



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Wednesday, 16 March 2011 at 7.00 pm

PRESENT: Councillors RS Patel (Chair), Sheth (Vice-Chair), Adeyeye, Baker, Cummins, Daly, Hashmi, Kataria, Long and CJ Patel

Apologies for absence were received from McLennan

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

#### *Newfield Primary School, Newfield Nursery & Mission Dine Club*

Councillor Adeyeye declared a personal interest that he knew the operator of Mission Dine Club. He left the meeting room and did not take part in the discussion and voting on this item.

Councillor Long declared a prejudicial interest that she was a member of Brent Housing Partnership (BHP) Board. She left the meeting room and did not take part in the discussion and voting on this item.

#### *Cambridge Court, Cambridge avenue, Ely Court, Chichester Avenue & Wells Court, Coventry Close, London NW6*

Councillor Long declared a prejudicial interest that she was a member of Brent Housing Partnership (BHP) Board. She left the meeting room and did not take part in the discussion and voting on this item.

#### *Storage land next to 75, St Pauls Avenue, London NW6*

Councillor Cummins declared a prejudicial interest that he was a director of a subsidiary company of Genesis Housing, the applicant. He left the meeting room and did not take part in the discussion and voting on this item.

#### *Land next to 10, Tillet Close, London NW10*

Councillor Long declared a prejudicial interest that she was a member of Brent Housing Partnership (BHP) Board. She left the meeting room and did not take part in the discussion and voting on this item.

### 2. **Minutes of the previous meeting held on 23 February 2011**

RESOLVED:-

that the minutes of the previous meeting held on 23 February 2011 be approved as an accurate record of the meeting.

**3. 3 Newfield Primary School & Newfield Nursery School, Longstone Avenue & Mission Dine Club, Fry Road, London, NW10 (Ref. 10/3052)**

PROPOSAL: Demolition of single storey building Mission Dine Community Centre and two temporary classrooms and the erection of a single and two storey extension to Newfield Primary school, creation of 2 external multi use games, 3 key stage play areas and associated hard and soft landscaping.

RECOMMENDATION: Grant planning permission subject to conditions as amended in conditions 3, 5, 6, 7, 8 and 9, an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or;

If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

This application was deferred from the Planning Committee meeting held on 23 February 2011 in order to allow additional consultation to take place, specifically with the Mission Dine Community Centre who indicated that they were not aware of the planning application.

Andy Bates, the Area Planning Manager drew members' attention to amendments to proposed conditions 3, 5, 6, 7, 8 and 9 suggested by the Director of Legal and Procurement as set out in the tabled supplementary report to be attached to any permission. Subject to the above he reiterated the recommendation for approval subject to a Section 106 legal agreement.

Mr Patrick Anderson speaking in objection to the application and on behalf of Mission Dine Club (MDC) occupiers of the premises in Fry Road stated that the recommendation for approval would be contrary to the Council's Unitary Development (UDP) Policy PPS 12 which acknowledged the need to protect the elderly and disabled persons. He continued that MDC was concerned that its removal from the Fry Road premises would be detrimental to the elderly and disabled group of persons, particularly women and children from the black minority ethnic groups. In response to a member's question, Mr Anderson stated that MDC's lease for the premises was not due to expire until at a later date this year.

Dame Betty Asafo-Agyei, the operator of MDC speaking in objection to the application stated that the grant of planning permission would result in a detrimental impact on the elderly and the youth who were using the club as a focal point of interaction. She referred to the successful work of MDC within the community which she said had prompted local multi-national organisations such as IKEA to provide funding. She added that although MDC had a 30 year lease of the premises, it was varied by the Council to 7 years without prior knowledge of MDC. Dame Asafo-Agyei urged members to refuse the application so as to

enable MDC to carry out its charitable work to the elderly and the youth particularly from those from the minority ethnic group.

Mrs Aileen Thomas the applicant's agent drew members' attention to the Borough's shortage of school places and the need for the Local Education Authority (LEA) to ensure to provide them, adding that this fact had been well documented in various reports to Committees and the Executive. She continued that the application would enable about 400 school places to be provided for children in the Borough. Mrs Thomas added that the school hall incorporated in the application could be provided as a suitable alternative for use by MDC when their lease expired in August 2011. In response to questions by Councillor Daly about negotiations with MDC and the level of commitment by the Council to ensure that MDC was afforded an alternative site, Mrs Thomas pointed out that a list of organisations offering alternative sites had been sent to MDC and that every effort would be made by the Council to continue that initiative.

The Head of Area Planning added that Property and Asset Management had advised on the efforts made by the Council to assist MDC in finding alternative premises subject to MDC providing the required information to enable the Council to progress its efforts. He recommended members to support the scheme subject to the amendments suggested by the Director of Legal and Procurement.

DECISION: Granted planning permission, subject to conditions as amended in conditions 3, 5, 6, 7, 8 and 9, an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report  
or

If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

***Note: Councillor Adeyeye having declared an interest in the application left the meeting room and did not take part in the discussion and voting on the application.***

***Councillor Long having declared a prejudicial interest that she was a member of Brent Housing Partnership (BHP) Board, left the meeting room and did not take part in the discussion and voting on this item.***

#### **4. Woodcock Park, Shaftesbury Avenue, Harrow, HA3 0RD (Ref. 11/0208)**

PROPOSAL: Installation of an artificial turf pitch with perimeter fencing on existing tarmac area of park.

RECOMMENDATION: Grant planning permission subject to conditions, an additional condition 7 and as amended in condition 6.

With reference to the tabled supplementary report, Rachel McConnell, the Area Planning Manager, informed the Committee that following the publication of the report, the applicant had submitted an Arboricultural Method Statement in accordance with the requirements of Condition 6. Following a review of the information submitted, the Council's Landscape Officer considered that the detail provided was acceptable to meet the requirements of the proposed condition. Rachel McConnell recommended an amendment to Condition 6 requiring compliance with the information submitted. She also recommended an additional condition (7) as set out in the tabled supplementary report in order to secure the provision of the 6 semi-mature trees to the west of the development.

Mr Barry Kruger an objector stated that the proposal could lead to an increase in activities and traffic would also result in loss of aspect and views. He requested that appropriate conditions be imposed to ensure that adverse impact in terms of amenities and traffic which could result was minimised.

Rachel McConnell, Area Planning Manager, advised that there would be a charge payable for community access in line with Brent's standard charge for such facilities.

The Head of Area Planning advised that some of the issues raised by the objector were a matter for Parks Service Management. He undertook to inform them accordingly.

DECISION: Planning permission granted subject to conditions an additional condition 7 and as amended in condition 6

**5. 20 Keyes Road, London, NW2 3XA (Ref. 11/0026)**

PROPOSAL: Single storey side and rear extension, rear dormer window, new front and side boundary walls and railings, alterations to soft landscaping within front garden, two flank wall ground floor windows and two side rooflights to dwellinghouse.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

**6. 16 Bouverie Gardens, Harrow, HA3 0RQ (Ref. 10/3261)**

PROPOSAL: Demolition of existing garage and erection of part single part two storey side and rear extension and extended rear patio, replacement of existing timber windows with double glazed uPVC windows to both the front and rear elevations, rear dormer window and one roof light to both the side roofslope facing No. 14 Bouverie Gardens and rear roofslope of the dwellinghouse (revised description).

RECOMMENDATION: Grant planning permission subject to conditions as amended in condition 5.

Steve Weeks, Head of Area Planning recommended an amendment to condition 5 as set out in the tabled supplementary report in order to ensure a high quality of design that preserved or enhanced the character and appearance of the Mount Stewart Conservation Area.

DECISION: Planning permission granted subject to conditions as amended in condition 5.

## **7. 1A Dorchester Way, Harrow, HA3 9RF (Ref. 11/0082)**

PROPOSAL: Erection of a 2 storey building comprising 3 terraced dwellinghouses, installation of hardstanding, 3 parking spaces and refuse storage to front, garden space to rear and associated landscaping to site.

RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other authorised person to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Rachel McConnell, Area Planning Manager, referred to a list of concerns raised by a neighbour in respect of residential amenity, parking and traffic congestion. She stated that matters relating to transportation, residential amenity and design had been assessed in the main report and significant weight should be given to the Planning Inspectorates decision on previous applications. She continued that the Council's Transportation Officer had not raised objection regarding resultant congestion in the area as the on-site parking provision and turning areas were considered to be acceptable. Members noted that Thames Water had raised no objection to the proposal.

Dr Qasi Jalisi, in objecting on behalf of the adjoining resident, raised concerns on the following grounds;

- a) Car parking problems would result from the insufficient and narrow entrance to the site.
- b) Environmental problems would result from increased prospect of blocked drains that could frequently occur.
- c) The location for bin storage to the front of the site would also result in environmental problems.

Mr G Naidoo the applicant's agent stated that the current scheme had addressed all significant concerns expressed on the previous scheme. He stated that the design quality of the building had been improved by the use of high quality

materials and that parking provision complied with the council's parking standards. He added that surveys conducted had shown that there was no soil contamination on the site and that Thames Water had raised no objection to the scheme.

DECISION: Planning permission granted subject to conditions and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other authorised person to agree the exact terms thereof on advice from the Director of Legal and Procurement.

**8. 325-327 Kilburn High Road, London, NW6 7PY (Ref. 10/2822)**

PROPOSAL: Change of use from hairdressing salon (Use Class A1) to restaurant and take away (combined Use Classes A3 and A5) and installation of extract duct at rear of property.

RECOMMENDATION: Grant planning permission subject to conditions.

Andy Bates confirmed that the character of the area including Dyne Road and both sides of Kilburn High Road had been taken into account in recommending approval of the application subject to conditions. He added that enforcement of parking controls applied in the Kilburn High Road area.

DECISION: Planning permission granted subject to conditions.

**9. Cambridge Court, Cambridge Avenue, Ely Court, Chichester Road & Wells Court, Coventry Close, London, NW6 (Ref. 10/3247)**

PROPOSAL: Demolition of Cambridge Court, Wells Court and Ely Court and redevelopment to provide 144 residential units (86 market units - 32 one-bed, 41 two-bed, 10 three-bed and 3 four bed & 58 affordable units - 16 one-bed, 22 two-bed, 10 three-bed and 10 four-bed) in 3, 4 and 5 storey buildings. Development includes the stopping up of existing access road and the formation of a new access road from Chichester Road, alterations to car parking, open space, relocation of existing playspace adjacent to Kilburn Park underground station, new vehicular and pedestrian routes through the site and provision of private and communal gardens.

RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

With reference to the tabled supplementary report Andy Bates, Area Planning Manager clarified the following issues that were raised at the site visit by members and local residents;

### ***Ownership of open spaces & access***

Currently, Alpha Place and Gorefield Place, the local access roads on the site, were estate roads and as they were not adopted highway they were maintained through local service charges to tenants and leaseholders. All new roads to be constructed as part of the proposal would be built to adoptable standards and maintained by the Council following completion. He added that the pedestrian footpath across the site was not intended as designated Public Rights of Way, although the public would have informal access to it.

### ***Funding and tenure***

The sale of the application site would provide sufficient funding for both the replacement affordable housing on the subject site and the construction of the proposed affordable housing scheme on the Bond/Hicks Bolton site, for which the planning application was likely to be considered in May of this year. He advised that if the current scheme were not to go ahead then it would have a direct impact on the viability of future phases of the South Kilburn Regeneration programme.

### ***Loss of affordable units***

The current proposal would involve the re-provision of 58 affordable units on the site, a net loss of 2 units as a direct result of this development.

### ***Physical relationship between buildings***

The proposed mews blocks would be sited so that they would only partially face the south-eastern facade of Alpha House, at either end, and where they would directly face one another, a distance of some 7m would be maintained. The siting of the proposed mews blocks would limit blocks directly facing each other, thus preventing unreasonable harm to the outlook from habitable room windows on the south eastern facade of Alpha House. In addition, all habitable room windows to the proposed mews blocks had been orientated in order to prevent direct overlooking of the south-eastern facade of Alpha House. He continued that whilst the link block may be visible at an angle from windows to the front and rear of Gorefield House, it would be unlikely to cause significant harm to the outlook and privacy of existing and future residents.

### ***Car parking***

Recent parking studies indicated that there was spare capacity to accommodate an additional 45 parked vehicles on-street within the vicinity of the site. If approved, with the exception of 43 units, the development would be subject to a 'permit-free agreement, whereby residents would not be entitled to on-street parking permits, in order to restrict the demand for the existing capacity for on-street parking to approximately one space per unit.

### ***Consultation***

As part of the wider consultation, a number of residents' design group workshops were held from August to November 2010 with each session being attended by up to 23 residents and a series of New Homes Exhibitions each of which was attended by between 20-60 residents. In addition to the above, Officers from the Major Projects Team had met twice with residents of the Alpha Gorefield

Residents Association in order to discuss local concerns. In addition the agenda set out the consultation carried out for the planning application.

### ***Concerns of residents***

In reference to concerns about high speed rail 2 (HS2) proposals and future activity associated with the nearby Royal Mail Sorting Office he stated that the HS2 rail link was an underground proposal that had its own ongoing consultation and that Officers were unaware of any plans or proposals involving the sorting office. In respect of concerns regarding highway safety to the proposed children's play area and collection and drop off at St Mary's School he responded that as light traffic was envisaged the proposed development would be unlikely to make existing conditions significantly worse.

He added that given the size and type of play area proposed, it was not envisaged that excessive noise would be associated with its use.

### ***Emergency access and servicing***

He confirmed that the proposals had been inspected by the Council's Transportation Unit who was of the view that the development would provide suitable access and circulation for emergency vehicles. In terms of servicing, the applicant had provided revised plans indicating a minor alteration to the access to the car-park at the northern end of the site which would provide better turning facilities for refuse vehicles entering and exiting Coventry Close. In view of this and the sustainability drawings submitted by the applicant, he recommended amendments to condition 2 as set out in the tabled supplementary report.

Ms Liz Leicester in objecting on behalf of Alpha & Gorefield residents expressed concerns about the scheme on the following grounds;

- a) Over-development of the site within an area of multiple deprivation and lack of green open space.
- b) the proposed development failed to respect the local context of South Kilburn
- c) The Council's consultation was flawed and did not take into account problems that some of the residents had with language. Most of the residents experienced problems with the information on the Council's website and were not even aware of this meeting

Another resident objector was allowed to address the Committee. She raised objections to the proposals for the following reasons;

- a) Lack of provision and residential amenities particularly for the elderly residents.
- b) Lack of play area provision and amenities for children above age 6.
- c) Loss of existing green area.
- d) Undue pressure on health facilities in the area.
- e) Loss of mature trees.

Mr Peter Sherlock the programme manager for the applicant stated that the principle of the redevelopment of the site for housing was considered to be acceptable in policy terms as it complied with standards and policies of the Council. He added that the proposed development which would provide a series of buildings with good sustainability, high quality design, form and materials in a highly accessible location with PTA rating of 3, would provide an impetus to the wider proposals for the South Kilburn regeneration area and a key role in the regeneration of the former New Deal for Communities (NDC) area. Mr Sherlock explained that the applicant and the Council carried out extensive and thorough consultation with residents over a long period of time and that the initial concerns expressed by residents had been addressed in submitting the application. He urged members to endorse officers' recommendation for approval subject a Section 106 legal agreement.

DECISION: Planning permission granted subject to conditions as amended in condition 2, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

***Note: Councillor Long declared a prejudicial interest as a governor of Newfield Primary School. Councillor Long left the meeting room and did not take part in the voting or discussion on this application.***

**10. 41 Kingswood Avenue, London, NW6 6LS (Ref. 11/0093)**

PROPOSAL: Demolition of existing boundary treatment and erection of replacement walls and gates.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

**11. Storage Land next to 75, St Pauls Avenue, London, NW2 5TG (Ref. 11/0051)**

PROPOSAL: Redevelopment of the site to provide a part 3, part 4, storey building, comprising 10 affordable units and associated access, landscaping, a disabled parking space and cycle parking provision.

RECOMMENDATION: Grant planning permission subject to conditions, revised plans, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Andy Bates the Area Planning Manager in responding to objectors' claim about lack of consultation informed the Committee that the revisions to the application in respect of the area to the ground floor front of the site was not of a scale that warranted any re-consultation with interested parties. With reference to the tabled

supplementary report he responded to the following concerns by objectors and Councillor Lesley Jones, ward member:

The limitations of the site were considered to be acceptably addressed and on balance the form of the proposed building would relate acceptably to the streetscene while maintaining pedestrian safety with a designated and defined route. With respect to the concern about the quality and appearance of the proposed white rockwool/rockpanel cladding, the Area Planning Manager stated that a sample of this would be required by condition to ensure a high standard of development which reflected the surrounding character would be achieved. In respect of the road layout, he stated that Highways Engineers having considered the revised road layout of this application concluded that the designation of a pedestrian route to the entrance had removed the potential conflicts identified by the inspector. In addition, the siting of the disabled parking space was not objected to as visibility through the site was considered to be acceptable.

Andy Bates continued that the inspector found that habitable accommodation within the proposed development could be reasonably protected from the garage noise by design and glazing as could the balconies by some kind of screening. In respect of flooding he stated that a condition as suggested by Thames Water was recommended to be addressed by the applicant before work commenced. He reiterated the recommendation for approval subject to conditions and a Section 106 legal agreement.

Mrs BA Glynn in objecting to the proposed development started by saying that the consultation with residents was inadequate. She continued that the proposal would result in an adverse impact on the residents due to conflicts between vehicles and pedestrians, unacceptable road layout which would encourage speeding traffic and overall noise nuisance. She added that Genesis Housing Group had agreed to a mediation to take place in April with residents with a view to addressing the concerns raised and urged members to defer the application until after the meeting had taken place.

Ms Jennifer Cameron an objector speaking in a similar vein claimed that the consultation with residents was inadequate for a development which in her view would have an adverse impact on the Victorian enclave by encouraging graffiti and resulting in loss of residential amenity. She continued that the proposed road layout would be unacceptable in terms of exit and egress, resulting in danger to pedestrian and vehicular safety. Ms Cameron also urged members to defer the application until after the mediation meeting with Genesis, the applicant.

Mr Ben Thomas the applicant's agent stated that the scale, height and massing of the proposal which would be enhanced with improved landscaping and fencing was considered satisfactory. He urged members to take note of the safe pedestrian refuge, improved visibility for the disabled parking bay, speed humps to slow down the speed of traffic and the contribution towards the housing needs of the Borough. He confirmed that the site had been cleaned up to ensure that it was free from contamination and fit for residential purposes. Mr Thomas continued that there would be no direct conflict with the garage and that the planned

mediation meeting was not a planning issue. In urging members to approve the application, Mr Thomas added that funding for the proposed development which had been received from the Housing Corporation should be spent this year otherwise it would be clawed back.

The Head of Area Planning advised that the planned mediation between the applicant and the residents was not an issue which required consideration of the application to be deferred. He added that officers did not consider that there was a fundamental flaw in accessing the site which provided clear visibility and speed humps but recommended an additional condition to cover details of the route from the disabled space to the entrance.

DECISION: Planning permission granted subject to conditions, an additional condition requiring the widening of disabled persons' route, revised plans, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement..

***Note: Councillor Cummins declared a prejudicial interest as a director of a subsidiary company of Genesis Housing, the applicant. Councillor Cummins left the meeting room and did not take part in the voting or discussion on this application.***

**12. 29, 30, 31 Brook Avenue, Wembley, HA9 (Ref. 10/2814)**

PROPOSAL: Demolition of 29 to 31 Brook Avenue and erection of a part 5-, 6- and 7-storey building, comprising 33 flats (11 one-bedroom, 19 two-bedroom and 3 three-bedroom), with associated landscaping, children's play area and provision of 4 disabled car-parking spaces.

RECOMMENDATION: Grant planning permission subject to conditions, the deletion of condition 9, the addition of maintenance plan, the completion of a satisfactory Section 106 or other legal agreement and conditions and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

With reference to the tabled supplementary report, the Head of Area planning responded to the following issues raised by members at the site visit:

In respect of affordable housing he stated that the applicants would be required to submit an affordable housing toolkit with the actual build costs and sales values which may result in increased value. He continued that the provision for 4 parking spaces in front of the development would be laid out in accordance with approved details under new condition 22. It was noted that the agreed acoustic report was considered satisfactory as was the location of the accessible bin store. He added that an appointed ecologist had considered the scheme and concluded that no building would be close to the Wealdstone Brook Ecology. This coupled with

appropriately landscaped area by the stream would provide a buffer, with a communal amenity area further away. The Head of Area Planning advised members that although the area did not have an industrial past in accordance with PPS23 guidelines, officers recommended a remediation condition to ensure that it would be suitable for the residential flats proposed.

DECISION: Planning permission granted subject to conditions, the deletion of condition 9, the addition of maintenance plan, the completion of a satisfactory Section 106 or other legal agreement and conditions and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

### **13. Land next to 10, Tillett Close, London, NW10 (Ref. 10/2075)**

PROPOSAL: Construction of 5 dwellinghouses on hardsurfaced area of Public Open Space with associated landscaping, car-parking and refuse and cycle storage.

RECOMMENDATION: Grant planning permission subject to revised drawings, the completion of a satisfactory Section 106 or other agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

This application was recommended for deferral to allow further revisions to the design and layout of the scheme in order to address the relationship between the proposed houses and their gardens with the banked area to the south of the site, and to amend the provision of external amenity space.

Steve Weeks informed the Committee that the applicants had since revised the proposal to alter the relationship, and had incorporated other associated changes to the scheme including better lighting, wider footprint, significantly improved roof spaces and frontage.

Members welcomed the report however Councillor Cummins stated that the presentation could have been enhanced with photographs, a view that was echoed by Councillor Adeyeye.

DECISION: Planning permission granted subject to revised drawings, the completion of a satisfactory Section 106 or other agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement..

***Note: Councillor Long declared a prejudicial interest that she was a member of Brent Housing Partnership (BHP) Board. She left the meeting room and did not take part in the discussion and voting on this item.***

**14. Planning Appeals & Enforcement February 2011**

RESOLVED:

that the appeals for February 2011 be noted.

**15. Any Other Urgent Business**

None.

The meeting ended at 9:30pm

RS PATEL  
Chair