



Supplementary Planning Committee

Wednesday 11 December 2013 at 7.00 pm

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

Membership:

Members

Councillors:

Ketan Sheth (Chair)
John (Vice-Chair)
Aden
Baker
Cummins
Hashmi
Kabir
Kataria
CJ Patel
Powney
Singh

first alternates

Councillors:

R Moher
Van Kalwala
J Moher
Kansagra
Sneddon
Cheese
Oladapo
Long
Brown
Gladbaum
Hossain

second alternates

Councillors:

Adeyeye
Ogunro
Moloney
HB Patel
Hopkins
Beck
Al-Ebadi
Naheerathan
Lorber
Harrison
Mashari

For further information contact: Joe Kwateng, Democratic Services Officer
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democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Members' briefing will take place at 5.30pm in Boardrooms 7 and 8

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

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Supplementary Information

Planning Committee on 11 December, 2013

Case No.

12/3089

Location	SKL House, 18 Beresford Avenue, Wembley, HA0 1YP
Description	Erection of first floor extension to front of building, alterations to the front forecourt layout, reduction in width to existing vehicle access, retention of extraction plant and wood burner installation to the rear and change of use from office (B1a) to a mixed use with B2 (general industrial), B8 (warehouse & distribution) with ancillary office and ancillary showroom (as amended by revised plans).

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Councillor's Brown and Chohan both expressed an interest in the application and asked for progress updates on the application. Both Councillor's were notified of this being reported to Committee, and no further comments have been received.

FURTHER REPRESENTATIONS RECEIVED

MP letter dated 6 Dec 2013;-

Barry Gardiner MP has sent a letter on behalf of his constituent David Stock, Chair of the Heather Park Branch Neighbourhood Watch Group (HPBNW), who have objected to the application. Mr Gardiner has intervened on behalf of his constituent because of concerns Mr Stock has expressed with the planning and consultation process.

1. The first point that is raised is in relation to the development description being revised during the course of the application to include the "wood burner".

Response: To re-confirm, Officer's became aware that the wood burner had been installed in early March 2013. Following this further details of the burner were requested. On receipt of these details the application was amended and the Council considered it necessary to re-consult. On 14/05/13 the Council re-consulted on the amendments to the application. Acolaid confirms these letters were despatched.

2. It is questioned why the wood burner was allowed to continue to operate with the Council's knowledge, and why no Enforcement Notice was issued.

Response: Environmental Health have received complaints from Mr Stock about the operation of the burner, the last of these being on 31/05/13. These complaints were acted on at that time and a number of site visits were made by Environmental Health Officer's. On these occasions the burner was not witnessed in operation. So as no statutory nuisance has ever been established at the site Environmental Health have not issued a notice.

3. The HPBNW group advised Environmental Health on 07/05/13 that they would cease reporting the unauthorised use of the burner to the Council unless assurances were given that these concerns would be acted upon.

Response: Environmental Health are able to confirm that in fact two further complaints were received from Mr Stock on the 28th and 31st May this year reporting the operation of the burner. Upon receipt of the complaint of the 31st May a site visit was carried out and EH Officer's again found no evidence of the burner being operated, but advised Mr Stock that they would continue to actively pursue any further complaints received. To date no further complaints have been received.

4. Why were resident's not informed that Environmental Health had issued a draft Environmental Permit for the burner to operate?

Response: Environmental Health advise that unlike a planning application there is no legislative requirement for the Council to consult on Environmental Permit applications, and that it is standard Council protocol to not consult.

5. The re-consultation letter of the 14 May 2013 wasn't received by local resident's.

Response: Acolaid confirms that letters to notify resident's and the HPBNW of the amended application were despatched on 14/05/13. In fact an objection was received on 28/05/13 from 65A Beresford Avenue and this specifically objects to "*reduction in width of the existing crossover*" and "*alterations to the front forecourt layout*". Both of these elements are referred to in the revised development description only, strongly suggesting that the re-consultation letter was received.

6. It is reported that there are differences in copies of revised consultation letters that the HPBNW are in receipt of. The letter sent to Councillor's has a different address.

Response: The reason for this has been explained to Mr Stock previously. The letter addressed to Councillors on 15/05/13 contained the Planning Department's old Wembley High Road address within the letterhead. This letterhead would have been on all neighbour consultation letters sent at that time. Mr Stock recently asked for a copy of this revised consultation letter to be sent to him. A copy of the May letter was produced as requested but it now appears on a different letterhead, listing the Council's new address on Engineer's Way, which is the difference Mr Stock is referring to. Acolaid which is the database used does not have the facility to store text relating to re-consultation letters, so when asked at a later date to re-produce a copy of a re-consultation letter the system will automatically generate this letter on a letterhead applicable at that point in time. This is why the letter emailed to Mr Stock last week on 05/12/13 appears on the new letterhead, with Engineer's Way as the Council address.

7. Mr Stock is unhappy with some information set out in the Committee Report.

Response: It was initially understood that the applicant's were re-locating from a site outside the Borough. It has since been established that this was not the case and that they had operated out of a site on Athlon Road, so the report was amended to reflect this.

8. The Committee Report does not address health problems raised by resident's, nor are there any attempts to monitor pollution levels around the site.

Response: Health complaints have been raised by Mr Stock on behalf of others. If these complaints had been made by the people directly affected (which has not happened) EH would normally, in the first instance, refer them to a medical professional. If there is a clear pattern or a referral from a doctor stating that the symptoms are related to exposure to industrial pollution urgent action would be taken against an operator. It is also the case that any unusual clusters would be referred to the HPA who would take appropriate action and/or require the Council to take relevant steps.

In their professional opinion E.H Officers advise that the burner that has been installed is a high performing piece of plant equipment that has been rigorously tested and approved for use within a Smoke Control Zone. Approval for use in a smoke controlled zone is based on the ability of the plant to operate without the emission of smoke, particles or grit. The testing is independently done in a government approved laboratory and the results confirmed by DEFRA prior to approval being granted.

On the issue of monitoring EH Officers advise that the process controls for any permitted installation are considered to be sufficient to ensure that operation in compliance with the permit conditions will ensure that there are not unacceptable impacts on the local environment. It is therefore not necessary or proportionate to proceed with a complex and costly programme of monitoring, when ensuring compliance with the permit will achieve better results.

9. Does Brent's Air Quality Policy prevent burning processes from occurring?

Response: Brent's Air Quality policies do not forbid the burning of material. All of Brent is within a 'smoke control area' which forbids the emission of dark smoke from trade premises, but does not forbid burning. The site is located within an Air Quality Management Area (AQMA), aimed primarily at reducing traffic pollution levels. Environmental Health firmly believes that pro-active approach under permitting legislation, and the robust controls that can be introduced by condition of any Environmental Permit give the Council a better level of control over potentially harmful processes.

Additional neighbour objection received:-

57 Beresford Avenue objects to the application. This is on the grounds that the noise and burning pollution would affect people using a nearby park, particular if from the nearby primary school. There is a concern that hazardous mdf and plastics are being burned and applicant disregards health and safety regulations.

Response: Despite a number of site visits to the premises by EH Officer's a statutory nuisance has not been established. The draft permit issued to operate the burner on a trial basis has conditions attached which are intended to ensure that its use does not result in unacceptable impacts on the local environment. The permit specifically forbids the burning of plastics, melamine and formaldehyde bonded plywood and the operator had to have procedures in place to prevent this prior to the draft permit being granted. Environmental Health has no evidence of the operator burning items that are a breach of the draft permit conditions.

Further objections from Heather Park Branch Neighbourhood Watch:-

Since the Committee report was published HPBNW have made further representation objecting to the application because of concerns about the transport implications this will have and on the grounds that the use of the wood burner will have health implications. The Council's consultation process has also been questioned further.

HPBNW Objection

Comment

It is requested that the case be deferred as insufficient notice of the Committee had been provided.

Notification was sent by email and letter on 29/11/13 of the meeting on the 11/12/13. This gives 9 working days, exceeding the minimum requirement for 5 days notice.

Why were resident's not informed about the issuing of a draft environmental permit to operate the burner?

As advised above there is no legislative requirement for the Council to consult on environmental permits. Standard Council procedure is not to consult.

A copy of the draft environmental permit is requested.

This is sent to Mr Stock by email.

Why did the Council not re-consult when EH advised on 07/05/13 this would happen?

The Council re-consulted on the amended planning application on 14/05/13.

The report states that no complaints have been received since the draft permit was issued on 26/06/13 - but how could residents complain if they were not notified of this?

To be absolutely clear the report advises Environmental Health have not received any complaints about the burner being operated, since the applicant was granted a draft permit to operate.

Why was the burner allowed to be re-located from a site on Athlon Road?

The applicant did not notify the Council of his intention to do so. Once the burner was reported by HPBNW in early March 2013 the Council sought further details and duly amended the application.

It is inappropriate to have a wood burner in this location when Brent has air quality policies that prohibit items from being burnt.

EH Officer's are comfortable with the burner in this location. It is a high performing piece of plant equipment that has been rigorously tested and approved for use within a Smoke Control Zone.

As covered above the burning of items is not forbidden by a blanket rule.

The 8m length loading bay is insufficient as full sized articulated vehicles visit. Photo's have been provided of one occasion when this happened.

Adopted standard PS19 would normally seek a 16.5m loading bay. Transportation Officer's do fully support the use with an 8m bay. In doing so there is acknowledgement of the fact the building was historically used for B2/B8 uses without a 16.5m loading bay, so it is reverting back to it's original use. On this basis it would be hard to justify insistence on providing a new 16.5m loading bay.

Photos provided by HPBNW were taken some time in March 2013 and submitted with one of their objections, these show an articulated truck servicing directly from Beresford Avenue. No further incidents like this have been reported since. This may support the applicant's view that articulated vehicles do not normally visit, and that servicing is typically carried out by smaller vehicles for which the 8m loading bay will be suitable.

If a Controlled Parking Zone, with waiting and loading restrictions were to be introduced along Beresford Avenue it could help to manage this.

Where are traders vehicles to park?

It is anticipated that these would use the loading bay when available.

HPBNW have queried the consultation process in respect of the re-consultation.

On 14/05/13 the Council re-consulted on the changes to the application. Acolaid confirms the revised consultation notifications were despatched.

HPBNW state the Committee Report is incorrect as no objection was received after 14/05/13.

This is not the case. The Council received an objection on 28/05/13 from 65a Beresford Avenue.

The application is "flawed" as the application form doesn't contain details of the burner.

The burner did not form part of the original submission. Officer's became aware of it being installed in March 2013. The application was duly amended at that time, revised details submitted and further consultation carried out with the revised description making specific reference to the wood burner.

The burner is causing health problems and for dust/particles to settle on cars nearby.

E.H Officer's understand the dust soiling may be connected to other site's in the vicinity. The burner installed at SKL House is a high performance plant that has been through rigorous testing. There is no evidence they operating in breach of the draft permit conditions.

Consultation letters sent in May 2013 are inconsistent?

See explanation above.

Recommendation: Remains approval

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Agenda Item 04

Supplementary Information Planning Committee on 11 December, 2013

Case No.

13/2453

Location	1-90 INC, BARONS COURT, Church Lane, London, NW9 8AD
Description	Erection of 1 additional floor to each of the existing three storey residential blocks at 1-90 Barons Court to create 26 additional residential units (10 x one-bed, 8 x two-bed, 8 x three-bed), 34 additional car parking spaces and associated landscaping

Agenda Page Number: 17**Site Visit**

Following the Planning Committee site visit, clarification below is provided:

- Refuse collection is to take place from the south-east car park and from the refuse collection point at front of site. The access arrangement to the north-east car park is unchanged. This is discussed further in paragraphs 35-38 of the Committee Report;
- The proposal includes replication of the existing chimneys. It is recommended that Condition 6 is revised as follows:

Prior to commencement of development, detailed drawings at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority to provide further detail of the fenestration and relationship of the extension to the existing building **and replication of the existing chimneys**. The development shall be carried out and completed in accordance with the details so approved.

Reason: To ensure a design of development which is in keeping with the character of the existing building.

- In terms of the trees to be removed, these are principally to the rear of the site as a result of the formation of the south-east parking area. As set out in the Committee Report, six trees are proposed to be removed but 36 new trees are to be planted;

Additional Objection

Following publication of the Committee Report, an additional objection letter has been received raising the following matters:

- Impact on health and wellbeing of elderly occupier during construction as a result of noise, disturbance, parking problems (for health visitor), loss of outlook due to scaffolding;
- Proposed parking area to rear outside bedroom window - inhibit quality of life, noise, disturbance;
- Breach of Human Rights (right to a family peaceful life).

Officer Comment: Consideration has been given to disruption during the construction period. A condition is proposed that requires a Construction Method Statement to be submitted. It is recommended that the wording of this condition is revised as follows:

*12. Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development and **details interim car parking arrangements during the construction period**. The Statement will also detail how works will be carried out to minimise disruption to the existing residents. The development shall be carried out in full accordance with the approved Statement.*

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

In terms of the impact on outlook during construction, it is not considered that objection on these grounds could not be sustained. The parking area is 10m from the rear of the existing block at its closest point and it is considered that the separation is sufficient to ensure that there is not an unacceptable level of noise and disturbance. It should be noted that there are existing parking areas to the rear of the site albeit further from the residential blocks.

Affordable Housing

A consultants review of the proposed scheme at Barons Court and supporting viability report has been carried out. On the basis of this review, it is considered that the scheme can reasonably and viably provide affordable housing in satisfaction of planning policy. As such, there are ongoing discussions to agree a commuted sum which would replace the requirement for a review incorporating the actual sales values and build costs as set out in the Committee Report. It is requested that authority is delegated to the Head of Area Planning to agree a commuted sum and, if an agreement cannot be reached, clause (b) as set out in the Section 106 Details in the Committee Report will come into effect.

Corrections

- As set out in the *Remarks* section of the report, the scheme is able to achieve a Sustainability Checklist score of 41%. As such, the S106 Heads of Terms should be amended accordingly.
- Consultation was carried out within a 100m radius (a total of 315 adjoining neighbours and residents of Barons Court).

Recommendation: Remains approval

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Agenda Item 05

**Supplementary Information
Planning Committee on 11 December,
2013**

Case No. 13/1773

Location	Land next to Waverley Court, Brondesbury Park, Kilburn, London
Description	Erection of a 6 storey building comprising 5 flats (1 x 3 bedroom and 4 x 2 bedroom) with associated landscaping and car-parking

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Site Visit

During the recent site visit a number of issues were raised.

The visibility of the proposed development from the surrounding area is described in the main report. Officers consider that the height and scale of the proposed building is much higher than the existing Waverley Court, and would result in a prominent form of development clearly visible from Brondesbury Park and Salusbury Road to the south.

As far as the quality of the SINC and wildlife corridor for nature conservation in this particular location in terms of the existing planting and location at the end of the designated land, the designations on the site have been based on the flora and fauna observed throughout the designated land. Whilst on the face of it some of the planting would appear to be of little amenity value it may be found to have an important role in providing natural habitat for various wildlife species. If the site was not considered to have this importance then it would not have been included within the designated land.

The location opposite Brondesbury Park Overground station was raised in terms of being a good location for sustainable development. Notwithstanding the proximity of the site to the station, Officers are of the opinion that the site does not support the principles of sustainable development as any development of the site would cause environmental harm to the nature conservation importance of the SINC and wildlife corridor. The site is therefore not considered to constitute an environmentally sustainable location for development. As explained in the report, the site is unable to accommodate sufficient car parking to meet the current car parking standards, even accepting its location.

For clarification, the proposed development would occupy, as a matter of fact, a greater footprint than the previous permission on site and would overall have a greater mass. As such, it is considered that the proposed development would have a greater physical impact on the SINC and wildlife corridor. As discussed, in the main report the previous permission is still subject to the approval of landscaping details and officers are of the opinion that any landscaping proposals put forward under the current scheme could reasonably be required as part of the previous permission.

Recommendation: Remains refusal

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Agenda Item 06

**Supplementary Information
Planning Committee on 11 December,**

Page 6 Case No.

13/2829

2013

Location	Harlesden Primary School, Acton Lane, London, NW10 8UT
Description	Erection of a 2 storey building to include nursery classrooms, assembly hall and external rooftop multi-use games area (facing Minet Avenue), single storey extension to main school, new covered walkway linking main school to new building and associated soft play landscaped areas

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A number of points were raised at the members site visit:

The properties at No.89 & 91 Minet Avenue are plotted incorrectly on the submitted drawings.

Although the landscaping plan that was shown on Saturday did show the rear of the 'outrigger' extensions incorrectly, updated drawings showing a corrected alignment do form the basis of the formal consideration of the proposal. In any event, the differences between the two sets of plans do not make a material difference to the overall assessment of the acceptability of the development. This assessment is set down in the main body of the report.

In connection with this point the applicants have submitted a set of sunlight shading studies, including one for the existing situation and one for the proposed situation. They have been modelled four times during the day at the Winter, Spring, Summer & Autumn equinox. The report concludes that there will be no loss of sunlight to No.91 Minet Avenue, except in the diagram representing June 21st at 18.00 hours. SPG 17 requires that any proposal does not "result in the significant loss or reduction of sunlight" to sensitive windows and whilst it is balanced assessment it is considered that the impact would be within acceptable limits, taking into account the overall benefits that the scheme is likely to bring. The studies need to be included as an approved document in the event that consent is granted.

The trees within the site are shown as being retained and conditions need to ensure that even during construction they are protected.

An Arboricultural Implications Assessment which includes recommendations on tree protection measures in accordance with BS 5837 (2012) has been produced and will feed into the overall consideration of Condition 6 attached to the draft decision (see page 54 of Committee report). For absolute clarity this condition needs to be amended as the author of the report is incorrectly noted as Landscape Planning Ltd, when it should read Middlemarch Environmental Ltd.

Putting main entrance next to No.91 is going to have significant impact on residents.

The distance is 6.04m between the proposed building and the front chimney stack (which is the closest point of No. 91 Minet Avenue) although this distance is 6.8m at its greatest point. The new entrance area would include a new 4m wide path and a planting zone, averaging 2m in width and 1.5m in height. It is considered that the overall width will help to mitigate congestion at busy times of the day, whilst at the same time provide for a visually attractive access into the school.

Residents have already had significant problems with activities/lettings at the school going on into early hours of the morning.

It is understood that at the pre planning consultation similar issues about disturbances were raised. The Head of the School stated that she had amended the community letting strategy to accommodate the local community and has even reduced community lets in an attempt to reduce possible impacts on neighbours.

Applicants have done work assessing the noise of existing residents on the school but no work has been done on the impact of the noise of the enlarged school on the people living nearby

Officers acknowledge that the proposal will change things for people living nearby, but the increase from one form of entry to three and the impacts that it will have in terms of noise are considered to be within acceptable limits. There is no Brent planning policy guidance **Page 7** from children's play in relation to school environments and it is not something that can easily be measured or quantified as there are no 'acoustic benchmarks' as to

what might be considered acceptable. However, in this case an acoustic consultant has looked at the proposal and has commented that as far as the MUGA is concerned "the roof-top location is no closer to existing dwellings than the existing MUGA and is better screened as a result of its height above ground and the parapet".

SECTION 106 LEGAL AGREEMENT

The clauses in the proposed Heads of Agreement will need to be covered by planning conditions or other legal undertaking as the applicant is the Council.

On page 44, the percentage of on-site renewables that will be sought here is 15%, rather than the 20% stated.

Recommendation: Remains approval subject to additional conditions or undertaking and amendment to condition 6, with the wording to be delegated to the Head of Area Planning.

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Agenda Item 07

Supplementary Information Planning Committee on 11 December, 2013

Case No. 13/2903

Location	Preston Park Primary School, College Road, Wembley, HA9 8RJ
Description	Demolition of existing dining room and kitchen block and the erection of a new two storey class room block incorporating replacement dining room and kitchen, a single storey extension to the existing nursery/reception year block, the removal of three temporary class room huts, increased cycle storage, new fencing, new landscaping, and the creation of a larger reception rear playground.

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It has been brought to the Council's attention that the Transport Statement which was submitted separately to the main application was not put on the Council's web site and so members of the public have not had the opportunity to view and comment on this information. In the interest of fairness officers are recommending that this application be deferred in order to allow for local residents to be consulted on the Transport Statement.

Recommendation:

That this planning application be deferred from this committee.

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Agenda Item 08

Supplementary Information Planning Committee on 11 December, 2013

Case No. 13/3115

Location	19-29 ODDS, Linthorpe Avenue, Wembley, HA0 2ER
Description	Demolition of existing building and erection of a replacement 3 storey building comprising 9 residential flats with associated car parking, cycle storage and amenity space.

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- Subsection 22 incorrectly states that 9 parking spaces are proposed. 8 parking spaces are now proposed. This is satisfactory to the Borough's Transport and Highways Engineer.
- Minor amendments have been requested regarding the bin storage design. The present plans shows that the doors to the bin storage area open outwards to the access road. The boroughs Highways engineer has asked that this plan be amended to show the doors opening inwards or use a sliding door arrangement.

It is recommended that a condition be attached to secure this amendment.

Matters arising from the site visit

- A number of issues have been raised as a consequence of the pre-committee site visit. Residents from Chaplin Road have stated that they wish the proposed development to re-orientated so that the proposal is further away from the boundary with their properties. It is important to note that a number of alternative locations were considered prior to the application being submitted.
- The proposed scheme was decided on the basis that the proposed layout would provide the least amount of disruption to nearby residents. It would be constructed on the foot print of the existing building and is of a similar height. In addition to this the application site is an irregular shape and dictates where the proposed development can take place. The proposed location is considered the only viable layout when considering residential amenity of residents and ensuring that the proposed development is of a quality that meets London Plan standards.
- In terms of concerns regarding separation distances between habitable room windows in Chaplin Road and the proposed replacement block the submitted plans are based on the assessment that the original side projections on the Chaplin Road houses were non habitable rooms. This may have been true however these projections have now been incorporated into more recent extensions that are habitable rooms. In relation to these windows the scheme does not meet the 20 metre guidelines set out in SPG17.
- Furthermore the 10m distance has not been achieved between the proposed development and the boundary fence of properties on Chaplin Road. It should be noted that the current arrangement does not provide this distance. The gap between the building and the Chaplin Road boundaries does taper with an average separation of 6.2 metres (compared to 8 metres now). At its narrowest the gap will be just 4.8 metres (compared to 6.5 metres now). While it is not ideal the application has to be viewed in the context of the existing situation. Neighbours currently have a view of a long vacant and derelict block of flats, which has a history of anti-social behaviour. While the replacement building is closer to the boundary there are mitigating circumstances. Where this gap is narrowest the two neighbouring properties have large outbuildings at the rear of their gardens. The applicant has agreed to undertake additional landscaping along the boundary of the site with these gardens in order to provide some meaningful screening. An additional condition is recommended requiring further details of landscaping along this boundary.

Recommendation: Remains approval subject to additional conditions requiring additional landscaping and amendments to the bin store.

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Agenda Item 10

Supplementary Information

Planning Committee on 11 December, 2013

Case No.

13/2799

Location	Palace of Arts and Industry, Engineers Way, Wembley, HA9
Description	Erection of a series of 5- to 16 storey buildings within Plot NW01 situated on the corner of Engineers Way and Empire Way comprising 475 residential units and 1,061 square metres of commercial floorspace (Use Class B1 (Business), D1 (non-residential institution), D2 (leisure and assembly), A1 (retail) , A2 (professional and financial services) or A3 (restaurant and café)) and associated residential parking spaces, private communal landscaped garden, ancillary spaces, and associated plant, cycle storage and refuse provision.

This application is submitted pursuant to conditions 1 (Reserved Matters in relation to Layout, Scale, Appearance, Access and Landscape), 9 (Noise), 23 (Sustainability Implementation Strategy) and 29 (Affordable Housing Storage) in relation to Plot NW01 of outline planning permission reference 13/1323 which varied outline planning consent reference 10/3032.

Outline Planning Consent reference 10/3032 was for:

Demolition of existing buildings and the mixed-use redevelopment of the site to provide up to 160,000m² of floorspace (GEA, excluding infrastructure) comprising:

- Retail/financial and professional services/food and drink (Use Class A1 to A5): 17,000m² to 30,000m²
- Business (Use Class B1): up to 25,000m²;

- Hotel (Use Class C1): 5,000m² to 20,000m²;
- Residential dwellings (Use Class C3): 65,000m² to 100,000m² (815 to 1,300 units);
- Community (Use Class D1): 1,500m² to 3,000m²;
- Leisure and Entertainment (Use Class D2): up to 5,000m²;
- Student accommodation/serviced apartments/apart-hotels (Sui Generis): 7,500m² to 25,000m²;

and associated infrastructure including footways, roads, parking, cycle parking, servicing, open spaces, landscaping, plant, utilities and works to Olympic Way, and subject to a Deed of Agreement dated 24 November 2011 under Section 106 of the Town and Country Planning Act 1990, as amended

Agenda Page Number: 93

Further information received regarding highways matters

The Committee report highlighted the need for minor changes and further information and a condition was recommended to secure these. A door is to open inwards rather than outwards, 300 mm margins were required adjacent to a vehicular access, four visitor cycle stands and details of electric vehicle charging points. Highways have commented that the revised drawings address the points that they raised and that condition No. 5 is no longer required.

Comment from Safer Streets regarding the boiler and flue details

Safer Streets have commented that the submitted details are acceptable in terms of the emissions from the boilers and the height of the flue above the roof given that the boiler within this plot is a temporary installation (until the site-wide heat network comes forward). As such condition 6 is no longer required.

Thames Water objection

During the site visit, members sought further information regarding the objection from Thames Water.

In relation to the outline planning application for this site which was determined in 2010-2011, Thames Water commented that they were unable to determine the waste water infrastructure needs of the application and they recommended a condition regarding details of drainage. Thames Water clarified that there currently is insufficient capacity in their waste water network to serve this development. They are undertaking a detailed investigation into the infrastructure requirements but that it is not possible to produce an effective drainage strategy until this study is completed and the infrastructure needs and delivery mechanisms are identified. Thames Water highlighted that they were funding and undertaking a local drainage infrastructure study to understand the impacts this and other developments on the local drainage strategy. They reported that this study will dictate the level of infrastructure required to serve this development.

The wording of suitable conditions was agreed within Thames Water and those conditions were attached to the outline planning consent. These conditions required the approval of drainage strategies in consultation with Thames Water prior to the commencement of works on each plot within the outline consent area.

Thames Water have objected to the approval of the sustainability implementation strategy that is required pursuant to condition 23 of the outline planning consent. This condition requires the approval of details of how the sustainability measures that are set out within the approved Development Specification are implemented within the plot. The Sustainability section of the development specification refers to the Code for Sustainable Homes (Level 4), BREEAM rating (Excellent), delivery of site-wide CHP, connection to a district wide heat network if delivered in the future, the inclusion of 3,300 square metres of PV panels, a minimum score of 50% on the Sustainability Checklist and to meet the Mayor of London's Essential Standards.

Within the Thames Water objection they highlight that the existing wastewater infrastructure is insufficient (as discussed above). They highlight the absence of a drainage plan in the submission and the need to submit a drainage strategy for both surface and foul water, together with details of connection points and discharge rates. This information is already secured through conditions 24, 25 and 26 of the outline planning consent. It must be submitted and approved prior to the commencement of works on each plot, but not necessarily with the Reserved Matters Application. Thames Water have been advised that as a reserved matters application these existing conditions still apply. As such, there is no sound basis for the Thames Water objection and they did not provide any further clarification when queried regarding this.

Recommendation: Remains approval subject to the removal of condition 5 and 6.

Revised drawings:

PL 100 Rev A (Revised ground floor plan)

ITB8173-SK-012 Rev E (access plan)

ITB8173-SK-020 Rev A (electric vehicle charging points)

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Agenda Item 12

Supplementary Information**Planning Committee on 11 December, 2013**

Case No.

13/1296

Location	Land next to Victoria Centre, Acton Lane, London
Description	Erection of 9-storey building comprising 99 units of Extra Care Accommodation (Use Class C3(B)) with ancillary facilities, 754 square metres of Use Class A1/A3 Floorspace at ground floor, ancillary car parking and landscaping.

Agenda Page Number: 115**Pedestrian Environment Review System (PERS) audit received**

The audit shows that the proposed development has an above average provision of pedestrian facilities close to the site, with all of the audit sites being classified amber and green. The audit concludes that the existing infrastructure is considered to be suitable for the proposed development.

TfL have reviewed the PERS audit and note that it highlights the lack of dropped kerbs and the need for tactile paving or improved tactile paving at:-

1. Hospital Access
2. Acton Lane Signals
3. Acton Lane Zebra Crossing
4. Coronation Road

They request that contributions are sought towards these pedestrian environment measures. Highways have commented that the majority of the locations are within Ealing and the amount of funding needed to address these minor issues would be very small. Your officers request that authority is delegated to officers to agree this matter with the applicant, TfL and Highways prior to the Stage 2 referral to the Mayor.

Drainage Details received

The drainage report confirms that the first floor roof terraces will reduce the amount of impermeable site coverage and proposes the use of an attenuation tank to reduce the level of surface water discharge to greenfield rates. Given that the proposed building covers the majority of the site and a large proportion of the site frontage is to be offered to the Council as public highway (new footway), your officers consider that the drainage proposals are acceptable.

GLA comments on revised energy assessment

The GLA have requested further information to support the revised energy assessment, including:

- Further information to demonstrate how demand for cooling will be minimised;
- Further information regarding reductions through energy efficiency ("be lean") measures;
- Confirmation that the heat network will serve all dwellings and non-domestic uses, and a sketch of the proposed network; and
- Information of the electricity sale strategy and management arrangements;

The applicant is working up this further information. Your officers recommend that authority is delegated to officers to agree these details in consultation with the GLA prior to the Stage 2 referral to the Mayor.

Minor changes to the report

- The recommendation should have read "full planning permission" rather than "outline planning permission".
- Section 106 Head of Terms 3(d) should have referred to a 6.6% reduction in CO2 as set out within the Sustainability section of the report rather than 20 %.
- Paragraph 12 of the Remarks section should have referred to a reduction from 9 parking spaces to 7 due to the provision of blue badge parking spaces.

Additional condition regarding the adoption of land as public Highway

A condition was omitted from the committee report which requires the developer to offer land within the Acton Lane frontage for adoption. This is required to ensure that a suitable footway can be provided if the new bus lane that is envisaged within Acton Lane goes ahead and was captured within the Section 106 agreement for the previous consent. The text of the condition is as follows:

The development hereby approved shall not be occupied until such time as Certificates of Substantial

Completion have been issued for the alterations to the existing adopted highway under an Agreement pursuant to Sections 278 of the Highways Act 1980 and the construction of the new areas to be constructed as new footway to an adoptable standard, and those elements of new footway within the site have been offered to the Local Authority for adoption as public highway pursuant to Section 38 of the Highways Act 1980, unless otherwise agreed in writing by the Local Planning Authority. The works and land to be offered for adoption shall be in accordance with drawing S106_002 which is appended to and denoted as "Plan 1" within the Section 106 agreement relating to planning consent reference 10/2164 (or other such plan as is approved in writing by the Local Planning Authority pursuant to this condition). The works shall be at the developers own expense and the land shall be offered for adoption at no cost to the Council.

Reason: To ensure a satisfactory development in the interest of highway flow and safety and amenity.

Amendment to condition 6

After "parking spaces" add "including electric vehicle charging points"

Recommendation: Remains approval subject to an additional condition regarding the land to be dedicated as adopted highway, an amendment to condition 6, an amendment to Section 106 Head of Term 3(d) and to delegate of authority to officers to agree additional information regarding sustainability and pedestrian environment works.

Additional approved documents: "Asra Housing Park Royal, Brent PERS Audit" dated November 2013, "Park Royal Extra-Care Scheme Acton Lane London Rev A" ref 11249 dated November 2013

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