



## Planning Committee

**Wednesday 14 March 2012 at 7.00 pm**

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

### Membership:

#### Members

Councillors:

Ketan Sheth (Chair)  
Daly (Vice-Chair)  
Baker  
Cummins  
Hashmi  
Kabir  
McLennan  
Mitchell Murray  
CJ Patel  
RS Patel  
Singh

#### first alternates

Councillors:

Thomas  
Long  
Kansagra  
Cheese  
Beck  
Oladapo  
J Moher  
Van Kalwala  
Lorber  
Gladbaum  
Hossain

#### second alternates

Councillors:

R Moher  
Naheerathan  
HB Patel  
Allie  
  
Powney  
Moloney  
Butt  
  
Harrison  
Mashari

**For further information contact:** Joe Kwateng, Democratic Services Officer  
020 8937 1354, [joe.kwateng@brent.gov.uk](mailto:joe.kwateng@brent.gov.uk)

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**The press and public are welcome to attend this meeting**

**Members' briefing will take place at 5.30pm in Committee Room 4**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

<b>ITEM</b>	<b>WARD</b>	<b>PAGE</b>
18. Supplementary		1 - 12

### Supplementary Information

Planning Committee on 14 March, 2012 Case No.

11/1135

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Location	THAMES WATER UTILITIES, St Michaels Road, London, NW2 6XD
Description	Demolition of existing industrial buildings and erection of a residential development comprising 23 houses (17 x 4-bed, 5 x 3-bed, 1 x 2-bed) and 16 flats (2 x 3-bed, 10 x 2-bed flats, 4 x 1-bed flats), with 44 parking spaces and associated landscaping and cycle storage with combined vehicular and pedestrian access via existing access from St Michael's Road and pedestrian access onto Olive Road accompanied by a Design & Access Statement and as amended by revised plans received 29/02/12.

### Agenda Page Number: 33

Members visited the site on Saturday 10 March. A number of issues were raised which can be summarised as follows:

#### *Traffic and parking*

- Allocation of parking spaces - Each unit will have one parking space, most houses have a space within their forecourt. Those that do not and the blocks of flats shall have allocated spaces within the parking courts. Five visitor spaces will also be clearly marked.
- Thames Water vehicles - The existing use will cease and thus existing demand will fall significantly. The retained works will require maintenance work only and vehicles associated with this can be accommodated on the retained land.
- Traffic and congestion - A survey of traffic movements at the St Michaels Road entrance was carried out to inform the Transport Statement; this showed the existing peak morning and evening movements totalled 64 two-way movements between 07.00-08.00 and 59 two-way movements between 15.15-16.15. The proposed scheme is predicted to generate 14 two-way movements at the morning and evening peaks, substantially less than the existing traffic movements. As such your officers are satisfied that this scheme will not worsen the existing situation on the local highway network.

#### *Impact on neighbouring residential amenity*

- Relationship with No.147 Olive Road - There are no roof terraces provided to the nearest houses, Houses C8 and E. The houses are at least 14m from the nearest flank habitable room windows of No. 147 and your officers are satisfied that this relationship is acceptable.

#### *Visual impact*

- Views to Pumping Station and Chimney - The scheme maintains near and far views to these significant local landmarks with a substantial gap in the developed part of the site and the gaps between the second storeys of each of the houses; your officers are confident that the high quality of the architecture and proposed landscaping will improve the setting of these landmarks and not detract from them.
- Character - Locally there is a wide range of building types and styles with corresponding variety in heights, bulk and materials, including a range of terraced houses and flat blocks. Your officers are of the view that this is an attractive contemporary scheme with well-proportioned buildings and high quality materials are indicated: the quality of these materials will be secured by condition

### *Infrastructure*

- Local schools - The proposal will make a financial contribution of £329,400 for local infrastructure of which a substantial percentage can be made available for helping to provide additional school places.

### *Other*

- Levels - The site is higher than adjoining land along the Olive Road and Gladstone Park boundaries; the scheme proposes to reduce this difference by grading the site to minimise the difference in levels particularly in the south-eastern corner.
- Flooding - The application is accompanied by a Flood Risk Assessment and this has been approved by the Environment Agency: the scheme will result in a net decrease in impermeable hard surfacing, improving infiltration and reducing run-off.

### **Revised conditions**

Condition 2 (approved plans) to be amended to include correct revisions:

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

PL(00)001 Rev A *Location Plan*  
PL(00)002 Rev A *Existing Site Plan*  
PL(00)003 Rev H *Proposed Site Plan*  
PL(00)004 Rev A *Ground Floor Plans (1)*  
PL(00)005 Rev A *First Floor Plans (1)*  
PL(00)006 Rev A *Second Floor Plans (1)*  
PL(00)008 Rev B *Ground Floor Plans (2)*  
PL(00)009 Rev B *First Floor Plans (2)*  
PL(00)010 Rev B *Site Plan*  
PL(00)011 Rev A *Roof Plan*

PL(00)200 *Site Sections*

PL(00)300 *Block A Elevations*  
PL(00)301 Rev A *Houses H, K, J and Block B Elevations*  
PL(00)302 Rev B *Houses C1-5, D & G Elevations*  
PL(00)303 Rev B *Houses C6-8, E, F & G Elevations*  
PL(00)304 *Block B, Houses L & M Elevations*  
PL(00)305 *Typical Elevations of Type C Houses*

PL(00)400 Rev A *Key Details*  
PL(00)401 Rev A *Pergola and Front Garden*

W105864L01 Rev D *Landscape Masterplan*  
W105864L02 Rev A *Planting Plan 1 of 2*  
W105864L03 Rev C *Planting Plan 2 of 2*  
W105864L04 Rev A *Tree Protection and Removal Plan*  
W105864L05 *Front Gardens Detail*  
W105864D01 Rev A *Landscape Section 1 of 2*  
W105864D02 Rev A *Landscape Section 2 of 2*  
W105864D03 *Garden Fence Detail*

Air Quality Statement (Campbell Reith, April 2011)  
Daylight & Sunlight Report (Savills, April 2011)  
Environmental Noise & Vibration Assessment (Bickerdike Allen Partners, 17 May 2010)  
Environmental & Sustainability Strategy (Ramboll, April 2011)  
Flood Risk Assessment (Campbell Reith, January 2012)  
Geoenvironmental and Geotechnical Due Diligence Report (Campbell Reith, May 2011)  
Report on Inspection of Trees (Broad Oak Tree Consultants Ltd, 12 October 2010)  
Supporting Planning Statement (Studio Aitken, May 2011)  
Transport Statement (Campbell Reith, April 2011)

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

**Recommendation: Remains grant consent subject to a s.106 agreement**

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## Agenda Item 08

### Supplementary Information

**Planning Committee on 14 March, 2012** Case No.

11/3247

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Location FIRST FLOOR, 1-3 Lonsdale Road, London, NW6 6RA  
Description Variation of condition 4 (for temporary one year period) involving the extension of hours of usage to 06:00 - 22:00 Monday to Saturday and 06:00 - 21:00 Sundays and bank holidays of full Planning Permission ref:11/1956 *Change of first floor use from office (use class B1) to yoga studio (use class D2)*

### Agenda Page Number: 91

The Borough Solicitor has stated that in circumstances such as this when issuing a fresh permission under S73 it is desirable that all the conditions from the original planning permission are restated in the new permission. This is preferable to cross-referencing and is in accordance with advice from the Courts. Officers agree with this approach and recommend the relevant conditions from original permission ref:11/1956 are included in this consent.

**Recommendation: Remains approval subject to additional conditions.**

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## Agenda Item 09

### Supplementary Information

**Planning Committee on 14 March, 2012** Case No.

11/3364

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Location 2-12 inclusive, Priory Park Road, London, NW6 7UG  
Description Demolition of 2-12 Priory Park Road [inclusive] (currently accommodating a HMO and a 79 room/ 198 person hostel) and erection of a proposed 6 storey building (plus basement), accommodating a 178 room/ 351 person hostel, with associated communal facilities at ground and lower ground level, and

landscaping works.

**Agenda Page Number: 97**

An error has been pointed out in the Remarks section of the report (third paragraph on page 104) that needs clarification. The following sentence appears in the text:

*Although there is uncertainty with regards to future trends due to changes in housing and employment benefit the Housing Service do anticipate that they would use or need the level of accommodation proposed.*

This should instead state:

*Although there is uncertainty with regards to future trends due to changes in housing and employment benefit the Housing Service **do not** anticipate that they would use or need the level of accommodation proposed.*

**Councillor Mary Arnold** has also commented on the proposed development. She says that she supports residents in the BEST (Brent Eleven Streets) residents association and others who object on the following grounds:

1. The existing building makes a strong contribution to the historic street scene in this part of Kilburn
2. The doubling in size of the hostel raises concerns for the residents within the hostel and the impact on the local area.

An **Addendum to the Planning Statement** has also been prepared by the applicants Agent. This was received after the preparation of the main report. These documents dispute a number of the views of Council Officers in relation to the proposed scheme. The main points can be summarised as follows:

- The applicants consider that there is a local need for temporary homeless accommodation which is not confined to just Brent residents and the proposed development will provide additional accommodation to meet this need.
- Homeless accommodation is the main priority for the providers but they consider that the accommodation could also be used for transient local workers, travellers and professionals with a short term need. They state that this could be managed through a management plan. The Hostel do not currently accept admissions 'off the street' without a written referral.
- There are other hostels in the area 4 within Brent and 2 within Camden. These provide approximately 109 rooms meeting a variety of temporary housing needs.
- The established use of No. 4 Priory Park Road is unclear it is currently derelict and has not been used in the past 10 years.
- Specifications of the CHP are provided.

*Officer Comment*

Council Officers have considered the information submitted in detail and do not consider that it alters the remarks and recommendation of the main report. In relation to the CHP the Council's Environmental Health Officer has been consulted although a response to this has not yet been received. It should be noted that no significant alterations to the proposed development have been made in response to the Council's previously raised concerns.

**Supplementary Information****Planning Committee on 14 March, 2012** Case No.

11/3064

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Location Brookford, 13 Kilburn Lane, North Kensington, London, W10 4AE  
Description Change of use of the ground floor from sui generis (launderette) to A5 (hot food take away)

**Agenda Page Number: 111**

A petition opposing the proposed development and a letter of objection from Kensal Triangle Residents Association have been received following the completion of the report.

The petition, which has 109 signatories, states the following:

*We the undersigned, petition Brent Council to reject the application to allow 13 Kilburn Lane 'The Old Launderette' to be used for yet another fast food takeaway.*

The letter of objection raises the following concerns:

1. There is no need for a further takeaway
2. The proposal will result in increased disturbance for residents
3. The proposal will result in congestion on local roads
4. The proposal will create hygiene problems exacerbating existing pest problems
5. The proposal will reduce the variety of shops available
6. There will be a detrimental impact in terms of noise and smells on neighbouring residents
7. The proposal will cause a decline in property values
8. If approved the use is unlikely to revert back to a launderette.

Most of these points are considered in the consultation and the remarks section of the main report. In relation to noise, disturbance and pollution from existing takeaways Environmental Health Officers have provided information to confirm that there have been no complaints in the past three years in relation to litter or pest problems associated with take-ways on this stretch of Kilburn Lane.

In relation to point 7, the value of neighbouring properties is not a matter than can be taken into consideration when determining planning applications. "The Planning System: General Principles" which provides government guidance on the operation of the planning system at paragraph 29 states that "The basic question is not whether owners and occupiers would experience financial or other loss from a particular development but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest." As set out in the remarks section of the report it is considered that the proposal would not have an unacceptable impact on neighbouring residents or other existing uses.

**Recommendation: Remains Approval**

**Supplementary Information**

**Planning Committee on 14 March, 2012** Case No.

11/3173

Location MIRACLE SIGNS & WONDERS MINISTRIE, Church Road, London, NW10 9NR  
 Description Part conversion and re-development of existing building to facilitate the erection of a 7 storey building to accommodate D1 use on ground floor and 28 residential units on upper floors ('Car Free' Scheme)

**Agenda Page Number: 119**

Members visited this site on Saturday 10 February 2012. In terms of the proposed ground floor use, which is proposed as D1, this means that it could be used for the provision of any medical or health services, crèche or day centre, education facility, museum, public library, public hall, or religious institution.

If approved, a condition seeking the development to be suitably insulated so to protect neighbouring amenity is recommended. Whilst the applicant has suggested the space may be used as a medical surgery, a tenant has not been secured to date.

On the advice of the Borough Solicitor condition 12 shall be amended to read as:

“The first floor window inserted into the Eastern Elevation of the building shall be obscure glazed, non-opening and retained as such.

Reason: To ensure neighbouring amenity is protected.”

**Recommendation: Remains Grant consent subject to legal agreement and amended condition 12.**

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**Supplementary Information**

**Planning Committee on 14 March, 2012** Case No.

12/0049

Location Lonsdale House, 43-47 Lonsdale Road, London, NW6 6RA  
 Description Change of use of ground floor from printing press (Class B2) to mixed use comprising restaurant (Class A3), wine bar (Class A4) and delicatessen selling hot and cold foods for consumption off the premises (Classes A5 and A1), including the installation of extraction plant, external alterations to the front elevation of the building and the creation of an external seating area.

**Agenda Page Number: 92**

Members visited the site on Saturday 10th March 2012. The Council has now received 18 letters of support. They say:

- The new development promotes an independent venture which forms a part of the



character of the area.

- The proposal will continue to improve the historically poor condition of Lonsdale Road
- Lonsdale Road is not a residential street and should cause minimal inconvenience and disruption to residents, if any at all
- The applicant has a reputation of producing excellent food and a friendly warm service

The Council has received a request for additional conditions in the event of an approval from someone who has already objected:

- The rear wall of the property should be insulated to prevent noise transmission
- Amplified music should be prohibited
- These conditions should apply to all future occupiers

Officers are of the view that an additional condition is required:

"No music, public address system or any other amplified sound shall be audible outside the premises.

Reason: To safeguard the amenities of the adjoining occupiers."

With this condition it is not considered necessary to insulate the rear brick wall.

Although the area to the front of the building is inevitably restricted on this private road, it is considered that it would be possible to allow for a small element of car parking at the same time as provide for a level of outside seating space for customers. This relationship, although relatively tight, would be able to work. It is a similar situation regarding the servicing of the unit. The details are set down in the main body of the report but for clarity deliveries will need to be arranged in an informal way off Lonsdale Road, as with all other units, and it is not considered that to do so on this particular road would be something that results in significant highway difficulties.

The applicant has written to all Planning Committee Members raising concerns about the suggested opening hours and requesting that Councillors agree alternative hours:

0700 hours and 0030 hours Sunday to Thursday  
0700 hours and 0130 hours Fridays and Saturdays  
1000 hours and 2300 hours Public Holidays.

When the application was first submitted it proposed hours similar to these and resulted in objections from nearby residents. As a result, they were amended to those in the main body of the report. The hours now requested exceed other similar developments on Lonsdale Road and are broadly in line with those which residents initially raised concerns with. Officers consider that the suggested hours in condition 5 are appropriate and would protect neighbouring amenity.

In terms of the cowl proposed for the extract duct, Environmental Health Officers have confirmed that the proposed system is so efficient that an alternative cowl (ie: one that turns away from the ridge of the roof) would not improve an already acceptable arrangement.

**Recommendation: Remains Grant Consent with additional condition.**

**Supplementary Information**

**Planning Committee on 14 March, 2012** Case No.

11/3205

Location Ground, First and Second Floor, 967 Harrow Road, Wembley, HA0 2SF  
 Description Erection of three storey side extension and associated works to curtilage including hard and soft landscaping and creation of new vehicle crossover to rear premises.(Revised plans received 03/02/2012)

**Agenda Page Number: 137-150**

It should be noted that the original committee report stated, on a number of occasions, that the proposed office use is a B2 use, when it should be B1 use.

**Issues raised at Committee Site Visit**

A number of issues were raised at the Committee site visit on Saturday 10th March 2012, some of which have already been considered in the main committee report. The following matters require further clarification:

Clarification of parking standards for the A1 and B1 uses as proposed.

The extended building would have a total A1 floor area of 156m<sup>2</sup>; and a total B1 floor area of 238m<sup>2</sup>.

UDP Parking Standard for retail (A1) use is a maximum of 1 space per 400m<sup>2</sup> of floor space and for business (B1) use a maximum of 1 space per 150 m<sup>2</sup> of floor space. The maximum parking standard for the extended building is therefore 2 spaces which would be met by this application.

The Council's Transport Officer has confirmed that the servicing standard for the extended building would be met by the 8m long vehicle bay to be accessed from Harrow Road as proposed in the amended scheme.

Impact on road safety

Concern was raised by attendees at the committee site visit with regard to road safety due to the creation of the new access at the rear of the site via The Boltons. Objectors highlighted that The Boltons is a quiet cul-de-sac, where children play in the street. Conditions are proposed restricting the width and height of vehicles entering the site from The Boltons thereby ensuring that the rear of the site can only be accessed by cars. The modest increase of an additional 2 car parking spaces to be accessed via The Boltons is not considered likely to have a negative impact on highway conditions in the Boltons.

S106 Contributions?

The development does not qualify for any S106 contributions as set out in Brent's Supplementary Planning Document on S106 Planning Obligations. This document states that commercial developments with more than 500sqm of additional B1, B2 or B8 floor space would require contributions of £25 per sqm. The current application proposes an additional 106sqm of B1 space. The proposal therefore would not require S106 contributions.

## Would the development qualify for the Mayoral Community Infrastructure Levy

The Mayoral 'Community Infrastructure Levy' (CIL) will be chargeable from 1<sup>st</sup> April 2012. Development which results in an additional floor space of 100sqm or more would qualify for the CIL. As the proposed development would result in 156sqm of additional floor space, it would qualify for the CIL.

### **Representations received after notification of Committee**

The adjoining neighbour at 15 The Boltons has formally written to object to the proposal following notification that the application is to be considered at planning committee. The issues raised are as follows:

- The proposal represents an overdevelopment of the site in terms of overshadowing and overlooking
- The objector agrees with previous comments made by Councillor Lorber that there is a good reason for the current design of the existing building as it leaves a sufficient gap between the office building and the nearby residential property.
- The committee report bases some conclusions on the impact on the neighbouring properties (Page 145-146) on the assumption of the proposed extension being a residential property, and as such the conclusions are found to be unacceptable because this extension remains a solely commercial building and its impact on the neighbouring properties would remain as a commercial building, not residential.

In response to the issues raised, your officers would clarify that the proposal was appraised in line with Brent's Supplementary Planning Guidance 5 on Altering and Extending Your Home because the principles set out in the guidance to protect the amenity of neighbouring occupiers from domestic extensions also holds true for extensions to commercial buildings.

Other issues raised by this late objection have already been discussed in the main committee report.

### **Recommendation: Remains Approval**

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Agenda Item 15

### **Supplementary Information**

**Planning Committee on 14 March, 2012** Case No.

11/2976

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Location	Texaco Star Market, Forty Avenue, Wembley, HA9 8JS
Description	Redevelopment of the site to provide a five storey residential building comprising 32 flats and a terrace of 2 three storey houses, car and cycle parking, private and communal amenity space including a children's play area and landscaping

### **Agenda Page Number: 159**

It should be noted that the amendments to the scheme have not been picked up in the description of the development on the first page of the committee report which incorrectly refers to the erection of three 3-storey houses when the scheme has been amended to two 3-storey houses.

### **Issues raised at Committee Site Visit**

A number of issues were raised at the Committee site visit on Saturday 10th March 2012, some of which have already been considered in the main committee report. The following matters require further clarification:

#### Section 106 notes do not state the total contribution.

The total section 106 contribution for the amended scheme is £183,600.

#### Concerns raised about the quality of accommodation proposed.

This matter is dealt with in the main report but for clarity the scheme fully meets the minimum floor space standards set out in the current London Plan. These standards are higher than those previously applied in the Council's SPG17 'Design Guide for New Development'. The scheme also meets external amenity and play space standards. The submitted daylight /sunlight report states that habitable rooms will obtain good levels of daylight in accordance with BRE guidelines. The overshadowing assessment confirms that the proposed children's play area and the private gardens to the houses meet BRE guidelines.

#### High boundary required between the site and garages to the rear to ensure security of garages.

Condition 8 which covers the landscaping details also requires details of all boundary treatment to be submitted and approved prior to the commencement of work on site. Officers will be striking a balance between the needs of security and visual amenity in assessing these details.

#### Proximity of the site entrance to the Century House and Bowling Green Court entrances and to the Forty Avenue Junction.

The Council's Highways officer has reconfirmed their view that the proposed access arrangements are satisfactory and that providing vehicular access onto Elmstead Avenue, a relatively lightly trafficked, traffic-calmed local access road, rather than Forty Avenue is welcomed in road safety terms.

#### Noise and disturbance during construction.

The construction period for a scheme such as this could go on for up to two years and there will clearly be disturbance for local residents. In order to minimise nuisance condition 5 seeks to control demolition and construction works as follows:

During demolition and construction works on site:

- The best practicable means as specified in the British Standard Code of Practice BS 5228:1997 shall be employed at all times to minimise the emission of noise from the site;
- The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 0800 – 1800 Mondays-Fridays, 0800 -1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority;
- All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only.

In addition the s106 agreement requires the developer to join and adhere to the considerate constructors scheme.

**Supplementary Report  
Planning Committee on 16 March  
2012**

Case No. Special Item

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Location	Land surrounding Wembley Stadium, Empire Way, Wembley, HA9 (Ref. 03/3200)
Description	Deed of variation to the Section 106 agreement for Outline Planning Consent reference 03/3200, the Quintain “Stage 1” consent.

**Agenda Page No. 177-187**

There is a typographic error within the second paragraph on Page 186. It refers to the payment of £2,058 per square metre. This should read £2,508 per square metre.

The applicant has also noted that one of the paragraphs within the Heads of Terms in relation to Affordable Housing has not been mentioned in the Committee Report. This relates to the maximum amount of Affordable Housing that is required to be provided on-site. At present, the Section 106 agreement requires 35% of the total Residential Floorspace to be provided as on-site Affordable Housing. The Affordable Housing Cascade could in theory result in an increase in the level of Affordable Housing (above the 35 % set out within the existing S106) if the Registered Providers pay more than was envisaged within the existing S106. The submitted Heads of Terms set out that the level of Affordable Housing that the developer is required to provide on-site cannot exceed this level (35 %) and Quintain may choose to provide the additional Affordable Housing as a “commuted sum” (i.e. payment to the Council for off-site provision of Affordable Housing that would have otherwise resulted in more than 35 % being provided on-site). This would relate to the total provision of on-site Affordable Housing within the entire application site rather than being viewed on a plot-by-plot basis. Your officers considered this element of the Affordable housing cascade to be acceptable and it should be noted that this part of the mechanism is only applicable where the level of on-site Affordable Housing would have been greater than 35 %.

Recommendation: Remains unchanged: That the Planning Committee grant permission for the Heads of Terms, with authority delegated to the Head of Area Planning or other duly authorised person, to agree the exact terms thereof.

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