

Planning Committee on 6 April, 2011

Case No. 11/0023

Location Garages rear of 55 Mount Pleasant Road, Henley Road, London

Description

Details pursuant to condition 3 (landscaping), condition 8 (details of ventilation and extraction), condition 9 (materials) and condition 10 (tree survey) of full planning permission 10/0932 dated 13/07/10 for demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwelling house with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area and subject to a Deed of Agreement dated 8th July 2010 under Section 106 of the Town and Country Planning Act 1990, as amended.

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Officers have received further correspondence from the applicant addressed to Committee Members relating to the tree survey and protection details which are recommended for approval as part of this application. The letter does not provide further information but states that the survey was carried out by a professional arborist, and that officer's agree with the survey's findings and recommendations as stated in the committee report. The applicant states that all the proposed conditions set out in the officer's report will be observed.

A further comment has also been received from a neighbour following the publication of the committee report.

The comments include the following:

- For clarification the width of the trees at a height of 1.5m is in excess of 7cm.
- No attempt was made by the arborist to gain access.
- The trees have been rated as C2 or C3 but are a much loved and cared for part of neighbours gardens.
- The Council's tree officer made his assessment from photographs.

The rating of the trees by the applicants' arborist is described in the main report and is agreed by the Council's tree protection officer. It is the Council tree protection officer's opinion that while the roots of the leylandii would be encountered during the excavation works it would most likely be able to withstand this.

Recommendation: Remains approval

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Item No. 6

Case No. 10/2913

Planning Committee on 6 April, 2011

Location 62A Wrentham Avenue, London, NW10 3HG

Description The erection of a single storey side and rear extension to ground floor flat

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A neighbouring resident has requested the last two metres of the extension be set off the boundary by an additional 63cm, so to mirror the gap at No 64 Wrentham Avenue. As explained in the report, the extension at No 64 does not benefit from express planning consent, as such the proposal must be assessed as if the extension at No 64 were not present. Further, as members will be aware extensions built up to the common boundary are routinely approved by the Council.

Recommendation: Remains Approval

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Supplementary Information

Item No. 7

Planning Committee on 6 April, 2011

Case No. 11/0179

Location 1-3, Canterbury House, Canterbury Road, London, NW6 5ST

Description

Extension of time limit for planning permission 07/2234 (Change of use from office premises (B1) to residential (C3) on the first floor to create 2 one-bedroom and 3 two-bedroom flats, 3-storey side extension to provide staircase and lift, erection of additional storey to form 4 two-bedroom flats with associated landscaping to front and car parking to side of Canterbury House, as accompanied by Design & Access Statement dated July 2007 ("car-free" development), subject to a Deed of Agreement dated 15/02/2008 under Section 106 of the Town and Country Planning Act 1990 (as amended).

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Condition 3 shall be amended as follows:

The areas so designated within the site, including balcony areas, shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

Recommendation: Remains approval subject to legal agreement and conditions

Supplementary Information
Planning Committee on 6 April, 2011

Item No. **8**
Case No. 10/3149

Location Unit 16, The Tay Building, 2A Wrentham Avenue, London, NW10 3HA

Description

Conversion of first floor Yoga Centre (Use Class D2) to 5 self-contained flats (3 x 2 bed & 2 x 3 bed) with the erection of a first floor extension.

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During the site visit concern was raised with the loss of the Yoga Centre (D2). Future plans for Yoga centre are not known. However for the assessment of this application it is important to note that the UDP and the newly adopted Core Strategy do not contain policies that protect D2 uses, but rather identify a need for a balanced housing stock. Whilst the contribution of the Yoga Centre seems to be well known to the community, owing to the identified

need for residential units and there being no policy to protect D2 uses, it would be difficult to resist the proposal on use grounds.

Recommendation: Grant planning permission subject to legal agreement.

Supplementary Information

Item No. **9**

Planning Committee on 6 April, 2011

Case No. 10/3088

Location 758 & 760, Harrow Road, London, NW10

Description

Erection of 2 four storey buildings comprising 2 retail units and 1 office unit at ground floor level with 14 self-contained flats with roof terraces above, associated car-parking, bicycle storage, refuse storage and alterations to existing pedestrian and vehicular accesses (amendments and Deed of Variation to planning permission 06/3514)

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On the advice of the Borough solicitor, should permission be granted, then this should be subject to the completion of a new s106 agreement as opposed to a Deed of Variation under the s106 agreement completed as part of the previous planning permission (06/3514) on the site. The new s106 agreement would encompass all of those Heads of Terms for both the current and previous applications, as set out under the heading "S106 DETAILS" in the main report. As such, the development description should be amended to read:

"Erection of 2 four storey buildings comprising 2 retail units and 1 office unit at ground floor level with 14 self-contained flats with roof terraces above, associated car-parking, bicycle storage, refuse storage and alterations to existing pedestrian and vehicular accesses (subject to s106 legal agreement)"

This is considered to be a procedural matter and does not significantly alter the substance of the development that has previously been reported to Members. On the advice of the Borough solicitor the wording of condition 8 should be amended, omitting the term "*under reasonable conditions*" to read:

"The residential dwellings within the development shall attain the following internal noise levels

Rooms Maximum Level, LAeq, T Living Rooms 40dB (day: T =16 hours 07:00 -23:00)

Bedrooms 30dB (night: T = 8 hours 23.00 -07.00)

Following practical completion of the development, hereby approved, results of a study, confirming that the above noise levels have been achieved, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the residential units hereby approved.

Reason: To verify that reasonable internal noise levels will not be exceeded in the interests of the amenity of future occupiers."

Recommendation: Remains grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Borough Solicitor

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Item No. 10

Supplementary Information

Case No. 10/3072

Planning Committee on 6 April, 2011

Location 103-107, 103A, 109-119 odds, 121-123 Kilburn High Road, 110-118 inc Kilburn Square and all units and stalls at Kilburn Square Market, London, NW6

Description

Erection of a single storey front extension, ground and first floor side extension, infill of existing first floor walkway and terraces to create additional commercial floor space, creation of a green roof and associated landscaping to front forecourt area

Agenda Page Number: 95

SITE VISIT

During the recent Committee site visit, held on Saturday 2nd April 2011, clarification was sought by both Members and local residents on a number of issues. These issues are addressed below.

SIDE EXTENSION

Clarification was sought on the width of the proposed side extension, facing Brondesbury Road. As set out in the main report, the proposed side extension would have a width of 6.5m leaving a distance of approximately 3.7m between the flank wall of the extension and the kerb edge. As such, the development would maintain a pedestrian footpath along the side of this extension which would still exceed the width of the footpath on the opposite side of Brondesbury Road which is approximately 2.8m wide.

Concerns were raised that the recess created between the rear wall of the side extension and the flank wall of the original building would create an enclosed area which could encourage criminal or anti-social behaviour.

Although views of this area would be limited when approaching from the east along the northern side of Brondesbury Road it is considered that the area would still be clearly visible from a number of other vantage points and properties along Brondesbury Road which would discourage such activities in the area. The proposal has been inspected by the Crime Prevention Design Officers and this element of the design has not been raised as a particular issue.

STREET LIGHTING

Ward Councillor Mary Arnold enquired whether the street lighting columns, similar to those installed further south on Kilburn High Road (Kilburn Bridge), would be installed by the proposed development. The Council's Transportation Unit have confirmed that it would be possible to negotiate to the inclusion of this type of street lighting under the provisions made for public realm improvements to be secured as part of the s106 agreement.

MEANS OF ENCLOSURE

Clarification was sought on the means of preventing access between the existing residential units and the roof of the proposed development. It is recommended that such details are sought by way of condition and therefore it is recommended that condition 13 be amended to read:

"Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include:

- (a) the landscaping proposals for the site (including the identification of all trees which are to be retained or removed, proposed new tree and shrub planting and surface treatments);
- (b) the provision of refuse and waste storage and disposal facilities;
- (c) Kilburn Market signage;
- (d) the provision of lighting to ensure safety and convenience on roads, footpaths and accesses to buildings;

- (e) Lighting of public areas and common parts;
- (f) Shopfronts;
- (g) Fixed market-stall designs;
- (h) Bicycle-storage facilities;
- (i) *Means of preventing access to the roof of the development*

NOTE –

Other conditions may provide further information concerning details required.

Reason: These details are required to ensure that a satisfactory development is achieved."

REVISED PLANS

The agent has submitted revised drawings hoping to provide some of the amendments sought by the Council and others through the draft conditions. For example, as discussed during the site visit, the commercial and residential access routes off Brondesbury Road have now been separated. Officers would ask Members to delegate to the Head of Area Planning the authority to reference to the correct plan numbers in the draft decision notice and amendments to submission conditions once the late information is fully assessed. For the avoidance of doubt, this information does not raise any new issues that were not already considered as part of the original planning application.

BOROUGH SOLICITOR

ON the advice of the Borough solicitor the following changes to the draft conditions, contained in the main report, are recommended.

Condition 16 should be deleted and the numbering of the subsequent conditions should amended accordingly. Condition 16 is a duplication of condition 13a) which also requires the applicant to submit further details of a landscaping scheme for the development for approval.

Condition 20 should be amended to read:

"A delivery and servicing plan must be submitted to, and approved in writing by, the Local Planning Authority prior to the development hereby approved commencing (save for demolition works). *The approved delivery and servicing plan shall be implemented for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.*

Reason: In the interests of highway and pedestrian safety."

Recommendation: Remains grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Borough Solicitor

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Item No. 11

Supplementary Information

Case No. 11/0181

Planning Committee on 6 April, 2011

Location 1 Fernbank Avenue, Wembley, HA0 2TT

Description

Erection of a part single-storey, part two-storey rear extension and installation of two front rooflights and two rear rooflights to dwellinghouse

Agenda Page Number: 113

Further concerns have been raised by residents who report that they are suffering disturbance from people using the stairs in the application property. They are concerned that the building works already undertaken do not comply with noise insulation standards or fire regulations. The Council's building control officer has confirmed that all additions to the property meet the relevant standards. They also confirm that the original property is Victorian with 9 inch thick walls and would comply with modern insulation standards.

In addition concerns have been raised that the owner will not comply with the requirement to alter the existing building and it is suggested that a condition should be attached requiring the alterations to take place within 3 months. This approach is not recommended by officers however as the applicant would have a right to appeal such a condition and further delay the necessary works whilst this was being determined by the Planning Inspectorate. Rather, the applicant is advised that the compliance period of the enforcement notice has expired and therefore works on the alterations should commence as a matter of urgency in order to avoid any direct action being authorised under delegated powers. This is the purpose of the second informative which cannot be appealed.

Recommendation: Remains Approval
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Item No.12

Supplementary Information

Case No. 11/0142

Planning Committee on 6 April, 2011

Location Dexion House, Empire Way, Wembley, HA9 0EF

Description

Demolition of the existing building and erection of a building ranging in height from 9 - 18 storeys and including a basement, consisting of 19,667sqm of student accommodation (providing 661 bed spaces) with associated common-room space (Use Class: sui generis); 2,499sqm of community swimming-pool and fitness facilities (Use Class D2); 530sqm commercial units: retail / financial & professional services/ restaurants / public house / takeaway (Use Class A1, A2, A3, A4, A5); with parking, cycle spaces, rooftop plant and associated landscaping

Site visit

Members visited this site on Saturday where they received a presentation from consultants representing the applicants. Members raised several issues that were dealt with by officers and the consultants following the presentation.

Comments from third parties

Wembley Stadium have now submitted a formal objection raising the following issues: Transport Impacts -Concerned that the further information received is not sufficient to address previously raised concerns about the Transport Assessment and Travel Plan.

The s106 now requires that all Travel Plans relating to this permission meet TfL's requirements. The details now submitted have satisfied officers that on balance the development will not affect the highway network detrimentally.

The leisure facility trip generation has not been factored into the Transport Assessment, which should be considered and mitigation measures proposed.

Officers note that only 5 disabled parking spaces are provided on site, so the traffic arising from the development will not be high. The scheme does not appear to propose a Travel Plan for the leisure facility.

Clause (i) relates to Travel Plans for both the student accommodation and the leisure facility.

Concern over impact during construction phase on highway network.

*Clause (u) requires a Construction Logistics Plan and (q) considers a **servicing and delivery** management plan for all elements of the site incorporating servicing on site, rather than reliance on the forthcoming road to the east.*

Parking –query over number of spaces proposed.

The spaces have been revised from 6 to 5 as a response to Highway Engineer comments.

Concern regarding the scale/ height of the proposed development/ overdevelopment.

The committee report explains that the development has not significantly altered in scale from the scheme previously approved on site, as a result of reduced floor to ceiling heights. Strategic views to the stadium are not harmed by the scheme.

Query regarding extent of the proposed commercial units.

As submitted the application proposed that the 3 ground floor commercial units could be use classes A1 A3. As revised, and re-consulted upon, the application now relates to use classes A1-A5. The Council's Highway Engineers have assessed the differing impacts of uses A1-A5 and found these to be acceptable. The Council's Environmental Health officers have considered noise nuisance and odour potential and found that as revised, the proposal will not cause harm to local amenities. Officers feel able to support the scheme as revised.

Concern regarding noise impact of external influences on the proposed student accommodation.

This is dealt with by way of condition 19. The Stadium considers that condition 19 is not sufficiently precise. However this was considered acceptable for the previous application on site, for permanent residential accommodation, and therefore is considered acceptable for student accommodation.

Fire Strategy

Following consultation with the Council's Building Control department, a fire-engineered solution is achievable within the site, without relying on the future (eastern) access road.

A3/A4/A5 Uses

The applicants have submitted revised details and now propose to vent flues at high-level. Retail unit 1 proposes a flue straight up in the building. Retail unit 2 would require the duct work to be horizontal at ground floor and then duct straight upwards. Retail unit 3 also requires a long, horizontal pipe before ducting upwards. Units 1 and 3 will have ducts 350mm in diameter and unit 2 (larger) will have a duct of 400mm in diameter. All 3 flues will duct out onto sedum green roofs, so will not affect future amenity spaces. This high-level ventilation is supported by Environmental Health, and will be required by new **condition 26**.

Other

The GLA for the previous application requested water conservation measures, these are not required by them for this application, so this will not be a condition of approval.

S106

Following further discussions with the applicants and Council officers the following amendments to the s106 are suggested:

(b) This clause should be amended to refer only to the pool and changing facilities which occupy an area of 1025 sqm. The results of the applicant's bespoke BRE pre-assessment are expected on 11th April. The applicants have indicated that they are unlikely to achieve BREEAM Excellent. Officers therefore suggest amending (c) to:

*(c) Sustainability -submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and BREEAM rating Excellent for the proposed retail, student accommodation and leisure uses (subject to BRE reasonable criteria), **with compensatory measures if this is not achieved**. In addition to adhering to the Demolition Protocol.*

It is suggested that Members delegate to officers the exact wording of this head of term. If the applicants demonstrate to officer's satisfaction that Excellent is not achievable overall, officers may accept Excellent for key areas such as Energy and Water sections as long as Very Good is achieved for the rest.

Head of term (d) used the previous Energy strategy to specify a 64% improvement. The latest Energy Strategy estimates an overall improvement of **52%** on 2006 BR, so the figure will be revised accordingly. Previously clause (t) duplicated clause (q), so (t) is deleted and (q) revised to:

-plan numbers:

| | |
|------------------------------|----------------------------|
| 1362-F200-TY1-001 Rev 02 | 1362-G200-S-CC-001 Rev 02 |
| 1362-F200-TY2-001 Rev 03 | 1362-G200-XE-01-001 Rev 00 |
| 1362-F200-TY3-001 Rev 03 | 1362-G200-XE-02-001 Rev 00 |
| 1362-G100-XP-00-001 Rev 00 | 1362-G200-XE-04-001 Rev 00 |
| 1362-G200-E-W-001 Rev 07 | 1362-G200-XP-00-001 Rev 00 |
| 1362-G200-E-S-001 Rev 03 | 1362-G200-XP-01-001 Rev 00 |
| 1362-G200-E-E-001 Rev 07 | 1362-G200-XP-02-001 Rev 00 |
| 1362-G200-P-00-001 Rev 00 | 1362-G200-XP-03-001 Rev 00 |
| 1362-G200-P-00-001 Rev 06 | 1362-G200-XP-04-001 Rev 00 |
| 1362-G200-P-01-001 Rev 06 | 1362-G200-XP-05-001 Rev 00 |
| 1362-G200-P-02-08-001 Rev 02 | 1362-G200-XP-06-001 Rev 00 |
| 1362-G200-P-09-15-001 Rev 02 | 1362-G200-XP-07-001 Rev 00 |
| 1362-G200-P-16-001 Rev 02 | 1362-G200-XP-08-001 Rev 00 |
| 1362-G200-P-17-001 Rev 02 | 1362-G200-XP-B-001 Rev 00 |
| 1362-G200-P-B-001 Rev 06 | 1362-G710-P-00-001 Rev 01 |
| 1362-G200-P-RF-001 Rev 04 | 1362-G710-P-01-001 Rev 00 |
| 1362-G200-S-AA-001 Rev 07 | 1362-JC20-D-00-001 Rev 00 |

*(q) Prior to Occupation agree and adhere to a **servicing and delivery** management plan for the student accommodation, leisure **and commercial “retail” units** of the site.*

Remove clause (w) – the Local Planning Authority does not seek a contribution towards highway safety improvements, as it is considered that the provision of a community swimming pool, to meet an identified deficient would require greater capital than the level of standard charge normally levied. Although TfL have requested a contribution towards the bus network above the standard charge, officers consider that on-balance the benefits arising from the scheme including the community pool outweigh the necessity for a contribution towards the highway network, particularly with the improvements to the network arising from the use of up to 1.1m of the site towards future public footpaths on the western site boundary, (see s106 clause v.)

The proposed layout does not meet the 10m carry distances for collection of waste by Council operatives. The applicants now state that all waste will be collected by private operatives. The Council would not be willing to approve a development without an acceptable layout that complies with waste collection guidelines. However, as the applicants are content to contract out the requirement to collect and dispose of all waste from the site to a private company, officers accept this on the basis of a head of term within the s106, (x)

(x) At no time shall the Development require the Council to provide waste/ recycling disposal/ collection unless the Council so chooses

As a result of the Council's Highway Engineer and TfL comments the following additional s106 clause (y) is required:

(y) Prior to Occupation submission and approval of a Student Management Plan for drop-off/ pick up, particularly at semester start/ends

Conditions

The drawing numbers and other documents were left out of the original committee report. Condition 2 should therefore include the following: BREEAM Method Statement/ Multi Residential Daylight and Sunlight Report

Design and Access Statement
Dexion House Student Accommodation – the socio-economic impacts
Energy Statement
Framework Travel Plan
Land Contamination Preliminary Risk Assessment
Noise Assessment
Planning Statement
Statement of Community Involvement
Student accommodation report
Sustainable Development Checklist
Tree Condition Report

Revised documents:

Air Quality Assessment – January 2011
Design and Access Statement – Appendix C
Drainage strategy detailing on and/ or off site drainage works, reference J564_doc_03_P1 received 14/03/11
Noise Assessment – January 2011
Noise and Odour Mitigation for A3, A4, A5 Use Classes dated 25/03/11 and addendum-extract duct arrangements
Email from Nigel Pavey of Chapman Bathurst dated 25/03/11
Letter from DP9 and enclosures received 14/03/11 dated 10/03/11 including alteration to application incorporating commercial units A1-A5 units and revised application form
Letter from DP9 and enclosures received 11/03/11 dated 04/03/11 responses to consultees including: composite list of responses to statutory consultee feedback, Student Management Plan, John McAslan and Partners letter of 2nd March 2011 regarding landscape, Arup note on accessibility, Chapman Bathurst Energy Statement Addendum, Colin Buchanan Technical Note dated 01/03/11.

In addition the following other conditions require amending:

Condition 7 – revisions to the wording of the condition regarding 5 parking spaces provision, following comments by the Borough Solicitor. The Council's Highway Department is content that the 5 spaces can be used by either disabled vehicles, or servicing vehicles, in order to minimise congestion in the front forecourt.

Condition 8 add This will include 1:20 details of the typical bay elevations,(demonstrating the recessed cores) 1:20 details of the ground floor façade including glazing finish and signage

Condition 13, (student accommodation plan) add word “plan”

Condition 19 add words: within all student accommodation are achieved
Having looked at the air quality modelling results and the additional information submitted by the applicants, Environmental Health have confirmed that the applicant has already satisfied the proposed condition in that they have demonstrated an 'slight adverse' effect and Environmental Health only opposed 'significant adverse' effects.
Condition 20 is therefore deleted.

Condition 22 add prior to occupation

Triggers, **conditions 9, 10, 12, 13, 14 and 17** can be submitted prior to construction, but after demolition

Recommendation: Grant consent subject to s106 and conditions