



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Wednesday 22 May 2013 at 7.00 pm

PRESENT: Councillor Ketan Sheth (Chair) and Councillors Aden, Baker, Cummins, Hashmi, Kabir, Long (in place of Kataria), Ogunro (in place of John) and Singh

Also present: Councillors Adeyeye, Kansagra and BM Patel

Apologies for absence were received from Councillors John, Kataria, CJ Patel and Powney

1. Membership

The Chair welcomed the following new members to the Committee; Councillors Kabir, Kataria and Powney. He also paid tribute to former members of the Committee; Councillors Daly, RS Patel and Krupa Sheth for their contributions during their term of office on the Committee.

2. Declarations of personal and prejudicial interests

None declared.

3. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 17 April 2013 be approved as an accurate record of the meeting.

4. Asquith Court Schools, 9 The Ridgeway, Harrow, HA3 0LJ (12/3238)

PROPOSAL:

Construction of 2 x vehicular accesses onto Draycott Avenue to provide 'entrance' and 'exit' to serve new hardstanding for six on-site parking spaces and parent drop-off zone, pergola, re-location of lamp post, alterations to landscaping and play areas and other associated alterations.

RECOMMENDATION:

- (a) Grant planning permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 details section of this report, or
- (b) 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.

Rachel McConnell, Area Planning Manager in reference to the tabled supplementary report, informed the Committee that additional issues raised including loss of playspace and loss of soft landscaping had been addressed in the main report. She then reported on the view from the Council's Transportation officers in relation to the level of congestion during the peak rush hour and the number of vehicles that the proposed drop-off could accommodate as amplified in the supplementary report. Members heard that on balance, it was considered by the Council's Transportation officers that any off-street drop-off facility would help to reduce instances of on-street parking on yellow lines around the Ridgeway/Draycott Avenue junction. She therefore reiterated the recommendation for approval subject to conditions.

In accordance with the Planning Code of Practice, Councillor Kansagra, ward member stated that he had been approached by residents about the application. Councillor Kansagra stated that the loss of playground to accommodate the proposal would not only have a detrimental impact on the education of the school pupils but also give rise to traffic congestion as parents drove in and out of the school. He added that as Draycott Avenue was heavily parked, the traffic conditions in the area including The Ridgeway would worsen as a result of the proposal. Councillor Kansagra felt that the traffic management plan would not be able to resolve the situation that would ensue.

In response to members' questions on how best to address the situation, Councillor Kansagra expressed a view that the imposition of parking controls principally, an 'unhappy hour' between 10:00-11:00 and 15:00-16:00 hours would assist in resolving the traffic conditions.

In accordance with the Planning Code of Practice, Councillor BM Patel, ward member stated that he had been approached by residents about the application. Councillor Patel spoke in endorsement of the views expressed by Councillor Kansagra.

In the discussion that followed, Councillor Cummins stated that the proposal which would lead to loss of play space would not only result in traffic congestion but also a detrimental impact on the children's education. He added that the Council's standards on nursery play areas could be applied. This view was also shared by Councillor Baker.

In responding to concerns raised, Rachel McConnell stated that as it was a private nursery the Council was limited in what it could do as there are no planning standards for nursery play space. She added that although The Ridgeway was heavily parked, the safety aspects of the proposal identified meant that the proposal would provide a safer environment. Steve Weeks, Head of Area Planning added that each specific issue raised had been tested with advice from Transportation and reported to Committee.

DECISION: Planning permission granted as recommended.

5. 904 Harrow Road, London, NW10 5JU (13/0224)

PROPOSAL:

Demolition of existing petrol filling station and construction of part three, part four storey (over undercroft) building comprising 20 residential units, amenity space, undercroft car and cycle parking and associated landscaping and access arrangements.

RECOMMENDATION:

- (a) Grant planning permission subject to conditions, informatives, Section 106 legal agreement and Heads of Terms as set out in the supplementary report.
- (b) Grant delegated authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission if within a reasonable period the applicant fails to demonstrate the ability to provide for the terms and meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

Andy Bates, Area Planning Manager informed the Committee that since the last meeting when the application was deferred, officers had continued to negotiate on the financial appraisal to support the affordable housing that was being proposed. He added that as a result, the applicants had now agreed to offer an additional affordable rent 2 bedroom unit which had brought the total number of affordable units to 7, accounting for 35% of the development. He added that the applicant had also submitted revised plans to confirm that the two proposed affordable 3 bedroom units would each have an additional toilet. Andy Bates continued that having discussed the results of the negotiations with Housing colleagues, Officers were satisfied that the level of affordable housing achieved was reasonable. He therefore amended the recommendation from refusal to approval subject to conditions, Section 106 legal agreement and Heads of Terms and informatives as set out in the tabled supplementary.

In accordance with the Planning Code of Practice, Councillor Adeyeye, ward member stated that he had been approached by residents about the application. He spoke to thank both officers and the applicant for efficiently reaching a satisfactory agreement which would enable the proposal to progress.

Both the applicant and the agent also thanked the officers for the amended recommendation for approval subject to a legal agreement and informatives.

DECISION: Granted planning permission as recommended.

6. Former Oriental City, 399 Edgware Road, Kingsbury, London, NW9 (12/2166)

PROPOSAL:

A hybrid planning application, as amended by plans received 1 November 2012, for the demolition of all existing buildings and structures and:

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

RECOMMENDATION:

- (a) Grant planning permission subject to conditions, incorporating revisions to conditions 3, 6, 10, 19, 21, 37 and 40, additional condition relating to community use of school, additional Head of Term requiring link between the retail element of the scheme and housing and referral to the Mayor of London and the Secretary of State as a departure from the development plan and subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) 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.

Rachel McConnell, Area Planning Manager in reference to the tabled supplementary report informed members about additional concerns raised on traffic, lack of public green space/children's play, the size of the proposed community space and inadequate consultation with the Chinese community. She informed members that apart from consultation, those issues raised had been dealt with in the main report.

In respect of consultation, she stated that letters were sent to those who commented on the previous planning application and in addition to local consultation site notices and publication of press notices were posted. A Statement of Community Involvement which set out the consultation carried out prior to submission of the planning application was also submitted by the applicant as part of the planning application. Rachel McConnell then referred to the issues raised in the two petitions submitted as well as issues raised by Robert Dunwell of Queensbury Area Residents' Association (QARA) and drew members' attention to officers' responses as set out in the supplementary report.

Rachel McConnell then reported on further comments provided by Transportation on Capitol Way/Stag Lane Junction adding that it was proposed to widen the approach by 1.0m to provide a two lane entry lanes on to Stag Lane (north) arm of the mini-roundabout. Funding for these works would be secured as part of the Section 106 contribution towards highway improvements. Members also heard that due to viability constraints of the scheme, Transport for London (TfL) had welcomed the applicant's contribution of £20,000 to carry out feasibility study improvements after the development was open for business. In reiterating the recommendation for approval, the Area Planning Manager drew members' attention to revised conditions 3, 6, 10, 19, 21, 37 and 40, additional condition on community use of school, further revision to Condition 19 to amend hours of delivery to between 06:00 and 22:00 hours and amended Heads of Terms as set out in the supplementary report.

Mr Seb Malde, Chair of Grove Park Residents' Association whilst welcoming the proposed development in respect of its reduced size, provision of housing and education, emphasised the need for a health facility to cater for the additional residents. He also urged the Committee for major traffic improvements to be made to the junctions of Capitol Way and Grove Park with Edgware Road. Mr Malde also highlighted the need for community use of the proposed school. In response to members' questions, Mr Malde stated that although he had seen the traffic management plan, he still had concerns on traffic congestion to which the development could give rise. He expressed a view for community space within the development to be increased from 28sqm to 35sqm. In respect of health service provision, Mr Malde responded that as the health centre facility which was supposed to be built for the Roberts Court development had not been delivered, the Stag Lane clinic which had only two General Practitioners (GPs) would be inadequate to meet the needs of the residents for the proposed development.

Mr David Ho, Chair of North London Chinese Association stated that the applicant's provision for 28sqm of office space and a space to celebrate the Chinese New Year and New Moon Festival was inadequate to meet the needs of the Chinese community. In response to a member's question, Mr Ho stated that his community would prefer 4,000sq feet of free office space.

Mr Shun Au speaking on behalf of the Chinese Mental Health Association (CMHA) welcomed the principle of the development but added that in order to meet the needs of the community the CMHA would require office space of 400sqm instead of 28sqm to be provided by the applicant. In responding to members' questions, Mr Au stated that due to the reduced size of the development, his community would accept 200sqm to enable it to open its services to everyone within the community. He clarified that although CMHA was based in Hackney and had not previously operated in the former Oriental City site, most of their clients lived in the North and North West London areas and principally in Barnet and Brent.

Robert Dunwell Chair of QARA Group of Associations though welcomed the proposed development in general, he raised the following matters:

- Request a meaningful increase in proposed Chinese/Oriental community space.
- Request 'no cost usage' of school amenity space.
- Clear signage to distinguish 'Oriental' part of the building development.
- Request re-instatement of provision of 'temporary' cultural community space in the locality with costs met by the developer.
- The need to address traffic flows in the vicinity of the development.

Mr Jabez Lamb, who alleged that he coordinated the 'Save the Oriental City campaign' and advised the applicant on security issues, spoke in support of the application. Mr Lamb stated that at the time of closure of the former Oriental City site, a community centre or space was not available on site. He continued that within the current economic climate he felt it would not be viable for the applicant to offer 4,00sqm for a scheme that had been heavily reduced.

Mr Ben Ford, the applicant's agent stated that although the scheme had been reduced by about 50% from the original scheme that was previously granted planning permission, it would deliver Brent's Core Strategy and provide a catalyst for economic and social regeneration in addition to infrastructure provision including a school and a nursery development. He added that access to the school for community usage would be made available.

In response to members' questions, Mr Ford stated that the scheme which was scheduled for opening in December 2014 would make land available for school development and that there would be no limitation on any party or group taking community space including the frontage for market stalls at the prevailing market rent. He continued that the applicant would make a financial contribution of £150,000 as part of the Section 106 legal agreement towards the provision of a health facility. In respect of community floor space, Mr Ford confirmed that the applicant would accept an increase from 28sqm to 35sqm and that he would submit a revised plan to reflect that.

The legal representative advised members that decisions on this and all other applications should be based on planning merits and that if any member felt that their judgement would be compromised or impaired due to their involvement in any application then they should refrain from voting on it. Councillor Hashmi confirmed that whilst he had visited the former Oriental City complex, he had no interest to declare. Councillor Kabir also confirmed that she had met with Mr Ho and discussed the need for a community centre prior to her membership of the Committee but she had no interest to declare.

DECISION: Granted planning permission as recommended with further revision to Condition 19 to amend hours of delivery to between 06:00 and 22:00 and increase in community floorspace from 28sqm to 35sqm.

7. Church Road Car Park rear of 189-203, Church Road, London, NW10 (11/1458)

PROPOSAL:

Renewal of temporary planning permission 05/3523 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Granted planning permission as recommended.

8. 126 Acton Lane, London, NW10 8TX (12/2636)

PROPOSAL:

1 x 3-bed units), erection of rear dormer window, replacement of rear windows and doors at ground and first floors, alteration to single storey rear extension to accommodate cycle store with retention of existing commercial unit at ground floor (as amended by plans received 04/04/2013).

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 duly authorised person to agree the exact terms thereof on advice from the Director of Legal and Procurement..

DECISION: Granted planning permission as recommended.

9. 249 Kilburn High Road, London, NW6 7JN (12/2394)

PROPOSAL:

Erection of first floor rear extension to take-away restaurant.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Granted planning permission as recommended.

10. Flat 2, 2 Buxton Road, London, NW2 5BJ (13/0435)

PROPOSAL:

Single storey rear extension to ground floor flat.

RECOMMENDATION: Refuse planning permission.

Andy Bates, Area Planning Manager, informed members that following the site visit officers had taken the opportunity to review the merits of the scheme and had picked up additional factors in sufficient detail. These included the specific relationship of the proposed extension to the shared use of the existing outside space between the two ground floor residential units. He clarified that the

submitted plans failed to represent the existing boundaries and would thus result in the loss of virtually all valuable outside space to the application flat and also relate poorly to the outside space currently assigned to the other ground floor unit. As a result, the proposal would lead to an unacceptable quality of environment for occupiers of both ground floor flats. As a result of this review and for reasons set out in the tabled supplementary report, he amended the recommended to refusal.

Debbie Leonard, speaking on behalf of her parents (adjoining occupiers) objected to the proposed development on grounds of over-development of the property and loss of sunlight. She also expressed concerns about the impact of the proposed extension on drainage and residential amenities for a property that was originally built as a 3-bedroom family home but currently had a certificate of lawfulness for four flats.

DECISION: Planning permission refused as recommended.

11. GRATTON GUEST HOUSE, 147 Wembley Hill Road, Wembley, HA9 8DU (13/0539)

PROPOSAL:

Demolition of existing detached guesthouse and erection of part two-storey, part three-storey 15-bedroom residential care/supported living accommodation (Use Class C2) with associated off-street parking.

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 duly authorised person to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Steve Weeks, Head of Area Planning, in reference to the tabled supplementary report addressed the issues raised by members at the site visit. Members heard that the grassed strip of land outside of the boundary wall did not form part of the application site and that the existing trees including those with preservation orders (TPOs) would be retained. Steve Weeks drew members' attention to condition 9 which required the applicant to submit for approval, a detail tree survey.

DECISION: Granted planning permission as recommended.

12. First Central, Coronation Road/Lakeside Avenue, Park Royal, NW10 (13/0552)

PROPOSAL:

Reserved matters application for the erection of a 9 storey residential building comprising 139 flats (Block D of outline planning permission granted 28 March 2012). Matters to be considered in the reserved matters application are the appearance and landscaping of Block D only.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Granted planning permission as recommended.

13. PORTLAND HOUSE, 69-71 Wembley Hill Road, Wembley, HA9 8BE (13/0559)

PROPOSAL:

Demolition of existing office building and the erection of a new part 4 and part 5-storey office building with associated off-street parking.

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 duly authorised person to agree the exact terms thereof on advice from the Director of Legal and Procurement.

DECISION: Planning permission granted as recommended.

14. Basement Developments in Brent - Proposed additional planning application validation requirements

Members gave consideration to a report which reviewed Brent's approach to basement developments and proposed some measures to assist the assessment of applications. Steve Weeks, Head of Area Planning highlighted the principal concerns that had been raised in conservation Areas which included the following and drew members' attention to officer responses as set out in the report;

- a) Design/Landscape impact – including impact on front and rear gardens where basements are not a feature of the local area.
- b) Structural Damage –due to construction method leaving adjoining, often attached properties on their original shallow foundations.
- c) Hydrological or geological considerations including fears of particular impacts on water courses, ground water levels or the safety of substrata.
- d) Construction nuisance and amenity – noise and mess during excavation, obstruction and inconvenience due to the number of skips required, inconvenience to neighbours – including occupiers of upper floors.

In order to address the above issues and concerns, the Head of Area Planning proposed the alteration to Brent planning application validation requirements to require additional information when applications involving basements were submitted which would inform planning assessment and also support local statutory planning consultation. This requirement may be varied when any basement development was outside the notification area for the Party Wall Act. He continued that the requirements would entail more detailed plans and the submission of a report by a qualified structural engineering company detailing the proposed construction and build methodology and how it would relate specifically to the site. The Head of Area Planning anticipated that the new requirement would

involve a detailed site survey of buildings, levels and landscaping. It would also require a desk study of any site specific geological or hydrological considerations with appropriate site investigations.

With respect to concerns about noise nuisance, he proposed that applicants be required to indicate that they would employ a contractor who was part of the Considerate Contractor Scheme (CCS) as well as providing an indicative construction programme. He also proposed to refer potential issues relating to skips to Safer Streets with any formal response to this consultation in order to assist them in deciding on the need for any review of current practices.

Robert Dunwell, Chair of QARA informed members that the Department of Communities and Local Government (DCLG) were currently in the process of drawing up policies on basements including technical and cost implications. With that in view, Mr Dunwell urged members to defer the report until the DCLG report had been released.

In response to members' query, the Head of Area Planning stated that whilst he was aware of the DCLG report, he had no knowledge as to its completion or release dates. He added that other local authorities had adopted policies similar to those he had proposed. He advised members that through the use of electronic means, consultation would not involve a major cost exercise.

RESOLVED

that the proposals set out in paragraphs 3.14 and 3.16 of the report be endorsed for consultation with local residents groups and industry representatives with a view to reporting back prior to formal adoption.

15. Planning Appeals - April 2013

RESOLVED:

that the planning appeals for April 2013 be noted.

16. Date of next meeting

It was noted that the next meeting will take place on Wednesday 19 June 2013 at 7:00pm.

The meeting ended at 9:00pm

KETAN SHETH
Chair