



Planning Committee - Supplementary

Tuesday, 16 March 2010 at 7.00 pm

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

Membership:

Members

Councillors:

Kansagra (Chair)
Powney (Vice-Chair)
Anwar
Baker
Cummins
Hashmi
Hirani
Jackson
R Moher
HM Patel
Thomas

first alternates

Councillors:

Mrs Fernandes
Beswick
Corcoran
Eniola
Pervez
Dunn
Tancred
CJ Patel
Butt
Colwill
Long

second alternates

Councillors:

Mistry
Bessong
Mendoza
Bessong
Leaman
CJ Patel
Corcoran
Ahmed
Steel

For further information contact: Joe Kwateng, Democratic Services Officer,
020 8937 1354, joe.kwateng@brent.gov.uk

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 - Supplementary

| ITEM | WARD | PAGE |
|---|-------------------|-------------|
| 3. 11 Sherborne Gardens, London, NW9 9TE (Ref. 09/3292) | Queensbury; | 1 - 2 |
| 5. 1-3, The Mall, Harrow, HA3 (Ref. 09/2650) | Barnhill; | 3 - 6 |
| 9. KK Builder, Unit B Tower Works, Tower Road, London, NW10 2HP (Ref. 10/0020) | Willesden Green; | 7 - 8 |
| 10. Bowling Green Pavilions, Chatsworth Road, London, NW2 4BL (Ref. 10/0124) | Brondesbury Park; | 9 - 10 |
| 11. 27 Chevening Road, London, NW6 6DB (Ref. 10/0166) | Queens Park; | 11 - 12 |
| 12. 82 Chaplin Road, London, NW2 5PR (Ref. 09/2455) | Willesden Green; | 13 - 14 |
| 13. Palace of Arts & Palace of Industry Site, Engineers Way, Wembley, HA9 0ES (Ref. 09/2450) | Tokyngham; | 15 - 18 |
| 14. Community Centre, Crystal House, 2 Agate Close, London, NW10 7FJ (Ref. 09/2645) | Stonebridge; | 19 - 20 |
| 17. Elizabeth House, 341 High Road, Wembley HA9 6AQ (Ref. 09/2506) | Wembley Central; | 21 - 24 |

Supplementary Information

Planning Committee on 16 March, 2010

Item No.

3

Case No.

09/3292

Location 11 Sherborne Gardens, London, NW9 9TE

Description Erection of a single-storey and two-storey rear extension and first-floor side extension to the dwellinghouse and conversion of an attached garage into a habitable room, including replacement of the front garage door with a new window

Agenda Page Number: 19-24

Further comment received from objector:

Amended drawings were sent to the objector on 1 March 2010, requesting any further comments. The following comments were received:

- Maintain objection.
- The revisions do not go far enough to address concerns. Referring specifically to Drawing PA/445/P.01, the objector considers that both the ground-floor extension (with 3m projection) and first-floor extension will cause loss of light.

Discussion:

The relationship between the development proposed within this application and the neighbouring property have been discussed within the main report.

Recommendation: Remains approval.

DocSuppF

This page is intentionally left blank

Supplementary Information

Planning Committee on 16 March, 2010

Item No.

5

Case No.

09/2650

Location 1-3, The Mall, Harrow, HA3

Description Demolition of existing buildings and erection of two 3-, 4- & 5-storey blocks totalling 143 dwellings, comprising 18 x one-bedroom flats, 27 x two-bedroom flats, 30 x three-bedroom flats, 11 x four-bedroom maisonettes, 2 x five-bedroom maisonettes (affordable) and 13 x one-bedroom flats & 42 x two-bedroom flats (private housing), with 27 surface and 81 basement car-parking spaces, amenity space, children's play area and bin stores

Agenda Page Number: 31-56

Members visited the site on Saturday 13 March.

Officers confirmed the site lies in Barnhill Ward. Members also sought clarification of the height of the block of flats opposite the site. As it is a three storey block which officers estimate it to be between 8-9m high.

Members also sought confirmation of the distances of the proposed development to No. 37 Moot Court. These are addressed in more detail in the committee report, but in summary the closest part of the proposed development are 18-19m from No. 37. The part of the proposed development directly behind No. 37 is further away, at 26m. These distances comply with Council's supplementary planning guidance No. 17.

Councillor Dunwell was present at the site visit and reiterated concerns raised within his objection letter. These concerns have been addressed within the committee report. In addition Cllr Dunwell has sought a response to his letter which highlighted a recent letter to all Chief Planners from the DCLG and in particular the following quote: "there is no presumption that previously developed land is necessarily suitable for housing, nor that all of the curtilage should be developed".

This letter is titled "Development on Garden Land" and is clearly focussed on addressing concerns "expressed about the extent to which developers are redeveloping on existing domestic curtilage". Officers are of the opinion that the site is not a domestic site and in any event, as the letter goes on to explain, local authorities are best placed to take decisions on the most suitable locations for housing. Officers have considered this application against relevant national, regional and local policies and are of the opinion that the planning merits of the scheme outweigh any harm and recommend planning permission be granted.

Additional Objections

An objector attended the site visit and voiced concerns about the following matters relating to this application.

- The scale of development proposed;
- Traffic implications (would object to CPZ).

Concern was also raised about lack of notification for the change of use of the existing building from police accommodation to a homeless hostel although this is not relevant to this application.

In addition, a further written objection has been received objecting on the following grounds:

- Impact on school places in the area
- Impact on existing residents of the hostel
- Increase in crime
- Traffic impact
- Flooding

In response, Officers would like to clarify that the proposed development includes a substantial financial contribution in the form of the standard charge. The standard charge includes a contribution to education facilities to meet demand created by new development. With regards the existing residents of the hostel, it should be noted that this is a temporary permission which is due to expire on May 2011. The proposed development is a key part of the Council's PFI scheme to provide permanent accommodation for those families on Brent's housing waiting lists.

Traffic impact, crime and flooding are all addressed in the committee report.

Councillor Dunwell has sent further correspondence (dated 15th March 2010) accompanied by a petition against the proposed development with 55 signatories. The following points have been made:

- Request clarification on amenity space provision;
- Inadequate justification regarding 'backland development'.

With regard to the amenity space provision, there is a requirement for at least 2860 sqm of external amenity space at 20 sqm per unit, or 4150 sqm if 50sqm is provided for each large family unit. The development provides 5600 sqm which is in excess of the minimum requirements set out in SPG17.

In terms of whether policy relating to backland development is applicable, such development is defined in the UDP as 'housing development on land behind the rear building line of existing housing (including where this is being redeveloped) either formally used as gardens or partially enclosed by gardens'. The existing site has a temporary consent for hostel accommodation and was formerly used as a police training centre. It is not considered that the development site falls within this definition.

Amendments

1. The mix has changed slightly, resulting in an increase in 1-bed units at the expense of 2-bed units and one more 3-bed unit. The overall number of units remains 143.

Change description from:

Demolition of existing buildings and erection of two 3-, 4- & 5-storey blocks totalling 143 dwellings, comprising 18 x one-bedroom flats, 27 x two-bedroom flats, 30 x three-bedroom flats, 11 x four-bedroom maisonettes, 2 x five-bedroom maisonettes (affordable) and 13 x one-bedroom flats & 42 x two-bedroom flats (private housing), with 27 surface and 81 basement car-parking spaces, amenity space, children's play area and bin stores

to:

Demolition of existing buildings and erection of two 3-, 4- & 5-storey blocks totalling 143 dwellings, comprising 21 x one-bedroom flats, 23 x two-bedroom flats, 31 x three-bedroom flats, 11 x four-bedroom maisonettes, 2 x five-bedroom maisonettes (affordable) and 12 x one-bedroom flats & 43 x two-bedroom flats (private housing), with 26 surface and 80

basement car-parking spaces, amenity space, children's play area and bin stores as amended by plans received 04/03/10

2. The revised plans received 4 March 2010 reduced the overall amenity space from 6025sqm quoted in the committee report to 5600sqm. This is due to a slight reduction in the central amenity space and the reclassification of some of the space as landscape setting to accord with the definition in the UDP. This remains satisfactory.
3. Add following condition regarding Air Quality Impact Assessment (missed off original list of conditions):

Prior to commencement of the development the applicant shall submit in writing to the local planning authority, an air quality impact assessment that shall be conducted in accordance with an agreed methodology, must take into account the cumulative effect of all development in the area and detail all mitigation measures.

All mitigation measures shall be agreed and approved by the planning authority before implementation.

Reason: To safeguard future and current residents from poor air quality

3. Changes to the phasing triggers within the s106 clauses

Amend s106 details to read:

k) No occupation of Phase 2 until 50% of the units in Phase 1 are practically completed

4. Revised plans have been received on 15 March 2010. The main changes are:

- A basement plant room has been added for the biomass boiler with surface level access adjacent to the bike store;
- Internal changes to unit layouts to comply with lifetime homes standards;
- Relocation of the balcony in the corner of the courtyard way from the adjacent window - this has been achieved by reversing (from left to right) the 3/4 storey front block and as such, there are associated elevational changes;
- Details of the bike store to comprise vertical timber panels with a corrugated transparent plastic roof;
- Detailed section through the subterranean car park in the courtyard has been included. The section shows the soil build up above the car park. The plant boxes provide sufficient soil depth to enable bushes and small trees to be planted above the car park;
- An arbour detail has been included.

The changes are not considered to raise any material planning issues. The revised drawings will require condition 2 to be amended to read as follows:

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

*MAL/M+P/GA/000001;
MAL/M+P/GA/000003;
MAL/M+P/GA/000005 Rev E;
MAL/M+P/GA/000007 Rev F;
MAL/M+P/GA/000009 Rev F;
MAL/M+P/GA/000011 Rev E;
MAL/M+P/GA/000013 Rev A;
MAL/M+P/GA/000015 Rev B;*

*MAL/M+P/GA/000002;
MAL/M+P/GA/000004;
MAL/M+P/GA/000006 Rev F;
MAL/M+P/GA/000008 Rev F;
MAL/M+P/GA/000010 Rev F;
MAL/M+P/GA/000012 Rev B;
MAL/M+P/GA/000014 Rev B;
MAL/M+P/GA/000016 Rev B;*

| | |
|--------------------------------------|--|
| <i>MAL/M+P/GA/000017 Rev B;</i> | <i>MAL/M+P/GA/000018 Rev B;</i> |
| <i>MAL/M+P/GA/000019;</i> | <i>MAL/M+P/GA/000020;</i> |
| <i>MAL/M+P/GA/000021;</i> | <i>MAL/M+P/GA/000022;</i> |
| <i>MAL/M+P/GA/000023;</i> | <i>MAL/M+P/GA/000024;</i> |
| <i>MAL/M+P/GA/000025;</i> | <i>MAL/M+P/GA/000026.</i> |
| <i>Design & Access Statement</i> | <i>Statement of Community Involvement</i> |
| <i>Affordable Housing Statement</i> | <i>Sustainability Statement</i> |
| <i>Transport Statement</i> | <i>Site Area Clarification (letter 29/12/2009)</i> |
| <i>Flood Statement</i> | <i>Tree Survey</i> |

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

Response from Borough Solicitor

Advise that Item i) under Section 106 details refers to the removal of parking permits. As the site is not located in a CPZ, the removal of such rights is not possible. Given the on-site parking is considered to be adequate to serve the development, it is recommended that this clause is removed.

Advise that the following wording should be inserted at the end of the section 106 details in place of the existing wording: "And to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the section 106 agreement has not been entered into by all relaxant parties but if the application is refused for this reason to delegate authority to the Director of Environment and Culture, or other duly authorised person, to grant permission in respect of a further application which is either identical to the current one or his opinion is not materially different, provided that a section 106 agreement in the terms set out above is entered into."

Page 51- Condition 10. Add at the end of this condition "The approved management plan shall be fully implemented."

The amendments above are to be made in accordance with the advice from the Borough solicitor.

For clarification, under the provisions of regulation 5 of S.I. 1999 No. 293 Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the development falls within Schedule 2 development of S.I. 293, being an Infrastructure Project exceeding 0.5ha (Section 10(b) Urban development).

The Council's conclusion was that, having regard to the characteristics of the development of an already developed site (comprising approx 106 hostel rooms), its location and potential impact, it did not have significant environmental effects and therefore does not require an Environmental Impact Assessment (EIA). An Affordable Housing Statement, Sustainability Statement, Transport Statement, Flood Statement and Tree Survey were submitted with the application.

Recommendation: Remains approval subject to the satisfactory completion of a Section 106 in accordance with the Committee Report and revisions detailed above.

Location Kk Builder Unit B Tower Works, Tower Road, London, NW10 2HP
Description Demolition of existing two-storey building and erection of 4-storey building comprising of office/storage space at basement level and ground floor level and 6 self-contained flats (6 x two-bedroom) at first, second and third floor level with associated roof garden and provision of refuse and cycle storage areas to front of proposed building

Agenda Page Number: 79

Relationship to University Building

During the recent site visit Members sought clarification on the relationship between the proposed building and the existing Brahma Kumaris University building located adjacent to the rear of the subject site.

The rear wall of the existing two-storey building is located 2m from the rear wall of the university building. The rear wall of the proposed building at ground floor level would also be located approximately 2m from the rear wall of the university building. However, the stepped rear wall of the upper floors would be set back further from the rear wall of the university building at a distance ranging from 4m to 7m.

The rear wall of the university building contains a number of windows at three levels. Having inspected the original planning permission (01/0657) for the erection of this part of the university building Officers consider that the windows on the rear elevation of the university building are likely to serve the following rooms. On the ground floor the windows serve storage rooms, a staff kitchen and a staff dining area. On the first floor, the windows serve storage rooms and a large conference room. On the second floor, the windows, which set above the roof of the proposed building, serve a board room, two hostel bedrooms and a boiler room.

S106

During the recent site visit Members sought clarification on the likely use of the any s106 contributions secured as part of the development. As set out in the main report, Officers are seeking to secure a contribution of £36,000 from the applicant which will be used to mitigate against the likely impact of the proposed development on local transport, sports, open space and educational infrastructure. It is a planning requirement that any s106 contributions received in conjunction with the proposed development must only be used to fund improvements within the locality of the site. The Planning Service will consider any reasonable suggestions on how s106 contributions can be used to fund improvements to appropriate public infrastructure within the vicinity of Tower Road.

Site Ownership

Queries have been raised regarding the ownership of the forecourt along the southern side of the site which was originally included in the application site. The applicant has supplied a solicitors letter stating that they own the entire forecourt along the full length of the southern side of the subject site and adjoining MOT garage. As Members will be aware private land disputes are normally a civil matter and are usually beyond the jurisdiction of the Council. In any case, the subject site has been revised to exclude the disputed land which will not be required for the proposed development.

Recommendation: Remains approval subject to legal agreement.

This page is intentionally left blank

Supplementary Information

Planning Committee on 16 March, 2010

Item No.

10

Case No.

10/0124

| | |
|-------------|--|
| Location | Bowling Green Pavilions, Chatsworth Road, London, NW2 4BL |
| Description | Erection of a single-storey building for use as a nursery school (Use Class D1) and erection of pitched roof to existing clubhouse |

Agenda Page Number: 91

Prior to the recent site visit, the applicant submitted two additional plans (2707-01 & 2707-02) which sought to clarify the relationship between the proposed nursery building and the surrounding area, including the relationship with the neighbouring property at 49 Chatsworth Road. The plans indicate that the level of the ground on which the nursery would be built would be approximately 1.9m above the ground level of the rear gardens to the adjacent property at 49 Chatsworth Road. The plans also indicate that the roof of the proposed nursery would project approximately 14m beyond the main rear wall of the property at 49 Chatsworth Road. The main body of the proposed nursery building would be set in from the joint boundary by approximately 0.7m but the overhanging eaves would project the roof to within 0.1m of the joint boundary. The flank wall of the property at 49 Chatsworth Road is set in by approximately 2m from the joint boundary.

The submitted plans indicate that the height and proximity of the proposed nursery building would fail to comply with the guidance contained in SPG17, in that it would breach a line of 45 degrees taken from a height of 2m, measured from the ground level of either the subject or neighbouring site. This guidance would be breached for the full length of the 14m projection beyond the rear wall of the property. Officers consider that the submitted plans confirm views expressed in the main report that the proposed nursery building would have an overbearing impact on the outlook and visual amenity of adjoining occupiers at 49 Chatsworth Road.

Revised drawings:

The final decision notice should be amended to include the following plan numbers:-

- 2707-01
- 2707-02

Recommendation: Remains Refusal

This page is intentionally left blank

Supplementary Information

Planning Committee on 16 March, 2010

Item No.

11

Case No.

10/0166

Location 27 Chevening Road, London, NW6 6DB
Description The erection of a rear dormer window, chimney and a single-storey side extension to the existing rear outrigger to the rear elevation of the dwellinghouse

Agenda Page Number: 99

Following the second consultation period the Council has received two further letters from the two original objectors. The objectors have reiterated original concerns drawing attention to:

1. Potential glare caused by the partially glazed roof
2. The potential to resite the kitchen
3. Infilling the 4m lightwell
4. Loss of light

Points 3 and 4 are discussed in the main body of the report. Officers would make the additional comments.

1. Potential glare caused glazed roof.

Officers consider that a combination of the limited extent of the glazing in the roof (not all of the proposed roof would be glazed) and the relationship between the extension and the nearest room windows in the adjoining properties means that it would be unlikely that glare from the proposed roof would constitute a nuisance in terms of light spillage. As a result, it is considered to be not necessary, nor of particular benefit, to ensure that the glass is obscure glazed in this particular case.

2. The potential to resite the kitchen

The objector feels that the possible siting of the kitchen in the extension could in the future cause disturbance/cooking smells to their detriment. As Members will be aware the internal re-positioning of rooms in any property does not require planning permission and cannot, therefore, be a material consideration here. For clarity, there is nothing in this application that suggests that such an internal reorganisation is likely, in any event.

Recommendation: Remains Approval.

DocSuppF

This page is intentionally left blank

Supplementary Information

Planning Committee on 16 March, 2010

Item No.

12

Case No.

09/2455

Location 82 Chaplin Road, London, NW2 5PR

Description Redevelopment of building, including extension to facing courtyard walls and reduction in number of office units from 8 to 6, with installation of new front UPVC windows and 5 rooflights

Agenda Page Number: 105

The agent submitted a revised plan removing all windows to the flank wall facing rear gardens of Chaplin Road, plan reference '09/05/1 revc. This will ensure that the existing amenities of residents at Numbers 76 - 80 Chaplin Road are not harmed by reason of overlooking.

For clarification purposes, the structure prior to demolition featured a sloping roof 6.2m in height on the rear boundary of Numbers 76-80 Chaplin Road rising to 7.0m at its highest point. The proposal levels the height of the entire structure to 6.2m which will reduce the impact that the previous structure had upon neighbouring amenity.

Amended Conditions

The Borough Solicitor has recommended that in condition number 3, page 108, the following should be included (second sentence) "The approved management plan shall be fully implemented and permanently retained..".

Recommendation: Remains approval with alterations to condition 3 and change of plan number '09/05/1 revb' to 09/05/1 revc.

DocSuppF

This page is intentionally left blank

Supplementary Information

Planning Committee on 16 March, 2010

Item No.

13

Case No.

09/2450

| | |
|-------------|--|
| Location | Palace of Arts & Palace of Industry Site, Engineers Way, Wembley, HA9 0ES |
| Description | Erection of a part eight-storey and part ten-storey Brent Council Civic Centre building, comprising office space (Use Class B1), community and performance space (Use Class D1 and D2, including library, Registrars Office, Community Hall and Council Chamber), Use Class A1/A2/B1 floorspace at ground floor level, a cafe (Use Class A3), wedding garden and a winter garden area, with provision of 158 car-parking spaces, 250 bicycle-parking spaces and 32 motorcycle-parking spaces in basement, and associated landscaping to site |

Agenda Page Number: 111

Revised/additional information

The applicants have submitted revised drawings in response to the comments from CABE and your officers:

- the treatment of the pergola over the basement ramp and substation (climbing plants over the steel pergola with stainless-steel cables)
- the green roof of the substation
- the additional width of the access way between the main building and the Wedding Garden
- indicative locations of feature planting and public art within the Wedding Garden
- the relocation of some surface-level cycle spaces
- Council branding at lower levels adjacent to the northern and southern entrances to highlight the presence of the entrances.

Your officers consider that the drawings represent an appropriate response to the suggestions made by the CABE Design Review Panel and result in further refinements in the development of the design of the building.

The applicants have also submitted an “Energy & Sustainability Q&A” sheet which provides further clarification regarding a number of matters including the choice of sustainability measures, the CCHP unit, the temperatures within the Atrium, the ability to connect to district wide heat and waste networks if they are introduced in the future, rainwater harvesting, levels of parking, Travel Plan measures, management of transportation on Stadium and Arena event days and vehicle access arrangements.

During the site visit, members also asked about the Flood Risk Measures incorporated into the proposal. The Environment Agency specified that, as the site is below 1 Hectare in size, the statutory referral of the application to the EA is not required. However, they specified that they were pleased that their comments regarding the reduction of flood risk had been taken into account. A number of measures to reduce the risk of flooding were incorporated into the proposal, including the incorporation of green roofs, rainwater harvesting and re-use and underground attenuation. These measures result in attenuation levels of 50 %.

Contributions toward bus stop improvements and funding relating to Travel Plan targets

The proposed maximum contribution toward bus stop relocation and/or upgrading is £20,000, which comprises £10,000 per bus stop.

The maximum level of funding (or value of measures) that would be made available should Travel Plan targets not be met is £50,000.

TfL have specified that they consider the level of these contributions to be appropriate.

Disabled parking

Transportation have suggested that additional disabled parking is provided. However, the disabled parking that is proposed is in accordance with the Council's standards and the GLA/TfL have also indicated that they consider the level to be appropriate.

Ramp geometry

Transportation have also recommended that the width of the ramp is increased on the bend, larger margins to be provided on the sides of the ramp and that the island at the bottom is removed to assist the tracking for servicing vehicles. However, the supporting information for this application shows that the vehicle tracking works for the ramp and basement.

Deliveries of fuel and treatment of adjacent footway and highway within Southern Frontage

It is currently proposed that fuel deliveries occur within the Engineers Way frontage and the plans detail a lay-by in this location. However, Transportation have commented that the treatment and nature of Engineers Way may change in the short to medium term, and it is therefore not possible to determine the optimal treatment of the road and footway at present. Servicing access may also be possible in the future on the north-western side of the building and there may be potential for fuel delivery to occur from that location in the future. The location of the fuel deliveries is secured through the "Delivery and Servicing Management Plan". However, it is recommended that an additional condition is added regarding the treatment of the footway/highway if fuel deliveries are required within the Engineers Way frontage.

Environmental Impact Assessment Screening Opinion

Environmental Impact Assessment (EIA) is a process for identifying the environmental effects, both positive and negative, of proposed developments before a planning application is determined. The onus is on the developer to undertake the EIA for their proposed scheme. EIA is a multi-stage process and the Council is required to determine whether a proposed development requires an EIA through the Screening process and then to establish the elements to be assessed in the EIA (if required) in the Scoping process.

The Council were required to adopt a screening opinion under the provisions of regulation 5 of S.I. 1999 No. 293 Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, for this development. The Council's letter of response on the 17 July 2009 gave the opinion (under officer's delegated powers), based on the details submitted, that the development did not fall within Schedule 1 of S.I. 1999 No. 293, but falls within Schedule 2 development of S.I. 293, being an Infrastructure Project exceeding 0.5ha (Section 10(b) Urban development).

The Council's conclusion was that, having regard to the characteristics of the development, its location and potential impact, it did not have significant environmental effects and therefore does not require an Environmental Impact Assessment (EIA). This opinion was formed based on whether the proposal was likely to have any significant impact on the environment in terms of the following: Traffic impacts on movement, safety and noise; contamination, ground and water quality; archaeology and architectural context; open space, ecology and nature conservation; air quality; and other impacts.

Additional comments from Wembley National Stadium Limited (WNSL)

WNSL have submitted further comments received late on the 15th of March (yesterday). They raise the following issues:

The committee report does not address the issue of whether or not the Empire Way/Engineers Way junction has sufficient capacity to cope with extra traffic generated by

special events held at the Civic Centre.

It will be the responsibility of the Council to manage any such special events to be held at the Civic Centre. Since the events are likely to be held outside peak hours officers are satisfied that the junction has sufficient capacity to cope with any additional traffic generated.

WNSL consider that the Travel Plan does not sufficiently address Event Days, and that an “Event Day Management Plan” should be required. They consider that this should address the impact of stadium and arena events on the operation of the Civic Centre, and that it should encourage the use of public transport on event days, reduce the need for visitor parking on event days and prevent Civic Centre visitors from using Stadium visitor parking on event days.

Your officers do not consider the WNSL’s suggestion to be necessary. The Travel Plan promotes the Civic Centre as a public transport destination on every day of the year, and the level of parking associated with the Civic Centre is accordingly low, particularly compared to the 2900 car parking spaces associated with the Stadium for events. The Council does not have any control whatsoever over the formal Stadium event day parking and therefore the ability to prevent Civic Centre users or any other visitors to the area rests solely with those who control the official stadium car parks. Event Day parking restrictions preventing on street parking will of course apply to users of the Civic Centre.

WNSL also consider that the condition regarding the provision of off-site parking should be amended to state that the scheme for off site parking standard shall be approved by the Council “following consultation with Wembley National Stadium Limited”.

This Condition has been removed on the advice of the Council's legal adviser. See below for an explanation.

Comments from Legal Services

Page 143 – **Condition 10.** Add at the end of this: “The approved Sustainability Strategy shall be fully implemented”.

Condition 11. Amend the start of this to say “following practical completion of development, a review by a BRE-approved, independent body shall be commissioned to determine...”

Then amend the end so as to say “the owner shall submit for approval of the Council proposed measures for remedying such shortcomings and/or carrying out compensatory works. The review, together with such proposed measures (if required), shall be submitted to the Council within 6 months of practical completion of the building. Any remedial/compensatory measures required by the Council shall be fully implemented”.

Page 146 - **Condition 21.** This condition refers to the provision of off-site auxiliary car-parking. This is one of the measures proposed in the Green Travel Plan and is intended to supplement on-site parking for a temporary period while the measures to control car-usage begin to take effect. As the auxiliary parking is already part of the submitted Travel Plan, the implementation of which is covered by Condition 15 there is no requirement for a further condition relating specifically to parking. Officers therefore recommend that Condition 21 be removed.

Page 146 – **Condition 23.** Delete “for the associated phase of development”.

Additional Condition 27:

The development hereby approved shall not be occupied unless details of the undertaking and adoption of highway works under Section 38/278 of the Highways Act 1980 have been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate the extent of land to become adopted highway, the provision of a loading area for fuel-delivery vehicles (if required in this location) and the incorporation of a 10m kerb radii onto Engineers Way, and shall set out the programme for the implementation of the proposed measures, unless otherwise agreed in writing by the Local Planning Authority. The approved details shall be implemented in full.

Reason: In the interests of highway and pedestrian free flow and safety.

Revised drawing numbers:

3101 Rev. D, 4000 Rev. D, 4003 Rev. D

Recommendation: Remains approval, subject to revisions to condition 10, 11 and 23 and additional condition 27.

DocSuppF

Supplementary Information

Planning Committee on 16 March, 2010

Item No.

14

Case No.

09/2645

Location Community Centre, Crystal House, 2 Agate Close, London, NW10 7FJ
Description Change of use of the ground floor from a medical centre (Use Class D1) to mixed use retail (Use Class A1) or a medical centre (Use Class D1)

Agenda Page Number:149

Officers have received further comments from objectors. They are not able to attend committee but they wish to reiterate the strength of their opposition to the proposed retail unit. The reasons for their objection are set out in the committee report.

Officers have received an update from the applicants regarding the potential use of the land to the side of the building as external play space in order to allow the ground floor to be used as a children's nursery as an alternative community use. This land has been transferred to the ownership of the management company which in turn is owned by all the property owners within the estate. Given the ownership constraints it is possible that the land may not be available for a play area although this would depend on future negotiations. Officers have made enquires and a future nursery could be created and meet Welfare Requirements for future child/ baby users without an associated external amenity area as long as children have daily trips out to an open-space. However, this does raise supervision and staffing issues, and so is not ideal.

Officers acknowledge that the ground-floor unit has been vacant for some time. The applicants have approached the Brent and Ealing PCTs to establish their requirements for the unit. Brent PCT have reconfirmed that it is their intention to focus primary care facilities at Central Middlesex Hospital rather than using the application site.

The applicants have made some attempt to market the unit as a nursery. Nevertheless officers have concerns that the flexibility of the proposed consent would enable the creation of a 350 sqm retail unit in an inappropriate location and harm local shopping parades as well. The applicants have offered to limit the size of the retail unit to take up no more than half the ground floor of Crystal House. However officers remain concerned that this would reduce the range of community uses that could operate viably from the site, accordingly the recommendation remains refusal.

Following advice from Policy officers, wording of refusal reason 1 to be revised to:

The proposal by failing to provide sufficient guarantee that an adequate level of floor space for community use would be retained could result in:

- i) the permanent loss of a purpose built D1 facility without appropriate local re-provision or*
- ii) adequate compensation for D1 loss in an area that is deficient in community facilities*

As such, the proposed is considered contrary to policies CF3 and CF13 of the Council's adopted Unitary Development Plan(2004) and Policies 3A.18 and 3A.21 of the London Plan(2008) and the adopted S106 Planning Obligations Supplementary Planning Document

Recommendation: Refuse consent.

This page is intentionally left blank

Supplementary Information

Planning Committee on 16 March, 2010

Item No.

17

Case No.

09/2506

| | |
|-------------|---|
| Location | Elizabeth House, 341 High Road, Wembley |
| Description | Demolition of existing building and erection of a part 5- to 13-storey building with communal terraces, comprising a total of 115 flats (54 x one-bedroom, 46 x two-bedroom and 15 x three-bedroom) on upper floors, ground-floor commercial unit (Use Classes A1, A2, A3), basement parking and associated landscaping and amenity space |

Agenda Page number: 197

Revisions

To reflect earlier changes made to the layout, the following revised plans/documents have been submitted:

- Internal Daylight and Sunlight Report – Prepared by GIA on 11th March
- Basement plan: 10987-A-05-099
- Design and Access Statement – Revised March 2010
- Planning Statement – updated addendum-pgs 13, 14, 15, 34 & 35
- Visualisation1: 10987-A-01-001 RevA
- Visualisation4: 10987-A-01-004 RevA

Queries raised from Site Visit

Members asked where the nearest petrol station was to the application site. The following petrol stations are noted to be the closest:

- Empire Way – Wembley Park – 0.7m
- Tesco – Brent Park, Great Central Way 2.8m
- Sainsbury's – Ealing Road, Alperton 1.7m
- East Lane – 131-139 East Lane, North Wembley, 1.3m
- Watford Road – Sudbury 1.5m

Daylight/Sunlight Report

A daylight/sunlight report has been submitted assessing the revised scheme. In relation to the impact on surrounding properties, it demonstrates the scheme is in full compliance with BRE guidelines. With regards to the quality of light within the proposed accommodation, the study demonstrates that 83% of all habitable rooms and 88% of all principal living spaces (living-rooms/kitchens/diners) meet the BRE Average Daylight Factor criteria. Those rooms that fail are sufficiently close to the BRE's suggested minimum ADF value to be considered acceptable.

Additional Conditions

A number of additional conditions have been requested by the Council's Environmental Health Team. They relate to the site investigation works, controls over noise, vibration and emissions from extraction equipment, post completion noise testing and controls over demolition and construction works. They are set out below:

(23) 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 a scheme, which shall be submitted

to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken. A remediation strategy shall be submitted to the Local Planning Authority for written approval, which specifies measures to contain, treat or remove any contamination found (unless the Planning Authority has previously confirmed that no remediation measures are required). The report shall include measures for the removal of the underground fuel tanks and associated fuel infrastructure.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004.

(24) 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 for written approval, stating that remediation has been carried out in accordance with the approved remediation strategy and the site is permitted for end use, before any part of the development is occupied.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004

(25) Prior to occupation of the dwellings, the applicant shall be required to submit in writing to the Local Planning Authority the results of the post-completion testing undertaken in the noise-affected dwellings closest to the High Road.

Reason: To verify that the internal noise-levels specified can be met and safeguard the amenity of future occupants of the development.

(26) 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.

(27) Prior to the commencement of the development a Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

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

(28) During construction and demolition activities, the loading and transfer of all materials shall be carried out so as to minimise the generation of airborne dust, with all material kept damp during demolition and construction activities, clearance work and other site preparation activities, provision of adequate screening, watering-down of haul routes and storage of materials likely to give rise to dust away from the site boundary.

Reason: To minimise dust/ fumes arising from the operation.

(28) Any extract ventilation fan shall be installed, together with any associated ducting, so as to prevent the transmission of noise and vibration into any neighbouring premises.

The noise level from any plant together with any associated ducting, shall be 10 dB(A) or greater below the measured background noise level at the nearest noise sensitive premises

– a positive indication that complaints are unlikely. The method of assessment should be carried in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas". The development must not proceed without the Local Planning Authority's approval of the proposed scheme. Should the predicted levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to the Local Planning Authority for consideration and approved in writing.

Reason: To protect the amenity of neighbouring residences.

(29) Prior to the commencement of development, details of fume extraction and odour-control equipment, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority. Such equipment shall be installed in its entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of neighbouring residences.

Comments from the Council's Landscape Team

Have suggested amendments to existing landscape conditions to incorporate landscape officer's comments:

Amend landscape condition no. 7: Amend this condition to include any changes to the basement layout (notwithstanding that which has been submitted) necessary to accommodate the two specimen trees agreed in the revised landscape scheme.

Amend landscape condition no. 9: Amend part (g) of this condition to require informal play space to be included on the proposed 10th floor terrace.

Comments from the Council's Legal Advisor

Following comments from the Council's Legal Advisor, the wording of condition 6 has been amended. (p. 209 of original report)

Page 209 – Condition 6. Add at the end of (g) "(which management plan shall be fully implemented following approval)".

(g) A detailed (min 5-year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.

Recommendation: Remains approval subject to S106, with additional and amended conditions detailed above.

DocSuppF

This page is intentionally left blank