



Planning Committee Map

Site address: Chalkhill Health Centre, Chalkhill Road, Wembley, HA9 9BQ

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This map is indicative only.

RECEIVED: 13 November, 2013

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Chalkhill Health Centre, Chalkhill Road, Wembley, HA9 9BQ

PROPOSAL: Variation of condition 8 to enable the cafe to be used separately from the Community Centre, of full planning permission reference 05/0968 dated 29 June 2005 for erection of 14 no. 1-bedroom and 28 no. 2-bedroom flats, office accommodation for Housing Association, community centre and Brent Primary Care Trust incorporating 2 GP practices, 38 car-parking spaces, landscaping to car park, re-alignment of 1 turning-head and 1 crossover, with elevated walkway linking PCT to Asda car park, accompanied with Building, Engineering and Environmental Report; and Design Statement and as amended by letter dated 20/05/05 with plans . STATS Geotechnical and Geoenvironmental Report (no. 34962/01), subject to a Deed of Variation dated 2014 under Section 106 of the Town and Country Planning Act 1990, as amended

APPLICANT: Metropolitan Housing Partnership LTD

CONTACT: BNP Paribas Real Estate

PLAN NO'S:
Refer to Condition 1

RECOMMENDATION

Grant Consent subject to Section 106 Legal Agreement

RECOMMENDATION

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

SECTION 106 DETAILS

The original planning permission (Ref: 05/0968) was subject to a Section 106 Agreement which secured the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Contribution of £5,000 towards the Air Quality Action Plan implementation;
- Contribution of £20,000 for the implementation and first two years' operating costs of a car sharing scheme;
- Contribution of £5,000 towards a review of the waiting restrictions outside the site;
- Provision of 100% Affordable Housing
- The adoption of a 4m. extension to the existing turning head through a S.38 Agreement.

The current application is subject to a deed of variation to the original Section 106 Agreement so that the ongoing requirement that the scheme provides 100% Affordable Housing is secured.

CIL DETAILS

This application is not liable to pay the Community Infrastructure Levy (CIL) as it involves a variation of

condition and no new floorspace is being created.

CIL Liable?

Yes/No: No

EXISTING

The application site comprises a "L" shaped building. The main part of the building that fronts Chalkhill Road is two storeys high and contains Metropolitan Housing Trust offices and the community centre on the ground floor and PCT offices and services on the first floor. The western end of the building is six storeys high and contains 42 residential flats.

The development was granted planning permission in 2005 and has been built and is in use. See planning history below for further details.

PROPOSAL

Variation of condition 8 to enable the cafe to be used separately from the Community Centre, of full planning permission reference 05/0968 dated 29 June 2005.

HISTORY

08/3298: Details pursuant to condition 23 (regarding suitable and sufficient apparatus for the neutralisation of all effluvia from the processes of cooking, etc.) of full planning permission reference 05/0968, dated 29 June 2005 - Granted, 24/02/2009.

08/2575: Details pursuant to conditions 3a(external appearance), 3e(access provision), 3l(pedestrians walkway), 10(tree protection), 11(landscaping scheme), 12(Management Plan) and 16(access layout in Northwest corner) of full planning permission reference 05/0968 dated 29 June - Granted, 26/09/2008.

08/1701: Details pursuant to condition 3(f) (external lighting), 3(g) (undercroft security), 3(h) (CCTV) and 15 (management of car-park uses) (as accompanied by Car Park Management Information Plan dated 8 September 2008 and addendum to Car Park Management Information dated 17 September 2008) of full planning permission 05/0968, dated 29 June 2005 - Granted, 25/09/2008.

07/0472: Details pursuant to condition 18 (contamination) of full planning permission reference 05/0968 dated 29 June 2005 - Granted, 09/05/2007.

06/3407: Details pursuant to condition 3 b, c, d (Landscaping and treatment of open areas) of Full Planning Permission reference 05/0968 dated 29 June, 2005 - Granted, 05/12/2006.

06/3405: Details pursuant to condition 2 (materials) of Full Planning Permission reference 05/0968 dated 29 June, 2005 - Granted, 13/12/2006.

06/2736: Details pursuant to condition 26 (on site drainage) of Full Planning Permission reference 05/0968 dated 29 June, 2005 - Granted, 30/11/2006.

06/1642: Details pursuant to condition 17(details of junction radii) of full planning permission reference 05/0968 - Granted 05/07/2006.

05/0968: Full Planning Permission sought for Erection of 14 no. 1-bedroom and 28 no. 2-bedroom flats, office accommodation for Housing Association, community centre and Brent Primary Care Trust incorporating 2 GP practices, 38 car-parking spaces, landscaping to car park, re-alignment of 1 turning-head and 1 crossover, with elevated walkway linking PCT to Asda car park, accompanied with Building, Engineering and Environmental Report; and Design Statement and as amended by letter dated 20/05/05 with plans - Granted, 29/06/2005.

POLICY CONSIDERATIONS

Brent's UDP 2004

BE17: Building Services Equipment

CF3: Protection of Community Facilities

TRN22: Parking Standards - Non Residential Development

TRN34: Servicing in New Development

CONSULTATION

Consultation Period: 14/11/2013 - 05/12/2013

Additional Consultation Period: 20/12/2013 - 20/01/2014

Site Notice: 29/11/2013 - 20/12/2013

Press Notice: 28/11/2013 - 19/12/2013

116 neighbours consulted - no comments received.

Chalkhill Residents Association - no comments received.

Ward Councillors - no comments received.

Internal consultation

Environmental Health - no objections raised.

Transportation - proposal can be supported on transportation grounds.

REMARKS

1. This application seeks to vary condition 8 of full planning permission reference: 05/0968 to allow the cafe on the ground floor to be used separately from the Community Centre.

2. Condition 8 of full planning permission reference: 05/0968 reads as follows:

The floor space devoted to the proposed kitchen and cafe as shown on the ground floor plan hereby approved shall not be increased without the prior consent in writing of the Local Planning Authority. The proposed cafe shall be used solely for ancillary purposes in conjunction with the proposed community centre and shall not be operated as a separate retail unit (Use Class A3) without the prior consent of the Local Planning Authority.

Reason: To ensure that no separate use commences due to the inadequacy of the site to serve an additional use which would constitute an over-intensive use of the site.

3. The key considerations which this application are:

- whether the proposal will adversely impact on the existing community facility
- whether the proposal will impact upon neighbouring residential amenity
- whether the proposal will compromise safety of the adjoining public highway

(a) whether the proposal will adversely impact on the existing community facility

4. The approved building included an ancillary café and kitchen (130m²) at ground floor level with seating indicated for 20 customers, accessed through the main reception area. This application seeks a variation to the planning condition, allowing the café to be operated as a separate business to the community centre. Seating for up to 20 customers is again proposed, with two staff being initially required to operate the café. The floorspace will not be increased.

5. The cafe is proposed to be operated by a community based group that has come together to operate the cafe. It will operate as a commercial entity separate to the community centre. The cafe will remain open to people using the community centre and members of the public.

6. The applicant (Metropolitan Housing Trust) has advised that the current management plan for the centre does not include any policy to allow for the use of the kitchen area. However to ensure that the cafe fits in with the wider activities taking place within the community centre, the applicant is prepared to offer access to those hiring meeting rooms within the community centre the use of the kitchen for making tea/coffee and warming food in the microwave. Limited access to the kitchen facilities can only be provided due to the need to allow the cafe to operate their business without restrictions and taking into account health and safety requirements.

7. The proposal will not result in the loss of the community facility. The cafe will be open to those attending meetings/classes within the community facility. The proposal therefore complies with CP3.

(b) whether the proposal will impact upon neighbouring residential amenity

Officers in Environmental Health have advised that they have no complaints of nuisance caused by the current use of the kitchen. They raise no objections to the current proposal.

8. The application does not seek to alter the current hours of use of the community centre. The current hours are 0830 - 2230 hours Mondays to Sundays with the premises cleared within 30 minutes after these times.

(c) whether the proposal will compromise safety of the adjoining public highway

9. The car parking assessment undertaken for the proposed building in 2005 did not consider the café as a separate use, instead incorporating its parking requirements into the overall standard for the community centre as a whole. If parking allowances for a café use are applied separately, then this would increase the car parking standard for the building by just one space, as it has a floor area below 400m². With the building as a whole having a total parking allowance of 75 spaces, officers in Transportation have advised that an increase in the parking allowance by one space is too marginal to be of concern.

10. A total of 38 spaces are provided within the site, with shared access to certain bays between the various uses. One of these spaces is stated as being available to staff from the café, in accordance with the parking standard.

11. Consideration also needs to be given to the potential impact of overspill parking from the site and in this regard, the adjoining Asda supermarket provides a large public car park that can be used by visitors to the centre. That said, car use would not be necessary for the majority of visitors to this small local facility, which also has good access to public transport services.

12. In terms of deliveries, just 1-2 deliveries are anticipated per week and these are likely to be made primarily by transit sized van, which can make use of the rear car park to unload goods (or failing that, the short cul-de-sac along the western side of the building).

13. In conclusion, the café is small and is already permitted to be run as an ancillary facility to the community hall. Access arrangements through the building reception area will not change and the separation of the operation to allow it to be independently run is not therefore considered likely in itself to lead to any parking problems in the vicinity of the building.

Conclusion

14. In conclusion, running the cafe independently from the community centre is not considered to have a detrimental impact on the continued operation of the community centre impact on neighbouring amenity or lead to parking problems in the vicinity of the site.

15. Approval is accordingly recommended subject to a Deed of Variation in relating to the original section 106 agreement.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent's Unitary Development Plan 2004
Central Government Guidance - PPG1 & PPG3
Council's Supplementary Planning Guidance no.17
Chalkhill Conceptual Conservation Area Design Guide

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services
Design and Regeneration: in terms of guiding new development

CONDITIONS/REASONS:

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

JLP/4684/4001 Existing ground floor plan sheet 2
JLP/4684/4001 Proposed ground floor plan sheet 2
Location Plan at scale 1:1250
Letter from Bnp paribas real estate dated 12 November 2013
Additional information from Bnp paribas real estate dated 28 January 2014

Please refer to 05/0968 for the following:

2251/D/- 002/rev.P2
003/rev.P2; 004/rev.P2
005/rev.P2; 006/rev.P2
007/rev.P2
008/rev.P2
009/rev.P2
010/rev.P2
011/rev.P2
015/rev.P2
016/rev.P2
020/rev.P2
025/rev.P2
030/P2
031/P2
032/P2.
2251/D/030/P3
2251/SKD/- -39, -40, -41, -42, -43

- (2) Activities within the community building including cafe shall only be permitted between 0830 - 2230 hours Mondays to Sundays with the premises cleared within 30 minutes after these times (unless the Local Planning Authority agrees other hours in writing).

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

- (3) The health centre premises shall be used only for purposes within Use Class D1 as defined in the Town and Country Planning (Use Classes) Order 1987 as amended and for no other purpose without the further written consent of the Local Planning Authority.

Reason: No separate use should commence without the prior approval of the Local Planning Authority in order to ensure that use of the premises does not prejudice the amenity of the area and of adjoining residents.

- (4) The community centre premises shall be used only for purposes within Use Class D2 as defined in the Town and Country Planning (Use Classes) Order 1987 as amended, and for no other purpose without the further written consent of the Local Planning Authority.

Reason: No separate use should commence without the prior approval of the Local Planning

Authority in order to ensure that use of the premises does not prejudice the amenity of the area and of adjoining residents.

- (5) The cafe shall be used only for purposes within Use Class A3 as defined in the Town and Country Planning (Use Classes) Order 1987 as amended, and for no other purpose without the further written consent of the Local Planning Authority.

There shall be no increase to the floor space devoted to the kitchen and cafe as shown on the ground floor plan hereby approved without the prior consent in writing of the Local Planning Authority.

Reason: To ensure that any alternative/enlarged use can be considered in terms of its impact on the adjoining highway and relationship with other uses within the building.

- (6) This permission allows use of the office accommodation proposed only by the Metropolitan Housing Trust and by no other organisation without the further written consent of the Local Planning Authority..

Reason: The proposed office use would not normally be permitted, but personal permission is given because of the local service provided to the adjoining housing estate. The Local Planning Authority is satisfied that the specific development, managed as proposed, will not be detrimental to the amenities of the area.

- (7) No music, public address system or any other amplified sound shall be audible
(a) Not audible at any boundary at any boundary
(b) Not audible at noise sensitive premises within any noise sensitive premises either attached to or in the vicinity of the subject premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- (8) No goods or refuse of any description shall be stored or deposited under the building in the area designated for parking, servicing and access.

Reason: To ensure the proposed development does not prejudice the amenities of the residential occupiers of the building or conditions of vehicle, pedestrian and highway safety, and in the interests of visual amenity.

- (9) The community centre shall only be occupied in accordance with the Management Plan approved as part of application reference: 08/2575 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory management of the parking and to ensure that the proposed development does not prejudice the enjoyment of the neighbouring occupiers in the area

- (10) The hard and soft landscaping within the site shall be maintained in full accordance with the details approved as part of application ref: 06/3407. A list of the approved documents is listed below:

JLP/4884/4900P3; JLP/4684/- 4901P3, 4902P3, 4910P3, 4912P3.
And Specifications Q1 and Q3.

Any trees or shrubs which within 5 years of planting die, are removed, or becomes seriously damaged or diseased shall be replaced with others of the same species and size and in the same positions unless otherwise agreed in writing by the local planning authority.

Reason: To provide suitable amenity space and a satisfactory environment for the prospective occupants, to complement the development and to enhance the visual amenities of the locality and to provide for the planting of trees in compliance with Section 197 of the Town and Country Planning Act 1990, as amended and in pursuance of the built environment policies within the Unitary Development Plan.

- (11) Notwithstanding the details of the car park management plan for different users within the site approved as part of application reference: 08/1701, revised details shall be submitted that includes the provision of a dedicated space for the café user within the car park prior to commencement of use of cafe separate to the Community Centre. The car park management plan shall thereafter be carried out in full accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of safety by giving rise to kerb side parking along the adjoining highway.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Victoria McDonagh, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5337