



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Wednesday 20 June 2012 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), Daly (Vice-Chair), Aden, Cummins, Hashmi, John, Oladapo (In place of Councillor Krupa Sheth), CJ Patel, RS Patel and Singh

Also present: Councillor Muhammed Butt

Apologies for absence were received from Councillor Krupa Sheth

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

None declared at this stage of the meeting.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 22 May 2012 be approved as an accurate record of the meeting.

3. **Kingsbury Community Centre, Eton Grove, London, NW9 9LD (Ref. 12/1028)**

PROPOSAL: Erection of a part single/part 2 storey community centre (overall floorspace [GIA] - 1039.3 sq m) comprising: children's nursery (336.5sqm) for approximately 85 children; community room (137.8sqm) with a capacity to seat between 150-200 visitors; cafe (142.2sqm) with a capacity to seat approximately 50 visitors; office space (123.4sqm) with a capacity to seat approximately 21 visitors; exercise room (81.8sqm) for centre staff; changing rooms (73sqm) for hire with use of park sports pitches; management suite (40.0sqm) for the community centre to accommodate 5 staff; conference room & facility (39.6sqm) to accommodate at least 30 visitors;

RECOMMENDATION: Refuse planning permission.

Councillor Daly declared an interest in that she knew the applicant and was not present to consider or vote on this item.

Tony Vincett (Legal Adviser) stated that he lived on the same street as the site, however he had no involvement with the application and so remained present during consideration of this item.

Steve Weeks (Head of Area Planning) introduced the report and advised that the applicant was responding to a council tender to replace facilities that had previously existed on the site. However, he felt that the application was excessive in terms of the range of activities proposed and did not provide the necessary parking spaces for such a scheme. In addition, the council's Sports Services had indicated that they were not satisfied with some of the replacement services proposed. Members also noted that the applicant had previously withdrawn the application but subsequently re-submitted it despite the concerns raised by officers.

Robert Dunwell, an objector and representing the Queensbury Area Residents' Association (QARA) and Group of Associates, commented that although community facilities were required on the site, the application did not fully address the area's needs. He felt that the applicant should undertake further discussion with officers to address issues in relation to the scale and size of the proposals and the lack of parking and to submit an improved scheme. In reply to a query from the Chair about what were the particular concerns he had about the application, Robert Dunwell explained that he felt the proposed building was excessively expansive as it exceeded the footprint of the original building and he also felt the number of services offered was excessive as some of the proposed amenities were not required in the area. The proposed uses could attract excessive visitors to the area and it also raised accessibility issues. In reply to a further query from Councillor R S Patel, Robert Dunwell confirmed that the applicant had not directly consulted with QARA and Group of Associates but he had been made aware of the application through the council.

Alton Bell, the applicant, then addressed the committee. He began by stating that work had started in developing the proposals since 2010, following a successful tender submission. It was intended to submit a staged development to improve the site which was currently an eyesore and attracting drug and alcohol users. Alton Bell stated that the Environmental Resource Centre had been appointed as consultants to help make the application commercially viable and sustainable. He asserted that the original tender had indicated that use of the green hatch area was permitted and that the applicant was willing to work with officers and also other service areas such as Brent Parks and Children and Families to submit proposals acceptable to all. Residents associations and community groups had also indicated their support for the scheme. Alton Bell requested that the application be deferred so the concerns raised by officers could be addressed.

Members then asked a number of questions to the applicant. Councillor Hashmi enquired if a travel plan had been submitted. Councillor John stressed that it would have been made clear to the applicant what was acceptable and she asked why this had seemingly not received due consideration by the applicant. Councillor R S Patel sought further comments in respect of lack of parking, including disable parking spaces and why had there been a failure to agree a Section 106 agreement.

The Chair sought further clarification with regard to parking, access, perceived traffic impact and the total size of the site.

In reply, Alton Bell confirmed that the application did include a travel plan which would be re-assessed after the site was in operation and the applicant had also suggested that a controlled parking zone scheme could be introduced. He stated that the original tender document had indicated that six parking spaces and a disabled parking space could be provided, however since further discussion with officers he had been informed that no parking spaces should be provided and so provision had not been included in the application. However, Alton Bell suggested that there were sufficient parking spaces in the locality to cope with the demand. He asserted that the applicant had kept officers fully informed of proposals and had explained the reasons behind them. Members noted that the size of the site was 1,200sqm and there were four access points to the site. Alton Bell felt that the applicant was in a position to accept a Section 106 Agreement.

During discussion by Members, Councillor Oladapo enquired whether there had been a stage when the officers were in agreement that the proposed building could be larger than the original footprint. Councillor John sought assurances that the applicant was being suitably advised as to what would be acceptable in the proposals and enquired how large was the encroachment upon the green space. She also asked if the site would suffer from lack of interest if the applicant withdrew and it needed to be re-marketed. She also commented that Sports Services and Parks had raised concerns about the application.

In reply to the issues raised, Steve Weeks confirmed that a Section 106 agreement had not been agreed. He advised that there were two buildings on the original site and although the tender did not specifically restrict the size of any proposed buildings, it did include all necessary restrictions and the applicant had not been encouraged to submit proposals for an expansive building. The proposed building was three times the size of the original two buildings on the site. Steve Weeks informed Members that there were concerns about the number of activities proposed particularly in respect of the building and it would be difficult, for example, to see how a conference room could be appropriately provided on the site. The applicant had been made fully aware of the concerns raised by officers and what was required to make a planning application acceptable. Members noted that the sports pavilion had been cleared and the land upon which it stood was now public green space. In respect of parking, Steve Weeks stated that if visitors to the site parked on Rugby Road, this may become an issue. It was difficult to forecast if there would be a lack of interest if the site was re-marketed, however the original tender did not attract a large number of submissions and it was possible that alternative sources of funding could be sought should this situation arise.

DECISION: Agreed as recommended.

4. 1-32 inc, Coles Green Court & Garages r/o Coles Green Court, Coles Green Road, London, NW2 (Ref.12/0871)

PROPOSAL: Demolition of block comprising 32 no. self-contained flats and 17 no. existing garages and erection of a residential development of 38 units comprising eight no. one-bed flats, 20 no. two-bed flats, six no. three-bed flats and four no. four-bed dwellinghouses and associated means of enclosure and hard and soft landscape to provide 30 car parking spaces, secure cycle storage for 38 bicycles and refuse storage.

RECOMMENDATION:

- a) Grant Planning Permission, subject to conditions, informatives, amendments to conditions 1 and 2 set out in the supplementary information and 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

Steve Weeks drew Members' attention to observations and changes to conditions one and two as set out in the supplementary information.

DECISION: Agreed as recommended.

5. Cullen House, Salusbury Road NW6, 313 & 341 Kilburn Lane, 50 Claremont Road W9 and car parks (Ref.12/0788)

PROPOSAL: Demolition of Keniston Press, Premier House, Cullen House and the Falcon public house and redevelopment of 137 flats (39 affordable), along with new public space, 1270 square metres of commercial space (Use classes A1/A3/A4) and 959 square metres of office space (Use class B1a for dedicated use by TfL) within a part 4, part 5, part 6, part 8 and part 9 storey building. Application includes the stopping up of the gyratory system and the introduction of a new signalled junction at Kilburn Lane and Salusbury Road/Carlton Vale

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 Services and Procurement, conditions, informatives and amendments to the recommendation relating to referral to the London Mayor, the development description, conditions 1, 8, 17 and 18 and informative relating to hours of work and to the Heads of Terms as set out in the supplementary information.

Andy Bates (Area Planning Manager) drew Members' attention to additional comments with regard to consultation, interested parties and amendments to the recommendation, conditions, informative and Heads of Terms as set out in the supplementary information.

During discussion, Councillor Hashmi commented that affordable housing only made up 28% of the scheme, despite the lack of such housing and even though the applicant was the council. Councillor Cummins enquired whether Members needed to be mindful of the recommendation for approval in view of a proposed tunnel vent shaft on the site in relation to High Speed 2 rail link application and would need the application need to go back to committee or be delegated to officer approval should there be any complications arising from this. Councillor Oladapo enquired whether the buildings proposed for demolition were currently occupied.

The Chair sought further details with regard to the affordable housing element of the scheme.

In reply, Steve Weeks explained that the Mayor of London and the council were motivated to provide the maximum affordable housing possible. In the case of South Kilburn, he advised that the sites were being developed in appropriate phases and not all had identical plans. It was unclear what impact there may be on the site in respect of the proposal tunnel vent shaft and the council needed to be mindful of this issue, however it did not warrant a recommendation to refuse. Steve Weeks advised that the buildings proposed for demolition were currently being occupied for various uses, including TfL offices and a public house, whilst the print works were mainly vacant and the majority of the site was council owned.

DECISION: Agreed as recommended.

6. Bronte House & Fielding House, Cambridge Road, London, NW6 (Ref. 12/0454)

PROPOSAL: Demolition of buildings on Bronte House and Fielding House site and erection of 229 flats (126 market/103 social rented) together with associated landscaping, private & communal amenity space, car parking, new public pedestrian route & square. Development includes the stopping up of Cambridge Road and the formation of a new access road through the rearrangement of existing Cambridge Road/Kilburn Park Road junction

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 Services and Procurement, conditions and informative relating to hours of work and amendments to the recommendation relating to referral to the Mayor of London, Section 106 Agreement and Heads of Terms as set out in the supplementary information.

Andy Bates drew Members' attention to the amendment to the recommendation, Section 106 Agreement and Heads of Terms and observations in respect of the Design Review Panel meeting as set out in the supplementary information.

Councillor Hashmi sought further details in respect of how contributions were made to the Mayor of London where these were the terms of planning permission.

The Chair welcomed information in the report detailing the mix of affordable and private units and felt that this would be useful to provide for similar applications in future.

Steve Weeks confirmed that the council collected contributions on behalf of the Mayor of London.

DECISION: Agreed as recommended.

7. 135 Chatsworth Road, London, NW2 5QT (Ref. 11/1208)

PROPOSAL: Erection of a two storey side extension, single storey rear extension, rear roof dormer and installation of two rear roof lights and two side roof lights to dwellinghouse

RECOMMENDATION: Refuse planning permission.

Steve Weeks introduced the report and confirmed that the recommendation remained to refuse planning permission.

Mr Nassir objected to the application on the grounds of loss of light in living areas, the boundary with 137 Chatsworth Road being particularly overbearing and the application was out of character with the surrounding area and contradicted the

council's SPG5 and the UDP. He felt that on this basis, the application should be rejected.

The Chair sought further comments and clarification with regard to the application being out of character with the surrounding area and what habitable rooms existed on the first floor of 137 Chatsworth Road, including how long had the kitchen been in use. In reply, Mr Nassir stated that the removal of the boundary between the two properties would be out of keeping with the rest of the street and would set an unwelcome precedent. He confirmed that a kitchen and a bathroom existed on the first floor of 137 Chatsworth Road and that the bathroom had been in use for over ten years.

Neal Osbourne introduced himself as a friend of the applicant. He began by asserting that the kitchen in 137 Chatsworth Road was a functioning space and therefore ability to impede enjoyment of the room was not an issue. In his view, the proposed extension was otherwise acceptable and the applicant was also entitled to enjoy use of his property.

Councillor John commented that the extension could be amended to make it more acceptable whilst Councillor Hashmi stated that the applicant had increased the set back.

The Chair sought officers views as to whether the application could be considered harmful to neighbours.

In reply, Steve Weeks stated that consideration of the application was a balancing matter, however with regard to rear extensions, there was a margin as to what was considered acceptable and not acceptable. It could be assumed that the kitchen in 137 Chatsworth Road was used routinely and as the proposed wall would be only 2.3m from the kitchen window, this would be considered too close to be acceptable.

DECISION: Agreed as recommended.

8. Former Willesden New Social Club, Rucklidge Avenue, London, NW10 4PX (Ref.12/0915)

PROPOSAL: Erection of a four and five storey building accommodating 22 flats, ground floor A1, A2 and/or D1 floorspace and retention of electricity sub-station.

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 Services and Procurement, conditions, an informative and an amendment to condition 8 prohibiting bookmakers/betting offices as set out in the supplementary information.

Andy Bates drew Members' attention to observations with regard to issues raised at the site visit, additional representations and officers' responses to them as set

out in the supplementary information. He also advised the committee of an amendment to condition 8 contained within the supplementary information.

The Chair agreed to additional papers being circulated by Louise Holmes, an objector to the application, whilst she addressed the committee. Louise Holmes asserted that the application would have a permanent, detrimental effect on nearby residents. She stated that the application was an overdevelopment, out of character and would overwhelm the surrounding area by the large size of the proposed building. In addition, only two of the twenty flats would have access to green space and this would be unsuitable particularly for any children moving onto the site as well as the application failing to provide at least 20sqm of open space per dwelling as set out in SPG17. She also expressed concern about the apparent lack of parking and the proximity of the electricity sub-station and felt that the application should be refused with a view to the applicant considering a smaller scheme.

With the Chair's agreement, Ian Britton, an objector and representing Rucklidge Avenue Residents' Association, also circulated papers to Members for their consideration. Ian Britton began by referring to the council's UDP which stated that applications on brown sites should not have a negative impact on the area. He felt that the proposed building was unsuitable and also disregarded established building lines, with 18m of the 32m total frontage excessively close to Rucklidge Avenue and Park Parade. Whilst he was not objecting specifically about the proposed height of the building, Ian Britton felt that the application overall was overbearing and dominating and in its present form should be rejected.

In reply to a query from the Chair, Ian Britton stated that it was the overall size and scale of the application he was objecting to as well as the closeness of the building to the pavement.

Mark Pender, the applicant's agent, then addressed some of the issues raised by objectors and at the site visit. He felt that considering the site's location near the town centre and that it was a brown site, the number of flats proposed was appropriate as high density on such locations was permissible. The applicant had amended the building line on Rucklidge Avenue to provide an additional two metres gap. As the site was well served by good transport links and was within a controlled parking zone, it was ideal for the car free scheme proposed and this was reflected in application with regard to parking spaces. Mark Pender acknowledged the concerns in respect of amenity space, however, given the site's town centre location and the Section 106 contribution to offset this, he felt that the application was entirely acceptable. He also indicated that the applicant would be willing to accept a condition restricting betting office use on the site, however they would wish that A2 use remain permitted to provide the flexibility the applicant felt was necessary.

During discussion by Members, Councillor Cummins agreed that the site was in need of development, however it was also important to adhere to building lines and considering that the Design Works adjacent to the site conformed to these, he felt that this application should too. He also commented that residents and Councillor Hector had raised valid objections.

The Chair sought further comments with regard to the perceived impact of the electricity sub-station on the site.

In reply to the issues raised, Andy Bates acknowledged comments made in respect of amenity space, however he reiterated that it was a town centre location and each unit had space provided by balconies that were larger than the average size for such developments. In addition, as the applicant was making a financial contribution to off-site amenity provision, on balance the application was acceptable. Andy Bates drew Members' attention to page 102 in the report which provided an explanation with regard to the set back and he felt that an appropriate approach had been taken with regard to taking building line guidance into account. As it was a brown site with a history of previous development, the proposed development was also acceptable. The electricity sub-station had been discussed with the council's Environmental Health unit who had stated that it presented a very low health risk.

Steve Weeks added that following discussions with the applicant, appropriate amendments to the building line had been made which made the application acceptable. He advised that there was also a degree of step out in respect of the design works opposite and that some flexibility was afforded in respect of building lines.

DECISION: Agreed as recommended.

9. 1A Elmside Road, Wembley, HA9 8JB (Ref. 12/0408)

PROPOSAL: Erection of two additional floors of office accommodation.

RECOMMENDATION: Refuse planning permission.

Neil McClellan (Area Planning Manager) drew Members' attention to the supplementary information confirming that the applicant had submitted a Community Infrastructure Levy Declaration form. A number of outstanding concerns about the application remained as set out on page 118 of the main report and the recommendation remained to refuse planning permission.

The Chair invited a Mr S Raza and then a Mr S Chaudhry to address the committee as both had made requests to speak, however there was no response to either of the invitations.

Mr Goodman, the applicant's agent, then addressed the committee. Mr Goodman suggested that the first three of the four reasons for refusal would be straightforward for the applicant to address, whilst the submitted plans could also be amended accordingly. He asserted that the case officer had not visited the site to consider concerns raised about the perceived impact of the proposals on Wayside Court, whilst the application also offered the opportunity for employment. Mr Goodman asked that the application be deferred to the next Planning Committee meeting to allow the applicant to address the concerns raised. In reply

to a question from the Chair, Mr Goodman stated that he had only represented the applicant since the previous week and this was why the issues raised had not been addressed earlier.

During discussion, Councillor John enquired whether it was realistic to defer the application to the next meeting in view of the number of outstanding issues the applicant needed to address.

In reply, Neil McClellan advised that the case officer was likely to have been liaising with the previous agent as they had not been notified of the change. Although Mr Goodman had indicated that he was willing to negotiate with officers on behalf of the applicant, Neil McClellan felt there were significant inaccuracies in respect of the plans and these would require much work to address.

Steve Weeks added that a reduction in the scale of the building was necessary and he advised that both reasons one and four for refusal were likely to need more time to address that that afforded by deferring the application to the next meeting. He advised that deferral could have been considered where the outstanding issues were minor in nature, however in view of the fundamental concerns raised, he advised that the application be refused and that the applicant consider submitting a new application addressing these concerns.

DECISION: Agreed as recommended.

10. Crown House, 43-51 Wembley Hill Road, Wembley, HA9 8AU (Ref. 12/0387)

PROPOSAL: Erection of two additional storeys on top of existing building to create 8 self-contained flats and the re-cladding of the whole building.

RECOMMENDATION: Grant consent 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 Services and Procurement and conditions.

Neil McClennan advised that this was a revised application that was now considered acceptable by officers. Members noted Councillor Hashmi's observation that a section (e) had been omitted in respect of Mayor of London's policy considerations on page 122 of the report.

DECISION: Agreed as recommended.

11. Any Other Urgent Business

None.

KETAN SHETH
CHAIR