Sustainability check-list ensuring a minimum of **43.5%** score is achieved and Code for Sustainable Homes (CSH) Level 4 for the residential and BREEAM 'Excellent' for the commercial, with compensation should it not be delivered, and evidence of sustainable materials.*

#### **Consultation:**

Two further objections have been received from residents who had previously objected in 2008 and 2009, reiterating their earlier comments: no new substantive issues have been raised.

#### **Revise conditions:**

Revise condition 8 to include a clause requiring further details of the enclosure of the terraces and planters to secure the privacy of adjoining residents, in accordance with the recommendation in the report (see section 4.2)

**Recommendation: Grant consent subject to completion of a legal agreement as set out in the Committee report**

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Agenda Item 05  
**Supplementary Information**  
**Planning Committee on 22 August 2012**

Case No. 12/1516

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Location BRITISH LEGION HALL, 1 Albert Road & 5 Albert Road, London, NW6 5DT

Description Outline application (all matters reserved) for demolition of existing structures on site and erection of new mixed use development comprising of 144 residential units and 480m<sup>2</sup> of Supplementary Report - printed 21 August, 2012 Page 2 of 7 commercial floorspace (Use Class A1/A3/A4)

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**Environmental Health**

Environmental Health have provided written comments since the completion of the committee report. They have no objections to the proposal but in addition to the existing conditions attached to the report they have requested that additional conditions be attached to the permission. These conditions along with amendments to the existing conditions are set out below:

**Amended Conditions**

The following conditions have been amended with the amended parts set out in italics.

Condition 5.

*An active commercial frontage shall be maintained at ground floor level along Salusbury Road unless otherwise approved in writing by the Local Planning Authority.*

Reason: To ensure that the commercial element supports the existing district retail centre along Salusbury Road.

Condition 6.

*The development shall make an overall provision for amenity areas equivalent to a minimum 20sqm per residential unit.*

Reason: To ensure a satisfactory quality of development for prospective residents.

Condition 9.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the commercial floorspace hereby permitted shall only be for purposes *falling within* Use Class A1 or Use Class A3 or Use

*Class A4 providing that any extraction equipment required for those uses are approved by the Local Planning Authority in advance of occupation of the unit being served by the required extraction equipment.*

Reason: No separate use should commence without the prior approval of the Local Planning Authority for the following reasons so that the use does not prejudice the amenity of the area.

### **Deleted Conditions**

Condition 11 relating to the Construction Management Plan is to be deleted and will be replaced with condition 23 in the new conditions below.

### **New Conditions**

The following conditions are to be added to the planning permission:

Condition 20.

Prior to the installation of any plant (such as refrigeration, air-conditioning, ventilation system, CHP, kitchen extraction systems), further details of such apparatus including particulars of noise levels shall be submitted to and approved in writing by the Local Planning Authority.

Such details shall include:

- (i) a survey of existing background noise levels undertaken prior to the commencement of the development;
- (ii) the predicted noise levels from any plant (e.g. refrigeration, air-conditioning, ventilation system, CHP, kitchen extraction system) together with any associated ducting, shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises: the method of assessment should be carried out in accordance with BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas'; and
- (iii) a scheme of mitigation in the event the predicted noise levels of the plant exceed the criteria in part (ii) The approved apparatus shall be installed in accordance with the approved details and maintained thereafter for the lifetime of the development.

Reason: To ensure that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance.

Condition 21.

Following the demolition of the buildings and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present.

The investigation shall be carried out in accordance with the principles of BS 10175:2011. A report shall be submitted to the Local Planning Authority, that includes the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination, and an appraisal of remediation options should any contamination be found that presents an unacceptable risk to future site users. The written report is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure the safe development and secure occupancy of the site.

Condition 22.

Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site.

Condition 23.

No works shall commence, including any works of demolition or site clearance, until a Construction Logistics Plan (CLP) has been submitted to, and approved in writing by, the local planning authority. The approved CLP shall be adhered to throughout the construction period. The CLP, which shall be accompanied by a site layout plan showing the following elements, shall include details of:

- (i) the construction vehicle access;
- (ii) timing of deliveries (to avoid peak hours and to comply with local road restrictions) and the control of traffic entering the site;
- (iii) the parking of vehicles of site operatives and visitors;
- (iv) loading and unloading of plant and materials;
- (v) storage of plant and materials used in constructing the development, to avoid the root protection zones of retained trees either on or off the site;
- (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vii) wheel washing facilities to be installed prior to commencement of any works;
- (viii) measures to control the emission and mitigate the against the impacts of dust and fine particles during construction; and
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works

The demolition/site clearance/building works hereby approved shall not commence until the vehicle wheel washing facilities have been provided on site in accordance with the approved details and such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of adjoining occupants and the interests of the free flow of traffic and highway and pedestrian safety, to ensure the footway and carriageway is not blocked during the works and in the interests of local Air Quality Management Area objectives.

**Environmental Impact Assessment**

The screening opinion was provided having taken account of the Government's guidance on the types of case in which an EIA is likely to be

required. This is contained within Annex A of Circular 2/99, Environmental Impact Assessments.

It is clear from this that only where potential impacts are judged to be significant, especially very large schemes in particular circumstances, require an EIA. Section A18 states that:

*“EIA is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use or the types of impact are of a markedly different nature...”*

The guidance provided by section A19 is even more pertinent which states that: *Development proposed for sites which have not previously been intensively developed are more likely to require EIA if: the site area of the scheme is more than 5 hectares; or it would provide a total of more than 10,000 m<sup>2</sup> of new commercial floorspace; or the development would have significant urbanising effects in a previously non, urbanised area (e.g. a new development of more than 1,000 dwellings.*

As the proposal is for the redevelopment of an urban site with existing buildings, this proposal, even when taken cumulatively with permissions already granted in South Kilburn, is unlikely to give rise to the level of impact where it is considered that an EIA is necessary.

### **Legal Comments**

The Council's Legal Officer has recommended minor changes to the recommendation and conditions as per the Legal Memo dated 21 August 2012. The amended recommendation is set out below

**Recommendation:** Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement by any subsequent developer, and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal and Procurement.

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## **Agenda Item 06**

### **Supplementary Information**

### **Planning Committee on 22 August 2012**

Case No. 12/1779

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Location Park House, Manor Park Road, London, NW10 4JW

Description Extension to time limit of Full Planning Application reference 09/0732 dated 9th September 2009 for Demolition of existing building and erection of a 5-storey building, comprising an estate agent (Use Class A2) on the ground floor and 15 flats (3 one-bedroom, 9 two-bedroom, 3 three-bedroom) on upper floors, subject to a Deed of Agreement dated 09/09/2009 under Section 106 of the Town and Country Planning Act 1990 (as amended)

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### **Community Infrastructure Levy**

The existing building measures 580sqm internally and is considered to be vacant. It is understood that the security arrangement at the site includes occupation however this is not formalised.

The proposal includes:

A2 - 188sqm

Residential - 1000sqm

Total - 1188sqm

The net increase is 608sqm however as the building has not been used for at least 6 months out of the last 12 months the whole proposed floor space is liable to CIL.

### **Conditions**

Officers have reviewed the information which was submitted in relation to the conditions on the 2009 permission, further information or improved detail has been sought for each and therefore at the time of writing no conditions have been approved.

### **Recommendation: Remains approval subject to legal agreement and conditions.**

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Agenda Item 07

### **Supplementary Information**

### **Planning Committee on 22 August, 2012**

Case No. 12/1336

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Location Quality House, 249 Willesden Lane, Willesden, London, NW2 5JH

Description Demolition of existing building and erection of a 2, 3 & 4 storey building containing 38 retirement apartments with associated parking, access and landscaping.

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### **Additional Comments from Objector**

An objector from No.103 Brondesbury Park who is unable to attend the Committee Meeting as they are on holiday would wish to re-iterate their concerns with the proposed development. They also raise further concerns in relation to the notification procedures as they state that nothing in writing has been provided by Brent in relation to the proposed development.

### *Officer Comment*

Full consultation procedure has been followed with this application. 195 letters were sent out to all neighbouring residents, including 103 Brondesbury Park, on 13 June 2012 notifying them that the application had been submitted. Site notices were installed on Willesden Lane and on Sidmouth Road next to the site and a press notice was served. During the application process 4 letters



were received in relation to the proposed development 3 in objection and 1 in favour of the proposed development. Those objecting were residents at 101 and 103 Brondesbury Park and 278 Willesden Lane. The primary contacts for each response were notified of the committee meeting and site visit, by letter or e-mail sent on 9 August 2012. A further site notice was installed to advertise the potential impact of the proposed development on the neighbouring Conservation Area as reported in the consultation section of the main committee report. No comments have been received following the additional consultation. However should any further representations be raised after the committee meeting it is recommended that consideration of this is delegated to the Head of Area Planning, until the expiry of the Conservation Area notification on 30 August 2012. As such all necessary consultation have been undertaken in accordance with statutory requirements.

To ensure that the proposed development has an acceptable impact on the amenity of neighbouring residents the secondary habitable room windows in the south elevation closest to the garden of No. 103 Brondesbury Park are obscure glazed along with the access corridor. The condition attached in relation to this should also be amended to include the windows on the second floor which are to units 32 and 33.

#### **Sustainability**

A sustainability checklist with a self-assessed score of 53% has been submitted along with an Energy/Sustainability Statement with Addendum has been submitted committing the applicants to delivering a minimum Code for Sustainable Homes Code Level 3 and providing 25% reductions of CO2 emissions over and above the current 2010 Building Regulations. This is in line with London Plan policy 5.2, which requires a 25% reduction in CO2 emissions over and above the current 2010 Building Regulations, and Council Policy CP19 of the Core Strategy 2010, which requires that all new residential building should achieve Code for Sustainable Homes Level 3. Air Source Heat Pumps are proposed to meet the heating and hot water needs throughout the proposed development. Full details of the proposed pumps will be sought by condition. An Air Quality Assessment and a Noise Impact Assessment have been submitted with the proposals. Environmental Health have reviewed the information in these and have recommended conditions associated with these which are already set out in the main report. The sustainability measures referred to will be secured through the legal agreement.

#### **Amended Plans**

An amended plan showing two disabled parking spaces in the parking area has been provided this removes the need for the condition relating to the provision of these spaces as the development will have to be completed in accordance with plan 10-1825-105 RevB

#### **Legal Officer Comments**

Comments have been received from the Council's Solicitor in relation to the committee report. They have stated that the recommendation should be amended and that minor changes be made to the wording of some of conditions as per the Legal Memo dated 21 August 2012.

**Recommendation:**

To delegate authority to the Head of Area Planning to approve the application and to consider any further representations received up to the expiry of the consultation period. This shall be subject to completion of a satisfactory Section 106 agreement or other legal agreement and to delegate to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services and Procurement

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Agenda Item 08  
**Supplementary Information**  
**Planning Committee on 22 August 2012**

Case No. 12/1608

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Location 286 High Road, London, NW10 2EU

Description Proposed use of area to front of A3 restaurant for seating for customers and erection of low boundary walls

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The agent has submitted an example of the finish of the proposed boundary treatment around the forecourt. Timber with a dark stained finish is proposed, it remains the case that its height will not exceed 65cm from ground level and officers consider that this is acceptable. However on the proposed drawings it is only the side elevations which are shown as solid and an open treatment is required for the front elevation, therefore further details are still required before the development commences. This is covered by condition 4.

**Recommendation: Remains approval subject to conditions.**

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Agenda Item 09  
**Supplementary Information**  
**Planning Committee on 22 August 2012**

Case No. 12/1293

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Location Kelaty House, First Way, Wembley, HA9 0JD

Description Full planning permission is sought for the redevelopment of the site comprising the erection of 5 buildings ranging in height from 4 to 13 storeys for a mix of uses including hotel/serviced apartments (Use Class C1), student accommodation (sui-generis use) and flexible business/retail/community/leisure uses (Use Classes B1/A1/A2/A3/A4/D1/D2), and ancillary development including basement car park and hard and soft landscaping providing both public and private amenity space.

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## Site Visit

Members visited the site on Saturday. The site was viewed from First and Fifth Way.

## Section 106

A number of amendments to the s106 Heads of Terms have been discussed with the applicants:

Clause (b): The financial contribution be phased. The exact phasing to be agreed with the applicants but officers suggest that 25% be payable on material start 50% on commencement of the student accommodation and 25% on commencement of the hotel.

Clause (f): The BREEAM post construction tests will need to be phased for the hotel and student blocks.

Clause (i): This is duplicated by clause (k) and should be deleted.

Clause (k) eastern side of the site shall not occur until adjoining developments have commenced.

Clause (m): Travel plans shall be submitted prior to the commencement of the relevant use.

Clause (q): To agree and adhere to a student and hotel service and management plan on commencement of the relevant use.

Clause (s): The trigger for submitting a Delivery & Service plan should be prior to occupation of the hotel and student elements of the scheme rather than the commencement of development.

The suggested amendments do not affect the substance of these clauses but rather their timing and phasing and officers therefore support the proposed alterations.

## Errors in the main committee report:

Page 98: The third paragraph of the National Planning Policy Framework section refers to school development and is not relevant to this application.

Page 105: The first paragraph of the Section 4 (Landscaping/Trees) refers to the park proposed in the Wembley Masterplan being to the east of the site when it is of course to the west.

Page 109: The first paragraph of Section 6 (Energy & Sustainability) relates to school development and has been included by mistake.

Page 110: Section 9 (Conclusion) also mistakenly refers to school development.

## Conditions

Condition 1 refers to the proposal commencing within 3 years of permission being granted which is the standard approach. Officers had previously agreed to a 4-year permission and the applicants are requesting 5 years.

Government guidance is that Council's should be flexible in imposing time limits on permissions. Officers request that members delegate authority to the Head of Area Planning to agree this matter.

Condition 11: The trigger for this condition should be amended to prior to the commencement of the use rather than commencement of development. Also the reason should be amended to the protection of local amenity rather than protection of neighbouring residences, as at present there are no residential uses within the vicinity of the site.

Condition 15: There is a formatting error and the text for this condition ended up located before the condition number, this has been corrected.

Officers request that an additional phasing condition be added to ensure that should one part of the development commence before another, a suitable landscaping or other treatment be implemented to ensure that the partially completed scheme has an appropriate appearance.

**Recommendation: Remains approval**

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