

**Committee Report**  
**Planning Committee on 2 November, 2010**

**Item No. 12**  
**Case No. 10/2073**

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**RECEIVED:** 23 August, 2010

**WARD:** Stonebridge

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** Land next to Central Middlesex Hospital, Acton Lane, London, NW10

**PROPOSAL:** Application for the approval of reserved matters relating to appearance, landscaping, scale and access, pursuant to condition 1 of planning permission reference 10/0140, granted 25/02/2010, which varied condition 10 of outline planning consent reference 08/1043, relating to the scale of the development.

(Outline planning consent 08/1043, granted 16/11/2009, was for erection of three linked buildings for mixed-use development on land next to Central Middlesex Hospital to provide up to 650m<sup>2</sup> of creche/primary health-care facility (Use Class D1), up to 2,160m<sup>2</sup> of retail (Use Class A1), up to 467m<sup>2</sup> of cafe/restaurant (Use Class A3) floorspace, up to 13,480m<sup>2</sup> of care and treatment facilities (Use Class C2/C2A - Residential Institutions/Secure Residential Institutions) and up to 5,370m<sup>2</sup> of Use Class B1(b)/additional care and treatment (Use Class C2/C2A), formation of refuse storage, loading bay, cycle storage and 32 car-parking spaces, to include 2 disabled parking spaces on ground floor and associated landscaping.)

**APPLICANT:** Montpelier Estates

**CONTACT:**

**PLAN NO'S:**

Please see condition 1.

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**RECOMMENDATION**

That the Reserved Matters pursuant to condition 1 of planning permission reference 10/0140 are approved.

**SECTION 106 DETAILS**

As this application is for the approval of Reserved Matters, the Section 106 agreement was secured within the original outline application. The Heads of Terms from that agreement were as follows:

- a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- b) Prior to occupation, to offer a no cost to the council the land to the south of the development shown on plan X, for adoption by the council as public highway.
- c) A contribution of £50,000 due on Material Start and index-linked from the date of committee for Sustainable Transportation in the Park Royal area.
- d) A contribution of £20,000, due on Material Start and index-linked from the date of committee for Landscaping and tree planting in the Park Royal area.

- e) A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing, at Reserved Matters stage and at least 4 months prior to commencement of works. This shall demonstrate how the development will achieve an BREEAM 'Very Good' rating, and how the indicated Brent Sustainability Checklist measures (Energy, Water, Materials, Demolition/Construction & Pollution) and how the measures to provide energy through onsite renewable sources will be implemented within the scheme. Adherence to the approved Strategy.
- f) The applicant shall include/retain appropriate design measures in the development for those energy and water conservation, sustainable drainage, sustainable/recycled materials, pollution control, renewable energy, and demolition/construction commitments made within Brent's Sustainability Checklist and other submitted documentation (or agreed by further negotiation), and adopt adequate procurement mechanisms to deliver these commitments.
- g) On completion, independent evidence (through a BRE Post-Construction Review) shall be submitted on the scheme as built, to verify the implementation of these sustainability measures on site, and the achievement of at least a BREEAM "Very Good" rating.
- h) The applicant shall provide evidence that materials reclamation/recycling targets, negotiated using the Demolition Protocol (where relevant), have been implemented.
- i) If the evidence of the above reviews shows that any of these sustainability measures have not been implemented within the development, then the following will accordingly be required
- j) the submission and approval in writing by the Local Planning Authority of measures to remedy the omission; or, if this is not feasible,
- k) the submission and approval in writing by the Local Planning Authority of acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures to be agreed by the Local Planning Authority, to be used by the Council to secure sustainability measures on other sites in the Borough
- l) The submission and approval in writing of a Workplace Travel Plan and to implement this plan. The plan shall be in accordance with "Guidance for workplace travel planning for development", TfL Group, 2008, or any later revisions to this guidance.
- m) To notify Brent In2 Work of all job vacancies within the construction of the proposed development and the approved uses.

## **EXISTING**

The subject site fronts Acton Lane and adjoins the car park and bus gyratory of Central Middlesex Hospital. The site is currently cleared and ready for development.

The site is within the Park Royal Strategic Employment Area and is surrounded by a variety of uses, including Industrial/Warehousing uses that are typical of an Employment Area together with retail and food and drink uses.

## **PROPOSAL**

This application seeks the approval of reserved matters relating to appearance, landscaping, scale and access, pursuant to condition 1 of planning permission reference 10/0140, granted 25/02/2010. This application varied condition 10 of outline planning consent reference 08/1043, relating to the scale of the development.

The approval of an application to vary a condition results in a new consent being issued. The conditions and Section 106 obligations are typically identical with the exception of the condition that the application relates to.

The applicants accordingly submitted this application for the approval of Reserved Matters pursuant to the varied consent.

The details submitted in this application reflect those previously approved within application

reference 09/2415 with non-material amendments approved through application reference 10/0947.

The application seeks the approval of all matters that were reserved, namely Appearance, Landscaping, Scale and Access.

The maximum levels of floorspace approved within the previous Outline consent were:

- 650m<sup>2</sup> of creche/primary health-care facility (Use Class D1)
- 2,160m<sup>2</sup> of retail (Use Class A1)
- 467m<sup>2</sup> of cafe/restaurant (Use Class A3) floorspace
- 13,480m<sup>2</sup> of care and treatment facilities (Use Class C2/C2A – Residential Institutions/Secure Residential Institutions)
- 5,370m<sup>2</sup> of Use Class B1(b) or additional care and treatment (Use Class C2/C2A)

The outline application did not set minimum levels of floorspace for any of the uses.

The Reserved Matters application followed by the non-material amendment approvals then set the actual levels of floorspace for each use, and this mix is being proposed within this new full application:

- 891m<sup>2</sup> of retail/food & drink (Use Class A1 or A3)
- 17,842m<sup>2</sup> of care & treatment facilities (Use Class C2/C2A – residential institutions or secure residential institutions).

The previous reserved matters approval and this current application accordingly propose

- 1736 sqm less retail and cafe/restaurant floorspace than the maximum approved
- 1,008 sqm less care and treatment floorspace (secure/unsecure Residential Institutions)
- No primary health-care facility or crèche
- No B1(b) floorspace

The other matters relating to the proposal, including the height, massing, design and layout remain unchanged from the previous Reserved Matters approval, and this application proposes three linked buildings which range in height from 3- to 9-storeys.

The report for the previous Reserved Matters application specified (note: text from previous reports has been denoted using italics):

The retail elements of the building, situated within "Plot 1", have only been detailed as a shell, with the internal subdivision specified as "Subdivision to suite tenant requirements".

Plot 1 has been described as "Assisted living for elderly and people with dementia", and includes self contained units with communal facilities, accessed through a controlled communal entrance.

Plot 2 has been described as "Nursing care, including those with dementia and acquired brain injury".

Plot 3 has been described as "Learning disability or mental healthcare patients".

The application proposed two parking/servicing areas that are access from the access road to the North of the site. A total of 32 parking spaces are proposed, with 10, 11, and 11 provided for plots 1, 2 and 3 (respectively). Access to the parking area of Plot 1 is through the parking/servicing area for Plot 2.

50 staff cycle storage spaces are proposed within Plot 2 and 10 within Plot 1. None are proposed within Plot 3, thus requiring access to the Plot 2 area for users of the Plot 3 facility. 25 Publicly accessible parking spaces are detailed.

## HISTORY

Note: This section of the report is identical to that within application reference 10/2164 with the exception of the paragraph referring to application 10/2164.

Outline planning permission for the redevelopment of the majority of the hospital site was granted in 2003. The hospital building and the associated car park and bus gyratory were completed some time ago leaving two parts of the site (Plot 8 and 9) undeveloped. Plot 8 is situated at the northern end of the site, adjoining Great Central Way whilst Plot 9 is the subject of this current planning application.

The development that was included within the original outline planning consent that was not delivered as part of the 2003 consent includes the 120 units of Key Worker housing, the crèche, the 8,580 m<sup>2</sup> of office development, and the majority of the 1920 m<sup>2</sup> of retail and food and drink floorspace.

A new full application for the redevelopment of Plot 8 to provide 145 Key Worker flats was granted in 2009 (our reference 08/3012), and this building is currently under construction. Permission to provide the crèche on Plot 8 was granted in 2005 (ref: 04/0950). However, the Key Worker housing scheme is in the place of this proposal and does not provide the crèche.

An Outline Planning application for the redevelopment of the subject site (Plot 9, reference 08/1043) was received in 2008 and was granted in 2009 following completion of the Section 106 agreement. The Reserved Matters application was submitted in late 2009 and was approved in 2010. Non-material amendments to this were then approved in 2010 (reference 10/0947). An application to vary condition 10 of the Outline Consent to allow some changes to the scale of the building was also approved in 2010 (reference 10/0140).

The 2003 outline permission for the hospital secured the provision of land along the southern boundary of the subject site to allow the provision of a bus lane along Acton Lane. If required, the bus lane would be provided on the southern side of Acton Lane and the land within the subject site would be used to reposition the road. It is not certain that the bus lane and the associated land take will actually be required. However, the Section 106 agreement for the 2003 permission allowed 15 years from the date of that permission for this to be implemented. Therefore, whilst the need for this lane is not certain at present, one cannot assume that it will not be required in the future and any proposals for this site must take this requirement in to account.

### Judicial Review

The NHS Foundation Trust and Brent PCT challenged the Council's decision in relation to the 2008 Outline Consent (ref: 08/1043) by submitting an application for permission to apply for Judicial Review on the following grounds:

- The description of development referred to "care and treatment facilities (Use Class C2/C2A)" and did not enable those consulted to be properly informed about the nature of the use which includes secure accommodation.
- The Design and Access Statement and Planning Statement did not make reference to the provision of secure accommodation.
- The Officers report did not refer to secure accommodation, and whilst the Supplementary Report did, it did not assess the associated material planning considerations.
- The Council did not consider the material planning considerations that affect an application for a C2A use, including:
  - Whether the Secure use was in accordance with planning policy and guidance;
  - Whether an outline application was appropriate given that the inclusion of a C2A use may have a considerable effect on external appearance;
  - To what extent external boundaries may be affected by the need to provide secure fencing, which affects the appropriateness of a C2A facility in this location (they cite best practice guidance which specifies that a medium secure facility should have a 5.2 m high security fence);

- The extent to which public perception of the overall scheme would be affected by the inclusion of a secure element within Use Class C2A.

In determining the application for permission to apply for Judicial Review, the Judge refused permission specifying that "It is not reasonably arguable that the Defendant's decision making process is unlawful".

The applicants have submitted a new full application to allow the commencement of works on the development without risk from the current appeal of the refusal to allow permission to apply for Judicial Review. This application has also been recommended for approval and is being considered at this Planning Committee meeting.

08/1043, granted 16 November 2009

Outline planning application for the erection of three linked buildings for mixed-use development on land next to Central Middlesex Hospital to provide up to 650m<sup>2</sup> of creche/primary health-care facility (Use Class D1), up to 2,160m<sup>2</sup> of retail (Use Class A1), up to 467m<sup>2</sup> of cafe/restaurant (Use Class A3) floorspace, up to 13,480m<sup>2</sup> of care and treatment facilities (Use Class C2/C2A) and up to 5,370m<sup>2</sup> of Use Class B1(b)/additional care and treatment (Use Class C2/C2A), formation of refuse storage, loading bay, cycle storage and 32 car-parking spaces, to include 2 disabled parking spaces on ground floor and associated landscaping (matters to be determined: layout), subject to a Deed of Agreement dated 13/11/2009 under Section 106 of the Town and Country Planning Act 1990 (as amended)

09/2415, granted 25 February 2010

Approval of reserved matters relating to appearance, landscaping, scale and access of outline planning permission reference 08/1043.

10/0140, granted 25 February 2010

Variation of condition 10 (scale of the development) of outline planning permission reference 08/1043, granted on 16/11/2009, for the erection of three linked buildings for mixed-use development on land next to Central Middlesex Hospital

10/0947, granted 14 May 2010

Proposed non material minor amendments for the following:

- Wholesale minor internal adjustments to the Plot 2 layout in order to acknowledge current legislative requirements and operational needs of the Care Home on Plot 2.
- Plot 2 Bed numbers unamended at 115 beds. Building floor area slightly reduced as a consequence at ground floor. Slight enlargement of building at fourth floor level.
- Increases in height of plot 2 buildings of between 200mm and 300mm.
- Amendments to cladding and fenestration.

of Reserved Matters Permission reference 09/2415 dated 25 February 2010, for Approval of reserved matters relating to appearance, landscaping, scale and access of outline planning permission reference 08/1043

10/2073, being considered concurrently and also recommended for approval

Application for the approval of reserved matters relating to appearance, landscaping, scale and access, pursuant to condition 1 of planning permission reference 10/0140, granted 25/02/2010, which varied condition 10 of outline planning consent reference 08/1043, relating to the scale of the development.

## **POLICY CONSIDERATIONS**

This section of the report sets out the planning policies and guidance documents that are relevant to the proposal.

## NATIONAL

Planning Policy Statement 1 – Creating Sustainable Communities

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Planning Policy Statement 12 – Local Spatial Planning

Planning Policy Guidance 13 – Transport

Planning Policy Statement 22 – Renewable Energy

Planning Policy Guidance 24 – Planning and Noise

## REGIONAL

The London Plan

The London Plan, which was adopted in February 2004 and revised in 2006 and 2008, sets out an integrated social, economic and environmental framework for the future development of London.

The vision of the Plan is to ensure that London becomes a prosperous city, a city for people, an accessible city, a fair city and a green city. The plan identifies six objectives to ensure that the vision is realised:

Objective 1: To accommodate London's growth within its boundaries without encroaching on open spaces

Objective 2: To make London a healthier and better city for people to live in;

Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth

Objective 4: To promote social inclusion and tackle deprivation and discrimination;

Objective 5: To improve London's accessibility;

Objective 6: To make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well-designed and green city.

### Supplementary Planning Guidance

- Sustainable Design and Construction – Supplementary Planning Guidance (2006)
- Accessible London: achieving an inclusive environment – The London Plan Supplementary Planning Guidance (2004)
- Planning for Equality and Diversity in London (2007)
- Park Royal Opportunity Area Planning Framework (2008)

## LOCAL

Brent Unitary Development Plan 2004

Strategy

The overall strategy of the UDP has 11 key objectives which are as follows:

1. Prioritising locations and land-uses to achieve sustainable development;
2. Reducing the need to travel;
3. Protecting and enhancing the environment;
4. Meeting housing needs;
5. Meeting employment needs and regenerating industry and business;
6. Regenerating areas important to London as a whole;
7. Supporting town and local centres;
8. Promoting tourism and the arts;
9. Protecting open space and promoting sport;
10. Meeting community needs; and,
11. Treating waste as a resource.

The relevant policies in this respect include Policies STR3 (sustainable development), STR5 and 9 (reducing the need to travel) and STR12 to15 (protecting and enhancing the environment)

Policies

BE2	Local Context
BE3	Urban Structure: Space & Movement
BE4	Access for disabled people

BE5	Urban clarity and safety
BE6	Landscape design
BE7	Streetscene
BE8	Lighting and light pollution
BE9	Architectural Quality
BE12	Sustainable design principles
EP2	Noise and Vibration
EP3	Local air quality management
EP4	Potentially Polluting Development
EP6	Contaminated land
TRN1	Transport assessment
TRN2	Public transport integration
TRN3	Environmental Impact of Traffic
TRN4	Measures to make transport impact acceptable
TRN9	Bus Priority
TRN10	Walkable environments
TRN11	The London Cycle Network
TRN12	Road safety and traffic management
TRN13	Traffic calming
TRN14	Highway design
TRN15	Forming an access to a road
TRN16	The London Road Network
TRN20	London Distributor Roads
TRN22	Parking Standards – non-residential developments
TRN34	Servicing in new developments
TRN35	Transport access for disabled people & others with mobility difficulties
PR1	Major developments in Park Royal
PR3	Public Realm in Park Royal
PR7	Central Middlesex Hospital Zone

#### Brent Local Development Framework Core Strategy 2010

CP1	Spatial Development Strategy
CP3	Commercial Regeneration
CP5	Placemaking
CP6	Design and density in place shaping
CP12	Park Royal
CP14	Public Transport Improvements
CP15	Infrastructure to Support Development
CP16	Town Centres and the Sequential Approach to Development
CP19	Brent Strategic Climate Mitigation and Adaption Measures
CP20	Strategic and Borough Employment Areas

#### Brent Council Supplementary Planning Guidance and Documents

SPG3	Forming an access to a road
SPG12	Access for disabled people
SPG13	Layout standards for access roads
SPG17	Design Guide for New Development
SPG19	Sustainable design, construction and pollution control
SPD	Section 106 Planning Obligations

### **SUSTAINABILITY ASSESSMENT**

This is also unchanged from the previous Reserved Matters application, reference 09/2415. The report for this application specified:

The Sustainability Assessment that sets out the measures that will be incorporated into the

development was approved within the Outline Planning Application. The submission of a Sustainability Implementation Strategy at least 10 weeks prior to the commencement of works was required through the Section 106 agreement, and the strategy must be approved prior to commencement. This strategy will accordingly be submitted and approved outside of this application.

## **CONSULTATION**

### **Statutory (application) consultation process**

Consultation letters sent: 1 September 2010

Site notices erected: 2 September 2010

Advertised in local press: 9 September 2010

### **Neighbouring and nearby Residents, owners or occupiers:**

No 3<sup>rd</sup> party comments or objections were received.

### **Internal Consultees**

Transportation

No objections. It should be borne in mind that planting details in the footway along acton lane will be subject to further approval by the Highway Authority at the time that detailed S38/278 drawings are submitted, so therefore may not be achievable in practice and should thus be treated as indicative only.

Landscape Design: Please refer to previous comments.

### **External Consultees**

Thames Water have no observations to make.

Brent Primary Care Trust: Note: these comments relate to both this application and the separate but identical new full application (reference 10/2164).

- Primary Care Facility
  - The Brent PCT Strategic Plan sets out their wish to develop Central Middlesex Hospital as a Polyclinic Plus with the relocation of up to two GP practices on to the site. This would support their network of primary and community services for Harlesden and the whole of Brent south of the North Circular.
  - A primary care facility next to Central Middlesex Hospital would lead to duplication and the PCT could not afford to commission a new practice.
  - [The Primary Care element of the development is no longer proposed]
- Residential Institutions/Secure Residential Institutions
  - The NHS rules about which body is the responsible commissioner means that once residents move to such institutions, the cost of their NHS care becomes an NHS Brent cost.
  - The NHS/PCT would be responsible for commissioning their GP care and any hospital care they receive. This would include Free Nursing Care Contributions, GP and associated cost related to residents, responsibility for Mental Health patients (transferred under CPA arrangements) and care for older people.
  - The proposal is projected to result in costs to the NHS of £1,644,414 in the 2011/12 year, £4,694,480 in 2012/13 and £5,580,606 in 2013/14.

The applicants, Montpelier, provided a response to the PCT comments which discussed the Primary Care floorspace originally proposed together with the costs to the NHS and PCT. With regard to the costs, Montpelier specified:

NHS rules on the responsible commissioner are set out in DoH "Who pays? Establishing the Responsible Commissioner". It is absolutely clear that patients in secure care are paid for by



the original commissioning body. The indicated cost of £2,667,169 (2013/14) will not be met by NHS Brent.

FNC costs will not apply to the secure hospital. Older peoples (and all other) costs have been calculated as though every patient will be a new resident of Brent. The proposal responds directly to Brent Council's own policy to address shortfall of local bed-space. These patients are already part of the Brent healthcare economy.

The costs indicated are inaccurate, according to NHS Rules. However NHS Brent provide services to the ever fluctuating size of Brent's population, which will undoubtedly vary by more than 119 people. The NHS provides a truly national service which is without boundaries. Notwithstanding the above, none of the issues raised by NHS Brent are infact planning considerations.

## **REMARKS**

As this application is the resubmission of three previous applications, this report simply quotes the previous officers report, with limited additional text being added. A new section regarding the comments from the PCT can be found near to the end of the Remarks section. The text from previous reports will be highlighted through the use of italics whilst new information will be written in bold text.

This application seeks the approval of the Reserved Matters, which in relation to this application relates to Appearance, Landscaping, Scale and Access.

These matters are set out within Circular 01/2006 as:

- Scale – the height, width and length of each building proposed in relation to its surroundings.
- Appearance – the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.
- Access – this covers accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- Landscaping – this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures,

The quantum and nature of uses within the building were approved within the Outline Consent and accordingly will not be discussed within this application, other than to confirm that the submission is in accordance within the Outline consent.

The quantum of floorspace for each use does not exceed the maximum specified within the Outline consent. The total amount of floorspace for the town centre uses (A Use Classes) is less than half of the maximum permissible by the Outline Consent. The subdivision of the retail units has not been detailed. However, this is controlled through condition 4 of the Outline consent and your officers consider that it is not necessary to view this detail within the Reserved Matters approval. Access to the retail units for servicing purposes can be undertaken, as detailed within the Outline consent.

Other uses are included within the Care and Treatment floorspace, such as the Café, kitchen facilities, dining facilities, laundrette, hairdresser's room. However, the layout and scale of these uses is such that they are considered to be ancillary to the main use of the unit.

The retail units are proposed within Plot 1 and are situated on either side of the pedestrian route through the site, providing active frontages in this location. Windows are proposed within the ground floor of Plots 2 and 3. Whilst your officers consider it possible that some of these windows may be obscured due to the nature of the suggested use of the building, natural surveillance will be provided through other windows within the units.

A total of 32 parking spaces, 50 staff cycle spaces and 26 public cycle spaces have been detailed within the proposal. This represents a reduction by 2 parking spaces. It should be noted that the overall quantum of floorspace is lower than the maximum levels previously approved and your officers consider that the levels of parking and cycle storage are acceptable.

### Appearance

The proposal maintains a similar overall form to the building detailed within the Outline consent, with the inclusion of three linked buildings which set down in height from west to east.

Your officers considered that the taller element of the building as initially proposed required some further work to introduce additional visual interest in the building. The applicants subsequently submitted drawing sk083 which detailed the revised treatment of the south western corner of the building, providing a feature from first floor to roof level. Your officers consider that this architectural device results in an interesting feature in the most prominent corner of the building.

The revised plans which detail this amendment together with alterations to the internal layout of this element of the building have not been received. These alterations do not alter the nature or scale of the use. Your officers will confirm receipt of the revised drawings within the Supplementary Report.

### Plot 1:

This is the tallest of the proposed linked buildings, reaching a height of 9-storeys or 31 m (including mezzanine floor, excluding lift overrun) with the exception of the feature corner of the building which reaches a maximum height of 32.2 m. The taller element of this building is 65 m wide (maximum), with a lower (single storey and mezzanine) element linking the building to Plot 2. The indicative drawings that were submitted with the outline consent detailed a building with cantilevered upper floors, similar to the London Development Agency's Palestra Building within Southwark. As Appearance was reserved within the outline consent, the details were submitted to demonstrate that the specified floorspace could be delivered on the site, and that the building could have an acceptable external appearance.

The design approach that has been adopted within this Reserved Matters application is more geometric in form. A strong vertical emphasis is provided through the inclusion of "columns" of façade, comprising vertically stacked rendered and glazed elements. The rendered vertical "columns" are broken by a horizontal band of contrasting colour (indicated as grey) which varies in height across the building. The regular pattern of "punched hole" windows linked by timber cladding helps to break the visual mass of the building down within the horizontal plane. Large elements of the building project out, and in some cases up from the façade to then deviate from the linear patterns and rhythms in the building.

The south-western corner of the building has been used to provide an architectural feature through the use of a large glazed element that is skewed from the main front wall of the building.

The ground floor is predominantly glazed and reflects the nature of the retail use of the floorspace.

### Plot 2:

The design of this 5-storey building has a stronger horizontal emphasis than the much taller, building within Plot 1. This is broken up by the use of a projecting, timber clad vertical features above the main entrance and to the rear of the building. The building is visually linked to plot 1 through the use white horizontal render bands and "punched hole" windows linked by coloured panels.

### Plot 3:

The eastern most of the proposed linked buildings continues the horizontal emphasis of Plot 2, but includes panels and screening to provide visual interest and to introduce a vertical element within

the Acton Lane elevation and the façade that faces the hospital.

#### Appearance summary:

Your officers consider that the proposal includes sufficient articulation to break down the visual mass the building whilst the design approach and architectural devices provide interest within the building facades.

Outside of the formal application process, questions were received by the Council seeking clarification on how the C2A Use (Secure Residential Institutions) would affect the external appearance of the building, and whether it is appropriate to deal with such matters within an Outline Application. Whilst no such comments have been received in relation to this application, your officers consider it appropriate to discuss this matter in this report. The Outline consent was accompanied by Indicative drawings and 3D images which demonstrated how the proposed uses could be provided, and the Planning Committee considered that the external appearance as detailed was acceptable. As Appearance was a Reserved Matter, these details were only indicative and the final design has been detailed in the drawings and documents that accompany this application. The C2A Use (Secure Residential Institutions) is specified as being located within the Plot 3 element of the site. This element of the building includes a profiled screen which also incorporating vertically aligned coloured panels. The screening and louvres introduce visual interest in this element of the building, and the design and appearance of this element of the building is considered to make a significant positive contribute to the streetscene.

#### Landscaping

The submission details the landscaping proposals for the roofspaces and the land surrounding the building.

The determination of Landscaping within this Reserved Matters application is similar to the landscaping proposals that are typically considered within a full application, whereby the landscaping strategy for the site is considered which includes the areas of hard and soft landscaping and the overall design approach. However, further details are then required through condition. Condition 17 of the Outline Consent, which is to be submitted at a later stage, relates to the further details of the landscaping and includes:

- the planting plan
- the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- proposed walls and fences, indicating materials and heights;
- screen planting along the car-park façade;
- adequate physical separation, such as protective walls and fencing, between landscaped and paved areas;
- existing contours and any proposed alteration to ground levels;
- areas of hard landscape works and proposed materials;
- the detailing and provision of green roofs/amenity roofs;
- details of the proposed arrangements for the maintenance of the landscape works.

#### Ground level landscaping:

The building is set well back from the existing kerb line within Acton lane to ensure that an adequately sized footway may be provided if the bus lane is required in the future. The landscaping proposals accordingly reflect this by detailing hard surfacing adjoining the building within this frontage.

The initial proposals indicated a raised soft landscaped area adjacent between this paved area and the highway. However, Transportation rightfully specified that this land falls within the adopted highway and is outside of the subject site. Any landscaping proposals within this area accordingly could not be given any weight as they would require further approval through a S38/S278 Agreement.

The applicants subsequently revised the proposal by simplifying the landscaping proposals within this area in accordance with suggestions from Transportation. The existing mature trees within this frontage are to be retained unless their loss is unavoidable, whilst the further planning of trees was envisaged within the Outline Application which secured a financial contribution of £20,000 towards the planting of trees in the locality. These trees can be planted within the Acton Lane footway that is widened as part of this proposal, or in the local area if other factors prevent this, such as the presence of services under the footway.

#### Upper floors:

The stepped nature of the buildings allows significant opportunities to include landscaping at roof level. The applicants proposal a mix of intensive and extensive green roofs and brown roofs.

#### Plot 1:

The floor of the taller element of the plot 1 is proposed as a brown roof, comprising crushed rubble that over time will be naturally colonised. Such roofs help to limit runoff and provide habitat for birds. Access to this roof will typically be for maintenance purposes only.

The lower roof (Floor 1 level) is to be used as an accessible roof garden for the occupiers of the Care and Treatment floorspace within Plot 1. This includes an area of extensive green roof (i.e. no access to this element of the roof but greater value for biodiversity) and an accessible area comprising colour tarmac and artificial grass bordered by planters an including benches, tables, chairs and parasols.

#### Plots 2 and 3

Within each of these plots, the roof terraces are arranged over three levels.

The terraces at 5th floor level within Plot 2 and at 3rd floor level within Plot 3 are proposed as extensive green and brown biodiversity roofs, with access only for maintenance purposes. An element of extensive green and brown roof is also proposed within the 4th floor terrace within Plot 2.

The remainder of the roof terrace space comprises coloured tarmac, artificial grass and/or fan cobble pattern imprinted concrete with planters breaking down the spaces in smaller defined spaces. Again, benches, tables, chairs and parasols are proposed within these terraces.

The Landscape Design team have made comments requesting further details relating to tree protection, materials for the car park, roof construction and drainage, boundary treatment and maintenance, and specify that these details should be secured through condition. Condition 17 of the outline consent requires these further details.

Landscape Design have also requested that the artificial grass is replaced with real grass and that the ground floor paving is permeable. Significant amounts of "soft" landscaping are proposed the extensive green roof, brown roof and the planters and the principle of using of artificial grass within roof terraces that experience high intensities of use all year round was also established within the Reserved matters application for student accommodation in Quintain's Wembley Plot W05. The use of permeable paving at ground floor level was not including within the Sustainability proposals approved through the Outline consent and your officers accordingly considered that their use should not be required within Reserved Matters consent.

#### Landscape Summary:

Your officers consider that the landscaping proposals are acceptable. Further details of the landscaping, such as tree protection, the planting plan and hardsurfacing materials, are required through condition.

## Scale

The indicative plans that were submitted with the Outline planning application demonstrated that the maximum levels of floorspace proposed could be provided within a building of an appropriate scale, massing and design. However, Scale in itself was Reserved within that application and approval of this matter is now sought.

### Plot 1:

This is the taller of the three linked buildings, reaching a height of 31 m for the majority of the building (excluding plant and lift overrun) with the feature corner reaching 32.2 m. The main element of the building is 65 m wide (maximum) and 16 m deep (typical depth), with architectural features taking the maximum depth to 17.2 m. A lower element, 6.7 m in height, links the 9-storey element with Plot 2.

The indicative drawings for the Outline consent detailed a building with maximum height of 31.0 m, width of 63.4 m and depth of 15.4 m. The proposed building exceeds some of the dimensions within the indicative drawings for the Outline consent, with the additional size typically relating to architectural features that have been incorporated into the design now proposed. This includes the projecting corner feature and the projecting elements of the remainder of the building which contribute significantly to the design and appearance of the building and help to reduce its visual mass. The indicative drawings within the Outline scheme also detailed a 7 m "step" within the two upper floors, and a mono-pitched roof ranging in height from 28.0 to 31.0 m (see insert below). The height of the building as proposed would project above the lower element of the roof and into the "step". However, these elements of the previous indicative drawings were architectural devices and that the Scale of the building, is considered by your officers to remain acceptable, providing a landmark building within an area of low architectural quality.

The lower linking element of the building is proposed at the same height as that detailed within the Outline application.

Plot 1 Rear (Northern) Elevation, as detailed within the Indicative drawings submitted with the Outline Consent reference 08/1043

### Plot 2:

The central linked building is proposed to have a maximum height of 17.6 m (again excluding plant and lift overrun), width of 33 m and depth of 48.2 m. When compared to the respective dimensions from the indicative drawings submitted for the outline application (21.3 m high, 37.3 m wide and 49.5 m deep), the proposal does not exceed the scale previously detailed. This plot continues to provide a stepped approach to height from east to west within the site, emphasising Plot 1 as the landmark adjoining the "Heart of Park Royal" and emphasising the entrance to the Hospital site.

### Plot 3:

The western-most and lower of the three proposed linked buildings has a maximum height of 13 m, width of 45.5 m and depth of 51.8 m. The outline consent indicated a building with a height of 14.6 m to 17.8 m and depth of 52.6 m and the proposal accordingly falls below these dimensions. The width of this building as detailed within the Outline consent was 42 m whilst the width as detailed in this Reserved Matters application is 45.5 m. However, the width of the link building within Plot 2 is 4.3 m less than that detailed within the Outline consent and the combined with accordingly does not exceed that previously detailed. This results in a 3.5 m wide element of building that is 1.9 m deeper than the building detailed within the previous indicative drawings. This element of the building provides a transition in scale to the surrounding industrial uses and your officers consider that the Scale of the building within Plot 3, as proposed is acceptable.

Condition 10 of Planning Permission reference 08/1043:

Condition No. 10 specified that the Scale of the building shall not exceed that detailed within that application. The full wording was as follows:

The scale of the development hereby approved, namely the height, width and length of each of the linked buildings, shall not exceed that detailed within the submitted indicative drawings.

Reason: In order to ensure a satisfactory development.

The scale of the building within Plot 3 is greater than that detailed within the Reserved Matters consent. As discussed above, the Scale of the building within Plot 2 has been reduced to compensate for this and your officers consider that the Scale of the three linked buildings as proposed is acceptable. However, the proposal is not in compliance with Condition 10 as detailed within the Outline Consent.

The applicants have accordingly submitted an application to vary condition 10 (our reference 10/0140) that is being considered concurrently with this application and has also been presented to this Committee for determination. This application seeks to vary condition 10 so that it refers to the drawings that were submitted for this Reserved Matters application rather than the drawings submitted with the Outline application. As discussed above, the changes to the Scale of each linked building do not differ significantly from that previously approved, and your officers consider that the Scale of the linked buildings, as now proposed, is acceptable. Your officers are accordingly recommending that the Planning Application to vary condition No. 10 is also approved. **It should be noted that the application to vary condition 10 referred to in the above paragraph was approved, and this application has been submitted pursuant to the varied condition, No 5 of application 10/0140 which specifies:**

**The scale of the development hereby approved, namely the height, width and length of each of the linked buildings, shall not exceed that detailed within the following drawings:**

<b>050_003_revB</b>	<b>050_004_revB</b>
<b>050_005_revB</b>	<b>050_006_revA</b>
<b>050_007_revA</b>	<b>050_008_revA</b>
<b>050_009_revA</b>	<b>050_010_revA</b>
<b>050_011_revA</b>	<b>050_020_revA</b>
<b>050_021_revA</b>	<b>050_030_revA</b>
<b>050_031_revA</b>	

**Reason: In order to ensure a satisfactory development.**

Scale Summary:

When the Scale of the building proposed with that detailed within the Indicative drawings, there are two elements that project beyond the envelope of the building previously detailed. Where this relates to Plot 1, the proposed building does not exceed the maximum height of the building previously detailed. Having regard to Plots 2 and 3, the additional width of the plot 3 building is compensated for by a reduction of width of Plot 2 building, and the increase in massing relates to a 4 m x 1.9 m element of the building.

Your officers consider that the proposal provides a landmark building which helps to approve legibility within Park Royal, and that the stepped approach to scale provides a transition to the scale of the surrounding buildings. The proposal achieves an adequate footway and relationship with the street is maintained within the Acton Lane footway, and that the variations in the extent of the Plot 3 building maintain a Scale of building that is appropriate for its location. Your officers consider that the scale of the building, when having regard to the nature of the site which adjoins the area identified as the "Heart of Park Royal", is acceptable.

The comments from the Officer's report for the outline consent (reference 08/1043) were as follows:

The proposed building reaches a maximum height of 8-storeys within an area within which buildings do not exceed 4-storeys in height. Whilst the proposal constitutes a significant increase in scale, it provides a landmark on an important road junction within the "Heart of Park Royal". The Planning Area Framework specifies that the "Tall buildings are supported around a new

central landscaped square. This would function as a focal point, creating an identity and point of orientation.” And suggests the provision of a public space within the land at the junction of Park Royal and Coronation Roads, land opposite the subject site and currently occupied by part of the Asda car park within the Borough of Ealing. Whilst there is no certainty that this space will be provided, the principles of identity and orientation are applicable, improving the legibility of the area.

## Access

### Vehicular Access

One vehicular access point to the site was detailed within the outline application, leading from the access road to the north of the building. Transport for London and the Council’s Transportation Service both specified previously that vehicular access to the building should not be provided from Acton Lane or from the small access road to the East of the site. Condition 11 of the Outline Consent restricts the access accordingly.

Two access vehicle access points have been proposed from the access road to the North of the site. These lead to the parking and servicing areas for the building. Transportation have commented that they have no objections to the proposed accesses to the adjoining road.

The revised plans detail 10 parking spaces within Plot 1 that are accessible through the Plot 2 parking and servicing area. Servicing access for Plot 1 is to be provided via an internal corridor from the Plot 2 servicing area, or by using a trolley route along the footway adjacent to the bus gyratory. 11 Parking spaces are proposed for plot 2 and 11 for plot 3. The applicants have also detailed a ambulance drop off point adjacent to the bus gyratory but outside the subject site. Formal comments from Transportation have not yet been received regarding this plan and any issues that are raised will be detailed in the Supplementary Report.

### Pedestrian Access

The footpaths and pedestrian accesses within the site are in general accordance with the Outline consent. The proposal significantly increases the size of the footway along Acton Lane, resulting in a set-back of between 4.5 m to 9.7 m from the kerb. The ability of the Council to adopt the additional areas of footway has been secured through the Section 106 agreement. The bus lane, if required, will reduce the width of this footway by approximately 2.8 to 2.9 m, with a smaller reduction at the western element of the site. The 4.5 m set-back would be at the far western end of the site where the likely reduction in the footway associated with the bus lane is much lower (approximately 0.8 m). The other “pinch points” along the length of the building likely to result in a reduction in footway width from 6 m to 3.1 m if the bus lane is required. Your officers accordingly consider that the minimum of width of the footway is appropriate for the approved uses.

The width of the pedestrian access way through the site ranges from 7.4 to 12 m (measured along the face of the building). This has been varied from the drawings submitted with the Outline application which detail an access that ranges in width from 7.4 to 18.5 m. Whilst the maximum width of this access has been reduced, your officers consider that the proposed access way is of a width that will provide a good quality route through the site for which levels of natural surveillance will remain adequate.

The pedestrian entrances to the retail units have not been detailed and would be the subject of future shop front applications. However, the aforementioned width of the footway and access way is suitable to serve these units.

Pedestrian access to the care and treatment facilities within Plots 2 and 3 is also from the Acton Lane footway, which, as discussed previously, is considered to be of an appropriate width to allow such access. Access to the care and treatment facility within Plot 1 is adjacent to the bus gyratory. The entrance is set in from the main building line to allow a 3m width in front of the main access door. The care and treatment facilities are internally accessible by stairs and lift.

## Cycle Access

Cycle storage is provided within secure areas adjoining the parking areas for staff, and on the publicly accessible hard landscaped areas for members of the public and other visitors to the site. Should the bus lane be provided, cycle access will be provided within this bus lane. Given that the footway is to be adopted, if the bus lane is not provided then the Council could choose to provide a cycle lane within the footway as widened by this proposal.

## Access summary:

Your officers consider that the proposal is acceptable with regards to Access.

## Costs to Brent PCT and NHS

The Brent PCT have highlighted the potential cost of providing health care services to the future residents of the proposed development.

The Council's Section 106 officer has provided the following comments regarding the matters raised by the PCT:

The first principle that must be met in order to seek Section 106 contributions is that there either is insufficient existing capacity or that the quantum of development is such that it requires its own or additional provision. This has not been made or evidenced. For this reason alone officers do not consider that the Council is currently in a position to seek further S106 obligations or refuse this application on its impact on local NHS provision.

Dealing with the matters in the e-mail particularly, whilst it is not clear what percentage of residents will come from Brent, those that do will have a neutral impact on NHS Brent's costings. Mental Health patients and those needing care will have existing conditions and their existing provider will continue to pay for these. A & E costs will need to be met by the nearest A & E to where the accident occurs, which may or may not be NHS Brent. Those from outside Brent seeking older people's care may place a greater impact on services, but as mentioned no capacity baseline for services has been established.

It should also be noted Section 106 agreements are secured through the Outline Consent rather than the subsequent Reserved Matters applications, and additional developer contributions could not be secured at this stage even if an impact of development outside the site that required mitigation had been identified.

## Summary

Your officers consider that the details submitted pursuant to condition 1 of Planning Consent reference 10/0140, the Reserved Matters, are acceptable and recommend that this application is approved.

## REASONS FOR CONDITIONS

**RECOMMENDATION:** Grant Consent

## REASON FOR GRANTING

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

Brent Local Development Framework Core Strategy 2010  
Brent Unitary Development Plan 2004  
Central Government Guidance  
Council's Supplementary Planning Guidance



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

Employment: in terms of maintaining and sustaining a range of employment opportunities

Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

Transport: in terms of sustainability, safety and servicing needs

Park Royal: to promote the opportunities and benefits within Park Royal

#### **CONDITIONS/REASONS:**

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

050_003_revB	050_042
050_004_revB	050_043
050_005_revB	050_044
050_006_revA	050_045
050_007_revA	050_050_revA
050_008_revA	050_051_revA
050_009_revA	050_052_revA
050_010_revA	050_053
050_011_revA	050_054
050_020_revA	0644/F14/A/L1/002
050_021_revA	0644/F14/B/L1/002
050_030_revA	0644/F14/B/L4/002
050_031_revA	0644/F14/C/L1/002
050_032_revA	0644/F14/C/L2/002
050_040	0644/F14/EX/001
050_041	S106_003

Design Statement: 09029\_DS\_20 November 2009 Montpellier Estates

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

#### **INFORMATIVES:**

None Specified

#### **REFERENCE DOCUMENTS:**

The London Plan Consolidated with Amendments Since 2004

Brent Unitary Development Plan 2004

Brent Local Development Framework Core Strategy

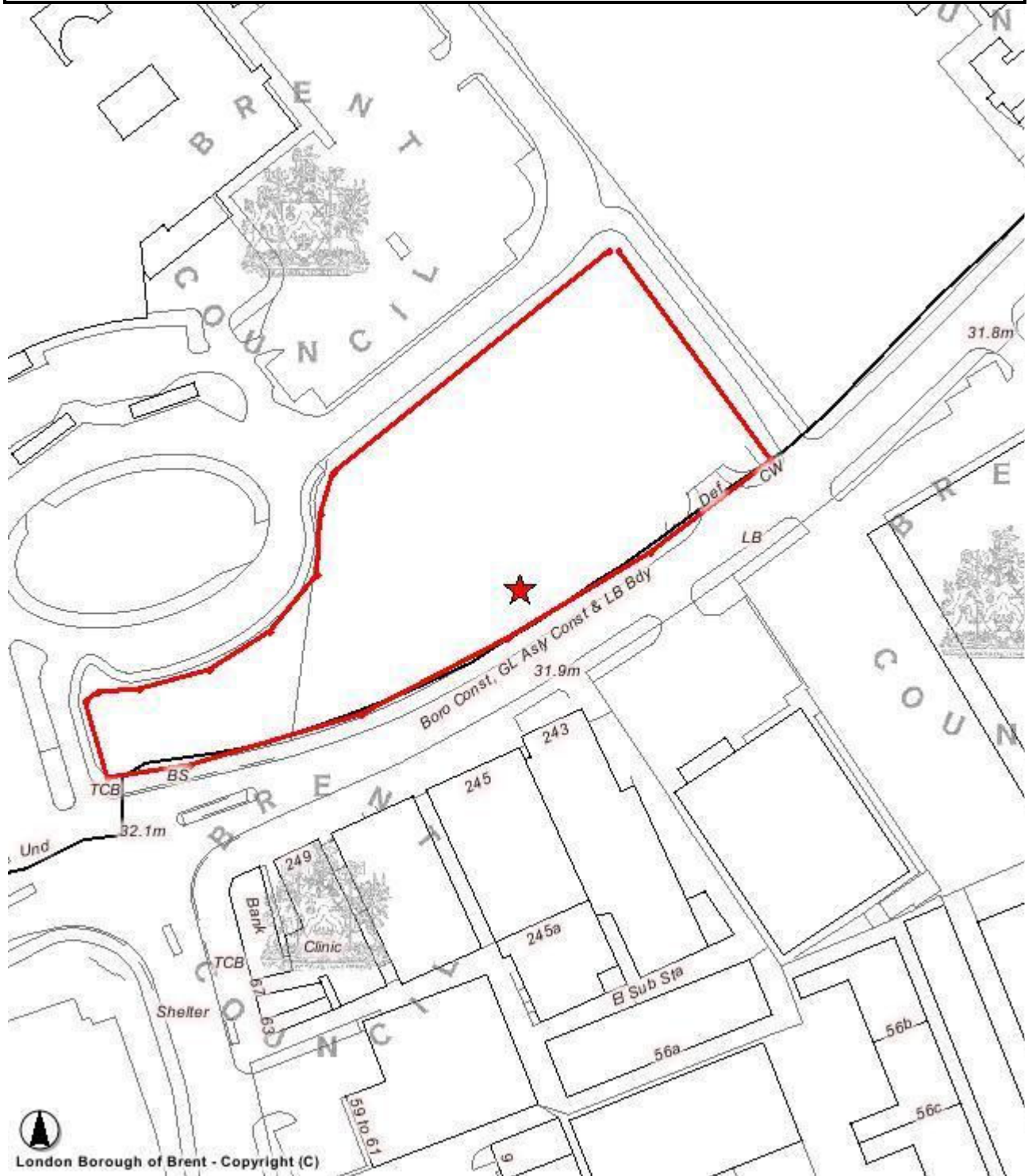
Any person wishing to inspect the above papers should contact David Glover, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5344



# Planning Committee Map

Site address: Land next to Central Middlesex Hospital, Acton Lane, London, NW10

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