



Supplementary Agenda Planning Committee

Wednesday 3 June 2015 at 7.00 pm

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

Membership:

Members

Councillors:

Marquis (Chair)

Agha
S Choudhary
Ezeajughi
Hylton
Mahmood
M Patel

Substitute Members

Councillors:

Chohan, A Choudry, Colacicco, Hoda-Benn,
Khan, W Mitchell Murray and Perrin

Councillors

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The press and public are welcome to attend this meeting

Members' briefing will take place at 6.00pm in Boardrooms 7 and 8

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

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Please remember to switch your mobile phone to silent during the meeting.

- The Conference Hall is accessible by lift and seats will be provided for members of the public on a first come first served principle.

Agenda Item 9

Agenda Item 03

Supplementary Information

Planning Committee on 3 June, 2015

Case No.

14/4469

Location	Land at the Junction of Yeats Close & Great Central Way, London, NW10
Description	Erection of a warehouse / industrial building for flexible use within Use Class B1(b) (research and development), B1(c) (light industry), B2 (general industry) and/or B8 (storage or distribution) purposes with ancillary B1(a) (office) floorspace on the first and second floors; vehicle, cycle and bike parking, landscaping and fencing

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OFF-SITE HIGHWAY WORKS

Page 10 of the main report goes into some detail about the work that Officers have undertaken in order to resolve the issues relating to the possible displacement of vehicles that currently park on Yeats Close which was one of the reasons that Members previously deferred the item from an earlier Planning Committee meeting.

Officers in the Council's Property and Projects Section have reviewed the Deeds for the strip of grass which would be required for the construction of a lay-by on the opposite side of the road from the application site that is mentioned in the main report. They have been able to confirm that there are no covenants which would prevent the transfer of this land to the Highway Authority and they are in support of the change. However, there are legal processes that need to be undertaken by the Council and it is understood that the current estimate for these is likely to take up to 8 weeks.

The work to construct the lay-by is proposed to be undertaken by the applicant via a Section 278 legal agreement which requires the land transfer to have been completed so that the land is in Highways ownership. Officers are confident that this can be successfully completed, however, in the event that this process is not completed in time to enable the applicant to undertake the work while on-site the alternative is to accept a financial contribution. A contribution from the applicant has been offered, which would cover the cost of the work to be undertaken by the Council. The timescale after which this second option will be accepted is suggested to be 6 months and this will be agreed with the developer.

The suggested Heads of Terms for the s106 agreement are therefore:

Upon the Council satisfactorily appropriating the land (required for the lay-by) within a reasonable period of time using its statutory powers contained under section 122 of the Local Government Act 1972 from educational use to highways purposes and free from any objection arising out of the consultation process that would prevent the implementation of the planning permission the Developer hereby covenants with the Council to start the negotiation of an agreement under Sections 38 and 278 of the Highways Act 1980 in relation to the carrying out of the Highway Works to adoptable standards.

If after a 6 month period (or other to be agreed) the appropriation has not taken place then the Developer will be required to pay the sum of £60,000 (or such other figure as the Council shall determine) to be held in an interest bearing account for completion of the highway works.

Recommendation: Approval subject to conditions and legal agreement

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Agenda Item 04

Supplementary Information

Planning Committee on 3 June, 2015

Case No.

15/1337

Location	Former Oriental City, 399 Edgware Road, Kingsbury, London, NW9
Description	Reserved matters application for construction of a part 2-, part 9-storey buildings comprising 183 residential units (52 x 1 beds, 67 x 2 beds, 51 x 3 beds and 13 x 4 beds) with associated

landscaping, parking and servicing (Phase 2).

This application has been submitted pursuant to conditions 4 (the Reserved Matters), 37 (car parking), 38 (servicing details), 39 (cycle parking), 41 (residential unit mix) and 42 (details of housing quality) of Outline planning permission reference 12/2166 (subsequently varied by application ref: 14/4965 dated 18 March 2015 and non material amendment ref: 14/3849 dated 5 January 2015).

Outline planning permission 12/2166 was for a hybrid planning application, as amended by plans received 1 November 2012, for the demolition of all existing buildings and structures and:

- full planning permission (Phase 1) for comprehensive mixed-use development comprising full planning permission the erection of a 7,817sqm gross external area (GEA) Class A1 retail foodstore with associated service and delivery yard; 5,207sqm GEA of new Oriental and Far Eastern Floorspace to include shops, financial and professional services, restaurants and cafes, drinking establishments, hot food takeaways and non-residential institutions (Class A1, A2, A3, A4, A5, B1 and D1); podium slab along Airco Close; a site-wide energy centre; associated car parking spaces, motorcycle parking spaces and cycle parking spaces; associated landscaping and public realm works; new vehicular access from Grove Park and vehicular access from Plaza Walk and associated highway works; and
- outline planning permission (Phases 2 and 3) comprising residential floorspace (Class C3, accompanied by illustrative residential accommodation schedule indicating 183 residential units), associated car parking spaces and cycle parking spaces, associated landscaping and new vehicular access from Airco Close (Phase 2, all matters reserved) and two form of entry primary school and nursery (Class D1, Phase 3, all matters reserved).

The application is accompanied by an Environmental Statement (revised October 2012) and subject to a Deed of Agreement dated 26 June 2013 under Section 106 of the Town and Country Planning Act 1990, as amended.

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Members Site Visit

Members have sought clarification on the following matters:

- *Review Mechanism - off-site affordable housing*

The Section 106 Agreement for the hybrid planning consent (12/2166) requires the developer to submit a development finance appraisal to the Council for approval upon the sale of 50% of the dwellings, to calculate any development surplus of the residential development approved as part of phase 2. Any identified surplus is required to be used towards the provision and or improvement of affordable housing in the Borough. The Section 106 Agreement also capped the off-site contribution at £3,600,000.

- *Training Initiatives*

The Section 106 Agreement for the hybrid planning consent (12/2166) secured Employment and Training Plans for each phase of the development. These are required to be implemented throughout the construction of the development

- *Timescales for delivering the School*

The hybrid planning consent secured outline planning permission for a 2FE primary school and nursery; this forms part of phase 3 of the approved scheme. The consent secured the land and podium slab, which would be transferred to the Council, so that the borough can pursue relevant funding options to provide the school building, within the prevailing education funding framework as set out by central Government.

Officers in Property and Education are progressing this to secure a school operator though to date no operator has been identified. The planning conditions require reserved matters for the school building to be submitted within 3 years of the date of the planning consent (27 June 2013).

- *CIL/S106*

The hybrid planning consent secured a financial contribution of £303,000 index linked from the date of planning permission to be used towards various highway improvements in the vicinity of the site (to be paid upon material start of the development) together with an additional contribution of £150,000 index linked from the date of planning permission to be used towards the improvement/provision of health/social care, sport/open space, landscape and public realm, and or monitoring of air quality and air quality improvement projects in the vicinity of the site (to be paid upon material start of the residential development).

As the hybrid planning consent was granted prior to the adoption of Brent CIL in July 2013, it only triggered a Mayoral CIL payment for phase 1 of the development at £942,713.54.

Other matters

Update to CIL calculation

Further to details set out in the Planning Committee Report, it has now been clarified that the Borough CIL would not be applied to the entire phase (as this was covered by the s106 payment), but only to the uplift in floorspace occurring since the section 73 application ref: 14/4965 . The correct CIL calculation for this application (subject to index link) is set out below:

Mayoral CIL - £923,578.59

Brent CIL - £202,483.93

Total CIL - £1,126,062.52

Recommendation: Grant planning permission, subject to conditions set out in the Draft Decision Notice.

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Agenda Item 05

Supplementary Information

Planning Committee on 3 June, 2015

Case No.

14/1482

Location	13 & 13A Carlisle Road, Kingsbury, London, NW9 0HD
Description	Change of use of the premises into a food production unit (Use class B2) to include the creation of a multi-vehicle despatch facility, loading bays and alterations to the front pavement

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Members Site Visit

Following the Members Site Visit, clarification is provided on the following matters:

- *Noise Complaints*

Environmental Health have confirmed that there have been three noise complaints relating to Nigel Fredericks Ltd (the applicant). When investigating the complaints, the Environmental Health Officer advised that they found the company to be responsive and seemingly conscientious about their neighbours. Details of the complaints are set out below:

November 2013 - The company took delivery of a large mobile freezer unit to assist with pre-Christmas storage of meats. The noise output was deemed to be a statutory nuisance and a Noise Abatement Notice was served giving the company 14 days to abate the noise. This unit was removed a few days after the expiry date within the Notice.

June 2014 - A complaint was received regarding alleged noise from a roof-mounted air extractor. It was found that whilst the noise was considered annoying, it was not a statutory nuisance. The matter was brought to the attention of the company and they had the issues resolved very promptly.

September 2014 - Complaints were received alleging nighttime noise from the loading of delivery vehicles. An investigation found evidence of a statutory noise nuisance and a Noise Abatement Notice was served. An

meeting was held by Environmental Health with representatives from Nigel Frederick Ltd. The planning proposal was discussed and how this would mitigate against such noise by focusing loading activities towards the front of Carlisle Road and by creating a continuous solid wall barrier along the length of the rear boundary that is shared with residential neighbours. Environmental Health Officers made unannounced visits at noise sensitive times and found the noise had greatly reduced. Additional advice was offered and that reduced noise levels even further. It is noted that one resident continued to make allegations of noise but never accepted the Environmental Health Officers' request to attend their home so that they could assess the noise.

- *Relationship of extension to existing buildings:*

Updated plans have been submitted by the applicant showing the siting of acoustic screens either side of the extension, following the profile of the roof, that will assist with noise management of the site. The screens will increase the insulation against noise in order to better protect neighbours amenity. Condition 2 on the decision notice will be revised to include the updated plans as follows:

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

*B3 Location Plan, B3 Site Plan, 3384A 14 rev02, **3384A 15 rev01, 3384A 16 rev01**; MRL Acoustics:Nigel Fredricks Ltd (Noise Impact Assessment)*

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

The acoustic report concluded that subject to the suggested mitigation measures that are secured via conditions on the decision notice, that the noise impact from the development scheme will be within acceptable limits and should not result in a significant noise impact to any nearby dwellings. It is recommended that Condition 8 (c) is updated to include details of any extraction/ventilation on site that is to be retained as detailed below:

(a) Prior to installation, revised details of the location of refrigeration plant as detailed in the Acoustic Report, demonstrating that the plant is positioned as low to the ground and near to the front elevation as feasible, shall be submitted to and approved in writing by the local planning authority. The plant shall be installed in full accordance with the approved details prior to occupation of the development.

(b) Prior to occupation, further details of proposed extraction system to manage odours shall be submitted to and approved in writing by the local planning authority. Details shall include the location, manufacturers specification and noise impact assessment by reference to BS 4142:2014 (or any standard superseding this). The extraction system shall be installed in full accordance with the approved details prior to occupation of the development.

*(c) Prior to installation, full details of any further plant or extraction systems **and/or retained extraction/ventilation equipment** not detailed within the Acoustic Report shall be submitted to and approved in writing by the local planning authority. Details shall include the location, manufacturers specification and noise impact assessment by reference to BS 4142:2014 (or any standard superseding this). The plant shall be installed in full accordance with the approved details prior to occupation of the development.*

Reason: To safeguard the amenities of the adjoining occupiers.

Future plans for the wider site and operation issues:

The applicant has stated that if planning permission were to be granted for the units at 13 & 13A, once the works were complete they would be seeking to:

- modernise the existing unit at 11A Carlisle Road;
- update the cooling/ventilation equipment and removing it from the rear elevation of the building;
- re-arrange the layout in a similar way to 13 & 13A with a front facing loading bay and a double skinned acoustic barrier;
- if these alterations were successful then access to the rear of the buildings would be closed off except as a fire escape;
- the proposal is not to expand the business in terms of employees but to expand the business across a larger footprint to gain efficiencies that cannot be realised in the current space.

I should be noted that changes to 11A Carlisle Road do not form part of this planning application.

The existing unit currently has Category 3 (Low Risk) waste stored in line with Hygiene Regulations which is removed from the site by a Licensed Waste Contractor. This will continue and will also take place at the units subject of this application.

The applicant states that the vehicles that will be using the loading dock (in the Service Yard between Units 11a and 13, will do so mainly between the hours of 08:00am and 18:00pm Monday to Friday and very occasionally on a Saturday Morning between the hours of 08:00am and 13:00pm. The delivery vehicles (vans) that will be operating out of the front of the site, leave the site from approximately 05:00am Monday to Friday and start returning anytime between the hours of 14:00pm and 18:00pm. On Saturdays, they leave from 05:00am and return usually by 13:00pm.

The applicant has stated that, with regard to the above timings etc., this is the same routine as has been in existence for many years previous and there are no planned changes to this routine.

Other issues:

The applicant has requested that the hard surfacing at the front of the plot is not restricted to a permeable material as easy cleaning of such an area is important for food factories. It is therefore recommended that the condition relating to the surface material for the hardstanding is revised to state that if a non-permeable material is used, appropriate drainage channels will be required to ensure that surface run-off does not flow on to the road. The condition will read:

Prior to the commencement of works on the area of hardstanding to the front of the plot, details of the type/colour/finish of the paving and any other hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. If the material used is non-permeable, details of drainage measures shall be submitted for approval. The development shall be completed in full accordance with the approved details prior to first occupation.

Reason: To ensure a satisfactory landscape treatment of the site in the interests of visual amenity.

The replacement trees are required funded by the applicant but planted by highway contractors as they will become highway trees once in their location. It is recommended that Condition 6 is updated as follows:

The proposed tree planting, comprising two replacement trees planted with a minimum stem girth of 18-20cm and sited on the opposite side of the road outside units 14 and 20, shall be carried out at the applicants expense, in compliance with a scheme to be submitted to and approved in writing by the Highway Authority, with the works carried out and completed in accordance with these approved details, prior to the occupation of the development hereby approved or in accordance with a scheme agreed by the Highway Authority.

If within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted in replacement for it is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless otherwise the Local Planning Authority gives its written consent to any variation.

Reason: To ensure satisfactory landscape treatment of the site in the interests of visual amenity.

Recommendation: Grant consent subject to the updated conditions and those set out in the Draft Decision Notice.

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Agenda Item 06

Supplementary Information Planning Committee on 3 June, 2015

Case No.

14/4719

Location	All Units, Queens Studio, 117-121 Salusbury Road, London, NW6 6RG
Description	Change of use of existing offices (Use Class B1(a)) to residential (Use class C3) and construction of an additional two storeys to create 32 self-contained flats (1 x studio, 12 x 1 bed, 12 x 2 bed and 7 x 3 bed) and associated landscaping and external alterations.

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Design

Clarification was sought in relation to a number of aspects of the proposed design, in particularly in relation to the alterations to the roof and front elevation of the building. In terms of overall height, the proposed development would result in an overall increase of 2.7m from the highest point of the existing building to the highest point of the proposed building at the front. Whilst this would equate to a little under 1-storey in height, and an two-additional storeys are proposed, the additional height is, in part, minimised through the utilisation of roof space.

Although the height of the building is increasing the general form of the side of the roof is maintained. The front of this new roof structure would have terraces cut out of the front roofslope. More detail on the appearance of the front roof terraces has been provided by the applicant.

Following public consultation the detail of some of the proposed windows to the first floor were changed to follow the rhythm of the existing openings below which will be retained. The width of the proposed windows and the style (sash) also seek to respect the existing windows to the front elevation. Whilst, it is acknowledged that the proposed windows would not replicate those below in all respects (they would not have rendered surrounds) the design of the proposed windows would respect the rhythm and proportions of those below and it is considered that overall they would have an acceptable impact on the appearance of the building.

Clarification was sought in terms of the relationship between the proposed building and St Anne's Court. This is considered in some detail in paragraphs 11 to 15 of the main committee report. In summary the space between the existing flank walls of the buildings is approximately 5.4m, with the parts of the proposed upper storeys being set further back to increase this separation to between approximately 9 and 14m. As set out in the main report, officers are of the view that following revision the separation between the proposed extensions and St Anne's Court are sufficient to ensure reasonable light, outlook and privacy is maintained.

Cemetery Wall

For the avoidance of doubt the applicant has confirmed that they do not propose to alter the wall (which is the boundary to the Paddington Cemetary Conservation Area) as part of the development. The existing concrete hardstanding between the cemetery wall and the rear of the building would be removed and replaced with soft and hard landscaping, with the exact detail to be agreed by condition of any permission (condition 3), which would enhance the setting of the wall when viewed from Queens Studios. Condition 3 would also require details of all means of enclosure to the landscaped areas to be submitted and officers will be able to ensure that the submitted details do not propose any alterations to the cemetery wall. In any case, officers confirm that any alteration to the cemetery wall would require a separate grant of Listed Building Consent which has not been applied for.

Conservation Areas

During the visit it was noted that the proposed development is located outside of, but between, two Conservation Areas, Queens Park and Padding ton Cemetery.

Queens Park Conservation Area is characterised by the relatively consistent form of two-storey Victorian/Edwardian housing arranged around the open space provided by Queens Park. Local views from the Conservation Area towards the site are generally limited to those along Windermere Avenue. The proposed development would have an effect on the views from a small part of the Conservation Area. However, officers consider that within the context of these views the proposed alterations to the front elevation of the building would be relatively modest in scale and sympathetic in design. The front of the building is approximately 54m from the boundary of the Conservation Area and it is not considered that the proposed alterations would significantly overbear or detract from the setting of the Queens Park Conservation Area.

The impact of the proposed development on the setting of Padding ton Cemetery has already been considered in paragraph 9 of the main committee report. The existing buildings surrounding the cemetery are not of a consistent form, but in terms of the general scale the proposed building would be largely consistent, particularly in relation to the more generous buildings located around the north and western edges. Whilst the proposed building would form part of the general surroundings of the cemetery it would not feature prominently in any of the linear views associated with the formal layout at the northern part of the cemetery and would not detract from the Gothic silhouette of the chapels or their role as the focal point of the original cemetery layout. As such, it is considered that the proposed development would have an acceptable impact on the setting of the Padding ton Conservation Area.

Streetscene and terraces

Clarification was sought on the appearance of the proposed front roof terraces and the appearance of the development in general within the streetscene. The applicant has provided additional contextual images of the proposed development in order to provide further clarity to members.

Employment

Clarification was sought regarding the number of people employed within the existing building. The applicant has reconfirmed that there are currently 5 businesses within the building and has estimated that in total between them they employ between 50-75 people. Whilst it is acknowledged that the relocation of existing businesses is an unfortunately consequence of the proposed development as set out in paragraphs 1 to 3 of the main report, the site is subject to an existing Prior Approval that would allow the proposed change of use regardless of whether planning permission for the current scheme is approved or not.

Local Services

Whilst it is acknowledged that the site benefits from prior approval to provide 20 new homes without planning permission, clarification was sought that the additional 12 units proposed as part of the current planning application would not overburden local services, particular in terms health care services and school places. The applicant has surveyed the area and advises that there are currently 5 NHS dentists and 9 NHS GP surgery's within a 0.5 mile radius of the site that are accepting new patients. The Council is required to ensure that school places are provided for all children within the Borough and programmes for school expansion and development are in place to ensure that this requirement is met.

Car-Parking and Traffic

Clarification was sought in relation to the potential for additional car-parking pressure. This has been covered in paragraphs 18-21 of the main report, but in summary the key points are as follows. The surrounding area is heavily parked and there are limited opportunities for on-street parking within Salusbury Road. As such, any development that results in significant additional demand for on-street parking is unlikely to be supported. The current proposal does not provide car-parking on site which, if unmitigated, would clearly have the potential to place additional demand on-street parking. However, as the site benefits from good access to public transport and there is a controlled parking zone in place locally, the proposal is to apply a permit-free restriction on the development, secured through a s106 agreement, which in general would prevent future occupiers from obtaining on-street parking permits. As such, the likelihood of overspill parking from the development on to surrounding roads is low.

Both the existing use and the Prior Approval schemes include parking on site and therefore it is likely that the proposed development would contribute positively towards reducing traffic on the local highways network. It is also unlikely that the servicing demands of the proposed residential use would exceed that of the current employment use.

Retention of Existing Building

Clarification was sought regarding which parts of the existing building would be retained as part of the proposed development. The internal courtyard and the external facades to the front and sides will be largely retained. As discussed above, the setting of these retained facades will be enhanced through the removal of the existing hardstanding and provision of a new landscaping scheme around the building.

Recommendation: Remains Approval subject to conditions and s106 agreement

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Agenda Item 07

Supplementary Information

Planning Committee on 3 June, 2015

Case No.

15/1050

Location	2-8 Malvern Road, London, NW6 5PP
Description	Demolition of doctor's surgery (Use Class D1) and erection of a 5 storey building comprising 9x self-contained flats (1x 1 bedroom, 6 x 2 bedroom and 2 x 3 bedroom), erection of bin and cycle store and associated landscaping

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Following on from the Committee site visit on 30th May 2015 a number of points were raised and these are set out and addressed below.

EXTANT PLANNING PERMISSION

Clarification was sought on whether the previously approved planning application was still extant. Permission ref: 10/0047 was approved, subject to a legal agreement, on 28/06/2013 and the permission needs to be implemented within three years of the decision. The permission is, therefore, extant and will expire on 28/06/2016.

HEIGHT

Clarification was sought as to the height of the proposed building in relation to neighbours and the 2010 permission and the set-back of the top floor of the building. Officers can confirm that the height of the proposed building would be 15.7m and the height of the neighbouring Chippenham Hotel is identified as having a maximum height of 15.2m. The building approved under 10/0047 was approx. 14.7m in height however this also featured an open canopy structure to the top floor level which has been omitted from this proposal. The resulting building is considered to be of a comparable scale and massing to the previously approved scheme, albeit 1m higher. The top floor would be set-in 3.1m from the side boundary with the Chippenham Hotel and set-back from the front elevation of the building by 1.8m and 3m due to the staggered front building line.

IMPACT ON NEIGHBOURS

In terms of the impact on neighbours on Malvern Road, as far as loss of light and overlooking is concerned the relationship with these neighbours is described in paragraph 12 of the main report. The applicant has submitted a Daylight and Sunlight Report which concludes that there would not be an unacceptable impact on neighbours, including those opposite, on the basis that the proposed scheme is similar to the approved scheme 10/0047. Officers are of the opinion that the separation distance across a road of between 16m and 19m for a front-to-front relationship in this instance is acceptable and comparable to the relationship under the approved scheme 10/0047.

IMPACT ON THE CHARACTER OF THE AREA

It is acknowledged that the proposed building would be on, or close to, boundaries and five stories in height which is a significant increase as compared to the existing building on the site. However, taking account of the sites location within the South Kilburn Regeneration Area, and the fact that it was specifically identified as being appropriate for a development of this scale in the adopted South Kilburn Masterplan, means that even though it is acknowledged that the form and massing of the building would increase in scale it is still considered to be visually acceptable and appropriate to the urban context of the proposal site. The existing single storey building and its positioning on the site is considered somewhat anomalous in the street scene in any event rather than being reflective of the character of the area and buildings typically front directly onto the footpath.

ADDITIONAL REPRESENTATIONS

An additional representation has been received from Westminster City Council objecting to the proposal on the grounds of:

- loss of the D1 use on the site;
- overlooking to neighbours at 197-205 Shirland Road.

The loss of the D1 use is addressed in paragraphs 3-4 and the impact on these particular neighbours in paragraph 15 of the main report.

OTHER MATTERS

It was noted that the site boundary identified on the submitted plans does not include the dwarf brick walls to the north of the site. This means that this area does not fall within the proposal site and so is outside the scope of the application. The rest of the boundary wall surrounding the site would be removed as part of the proposal and Condition 4 requires further details of boundary treatments for the development.

In terms of the restrictive covenant on the site discussed in paragraphs 30-31 of the main report the relevant covenant in Title Deeds of the land reads as follows:

“(01.06.1992) A Transfer of the land in this title deed dated 21 May 1992 made between (1) The Mayor and Burgesses of the London Borough of Brent and (2) Myrto Angeloglou contains the following covenants:-...(b) to use the property as a doctor or dentist surgery or health centre or for any use ancillary thereto and save as aforesaid not without the Transferor’s consent to use the property for any non-medical commercial or residential purposes at any times.”

As explained elsewhere matters relating to covenants are property, rather than planning, matters and should not be considered as material planning considerations in the determination of any proposal. The restriction would need to be dealt with by the interested parties through the appropriate channels at the appropriate time.

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