



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Tuesday 17 June 2014 at 7.00 pm

PRESENT: Councillor Marquis (Chair), Colacicco (Vice-Chair), Agha, S Choudhary, Filson, Hylton and Kansagra

ALSO PRESENT: Councillors Butt, Hector, Hossain, Kelcher, Mashari, Nerva and Pavey.

Apologies for absence were received from Councillor Mahmood.

### 1. Election of Vice-Chair

RESOLVED:

that Councillor Colacicco be elected as the Vice-Chair of the Committee for the municipal year 2014-15.

### 2. Declarations of personal and prejudicial interests

Former Kensal Rise Branch Library, Bathurst Gardens NW10 5JA

Councillor Filson declared that as he had previously expressed a view that prejudged the application he would withdraw from the meeting room during consideration of the application.

Councillor Shafique Choudhary declared that as he had expressed a view that prejudged the application he would withdraw from the meeting room during consideration of the application.

### 3. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 17 May 2014 be approved as an accurate record of the meeting.

### 4. Land next to Harrod Court, Stag Lane, London, NW9 (Ref. 14/1108)

PROPOSAL:

Details pursuant of condition 4 (Reserved Matters in relation to appearance, scale, landscaping and layout design of the Medical Centre including pharmacy) of hybrid planning application ref 13/2103 for full planning permission for the erection of a three storey building with a pitched roof to accommodate 11 affordable residential units for shared ownership (5 x 1-bed, 5 x 2-bed and 1 x 3-bed) with associated car parking, cycle storage, landscaping and amenity space; and outline planning

permission for the erection of a medical centre of approximately 1,256sqm, including a pharmacy of approximately 90sqm, together with associated car parking, subject to a Deed of Agreement dated 10 February 2014 under Section 106 of the Town and Country Planning Act 1990, as amended.

RECOMMENDATION: Grant planning permission subject to conditions.

Rachel McConnell, Area Planning Manager, in responding to the issues raised at the site visit clarified that the external materials for the medical centre would take account of the residential scheme and be guided by the Design Code which was approved as part of the hybrid application. She added that full details of external materials including samples for the medical centre were secured as part of condition 17(ii) of the hybrid application. She continued that details of materials for the car parking spaces were secured under condition 18 and that a sign was proposed for each residential car parking spaces showing which flat it was allocated to aid the management.

The applicant's architect explained that two tones of bricks would be used to achieve the shades of colours in compliance with the approved condition on external appearance.

In response to members' questions, the Area Planning Manager stated that although a TPO would not be considered as part of this planning application, a condition has been secured for the protection of the two frontage trees. She added that the agreed car parking provision accorded with maximum standards and although there was no parking control (CPZ) in the area, the Travel Plan proposed would help mitigate travel impact of the development.

DECISION: Planning permission granted subject to conditions and an additional condition on two trees on the site.

## **5. Land next to Harrod Court, Stag Lane, London, NW9 (Ref. 14/1327)**

### **PROPOSAL:**

Variation of condition 22 (change opening hours from 8:00 - 20:00 Mon-Sat to 7:00 - 22:00 Mon-Sun), of application ref: 13/2103 dated 11/02/2014 for a hybrid planning application for full planning permission for the erection of a three storey building with a pitched roof to accommodate 11 affordable residential units for shared ownership (5 x 1-bed, 5 x 2-bed and 1 x 3-bed) with associated car parking, cycle storage, landscaping and amenity space; and outline planning permission for the erection of a medical centre of approximately 1,256sqm, including a pharmacy of approximately 90sqm, together with associated car parking, subject to a Deed of Agreement dated 10 February 2014 under Section 106 of the Town and Country Planning Act 1990, as amended.

RECOMMENDATION: Grant planning permission subject to conditions.

Rachel McConnell, Area Planning Manager explained that the variation of the opening hours was to enable the National Health Service (NHS) to offer patients increased accessibility to clinical services in a primary care setting and to improve availability of appointments, to meet the needs of patients and changing demands with the general increase in population. In respect of concerns raised about on site parking facilities, Rachel McConnell advised the Committee that the highway considerations of the medical centre which formed part of the hybrid application (and had not changed since), were considered as part of the outline consent.

DECISION: Planning permission granted subject to conditions.

**6. 254 & 256 Woodcock Hill, Harrow, HA3 0PH (Ref. 14/0701)**

**PROPOSAL:**

Single storey detached gymnasium to the rear of a residential block of 14 flats approved under outline planning permission reference 06/3267

RECOMMENDATION: Grant planning permission subject to conditions.

In response to a member's question about loss of light, Rachel McConnell, Area Planning Manager explained that the proposed single storey detached gymnasium would be 12 metres away from residential properties and would therefore not give rise to residential amenity issues.

DECISION: Planning permission granted subject to conditions.

**7. 87 & 89 Wembley Park Drive, Wembley, HA9 8HF (Ref. 14/1335)**

**PROPOSAL:**

Change of use of No 87 from an estate agent (Use class A2) into a restaurant (Use class A3) to run in conjunction with the existing A3 use at No 89 Wembley Park Drive

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

With reference to the tabled supplementary report, Rachel McConnell, Area Planning Manager confirmed that the use of the outside area to the rear of the premises was restricted by a condition and that any variation would require planning permission. She explained that the refuse storage area would be used in the same way as no 89 where the refuse bags were taken through the unit to the frontage on collection day. Members heard that the residents above no. 87 did not have access to the outside area to the rear. The Area Planning Manager recommended an amendment to condition 6 as set out in the tabled supplementary and an additional condition restricting amplified music. She also drew members' attention to a further letter of support for the application.

Mr Peter Batkin speaking in support of the application stated that as No. 87 had remained empty for over 5 years the grant of planning permission for the application would be a welcome addition to the regeneration of the local community without generating noise nuisance.

**DECISION:**

Granted planning consent subject to conditions with additional condition restricting amplified music being audible in unit above premises.

**8. Former Kensal Rise Branch Library, Bathurst Gardens, London, NW10 5JA (Ref. 14/0846)**

**PROPOSAL:**

Conversion of the existing vacant building to provide 5 residential units (2 x studios, 1 x 1 bed duplex flat and 2 x 2 bed duplex flats) on part ground and upper floors and 186m<sup>2</sup> community space (Use Class D1) on the ground floor, single storey ground floor extension to west elevation, provision of roof extension and communal residential roof terrace fronting onto Bathurst Gardens and creation of basement for bin/cycle store, provision of new entrance door on Bathurst Gardens serving D1 space, with associated cycle parking and landscaping to Bathurst Gardens and College Road and erection of temporary site hoarding to protect site for period of vacancy.

**RECOMMENDATION:** Grant planning permission subject to conditions.

With reference to the tabled supplementary report, Andy Bates, Area Planning Manager outlined the differences between the application and the previous application that was refused by the Committee in October 2013 (reference 13/2058). Members heard that although the 5.5sqm proposed storage area for the site was potentially in excess of what was required for a community use of this size the Area Planning Manager drew members' attention to a proposed condition as set out in the supplementary report requiring the submission and approval of revised waste storage for community use. He continued that the layout submitted by the applicant would also need to be amended to accommodate the refuse and recycling area.

He continued that the proposed entrance had a sufficient width as set out in the main report which complied with Disability Discrimination Act (DDA) legislation. Although there was scope for a wider door and one with automatic opening, it was not required in this instance as that could result in an additional unnecessary service charge for its maintenance. He explained that although the proposed development could accommodate an internal lobby for the community space, that would result in a loss of community floor space. The Area Planning Manager then referred to the responses to issues raised at the site visit and by Councillor Filson, as set out in the reports.

In accordance with the Planning Code of Practice, Councillor Filson declared prejudicial interest in that he had previously expressed views which prejudged the application. Councillor Filson stated that he wished to remain in the meeting room

after addressing the Committee. The legal representative advised Councillor Filson against his intention not to vacate the meeting room after addressing the Committee as his presence could affect the voting and outcome of the application. In his address, Councillor Filson stated that the current application had addressed the concerns he had previously raised in respect of waste and refuse storage, interior detailing, bicycle storage, planning gain and community use. He withdrew from the meeting room after addressing the Committee.

Mr Karl Abeyasekera an objector stated that there was an on-going police investigation about falsification and disclosure of emails in support of the previous planning application by the developer (13/2058) and urged members to defer consideration of this application until after the conclusion of the investigations.

Mr David Butcher representing Friends of Kensal Rise Library (FKRL) speaking in support of the application stated that on balance the provision of D1 space at peppercorn rent for use as a library was the best outcome in the circumstances. Members heard that a letter of intent for D1 space for library use had been signed by all parties that FKRL would be the preferred group for the D1 library use which would be a thriving community asset, accessible to all residents. In response to Members' questions he confirmed that, at this stage, the FKRL would prefer to maintain the refuse storage in the basement rather than reduce internal floorspace. Ms Stephanie Schonfield who had been listed as an objector but indicated prior to the meeting that she would be speaking in support of the application spoke in similar terms in support of the application.

In accordance with the provisions of the Planning Code of Practice Councillor Nerva declared that he had been approached by FKRL in connection with the application. Councillor Nerva paid tribute to the tenacity of FKRL in their efforts to secure a library which would offer opening hours considerably in excess of the previous library. He however highlighted the lack of affordable housing and bicycle storage.

Mandip Sahota, the applicant's agent stated that the current scheme which incorporated views expressed by residents including FKRL had overcome previous concerns in design terms and offered a larger facility with significant improvement for a variety of community uses. Mr Sahota continued that he was not aware of falsified letters of support in connection with the current application which had the support of FKRL, local residents and councillors.

In response to members' questions about security concerns, the community entrance door and bids from any other community groups, Mr Sahota stated that the 1m wide entrance door complied with the Disability Discrimination Act (DDA) 2010 and would not raise security concerns; he was not aware of any other community group that had submitted a bid for the D1 community use of the scheme. He continued that FKRL were not guaranteed tenants for Kensal Rise Library and that an open bidding process to select a tenant for the community space was planned.

Members then sought legal advice as to whether the investigations referred to by the objector had any bearing on the current application. Horatio Chance, legal representative informed members that the Council's Audit and Investigation unit had concluded its investigation into the allegations and had passed the matter to the Metropolitan Police. He advised that the investigations were not material in the determination of the current application and added that under Section 70 of the Town and Country Planning Act, the Committee had a statutory duty to determine the application, failing which the applicant could appeal to the Secretary of State with implications for cost award against the council. He also advised that Planning Committee could not specify the final tenant for the D1 use as it was out of the scope for the Committee. Stephen Weeks, Head of Planning spoke in similar terms. He also summarised the following options to members:

- To decide the application;
- To defer the application to the next Committee cycle;
- To approve the application and delegate subject to counsel's opinion on the application.

Members voted by a majority to defer for further legal advice on whether the alleged falsification of consultation responses on a previous application relating to the site (ref. 13/2058) would be a material planning consideration in the assessment of this case.

**DECISION:**

Deferred the application for further legal advice on whether the alleged falsification of consultation responses on a previous application relating to the site (ref. 13/2058) would be a material planning consideration in the assessment of the current planning application.

**9. Planning Appeals 1 May to 31 May 2014**

**RESOLVED:**

- (i) that the planning appeals for the period 1 May to 31 May 2014 be noted;
- (ii) that planning appeals would not be included in future agendas for Planning Committee meetings.

**10. Any Other Urgent Business**

None.

The meeting closed at 9.25 pm

S MARQUIS  
Chair