



## Supplementary Planning Committee

**Wednesday 16 July 2014 at 7.00 pm**

Conference Hall - Brent Civic Centre, Engineers Way,  
Wembley, HA9 0FJ

### Membership:

#### Members

Councillors:

Marquis (Chair)  
Agha  
S Choudhary  
Colacicco  
Filson  
Hylton  
Kansagra  
Mahmood

#### first alternates

Councillors:

#### second alternates

Councillors:

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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 Boardrooms 7 and 8**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

<b>ITEM</b>	<b>WARD</b>	<b>PAGE</b>
8. Supplementary		1 - 6

# Agenda Item 8

## Agenda Item 03

### Supplementary Information

**Planning Committee on 16 July, 2014**

Case No.

14/0846

Location	Former Kensal Rise Branch Library, Bathurst Gardens, London, NW10 5JA
Description	Conversion of the existing vacant building to provide 5 residential units (2 x studios, 1 x 1 bed duplex flat and 2 x 2 bed duplex flats) on part ground and upper floors and 186m <sup>2</sup> community space (Use Class D1) on the ground floor. Single storey ground floor extension to west elevation, provision of roof extension and communal residential roof terrace fronting onto Bathurst Gardens and creation of basement for bin/cycle store. Provision of new entrance door on Bathurst Gardens serving D1 space, with associated cycle parking and landscaping to Bathurst Gardens and College Road. Erection of temporary site hoarding to protect site for period of vacancy.

#### Agenda Page Number: 11

Following the publication of the report Council Officers have sought to clarify how and in what form the community space would be delivered in the future with reference to its provision in the long term and the condition of the space when it is transferred to the tenant.

The Council would seek to ensure that the community space is provided through appropriately worded clauses within the section 106 agreement and conditions. One of the Heads of Terms which is referred to in the main report is following the marketing campaign an occupier for the community space is not found the Council will be offered first refusal on the community space. Following internal discussions this has been amended so that CVS Brent are the named organisation who would have first refusal should an occupier not be found following the marketing campaign. CVS Brent is a membership organisation for the local not for profit sector which seeks to support, promote and develop voluntary and community action in the London Borough of Brent. Should no occupant be found for the space CVS Brent have agreed to having first refusal to prepare a bid.

In addition to this following a query from Friends of Kensal Library regarding the disposal of the space to a local community interest group during the interim or full moratorium period, the applicants have confirmed in writing that the Friends of Kensal Library will be named as *the applicants 'actual' tenant, as opposed to his 'preferred' tenant, subject to lease negotiations, their management plan being satisfactory etc.* The Friends of Kensal Library have confirmed that they have received verbal notification of this. Notwithstanding this the Council have previously clarified that the naming of the preferred or actual tenant is not an issue the committee should purport to determine as part of the planning process.

The Council have also sought further clarification from the applicants regarding what condition the D1 space will be in when it is leased to the local community group. The applicants have confirmed that the proposed community space will be finished as a plastered shell with main services installed but capped off. They have also stated that they have earmarked a sum of £3000 to be given to the tenant to support the fit out. In addition to this they have confirmed that the tenant will be responsible for all aspects of the fit out.

An additional representation has been provided from a member of the public requesting that Committee Members are made aware of the Option Agreement to purchase Kensal Library between All Souls College and the Developer when considering the current planning application.

**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 Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services and Procurement.**

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## Agenda Item 04

### Supplementary Information

**Planning Committee on 16 July, 2014**

Case No.

14/1201

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Location	37 Lydford Road, London, NW2 5QN
Description	Demolition of existing office to builders' yard and erection of a 3 bedroom, three storey (including basement) dwellinghouse, re-location and reduction in width of existing crossover, one off-street parking space, and associated hard and soft landscaping

### **Agenda Page Number: 31**

Following the Members site visit on Saturday 12th July 2014, further clarification was requested on a number of points which is set out below. In order to help address these points the applicant has submitted an additional plan which shows the key distances between the proposed house and site boundaries (3 no. drawings entitled 'house for the Campbell family'). An additional objection has also been received from 90b Teignmouth Road who has raised concerns about loss of amenity (loss of daylight, overlooking) and erosion of character/visual amenity. Particular concerns was raised in relation to external lighting and the potential for nuisance as a result.

#### ***Distance between building and rear site boundary***

The ground floor is 1m and the first floor is 5m from the rear boundary. As explained in the main report it is not considered that the proposal would have a materially harmful impact on the amenities of neighbouring properties given the compliance with the adopted guidance given in SPG17 (see para 20-22). With respect to impact on the rear gardens of 88 and 90 Teignmouth Road, the building would not infringe the 30 and 45 degree lines from rear facing windows and boundary treatments respectively. Whilst a rear facing window is proposed this would serve a landing, which is not a habitable room and thus it is not considered that there would be a material impact on privacy.

#### ***Distance between the building and the footway***

The ground floor is 2.35m and first floor is 1.4m from the footway. This projects forward of the side elevation of No.88 Teignmouth Road (the adjacent property to the south) by 0.2m and 1.1m respectively.

#### ***Height of building compared to existing***

The existing structure has a height of 2.7m at eaves level and 4.7m to the ridge of the roof. The proposed building would have an overall height of 6m.

#### ***The current use of the site***

The lawful use of the site is as a builders yard which is confirmed by the lawful development certificate issued last year. A range of evidence, including information on non-domestic rates, employers insurance and HMRC bills were submitted in support of this application. Whilst the site may from the street currently have the appearance of forming part of a rear garden, usual activities in association with a builders yard (such as vehicular and storage of materials) could lawfully be undertaken at the site.

#### ***The creation of a precedent for similar development***

Notwithstanding that each planning application is assessed on its own merits as mentioned at the site visit, the proposal by virtue of its current lawful use as a builders yard is regarded as previously developed land. This is distinct from the development of residential back gardens, which are afforded protection through the National Planning Policy Framework (NPPF), the London Plan and the Local Plan which resist the inappropriate development of these spaces. Policy STR3 of the UDP states the redevelopment of previously developed land will be acceptable in principle, subject to the consideration of the other policies in the Local Plan (and the proposal is recommended for refusal on this basis). It is considered that the availability of other such sites within the Mapesbury conservation area will be extremely limited and therefore it is not anticipated that other similar proposals are likely to come forward. In any event, for the reasons set out above, any approval here would not set a precedent for other decisions given the specifics of this case.

#### ***Modern design and loss of views of trees***

The principle of the design a contemporary dwelling in this sensitive heritage location is considered acceptable in principle and is supported by the NPPF (see Paras 16-17 below). However, given the bulk, height and massing of the proposal this would obstruct views through rear gardens which contribute positively to the character and appearance of the conservation area (see Para 13 below) and refusal is recommended on this basis.

#### ***Alternative uses of the site***

A point was made that the use of the site could be returned to use as a residential garden. Whether the Council grants permission for a new dwelling in this location would affect its commercial value. In this respect, the value of the site as a house would be greater than the value as a residential garden. However, the scenario of the site been returned to a garden, regardless of whether that is likely or not, should not impact on the consideration of this application which needs to be considered on its own planning merits. The prevailing policy context is such that the development of a house on the site is considered acceptable in principle, subject to compliance with

planning policy (detailed consideration of which is given below).

**Recommendation: Remains refuse permission.**

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## Agenda Item 05

### Supplementary Information

**Planning Committee on 16 July, 2014**

Case No.

13/2213

Location	205-211 ODDS Inc, 235 & Land in Church Road Car Park rear of 205-235 Church Road, London, NW10
Description	Full planning permission sought for demolition of buildings within 205 and 235 Church Road, and redevelopment of section of Church End car park site to the rear of 207-233(odds inc.) Church Road to erect a part 2,3,4,5 and 6-storey building containing 65 residential units, 298m <sup>2</sup> (GEA) retail floorspace, together with 7 car parking spaces and associated works as revised by plans and details. ("CAR FREE" DEVELOPMENT).

#### Agenda Page Number: 43

The site was visited by Members on Saturday 12th July 2014 and a number of points were raised:

#### How will refuse get from the flats down to the refuse collection area?

Means of refuse storage for the residential element of the development is provided in 3 locations. One storage point would be located on High Road serving blocks A & B, and the other 2 would be located on Eric Road. In common with many flatted developments, occupants will carry their waste down to the refuse storage point. However, following further consideration the recommended distance to travel from the front door of an occupants' property to the communal refuse storage point has been reviewed and found that a number of units would have to travel further than the recommended 30 metres maximum outlined within the Brent Household Waste Collection Strategy 2014. Therefore, it is recommended that condition 25 is amended to request revised means of positioning/provision of the bin storage so that the distance occupants have to travel to the waste/recycling storage point is reduced.

#### Amendments to condition:

The wording of condition 25 has been amended to the following:

*Notwithstanding the plans otherwise hereby approved, a revised ground floor plan shall be submitted to and approved in writing by the local planning authority prior to the commencement of all works on site. The works shall be carried out in accordance with the approved details. The revised plan shall include the following minor amendments to the site layout to:*

- *set the proposed vehicular gates on the access at least 5m away from the highway boundary*
- *amend all doors to the building to open into the site;*
- *provide a publicly accessible bicycle stand for the proposed retail units;*
- *Indicate the provision of an electrical charging point for one of the parking spaces*
- *Revised details of the size and positioning of the bin stores for the residential element of the development, to ensure general compliance with the Brent Household Waste Collection Strategy 2010-2014*

*Reason: To ensure a satisfactory standard of development that is acceptable in highway safety and transportation terms.*

#### Query only 2m set back from pavement with loss of existing trees.

The report to Members sets out in a balanced way how this development fits into both the planning policy context and the long-standing regeneration aspirations of the Council. Paragraph 41 outlines the reasons why, whilst it is unfortunate to lose the mature trees, as with the Council market square scheme, their retention would

significantly hinder the scope to develop the site to achieve the aims of the Site Specific Allocation and wider Growth Area requirements. It is also acknowledged that a greater set-back would be desirable in design terms with Officers always keen to maximise this wherever possible. However, to do this here would present a number of issues with regards to scope to provide a satisfactory residential courtyard environment and the resultant possible relationship with adjacent buildings on Church Road.

Paragraph 43 outlines that a financial contribution of £15,000 (£3,000 per tree) will be requested as part of the Section 106 agreement. This would be paid to the Council to fund works to be carried out by the Council for the planting of street trees on the High Road adjacent to the development. The precise location and species of planting would be determined by the Council's Landscaping Team but the indicative Landscaping Strategy and Masterplan submitted by the applicant shows that it is envisaged that these trees would be placed in a section of the public footway in a space between the cycle path and the on-street parking bays. An illustration of this is provided on page 4 of the landscaping strategy document.

### **Could the application site be expanded to include more of the existing buildings?**

As discussed at the site visit, previous attempts to provide for a more comprehensive development here have unfortunately not been possible, in part due to a lack of enthusiasm on behalf of certain parties to become involved.

### **Operation of the proposed market square, including servicing, storage of stalls and rubbish collection.**

As set out in the main report, and discussed at the site visit, the market square itself does not actually form part of this planning application and matters relating to these concerns were addressed within the Council market square scheme committee report. A joint 'Delivery & Servicing Management Plan' which is linked with the plan required for the development of the southern half of the car park, which includes details of managed access to the market square for deliveries, will be secured through the Section 106 agreement.

A loading and servicing area for the market square is to be provided via an area of the square adjacent accessed off Church Road. The aim is to provide alternative options for parking without having a detrimental impact on the market function which would close or cause the market to relocate. Support space for the market is found within the building given resolution for approval at ground floor level.

This includes storage space for market stalls, WC provision, water services and bin stores which will be secured access and controlled by the market's managing company.

It is envisaged that the market square shall remain under the ownership of Brent Council and shall be let out to a market management company who would set the chargeable rates for individual market stall traders. The surface of the market square shall be of a high quality durable material. The materials and layout for the market square were given resolution to grant consent as part of the Council scheme.

In terms of the commercial units within the Council scheme, servicing is envisaged to take place from the same space at the end of Eric Road adjacent to Church Road on non-market days. This is acceptable in principle, but time restrictions on servicing times may be required as part of a servicing plan, to limit access to quieter times of the day.

On market days, vehicular access to the market square will be severely restricted, meaning loading will inevitably need to take place from Church Road alongside and across the access to the market square. However, there is only kerbside space in this area for about two vans, before vehicles would interfere with the bus stop to the north of Eric Road. Use of the loading area will therefore need to be very carefully co-ordinated and managed to ensure bus movements are not obstructed, although it does help that the market will generally set up in the early hours of the day.

There is also inadequate space within the site for the parking of market traders' vehicles during the day and an off-site location will need to be secured for their use once the market is set up. Various locations are currently under consideration in this respect but as yet the location has not been determined.

Given the uncertainties over the manner in which the market and shop units will be serviced, any planning consent for the Council scheme will be contingent upon a suitable Delivery and Servicing Plan being agreed in advance of occupation of the units or operation of the market, to be complied with thereafter and to include regular reviews of operations, including access requirements across the square. This will be secured through a S106 Agreement, rather than planning condition.

The approved plans for the Council scheme took account of the part 1.6 metre, part 1.1 metre depth forecourt of the retail unit no. 203 Church Road adjacent to Eric Road, and this would be retained following development of the market square. A 2 metre width pavement surface would run across this section for the length of the market square, before the 15.6 metres width shared surface of the market square. The details relating to the materials and layout of the market square are considered within the committee report 13/1098, but it is not envisaged that cars would be permitted to drive to the side of the stalls (which would not be permanent fixtures and would be removed and stored elsewhere when the market is not in operation). The Delivery, Servicing and Management Plan mentioned above and considered in more detail within paragraphs 22 -26 of the report will control such matters. Details of the surfacing were set out within planning application 13/1098. The paving will be durable to allow vehicular over-run on market days and for deliveries and servicing.

#### **Concerns about the unsafe structure next to Eric Road.**

This matter was discussed at the site visit and the Building Control Team have been informed of Members concern. They are currently investigating the structural integrity of the building in question and Members will be updated as soon as they have completed their investigations.

#### **What is happening in ground floor of former White Hart development which is boarded up.**

The planning history for the development (ref. 09/1208) allowed the commercial space at ground to be used as for uses with the A1 (retail), A2 (financial and professional services) and B1 (business) use classes. The Council is not aware what the plans are for occupation of this unit at present.

#### **Comments received by Councillor Janice Long**

On Tuesday 15th July 2014 comments on the application were received from Councillor Long. She supports the scheme and her views are set out in full below for the information of Councillors:

*"Prior to May 2013 I was a councillor for Harlesden ward so I was not consulted on the proposed development. But as a Harlesden councillor I had to put up with this nearby derelict area and now as a Dudden Hill councillor it is good to see that construction will finally happen. There have been many false starts over the past eight years and many local residents and business's have become very cynical about the promises of regeneration.*

*The proposed development is just part of the regeneration of the local area. Local Dudden Hill councillors are working with the Unity Neighbourhood Forum (funded from Ward Working by Harlesden and Dudden Hill wards in 2013/14) to includes residents and traders in plans to improve the area.*

*The area is in dire need of regeneration which has been put off for too long. It is part of a manifesto commitment to deliver jobs and housing or the area and we want a market square which the scheme provides and cements into the plans.*

*We will work to ensure the continuation of the market while any proposed works are carried out and also to get improvements to the market once the building works are completed. Co-operation by TfL in re-routing buses would help the viability of the market but that is outside the scope of the application*

*This application will mean that the derelict laundry at the corner of 205 Church Road can finally be demolished. This has been an eyesore for too long and is part of the broken window syndrome of the area. It's removal as part of this application will be a visible improvement to Church Road. It will be disappointing if this application is refused or deferred as there have already been too many delays in starting the regeneration and improvements to the Church Road area".*

**Recommendation:** Remains approval subject to completion of a legal agreement and revisions to condition 25.

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