



Supplementary Planning Committee

Thursday 24 September 2015 at 7.00 pm
Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Membership:

Members

Councillors:

Marquis (Chair)
Agha (Vice-Chair)
S Choudhary
Colacicco
Ezeajughi
Mahmood
Maurice
M Patel

Substitute Members

Councillors:

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

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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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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 26 August 2015 at 7.00 pm

PRESENT: Councillor Marquis (Chair) and Councillors Agha, S Choudhary, Colacicco, Ezeajughi, Mahmood, Maurice and M Patel

Also present: Councillors Davidson, Pavey, Shahzad, Ms Shaw and Thomas

1. **Declarations of personal and prejudicial interests**

4. All Flats at Jubilee Heights, Shoot-up-Hill NW2 3UG
All members declared that they had received emails from the agent representing the applicant and the Jubilee Heights and Cedar Lodge freeholders.

6. 58 Neasden Lane, London NW2 2UJ
All members declared that they had received emails from the applicant's agent.

12. Dawson Road, London NW2 6UA
Councillor Colacicco declared that she had been approached by local residents and would therefore withdraw from the meeting room during consideration of the application.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 29 July 2015 be approved as an accurate record of the meeting.

3. **24-51 inc, John Barker Court, 12-14 Brondesbury Park, Kilburn, NW6 7BW (Ref. 15/1539)**

PROPOSAL: Change of use of existing flats at 24-51, John Barker Court, into a hostel (Use class Sui Generis) for a temporary period of 1 year

RECOMMENDATION: Grant planning permission subject to conditions.

Stephen Weeks (Head of Planning) outlined the scheme and stated following the decision not to progress the application for lack of consultation with residents of Alan Preece Court, full consultation had been carried out and representations had been received from some residents and Councillor Shaw. Members were informed that officers had reviewed the representations received and were satisfied that the issues raised as a result of the consultation had been addressed

in the report. In reference to the main report, he explained how the issues had been addressed and reiterated that the proposal was for a temporary period of one year only.

Rob Churn (Chair of Brondesbury Park Residents' Association) stated that the proposed change of use into a temporary hostel would be inappropriate, adding that the influx of residents would raise health issues without adequate protection for vulnerable residents. In his view, issues relating to fire, asbestos and Legionnaires' had not been addressed.

In accordance with the provisions of the Planning Code of Practice, Councillor Shaw, ward member stated that she had been approached by residents. Councillor Shaw reiterated concerns about the consultation process being flawed and stated that the accommodation was not fit for purpose and that no health and safety check had been carried out to ascertain the level of risk for Legionnaires' disease. She continued that no robust financial assessment had been produced for the applicant. She urged members to require the applicant to implement the advice by Police including the installation of CCTV cameras.

Councillor Davidson stated that he had been approached by members of Brondesbury Park Action Group and echoed the sentiments expressed by Councillor Shaw. He went on to raise procedural issues including possible conflict of interests as the applicant and the Council shared the same address.

Patricia Bramwell (legal adviser) stated that members had a duty to determine the application with an open mind taking into account any new information that had come to light since the last meeting. She continued that natural justice required the application to be brought back before members for determination. The legal adviser added that no member had declared an interest in the application and that it was not unusual for local authorities to submit planning applications for themselves.

Tim Gray (Applicant, Housing Needs Unit, Brent Council) informed members that the application was being submitted to address the acute shortage of accommodation for families in the borough. He clarified that previous residents were moved out not for health and safety reasons but rather the standard of accommodation was not appropriate in the longer term for elderly persons.

In response to members' questions, Tim Gray stated that the issue with Legionnaires' disease had been addressed by chemical dosing and further disinfecting processes. He assured members that measures would be put in place to minimise any such risks and that as part of the management contract, there would be a 24 hour cover with a CCTV camera installed.

DECISION:

Granted planning permission as recommended.

4. All Flats at Jubilee Heights, Shoot Up Hill, NW2 3UQ (Ref. 15/0064)

PROPOSAL:

Erection of a 6-storey building comprising 5 x 2 bedroom self-contained flats with roof garden attached to the Jubilee Heights building to also include the removal of existing vehicular access and cross over off Shoot Up Hill and installation of new pedestrian gates, railing and brick piers with access from Exeter Road

RECOMMENDATION:

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 Chief Legal Officer, subject to the conditions set out in the Draft Decision Notice.

Stephen Weeks (Head of Planning) outlined the scheme and referenced the supplementary report circulated prior to the meeting which set out the residents' concerns and the applicant's response clarifying the certificate of ownership and parking spaces. The Head of Planning reiterated the recommendation for approval subject to conditions set out in the draft decision notice.

Lucy Gardiner speaking on behalf of the Jubilee and Cedar Lodge freeholders stated that the proposal represented an over-development of the site which would result in loss of greenery as well as impede access to the site for pedestrians, waste and emergency vehicles. She continued that as the area was already fully parked with a single lane road, the parking situation would be made worse by the proposed development.

O Sowunmi (objector) echoed similar sentiments adding that the proposal would result in a reduction vehicular access points and obstruction to emergency vehicles. She went on to clarify that one half of Jubilee Heights would be inaccessible to emergency vehicles including the fire service. She continued that the proposal would result in less space for car parking particularly in the Exeter Road area.

In accordance with the provisions of the Planning Code of Practice, Councillor Shahzad (ward member) declared that he had been approached by the freeholders and other residents. Councillor Shahzad raised concerns on behalf of the residents in respect of inadequate access points which could result in fire risks, inadequate parking facilities, loss of greenery and playground facilities and parking spaces.

Duncan Chadwick (agent) stated that the access arrangements were recommended by the Council's Highways Officers, in the interest of highway safety. He continued that fire escape and dry riser measures would be in place to address fire issues. Members heard that as the area had a high PTAL rating due to its proximity to good public services, the development would not give rise to parking issues. The agent informed members that space requirements and density of the proposal complied with the London Plan and the Council's policies and standards and that the development would maintain adequate daylighting and

sunlight. He then responded to members' questions about design and access issues.

Following Members' discussion of the application, they decided unanimously to refuse the application for the reasons set out below:

DECISION:

Refused planning permission for the following reasons:

- a) Concern about massing, design and the implications of another phase of development on an increasingly cramped site;
- b) Concern about the reduction in access points at the same time as increasing population density of the development.

5. Garages rear of 32, Crownhill Road, London (Ref. 14/4241)

PROPOSAL:

Demolition of existing garages and erection of a single storey building to provide Junior School Annex to Maple Walk School with associated play area, waiting shelter, cycle storage and new fencing (amended plans and description)

RECOMMENDATION:

Grant planning permission subject to conditions as set out in the draft Decision Notice.

Stephen Weeks (Head of Planning) outlined the proposal and with reference to the supplementary report circulated prior to the meeting, reiterated the recommendation for approval despite members' resolution at the last meeting when they were minded to refuse the application. He accepted however that the site was constrained and that there were a number of schools in the immediate vicinity resulting in significant level of activity including vehicle movements.

In accordance with the provisions of the Planning Code of Practice, Councillor Thomas (ward member) declared that he had been approached by the residents. Councillor Thomas endorsed the reasons for refusal as set out in the report adding that the transport survey was not a true reflection of the level of activity in the area.

Members then discussed the application and decided unanimously to refuse the application for the reasons set out below.

DECISION:

Refused planning permission for the two reasons set out below:

The proposal, by reason of the scale and intensity of the proposed development coupled with restricted nature of the site and close proximity to neighbours, would result in an over-intensive use and development of the site to the detriment of the amenities of neighbours, by virtue of the noise, disturbance and activity associated with the use. The proposal is therefore considered contrary to saved policy BE9 of the Brent Unitary Development Plan (2004) SPG17 'Design Guide for New Development' and the NPPF (2012).

The proposal, by reason of the scale and intensity of the proposed development, would increase parking and traffic pressure in an already congested and heavily parked area which does not have the capacity to safely accommodate the additional parking demand and traffic movements generated by the proposal. Furthermore, no detail has been provided of proposed fire safety and emergency access arrangements. The proposal would therefore cause detriment to the free and safe flow of traffic in the area, contrary to saved policies TRN1 and TRN3 of the Brent Unitary Development Plan (2004), policies 3.18 and 6.3 of The London Plan (2011) and the NPPF (2012).

6. 58 Neasden Lane, NW10 2UJ (Ref. 14/1544)

PROPOSAL:

Partial demolition and change of use of the retained building from light industrial (Use Class B1) to 69 room hotel (Use class C1), including ancillary restaurant, 11 car-parking spaces, 1 coach parking bay, 1 taxi bay, 1 servicing bay, 14 cycle parking spaces and associated landscaping, alterations to windows, metal railing and fire escape stairs.

RECOMMENDATION:

Refuse planning permission for reasons as set out in the draft Decision Notice. However if members are minded to grant planning permission then the permission be subject to conditions as set out in the report.

Stephen Weeks (Head of Planning) provided an update on the Council's employment land use (ELDS) which recommended the need to protect designated industrial sites to be released for alternative uses. He continued that the site was designated in the Local Plan as part of a Locally Significant Employment Site and therefore there was a general presumption in favour of retaining industrial employment uses on the site. The key issues were whether there were any material considerations that would justify the loss of the existing employment use given that the building was within a Locally Significant Industrial Site and whether a hotel would be an acceptable alternative use. The Head of Planning took the view that the proposal which involved the partial demolition and conversion of the existing industrial building to provide a hotel on the site would be contrary to the NPPF and Local Plan and should therefore be refused.

Hansa Ali (applicant's agent) referred to the letter from Indigo (the applicant's architect) circulated to all members of the Committee and which confirmed that the site had been vacant for most of the last four years and despite concerted efforts, no meaningful interest had been shown in the site for employment uses. He added that the proposed building would enhance Neasden Town Centre which was currently characterised by outdated and sub-standard buildings.

DECISION:

Granted planning permission subject to conditions and an informative as set out in the introduction to the original report.

7. 66 Llanover Road, Wembley, HA9 7LT (Ref. 15/2093)

PROPOSAL:

Erection of a 2 storey 3 bedroom house to the rear of 66 Llanover Road, fronting Pembroke Road including the provision of off street car park and bin store

RECOMMENDATION:

Grant consent, subject to the conditions set out in the Draft Decision Notice and additional condition relating to parking as detailed in the supplementary report..

Rachel Murrell (Area Planning Manager) outlined the scheme and referenced the supplementary report circulated prior to the meeting. She clarified the size of the sites created as a result of the proposed development and added an additional condition relating to parking space as set out in the supplementary report.

DECISION:

Granted planning consent as recommended.

8. 51-67 INC, Poplar Grove, Wembley, HA9 9DB (Ref. 15/1438)

PROPOSAL:

Erection of a part fourth storey to provide 2 x 1 bed flats and 1 x studio flat with associated cycle parking spaces and refuse storage to existing block of flats (as amended).

RECOMMENDATION:

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

Rachel Murrell (Area Planning Manager) outlined the scheme including the floor plans and the relationship of the proposal with adjoining properties and referenced the supplementary report circulated prior to the meeting. In response to queries raised at the site visit, the Area Planning Manager stated that the applicant had confirmed his willingness to use an alternative cladding treatment to timber and in respect of that, condition 6 was recommended. Furthermore, the applicant had undertaken to carry out general repair work to the property subject to agreement with the residents' management company. She added that Transportation had advised against formally marking out an additional bay for reasons set out in the supplementary report.

Alpen Patel raised objections on the grounds of inadequate parking spaces which would be aggravated by the proposal. He added that due to lack of combination lock to the garage area, fly tipping was on the increase. He considered that the site was not appropriate for the development due to the history of subsidence.

Harman Song (applicant's agent) welcomed the recommendation of the report as the application complied with the Council's policies and that suitable conditions to mitigate issues raised by the objector had been imposed. He added that the site had adequate parking spaces and that the issue of possible subsidence would be investigated by the applicant.

In welcoming the application, members added an additional condition to ensure the control to the entrance to the garages and parking area allowed easy access to relevant users.

DECISION:

Granted planning consent as recommended and an additional condition to ensure the control to the entrance to the garages and parking area allows easy access to relevant users.

9. 429 & 431 Kingsbury Road, London, NW9 9DT (Ref. 15/1709)

PROPOSAL:

Change of use of existing hot food takeaway (Use class A5) at No 429 and existing retail shop (Use class A1) at No 431 into a single unit providing a mixed use as restaurant and hot food takeaway (Use class A3 & A5) with associated internal alterations

RECOMMENDATION:

Grant consent, subject to the conditions set out in the Draft Decision Notice and amendments to the wording of condition 7 as set out in the supplementary report.

Rachel Murrell (Area Planning Manager) outlined the proposed change of use and with reference to the supplementary report informed members that the unauthorised rear extension had been substantially removed, though not in full. She continued that condition 7 required the structures to be removed in full within 1 month of the date of decision and failure by the applicant to comply with this condition may result in the Council pursuing Enforcement action to remedy the planning breach. She recommended an amendment to the wording of condition 7 on parking and servicing layout as set out in the supplementary report.

Haidi Alasam (applicant) stated that the application aimed to enhance the amenities of the area as well as to provide a sitting area for clients. In response to the Chair's question about the management of waste the applicant stated that there was an alternative collection point on Mondays and that he would leave his bin in the patio area.

DECISION:

Granted planning permission as recommended subject to the amendments to condition 7.

10. Uxendon Manor Primary School, Vista Way, Harrow, HA3 0UX (Ref. 15/1934)

PROPOSAL: Erection of 2 temporary modular classroom buildings with associated internal wc's and store in the school ground

RECOMMENDATION:

Grant temporary consent, subject to the conditions set out in the Draft Decision Notice

Members decided to receive representations for this and the subsequent application (reference 15/0977) together as they both related to the same site. David Glover (Deputy Area Manager) introduced the report and outlined the scheme with reference to the supplementary report circulated prior to the meeting. He clarified the additional vehicular movements and added that the school's existing travel plan which was updated recently (June 2015) had now achieved a "gold" accreditation and that a further update was required through condition 7. He continued that the flood risk assessment submitted with the application confirmed that the proposal should not have a significant impact on local flood risk. Members were advised that the play equipment would be removed and stored.

David Glover went on to explain that the subsequent application was a retrospective application following advice by the Council's Building Regulation Officers. He added that there would be no additional increase in the number of school children or car requirement for additional parking spaces. David Glover clarified that the building which was modest in scale was located behind the existing school buildings and set some distance from the site boundaries and as such would have no significant impact on residential amenity. He advised members that the duration of the consent had been amended from 12 months to 6 years ending 31 July 2021.

John Poole an objector stated that due to lack of public transport facilities to the school the proposal, which he alleged would lead to an increase in the number of pupils without commensurate play area, would also result in additional vehicular movements. He drew members' attention to the existing drainage problems in the area which he added would be exacerbated by the proposal and urged the Committee to be minded to defer the applications until the problems were resolved by Thames Water.

In responding to the issues raised by the objector David Glover explained that the drainage problem was an issue for the Council's Building Regulations however, conditions could be imposed requiring approval by Thames Water. He clarified that the proposal would not result in additional pupil.

In welcoming the application, members refused to approve application reference 15/0977 for a 6 year temporary permission and decided rather to grant temporary permission ending 31 December 2016. Members voted to grant planning permission for application reference 15/1934 for the temporary period ending 31 July 2022 as set out within the committee report. They also added an informative requiring the applicant to consult with Thames Water Public Sewer regarding connection to the Thames Water Public Sewer for both applications.

DECISION:

Granted temporary planning permission as recommended and an additional condition requiring the applicant to consult with Thames Water Public Sewer regarding connection to the Thames Water Public Sewer.

11. Uxendon Manor Primary School, Vista Way, Harrow, HA3 0UX (Ref. 15/0977)

PROPOSAL:

Installation of a single storey modular temporary classroom building in the school's playground and extension to existing car park (relocation of approved proposal reference 14/3781)

RECOMMENDATION:

Grant temporary consent, subject to the conditions set out in the Draft Decision Notice.

See previous application for preamble.

DECISION:

Granted temporary consent to expire on 31 December 2016 and an additional condition requiring the applicant to consult with Thames Water regarding connection to the Thames Public Sewer

12. 2 Dawson Road, NW2 6UA (Ref. 15/0643)

PROPOSAL:

Demolition of existing conservatory, erection of a two storey side and single storey rear extension, new roof lights (1 front, 1 rear and 1 side), reduction in size of the first floor front elevation windows and conversion of dwelling house into 2 self-contained duplex flats (2 x 3bed) with associated provisions for bin stores, car parking, amenity space and landscaping

RECOMMENDATION:

Grant planning permission subject to conditions as set out in the draft Decision Notice

Stephen Weeks (Head of Planning) outlined the scheme and referenced the supplementary report circulated prior to the meeting. He drew members' attention to paragraphs 11 and 13 of the main report that addressed concerns raised at the site visit on bins and car parking respectively.

In accordance with the provisions of the Planning Code of Practice, Councillor Shahzad declared that he had been approached by residents. Councillor Shahzad stated that consultation on the scheme took place whilst most residents were away on holiday and as such did not have an opportunity to comment on it. He therefore urged members to defer the application until residents' concerns including consultation had been addressed.

Stephen Weeks responded that adequate consultation was carried out and went on to clarify that Supplementary Planning Guidance Note 2 (SPG2) required that occupiers of neighbouring properties and, where the scheme involved four or more flats, ward councillors were to be consulted. This view was echoed by the Council's legal adviser.

Gaetano Maddalena (applicant) informed members that the application, which would not result in overlooking complied with the Council's requirements including parking and waste management.

In response to the Chair's request on waste management, the Head of Planning recommended an amendment to condition 6 to require the applicant to provide six bins. This was agreed by the Committee

DECISION:

Granted planning permission as recommended subject to revision to condition 6 to require provision for 6 bins.

Note: Councillor Colacicco having declared an interest at the start of the meeting left the meeting room during consideration of this application.

13. Any Other Urgent Business

None.

The meeting closed at 10.00 pm

COUNCILLOR MARQUIS
Chair

Supplementary Information

Planning Committee on 24 September, 2015

Agenda Item 03

Case No. 15/0196

Location Lanmor House, 370 High Road, Wembley, HA9 6AX
Description Erection of two additional storeys to provide 8 self-contained flats (7 x 2 bed and 1 x 1 bed) above the existing five storey office building(amended description)

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Members visited the site on Saturday. Clarification is provided below on a number of matters raised:

- Current works & future of site

Planning permission has been granted for the external cladding of the building and these works have been implemented. The agent has advised that some internal works are also being carried out in relation to the conversion of the building to residential, including the installation of stud walls, electrical and drainage works.

As set out in the report, the applicant will be advised by way of informative that if this planning permission is granted, works cannot commence on site until the prior approval scheme currently under construction has been completed and occupied. If works for the prior approval change of use and this planning application are carried out as one building operation, the development as a whole would need planning permission with policy requirements for a major development such as affordable housing and sustainability becoming applicable.

In terms of the future of the site, the existing building could be retained in office use with the two floors or residential as proposed or be predominately residential if a prior approval scheme is completed and occupied.

- Height of development and impact on streetscene

The proposed building will measure 23m high. For reference Fairgate (390-400 High Road) measures c. 31m high and Brent House Annex measures c. 15m high. In this context the proposal is considered to relate to the scale of development in the locality.

The subject unit already accommodates a substantial building, with other large buildings located further along the High Road. Whilst the additional storeys would change the appearance and scale of the building when viewed from Ecclestone Place, the building is already of a significantly different scale and appearance and is consequently not considered to detract from the street scene.

- Impact on neighbouring amenity

The existing building is a substantial feature with existing parapets over the sections on the rear elevation that currently infringe the 45 degree line. The proposal has not increased the height of the parapet features and has set the additional floors back within this line of sight, behind the existing parapets. The additional elements visible from the communal amenity area would be the obscure glazed panels to the balconies which are lightweight in appearance. The impact on residential amenity, this would be modest given the set back of the proposed additional height to the building and is not considered to result in a significantly detrimental impact on the occupiers of the residential properties to the rear.

The inclusion of the inner handrail results in a situation where future occupants will not be able to lean over the obscure glazed panels, minimising the chance of views into the amenity space and residential properties to the rear. It should be noted that the amenity space of the residential properties to the rear is a communal rear garden and not private amenity space, therefore the privacy levels of this space are already lesser than that of a private garden. As detailed above, prior approval has been granted to change the use of much of the building to residential and these works can proceed in any event.

-Parking

A total of 23 car parking spaces and a servicing bay are proposed. If the majority of the lower floors are converted to residential accommodation following the granting of previous prior approval applications, this would increase the total parking allowance of the existing building to between 11 and 13 spaces, depending upon how many flats are provided.

These proposed eight additional flats are each permitted up to 0.4 spaces, thereby increasing the parking allowance of the building by 3.2 spaces. This would take the total parking allowance to either 8 spaces (if the lower floors remain as offices) or 14-16 spaces (if the lower floors are converted to flats). The provision within the site significantly exceeds the maximum standards for any of the potential situations at the site, ensuring that there will not be any impact on the local highway network.

There will be 2 dedicated parking bays for the existing ground floor office area, these will be fitted with lockable, drop down hinged bollards to stop others from parking in them. The remaining spaces are for the residential units and will be allocated to specific apartments. The following condition is recommended in the event that the conversion of much of the existing building to residential under prior approval is not carried out:

In the event that the existing building remains in office use, a revised car parking layout and details of management arrangement shall be submitted to and approved in writing by the local planning authority prior to occupation of the development hereby approved. The layout shall increase the provision of parking for the office accommodation and shall be marked out in managed in accordance with the approved details thereafter.

Reason: To ensure parking is provided to accord with the uses within the building.

The transportation team have not suggested a car free scheme condition as the parking provision within the application site will exceed the standards required for the development.

- Bin Storage

Given the gradient of Eccelstone Place and the increase in ground level towards the residential properties to the rear of the application site, it is recommended that the height of the bin store enclosure is restricted to be no higher than the sill level of the window in that building where it projects forwards of the building line. The outlook would not therefore be significantly effected by the treatment. Additionally, it is noted that the separation of the side access to the residential properties would help off-set the visual impact of this element on the occupiers of those properties.

The revised condition should read:

Within 3 months of commencement of development, details of the means of enclosure of the refuse store (to be no higher than the window sill height of the neighbouring residential property where it projects forwards of the building line of the property to the north on Eccelstone Place) and cycle store as well as details of a rear boundary treatment (to be constructed above the existing brick wall to an overall height of 2 metres from the ground level of the site), have been submitted to and approved in writing by the Local Planning Authority. The work shall then be carried out in full accordance with those details prior to occupation.

Reason: To ensure that the overall finish of the development is appropriate and to preserve the residential amenity of nearby properties.

Given the location of the bin store in close proximity to the site entrance and the highway, the store is appropriately located for the refuse collection team. The refuse storage is sufficient in size to meet requirements for the proposal combined with the implementation of the prior approval conversion from office to residential.

Recommendation: Grant planning permission subject to conditions set out on the decision notice and additional conditions detailed above.

Supplementary Information

Planning Committee on 24 September, 2015

Agenda Item 04

Case No. 15/1588

Location The Maqam Centre, Tiverton Road, London, NW10 3HJ
 Description Change of use of previously approved creche (Use Class D1) to fitness suite (Use Class D2) and reception area. Amendments to external works to include alterations to bin and cycle storage, hard and soft landscaping and entrance gate

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Following on from the Committee site visit on 19th September 2015 a number of points were raised which require clarification and these are set out and addressed below.

Clarification on Planning History:

It is very clear that residents continue to be concerned at the lack of progress on the site and the length of time the project has been underway. Officers appreciate this and recognise it is desirable for progress the development as soon as possible, in particular the external works.

Clarification was sought on site over exactly what is proposed and what has been permitted in the past. Given the detailed planning history of the site, officers would like to expand on the planning history outlined in the report.

The original planning application (98/0988) was permitted in 1999 and included the erection of extensions and a tower to the building and the continued use of the building as a community/religious centre (D1 use). Under this application, the transportation and neighbour impact of the proposal was considered.

An amendment to the original permission was permitted in 2001 (01/1613) which altered the design of the tower, provided an enclosure to a fire escape staircase and changes to the roofing material. A further amendment was permitted in 2001 (01/1716) which permitted a rear extension to the building. At the time of these applications permission 98/0988 had begun to be implemented.

In 2007 a revised scheme was permitted (07/0340) which altered the cladding materials of the extensions and the tower. This scheme has not however been implemented on site.

In 2008 a further revised scheme with a revised tower design was permitted (08/1509) with the tower clad in brickwork with sections of glass at the corners towards the top of the tower. This is the tower which has been erected on site but the sections of glass have yet to be installed.

In 2010 an application was approved to change the use of the main hall area inside the building to a swimming pool (D2 use). The impact of this change of use and the associated transportation and neighbour impact were considered acceptable, as was the partial change from D1 to D2 use. A glazed extension on the Wrentham Avenue frontage was permitted by this permission although this has not yet been erected. This permission also permitted the previously approved extension on the Wrentham Avenue frontage to be clad in a green wall. The current planning application relates to the change of use of a small section of the ground floor of the building only and some changes to the external hard and soft landscaping works.

Current state of building:

Clarification was sought about the single storey extension fronting Wrentham Avenue. Officers can confirm that this is a single storey structure rather than two storeys and an extension in this position was evident on all the permissions on the site including the original permission (98/0988). Officers understand that the extension which has been erected is the one permitted under 10/3199 which was proposed to be finished in a green wall.

The applicant has indicated the impracticalities of applying the green wall while other construction works are taking place nearby which could damage the green wall. As outlined in paragraph 17 of the report, the applicant has indicated that they intend to complete all external works within 15 months and that to improve the appearance of this element of the building, a temporary banner displaying a graphic of a green wall could be installed.

Concerns about the visual state of the site were reiterated. As outlined in paragraphs 16-18 of the report, the applicants have indicated their planned phasing of works. To clarify, this includes the following:

- Continued implementation of permission ref: 10/3199 with the intention of opening the facility in September 2016
- Remove hoarding and install railings and landscaping by September 2016
- Remaining work to tower to be completed by September 2016
- All remaining exterior work to be completed by December 2016
- Re-commence work on the rest of the building October 2016 with the intention of completing the entire project by December 2017

Officers can confirm that the Council would not have powers to force the applicants to finish the development; the site is not considered in such a poor state which could warrant direct intervention. Officers have however recommended conditions which encourage stages of the development to be brought forward as soon as possible. For example condition 3 requires the landscaping to be provided prior to the first use of the proposed fitness suite.

Use of fitness suite:

Clarification was also sought over who the intended users of the fitness suite. As outlined in the report, the fitness suite would have more of an ancillary function to the swimming pool rather than a stand alone facility in its own right. In any case the fitness suite would be reactively small scale. Access arrangements to the fitness suite would be the same as that of the approved swimming pool with sessions available to both users of the community centre and members of the general public. Recommended condition 5 in the committee report requires submission of Management Plan detailing access arrangements to the fitness suite. The permission for the swimming pool (10/3199) included a similar condition.

Implementation of permission

10/3199:

Claims were made that permission 10/3199 has not been lawfully implemented within the expiry date of this application. This is addressed in the 'consultations' section of the report and Officers are of the view that the permission was implemented within the expiry date and that the installation of drainage works in connection with the approved development would be sufficient to constitute commencement of the development.

Parking

Concerns about the impact of the proposal on parking in the area was reiterated. This is addressed in paragraphs 13-15 of the report. Officers are of the view that due to the relatively small scale of the proposed use and its ancillary nature to the rest of the centre, the proposal would not lead to an acceptable parking impact. As explained above, car parking issues relating to the centre as a whole were considered when the original change of use was granted.

D2 use

Concerns were raised that a D2 use could be used for a number of different uses other than a fitness suite which could be undesirable (e.g. cinema, bingo hall, concert hall, dance hall). It is therefore recommended that an additional condition is added restricting the use of the fitness suite to a fitness suite only or D1 use in connection with the rest of the building as follows:

The area of the building identified as a fitness suite hereby approved shall only be used as a fitness suite or for D1 use in connection with the rest of the site and for no other use unless otherwise agreed in writing by the Local Planning Authority.

Reason: to control development on the site and prevent a potentially inappropriate change of use on the site

The applicant's funding

Queries were raised about who the applicants are and where funding for the development is coming from. The applicants in this case are identified as Maqamat Ltd and funding is understood to come from privately raised donations. However these are not considered material planning considerations.

Construction Management

Clarification was sought as to whether the permissions on the site have required a Method of Construction statement to be submitted. Having reviewed the permissions Officers can confirm that none of the permissions on the site have required submission of such information.

Supplementary Information

Planning Committee on 24 September, 2015

Agenda Item 05

Case No. 15/1452

Location 12 Carlisle Road, Kilburn, London, NW6 6TS
Description Proposed excavation of basement level with reinforced glass panels set into the ground to form rear lightwells, demolition of existing detached garage and replacement with detached brick-built outbuilding, insertion of first floor rear window and rear patio doors and demolition and rebuilding of part of existing boundary wall to dwellinghouse (amended plans and description)

Agenda Page Number: 43

Following on from the Committee site visit on 19th September 2015 a number of points were raised which require clarification and these are set out and addressed below.

Basement

Concerns about the impact of the basement on neighbouring properties in terms of amenity and structural stability. Concerns were reiterated about a possible underground stream on the site and the site's position at the bottom of an incline. Officers appreciate this level of concern with subterranean developments however the applicant is considered to have given due consideration to these issues as set out in paragraphs 13-15 of the report.

The applicant has provided a revised construction methodology report with further details of construction methodology and how the neighbour impact during construction would be mitigated.

Concern was raised that No.16 has been permitted a basement and the proposal could result in two basements being excavated at the same time. It is acknowledged that No.16 nearby has been permitted a basement excavation under permission ref 12/1718 which has not yet been implemented. There could therefore be a situation where two basement excavations take place in close proximity which could compound any neighbour impact, however each case must be considered on its own merits. There is no guarantee that both would take place at the same time or even take place at all and it is not therefore considered reasonable to resist the proposal on this basis.

Clarification was also sought about the depth of the projection of the basement into the rear garden. The total depth of the basement beyond the rear elevation of the host dwelling would be 3.3m

Garage

The concern that the un-openable garage doors would serve no purpose was reiterated. As set out in paragraphs 2-4 of the committee report, the inclusion of garage doors, notwithstanding being non-openable is considered by officers to be preferable in appearance to a window and brickwork for example which would have the potential to appear as an incongruous feature in the street scene. The structure would retain the appearance of a garage which reflects the existing situation on the site. The fact that the garage door would not be openable would not be apparent from the street scene and is considered to help the development integrate into the street scene and preserve the character of the area, particularly given similar examples nearby.

It was questioned why the garage should be demolished and party wall concerns were raised on this issue. Party wall issues would be covered by the Party Wall Act and this is not considered a material planning consideration. The demolition of the garage is considered acceptable in character terms as set out in paragraphs 2-4 of the report and the applicant at the site visit explained that the proposal would be an improvement in design terms.

Green roof

The point that the green roof was not necessary was also reiterated. Whilst the green roof is not considered essential in making the scheme acceptable in design or neighbour amenity terms, it is considered a welcome and desirable feature of the proposal. Green roofs can bring about benefits in terms of biodiversity and thermal performance of buildings for example

Amended conditions

Since the committee agenda was published, the applicant has provided amended plans identifying the re-planting of the previously removed hedge to the frontage of the property and the introduction of additional landscaping in the rear garden area in the form of 2x ornamental trees. Condition 3 requires the submission of these details, however as these details have now been provided there is no need for a condition requiring submission of further details. It is therefore recommended that condition 3 is re-worded to secure compliance with the submitted landscaping scheme as follows:

The soft landscaping, including the replacement hedge to the frontage, identified on approved plan numbered 2014/170/303H shall be provided in full prior to the first occupation of the development. 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 with others of a similar size and species and in the same position, 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 Queens Park Conservation Area.

Condition 7 requires submission of details of additional tree protection measures to protect the trunk of the nearby street tree. Since the committee agenda was published, the applicant has provided these details which again makes this condition unnecessary. It is therefore recommended that condition 7 is re-worded to secure compliance with the submitted information as follows:

The development hereby approved shall be carried out in accordance with the tree protection measures identified on approved plan numbered 2014/170/303H and Tree Survey Report dated 21/10/2014 ref: DS14101402.

Reason: To protect the retained trees from damage during construction and in recognition of the contribution which the retained trees give and will continue to give to the amenity of the area.

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Supplementary Information

Planning Committee on 24 September, 2015

Agenda Item 06

Case No. 15/2362

Location 37A Streatley Road, London, NW6 7LT
 Description Basement extension with front and rear lightwells to ground floor flat

Agenda Page Number: 59

Following the Members site visit a number of concerns were raised. The concerns and responses are set out below:

CONSTRUCTION METHOD & NOISE

- *Method:* The submission has included a construction method statement (CMS) and plans showing the under pinning sequence of the property. This is set out in paragraph 3.2.1 of the main report. The CMS addresses the geology & hydrology of the site and presents structural engineering drawings which illustrate support for the building including the front bay.
- *Noise & hours of work:* It is unfortunate but building developments do create noise, dust and in certain cases can be a general nuisance to neighbouring occupiers. The role of the council is to minimise, as far as possible, these disruptions. There are specific times at which building works can take place which is set under *s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4*. The Planning Decision Notice will set these times out for the applicant to abide with. Additionally, the applicant will need to join the Considerate Contractors Scheme to ensure neighbouring amenity is protected as far as possible from building works. See para 3.2.1.
- *Future damage:* This issue is commonly raised with basement applications. There have been a number of basement applications within the borough and in other London boroughs; but as of yet there is no research which states that basement developments cause problems in the future e.g. to the water table, trees and soil.

GROUND FLOOR FLAT

The fact that the application site is a ground floor flat is cited in the description of the proposal; although it is true that the majority of basement proposals relate to single houses. The property being a flat does not mean it is not permitted to have a basement construction proposal. Paragraph 1.3 refers to the council's basement policy guidance which is the appropriate context to consider regardless of the type of building.

LOSS OF OUTDOOR AMENITY SPACE & FORECOURT USE

Land within 6m of the public highway is not generally considered amenity space in accordance with SPG17. As such, changes to the layout of the forecourt are not necessarily considered to create a loss of amenity space for occupiers of the upstairs flat. A condition has been set to provide further details of planting to the forecourt as an improvement to the existing situation which will help soften the presence of the proposed front lightwell. In terms of shared use of the forecourt and implementing the permission, the applicant will need to seek consent of the joint freeholder. For the avoidance of doubt correct ownership certificates were submitted with the current proposal.

UTILITIES

Excavation of the basement will need to take into account water and electricity supplies. This is a matter for the applicant and agent to deal with in discussion with all other interested parties. As indicated on site, it might be a more complex process to resolve the issues but this does not itself mean that planning permission be refused. Generally, work would not be possible without agreement of all parties.

Recommendation: Remains approval

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Supplementary Information

Planning Committee on 24 September, 2015

Agenda Item 07

Case No. 15/2551

Location William Dromey Court, Dyne Road, London, NW6 7XD
 Description Erection of two-storey detached residential unit (3 x 4bed), with associated hard and soft landscaping, provision for 12 car and cycle parking spaces including the provision of 2 disabled car-parking spaces

Agenda Page Number: 75

Planning committee visited the site on 19th September.
 A number of points were raised which are responded to below.
Pre-application consultation by

BHP state that the consultation undertaken prior to the submission of the application is as follows.

- Car Park Usage Survey sent 10/10/2014 to all residents to identify parking usage, 17 of the 51 properties responded with 8 residents confirming that they park cars in the car park.
- 3/12/2014 – Initial letter to local councillors to advise of the proposals
- Letter Drop on 7/1/2015. These letters were hand delivered in the afternoon and early evening so that residents had the opportunity at this early stage to talk about the. The development proposal was explained in detail to those residents who were at home. Others had the information posted through their letter box and asking them to contact BHP with any queries.
- Consultation continued through ad hoc conversations with residents during the design and development period between January and June. As a result of this consultation, residents comments were taken on board in relation to parking and this resulted in reducing the proposed development by one house to allow further parking provision.
- 9/6/2015 - Door knocked all residents mainly to discuss the revised parking arrangements and commitment to honour existing resident parking permits and explain the proposals for parking in the new scheme. The proposal for the issuing of permits was discussed with residents who were at home, otherwise drawings/information were posted. 2 formal responses were received.
- BRAT consultation – comments were responded to in detail.

Concerns of existing residents in relation to repairs/behaviour

Members heard at the site visit that a resident was concerned about the way BHP maintain their properties. In response BHP advise that in the last 12 months 45 repairs have been undertaken at William Dromey Court. Across both William Dromey Court and James Stewart House there have been 7 complaints in the last 12 months, one of which relating to a roof repair was upheld. BHP say that repairs have been carried out and completed as instructed and do not accept the version of events given at the weekend.

Across the 2 sites there have been 8 antisocial behaviour call outs from 1st July 2014 to 17th September 2015. Officers consider that if the proposal does anything it is likely to result in reduced opportunities for ASB given the increase in natural surveillance and private outside space.

Implications of the Housing Bill and whether the best value is being achieved from the site

This point was raised by Brondesbury Residents and Tenants Association (BRAT).

The Housing Bill is proposed introduce a requirement that council's sell their most valuable properties to reinvest in affordable housing (and fund the Right to Buy discounts). There is no clarity on the full details of this proposal at present but it is stated that it would apply only to properties which become vacant, it would be unlikely that it would apply to a new build house yet to be occupied. The proposal needs to be determined on its own merits and can't pre-empt future housing policy.

The proposed scheme has already attracted a grant from the GLA which is committed only if these houses are affordable housing and they are proposed to meet the borough's pressing need for affordable accommodation. BRAT have also suggested that a larger number of small units should be proposed instead of smaller number of family size units and these could be used to re-accommodate existing tenants living in properties which are too large for them. Officers understand that this is something that the council is proceeding with separately. BRAT have also suggested that bigger buildings could be accommodated on the sites; Members will be aware that parking for existing residents needs to be reprovided meaning that the footprints of the buildings cannot easily increase and additional height may result in conflict with light and outlook to flats above commercial properties. In any event the proposal needs to be considered on its own planning merits, the borough has a great need for affordable family accommodation and these units will help to meet that need.

Treatment of boundaries around the site

Further information has been sought regarding the boundaries of the site.

Where the site abuts the rear of Kilburn High Road there is an opening between the single storey buildings 345 (laundrette) and 349 (newsagents), this is gated on the High Road and does not provide access for the public. It has been noted that the restaurant at 351-355 has created an opening in their boundary into the application site. The most recent planning history for the site is from 1997 for the change of use from A1 to A3, at this time the floor plans do not show an access route.

A pedestrian path is designed into the proposal leading to the kitchen door for means of escape only and the applicant will consider extinguishing this by legal means. In any event there is no public right of way across the application site, the restaurant has an attractive frontage on Kilburn High Road and there is no need to this to be a public route at any time. Suitable secure fencing which will be agreed by condition will be provided around the rear garden boundary.

A 1.8m high closeboard fence is proposed along the network rail boundary and officers have also sought the introduction of a trellis to create an improved residential environment within the car park. Close board fencing is also proposed to the boundary with the Kingdom Hall.

The alleyway to the east of the Kingdom Hall is outside of the applicant's control though it is noted that all dilapidated walls of adjoining properties with the development site will be made good and dealt with under the provisions of Party Wall Act during the construction phase.

Loss of trees

As stated in the main report, the loss of any trees always needs to be carefully considered. The trees have been thoroughly assessed and, as Category C trees with disease common to Horse Chestnut trees and a remaining contribution of only 10+ years, their value is not such that it would be appropriate to protect them and prevent the construction of the proposed houses. 7 new trees appropriate to the site are proposed and secured by condition.

Car parking

The site has very good access to parking however the possible impact of overspill parking on the street needs to be considered to ensure the proposal would be in accordance with policy TRN23. Census data for the local output area from 2011 shows 33 cars owned by residents of 107 flats in the immediate area, this gives an average car ownership rate of 0.31 cars/household which, for William Dromey Court, suggests car ownership of about 16 spaces.

Parking in William Dromey Court is controlled by BHP through a permit system. There are 11 permanent permits currently issued to residents and 3 on-street residents' permits issued by Brent Council's Parking Service, totalling 14 permits (or 14 vehicles). On this basis the proposed retention of 14 spaces has been considered sufficient to satisfy existing demand. The proposed units are not intended to be eligible for parking permits.

One example of existing residents renting out parking permits has been uncovered during officers review of the number of permits and this situation is continuing to be explored.

Amendments to plans

As discussed in para. 17 of the main report the secondary window in a bedroom of unit E was considered to be unacceptable due to its location on the boundary of the neighbouring site, revised drawings have been received showing its removal. The bedroom remains acceptable as it has another window on the side elevation unaffected by this revision. The following plan numbers are amended:

APL006B
APL006B

An additional parking space has been introduced adjacent to P12, between unit E and the proposed bin store. The site will now reprovide 15 parking spaces 3 of which are wheelchair accessible. The following plan number is amended:

APL003 C

Additional conditions

The following additional conditions are recommended:

1)

Details of lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, for communal areas within the site.

The approved details shall be fully implemented.

Reason: In the interests of safety, amenity and convenience.

2)

Prior to commencement, detail of surface water drainage shall be submitted to and approved in writing by the

LPA, the development shall be implemented in accordance with the approved detail. Such detail shall include:

- inclusion of SuDS where practicable*
- demonstration that water will not discharge onto the highway*
- confirmation that run-off rates into the public sewers are acceptable*

Reason: To ensure that surface water run-off is mitigated acceptably

Recommendation: Remains approval subject to additional conditions inclusion of revised plan numbers

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Supplementary Information Planning Committee on 24 September, 2015

Agenda Item 08

Case No. 15/3014

Location James Stewart House, Dyne Road, London
 Description Erection of two-storey detached residential unit (4 x 3bed), with associated hard and soft landscaping, improvement work to existing communal amenity space and provision for 24 car parking spaces

Agenda Page Number: 95

Planning committee visited the site on 19th September.
 A number of points were raised which are responded to below.

Pre-application consultation by
 BHP

- Garage Verification letters sent by Tenancy 6/10/2014 to establish whether the garages were being used to park cars or as storage. (18 garages). Verifications concluded that 3 garages were being used to park cars.
- The Notice To Quit was served on 25/11/2014 to seek to clear out garages.
- 3/12/2014 – Initial letter to local councillors to advise of the proposals. Site specific meeting have been held during the planning period with both Cllr Duffy and Cllr Conneely
- Lock changes to all garages January 2015. Further discussions with 3 residents affected and agreed to extend their garage leases during the planning period rather than close down and serve immediate notice. One resident didn't use their car any more and didn't wish to rent the garage any longer.
- Letter Drop on 7/1/2015. Knocked on each residents door, the development proposal was explained in detail to those residents who were at home. Others had the information posted through their letter box.
- Consultation continued through ad hoc conversations with residents during the design and development period between January and June. As a result of this consultation, residents comments were taken on board in relation to parking and provision was increased.
- 9/6/2015 - Door knocked all residents mainly to discuss the revised parking arrangements and commitment to honour existing resident parking permits and explain our proposals for parking in the new scheme. The proposal for issuing permits was discussed with residents who were at home, otherwise drawings/information posted through their letter box. 6 formal responses were received and BHP met with a number of these who wanted follow up or one to one meetings.

Concerns of existing residents in relation to repairs/behaviour

Members heard at the site visit that a resident was concerned about the way BHP maintain their properties. In response BHP advise that in the last 12 months 31 repairs have been undertaken at James Stewart House. Across both William Dromey Court and James Stewart House there have been 7 complaints in the last 12 months, one of which relating to a roof repair was upheld. BHP say that repairs have been carried out and completed as instructed and do not accept the version of events given at the weekend.

BHP are aware of recent congregation by youths to the front of James Stewart which has resulted in calls to the Police, however they are not aware of other records of police call outs in the immediate area and it is not considered a crime 'hotspot'.

Across the 2 sites there have been 8 antisocial behaviour call outs from 1st July 2014 to 17th September 2015. Officers consider that if the proposal is likely to result in reduced opportunities for ASB given the increase in natural surveillance and private outside space.

Implications of the Housing Bill and whether the best value is being achieved from the site

This point was raised by Brondesbury Residents and Tenants Association (BRAT).

The Housing Bill is proposed introduce a requirement that council's sell their most valuable properties to reinvest in affordable housing (and fund the Right to Buy discounts). There is no clarity on the full details of this proposal at present but it is stated that it would apply only to properties which become vacant, it would be unlikely that it would apply to a new build house yet to be occupied. The proposal needs to be determined on its own merits and can't pre-empt future housing policy.

The proposed scheme has already attracted a grant from the GLA which is committed only if these houses are affordable housing and they are proposed to meet the borough's pressing need for affordable accommodation. BRAT have also suggested that a larger number of small units should be proposed instead of smaller number of family size units and these could be used to re-accommodate existing tenants living in properties which are too large for them. Officers understand that this is something that the council is proceeding with separately. BRAT have also suggested that bigger buildings could be accommodated on the sites; Members will be aware that parking for existing residents needs to be reprovided meaning that the footprints of the buildings cannot easily increase and additional height may result in conflict with light and outlook to flats above commercial properties. In any event the proposal needs to be considered on its own planning merits, the borough has a great need for affordable family accommodation and these units will help to meet that need.

Car parking

The site has very good access to parking however the possible impact of overspill parking on the street needs to be considered to ensure the proposal would be in accordance with policy TRN23. Census data for the local output area from 2011 shows 54 cars owned by residents of 152 flats in the immediate area, this gives an average car ownership rate of 0.36 cars/household which, for James Stewart House, suggests car ownership of about 16 spaces.

Parking in James Stewart House is controlled by BHP through a permit system. There are 14 permanent permits currently issued to residents and 4 on-street residents' permits issued by Brent Council's Parking Service, totalling 18 permits (or 18 vehicles). On this basis the proposed retention of 24 spaces has been considered sufficient to satisfy existing demand. The proposed units each have a parking space located between their front paths.

Parking during construction will be dealt with under a construction management plan, to ensure reasonable parking can be maintained throughout.

Additional conditions

1)

Details of lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, for communal areas within the site.

The approved details shall be fully implemented.

Reason: In the interests of safety, amenity and convenience.

2)

Prior to commencement, detail of surface water drainage shall be submitted to and approved in writing by the LPA, the development shall be implemented in accordance with the approved detail. Such detail shall include:

- inclusion of SuDS where practicable*
- demonstration that water will not discharge onto the highway*
- confirmation that run-off rates into the public sewers are acceptable*

Reason: To ensure that surface water run-off is mitigated acceptably

Recommendation: Remains approval subject to additional conditions