



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Wednesday 9 April 2014 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), Aden, Baker, Cummins, Hashmi, Kabir, Kataria (alternate for Councillor CJ Patel), Long (alternate for Councillor John) and Powney

ALSO PRESENT: Councillors Mashari, HB Patel and Shaw

Apologies for absence were received from Councillors Adeyeye, John, CJ Patel and Singh

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

Councillor Cummins declared that he resigned from a teaching appointment at Moberly Sports Centre in July 1988.

### 2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 12 March 2014 be approved as an accurate record of the meeting.

### 3. **Thames Water Utilities, St Michaels Road, London, NW2 6XD (Ref. 14/0301)**

PROPOSAL:

Variation of Condition 2 (approved plans) of full planning permission reference 11/1135 dated 30/12/2012 for demolition of existing industrial buildings and erection of a residential development comprising 23 houses ( 19 x 4 bed, 3 x 3 bed and 1 x 2 bed) and 16 flats (2 x 3 bed, 10 x 2 bed and 4 x 1 bed) , with 44 parking spaces and associated landscaping and cycle storage with combined vehicular and pedestrian access via existing access from St Michael's Road and pedestrian access onto Olive Road accompanied by a Design & Access Statement and as amended by revised plans received 29/02/12 and subject to a Deed of Agreement dated 30 March 2012 under Section 106 of the Town and Country Planning Act 1990, as amended for the following minor material amendments:

- alterations to western most terrace and its reduction from 5 to 4 bedroom family houses;
- on site car parking numbers to remain unchanged accommodating 44 cars.

RECOMMENDATION:

- (a) Grant planning permission, subject to an additional condition detailing measures that the development would not impact on Network Rail's safe operation of the railway during and after construction, an additional condition to secure the measures set out in the Section 106 details section of the 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 Planning, or other duly authorised person, to refuse planning permission.

Andy Bates, Area Planning Manager in reference to the tabled supplementary report responded to additional concerns from a local resident about car parking. He clarified that the proposal would result in one less residential unit on the site and that the number of car parking spaces (44) would remain unchanged. In order to address the concern expressed by Network Rail as set out in the main report, he recommended an additional condition detailing measures that would ensure the development would not impact on the safe operation of the railway during and after construction.

DECISION: Planning permission granted as recommended with an additional condition requesting detailed measures to ensure that the development would not impact on the safe operation of the railway during and after construction.

**4. 44 High Road, London, NW10 2QA (Ref. 14/0082)**

PROPOSAL: Retrospective application for single storey rear extension.

RECOMMENDATION: Grant planning permission subject to conditions.

Andy Bates, Area Planning Manager informed the Committee that the press notices for the application had not expired and therefore the consultation was still live. With that in mind he amended the recommendation to deferral to enable the press notices to expire.

DECISION: Deferred to enable the press notices to expire.

**5. Moberly Sports and Education Centre, Kilburn Lane, London, W10 4AH (Ref.13/3682)**

PROPOSAL:

Demolition of all existing buildings and erection of a part 7/part 6/part 5/part 4-storey building with 9293sqm of Sports and Leisure Centre (Use Class D2), 56 flats ( 22 x 1-bed, 34 x 2-bed) and 240sqm of retail floor space (Use Class A1/A2/A3) and erection of 15 terraced townhouses (15 x 4-bed) with associated car and cycle parking and landscaping.

RECOMMENDATION:

Grant planning consent in principle subject to amended conditions 2 and 6 and the following;

- (a) any direction by the Mayor of London to refuse the application. In accordance with Article 5 of the Town & Country Planning (Mayor of London) Order 2008 following the Council's determination of the application, the Mayor is allowed

- 14 days to decide whether to allow the draft decision to proceed unchanged or direct the Council under Article 6 to refuse the application;
- (b) prior completion of a satisfactory Section 106 legal agreement under the Town & Country Planning Act 1990 and/or other form(s) of agreement/undertaking in order to secure the S106 matters as detailed in the report.

With reference to the tabled supplementary Andy Bates, Area Planning Manager informed members that the site had public transport accessibility level (PTAL) rating of 6a which was considered to be excellent and parking provisions which accorded with transport planning policies. He continued that the proposed parking provision would provide satisfactory parking facilities including 3 mini-bus parking bays for the sports centre, parking bays for disabled residents and disabled users of the leisure centre and a single space for each of the town houses with servicing to be provided within the car park. The Transport Assessment demonstrated that refuse vehicles and delivery vehicles would have sufficient space to manoeuvre in the turning space provided. Members heard that the proposed facilities which would be of a significantly improved quality would allow for a wide range of sporting and recreational activities to take place for the residents of both Brent and Westminster. He added that the applicant had sought to reduce the impact of the massing and scale by locating the larger parts away from the more domestic residential environment on Kilburn Lane.

The Area Planning Manager noted the concerns expressed about the lack of affordable housing and submitted that an independently assessed viability report in support of the £20m investment in public sporting facilities was being reviewed by an independent consultant. He continued that the review would establish that should there be any surplus at the end of the project as a result of increases in residential values, there would be a claw back arrangement within the Section 106 so that the Council would receive a proportion of any surplus for the provision of offsite affordable housing. Members heard that the approach had been accepted by the GLA in the Stage 1 response. Andy Bates drew members' attention to additional concerns raised by the ward member for Queens Park in Westminster City Council as set out in the supplementary report, adding that those issues had been addressed in the main report. It was noted that Sport England had expressed their support and that English Heritage had not raised significant concerns regarding the scheme.

In reiterating the recommendation for an in principle approval subject to referral to the Mayor of London and the satisfactory completion of a Section 106 legal agreement, Andy Bates drew members' attention to amendments to conditions 2 and 6 as set out in the tabled supplementary report.

A number of local residents spoke in objection to the application highlighting the lack of affordable housing within the scheme, loss of daylight, sunlight and overshadowing to neighbouring properties due to its height, loss of football pitch and inadequate parking facilities. The Committee also heard that the lack of affordable housing would result in overcrowding and homelessness with additional traffic impact and congestion. Particular reference was made to Chamberlayne

Road which, members were informed, would experience a high level of congestion and pollution as it was a major bus route with bus stands and passing motor vehicles.

Mr Martin Ward speaking in support of the application stated that the proposed sports facilities would replace the existing building which had become costly to maintain. He outlined the health benefits including a teaching swimming pool for residents including the disabled.

Councillor Mashari, Lead Member for Environment and Neighbourhood also spoke in support of the application and drew members' attention to the improved sporting facilities with concessionary fees which would increase uptake and consequently lead to improved health and well-being of Brent residents.

Alison Gayle of Westminster City Council and Simon Taylor representing Wilmot Dixon, the applicant, addressed the Committee. They informed members that the applicant had fully engaged with residents in drawing up the scheme that incorporated their feedback for a quality replacement sporting facility with no extra cost to both Westminster Council and Brent Council. Members heard that the scheme had the support of the GLA, English Heritage and Sport England. They emphasised that under the Section 106 legal agreement, concessionary fees and charges would be offered to residents for use of the facility.

In response to members' questions, they pointed out that the range of facilities and community rooms would have flexible uses. They continued that the £20m investment in the public facility would outweigh the lack of affordable housing adding that an independent viability assessment had supported this view. The built in claw back clause would also enable the Council to receive a proportion of any surplus from the sale of the flats for the provision of offsite affordable housing. It was noted that although the development would be "car free", provision had been made for disabled parking and that each of the town houses would have its own parking space. In addition the site had high PTAL rating (6A). A consultant daylighting specialist in answering queries raised by members clarified the methodology used in assessing potential loss of daylighting and concluded that on balance, there would be good levels of daylighting to all living rooms in nearby properties.

Prior to voting, Councillor Cummins suggested that an informative be added reminding the applicant to make available part of the premises for use as a polling station in future elections. The applicant's agent indicated their consent.

DECISION: Granted planning permission as recommended.

**6. 1-42 INC, Thanet Lodge, Mapesbury Road, London, NW2 4JA (Ref. 13/3902)**

PROPOSAL:

Erection of a 2 storey 1 x 4 bedroom dwellinghouse to the north of Thanet Lodge.

RECOMMENDATION: Grant planning permission subject to an additional condition requiring details of the green roof, 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.

Andy Bates, Area Planning Manager, in reference to the tabled supplementary report addressed the queries raised by members at the site visit. He stated that details of how the trees would be protected would be secured by condition 5. He continued that the stability of the existing boundary wall would need to be considered and that any alteration, loss and or replacement of boundary treatments were covered by the Party Wall Act and drew members' attention to informative 1 that reminded the applicant of their obligations. Members noted that the boundary treatment between the existing community space and private community space would be 2m in height. Andy Bates added that a further condition had been added to secure details of the green roof. He then addressed the issues raised in a further letter of objection from a resident and reiterated the recommendation for approval subject to an additional condition and a Section 106 legal agreement.

Several residents raised the following objections to the proposed development;

- Officers had placed a disproportionate amount of weight on the views expressed by the Planning Inspector on the decision for application reference 12/2813.
- Lack of community engagement in arriving at the scheme which residents did not consider acceptable.
- Loss of mature trees, communal garden space and residential amenity
- The development would lead to a destruction of communal gardens thus setting an undesirable precedent for future applications.
- Devaluation of the value of properties within Thanet Lodge
- Due to loss of amenities, the development should have resulted in a reduction in service charges however, this had not taken place.
- The development would result in a profit to Java Properties and a loss to residents of Thanet Lodge.

The residents also urged members to either defer the application to a future meeting or to impose the following additional conditions to secure the following, if they were minded to grant planning permission;

- Replacement of mature trees.
- Construction of pedestrian access for self-containment.
- Reinstatement of landscaping after construction.
- Party wall agreement should be in place prior to construction.
- Agreement for Considerate Construction Scheme (CCS).
- Use of brick work to model Mapesbury Conservation Area.

In accordance with the provisions of the Planning Code of Practice, Councillor Shaw, ward member stated that she had been approached by residents and that

she had contacted the freeholder. Councillor Shaw spoke in agreement with the requests made by the residents and endorsed their request for deferral of the application.

Mr Michael Burroughs, the applicant's agent, confirmed the applicant's agreement with the requests for landscaping, tree replacement and to enter into the Considerate Contractors' Scheme (CCS).

Members then debated the application. The legal representative advised that service charge levels and devaluation of property values were not material planning considerations and should therefore be disregarded. He took a view that loss or diminution of communal open space was a material planning consideration in this context and cautioned members about the possibility of a potential judicial review if that was ignored and the committee was found to have acted unlawfully. With that in view he advised members to consider deferring the application to encourage community engagement and further negotiations given that the developer had recently met with residents to discuss those pertinent issues on matters raised by them and on balance this seemed a reasonable approach to take.

#### DECISION:

Deferred for further negotiations between the applicant and the residents, noting the desire of the residents to have the site self-contained from the rest of the Thanet Lodge site and to consider the following:

- Creation of revised pedestrian access via Mapesbury Road.
- Reinstatement of landscaping on the site after the implementation of the development.
- Consider an enhanced tree planting scheme on the site so that the one-to-one ratio mentioned in the draft condition was improved upon.
- Construction management plan to cover matters relating to how the development would be implemented (predominantly off Mapesbury Road).
- Need to consider how the development would impact on communal amenity space/delineation of the rear private terrace area.
- Enter into a Considerate Contractors' Scheme (CCS).

#### **7. Car Park at Olympic Office Centre, 8 Fulton Road, Wembley, HA9 0NU (Ref. 14/0363)**

##### PROPOSAL:

Construction of a part 2-, part 19-storey building comprising student accommodation (704 bedrooms and ancillary facilities) and two Use Class A1/A2/A3/A4/A5 and/or leisure units at ground and first floor level and associated landscaping, parking, servicing, public realm works and accesses to the highway. This application has been submitted pursuant to conditions 1 (the Reserved Matters), 9 (car parking), 12 (wind environment assessment) and 30 (student demand assessment) of outline planning permission reference 13/1522.

**RECOMMENDATION:**

Grant consent for the submitted details pursuant to conditions 1 (the Reserved Matters), 9 (car parking), 12 (wind environment assessment) and 30 (student demand assessment) of outline planning permission reference 13/1522.

With reference to the tabled supplementary report, Neil McClellan, Area Planning Manager clarified the issues raised by members during the site visit. Members heard that the proposed building would be 54m (compared to the Civic Centre at 44m) in height and was in accordance with the outline planning consent for the site. The Area Planning Manager informed members that revised drawings and a revised Design and Access Statement had been received which amended the floor spaces and the total number of student rooms from 704 to 699 which complied with the London Plan standards. He continued that as the Sustainability Statement and Energy requirements were set out within the Section 106 legal agreement he advised that they would not be approved as part of the Reserve Matters application. He clarified that the figures for Brent and Mayoral Community Infrastructure Levy (CIL) would be amended to reflect the revised floor space figures submitted by the applicant. The Area Planning Manager undertook to convey a member's request for highways improvement to create a crossing from Fulton Road to the Highways Committee.

**DECISION:** Granted consent as recommended subject to revisions to the description reducing the number of student rooms from 704 to 699.

**8. Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA (Ref.13/3946)**

**PROPOSAL:**

Removal of two existing modular classroom huts and the erection of a permanent three-storey extension to the side of the existing high school sports hall to accommodate the schools 6th form building.

**RECOMMENDATION:** Grant planning permission 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 duly authorised person to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Neil McClellan, Area Planning Manager addressed the issues raised during the site visit in reference to the tabled supplementary report. He stated that the Council had consulted widely with some 300 residents in the neighbouring area and in accordance with normal practice, notice of the meeting and the site visit was sent to those who had made representations. He then outlined separation distances between the proposed building and residential properties and concluded that the extension was considered to have an acceptable relationship with neighbouring properties and their gardens without causing unreasonable glare and noise nuisance from the pupils. He added that although the replacement trees proposed would not obscure the views of adjoining properties, they would provide a natural buffer to the development that would not result in a significant overlooking. Members heard that the Construction Management Plan set out the

access of construction traffic without using Hollycroft Avenue access. The Area Planning Manager pointed out that restrictive covenants were not a valid planning consideration.

Mr Chris Musto, in objection, stated that the proposed extension would constitute an overdevelopment of the site which would result in significant glare, overlooking and loss of privacy to neighbouring residents. He continued that the school had paid little regard to the views expressed by residents about the application.

In accordance with the provisions of the Planning Code of Practice, Councillor HB Patel, ward member stated that he had been approached by residents. Councillor HB Patel raised objections to the proposed extension on the grounds that it would constitute an overdevelopment of the site with inadequate Section 106 legal obligations to compensate for the consequent adverse impact. He continued that the Travel Plan and the conditions recommended would not be sufficient to address residents' concerns.

Mr Matthew Lantos, head teacher of Preston Manor High School outlined the need for the Council to provide additional school places to meet the growing demand, particularly as a result of the expected temporary closure of Copland Community School. He added that the expected pupil numbers and construction traffic would not be excessive and reaffirmed the school's commitment to sustainability.

In response to members' questions, Mr Lantos stated that exit via Hollycroft Avenue would be restricted thus causing insignificant construction traffic impact on the residents. He added that the building would be constructed in accordance with Building Regulations to avoid unreasonable glare. Mr Lantos undertook to review the Travel Plan in order to improve traffic and general safety.

DECISION: Planning permission granted as recommended.

## **9. Planning Appeals 1 - 28 February 2014**

Noted the schedule of appeals for the period 1 – 28 February 2014.

## **10. Any Other Urgent Business**

Neil McClellan

The Committee paid tribute to Neil McClellan, Area Planning Manager who would be leaving the Council, after a considerable number of years' service with Brent Planning Services. Members were unanimous in wishing him every success for the future.

Note:

- i) At 9:30pm the meeting was adjourned for 5 minutes.
- ii) At 10:30pm the Committee voted to disapply the guillotine procedure to enable all applications to be considered.



The meeting closed at 10.45 pm

K SHETH  
Chair