



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 10 December 2014 at 7.00 pm

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

Also present: Councillors Davidson, Kelcher and Pavey

Apologies for absence were received from Councillors Kansagra

1. Declarations of personal and prejudicial interests

4. Perfect Express, 100 High Street NW10 4SL

All members received correspondence from the current tenant.

5. Building Rear of 48 Haycroft Gardens

Councillor Filson received a telephone call from Jean Claude-Allen (objector).

7. 24 Windermere Avenue, London NW6 6LN

All members received an approach from Queens Park Residents' Association (QPRA)

8. 123 Chevening Road, London NW6 6DU

All members received an approach from Queens Park Residents' Association (QPRA)

9. 62 College Road, London NW10 5ET

All members received an email correspondence from the applicants.

2. Minutes of the previous meeting held on 12 November 2014

RESOLVED:-

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

3. Kingsland Hotel, Kingsbury Circle, London, NW9 9RR (Ref.14/2901)

PROPOSAL:

Outline planning application for demolition of the existing 28 bedroom hotel and external store and erection of a new 3, 4, 5 and 6 storey 92 bedroom hotel with associated alterations to car park layout and vehicular access off The Mall and landscaping along the frontage (matters to be determined: access, appearance, layout and scale).

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 and subject to conditions listed after paragraph 48, 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.

Steve Weeks (Head of Planning) informed members that although the proposed parking spaces of 7 (including four disabled spaces) would be less than the current provisions of 15 to 20 spaces, Transportation had advised that the proposed parking provision for the new hotel would be acceptable and with parking standards as set out in the Unitary Development Plan. He added that on-street parking space and Pay and Display in Kingsbury Road was considered adequate to address any overspill parking. The Head of Planning however recommended that the Section 106 legal agreement be updated to remove the rights for staff and the hotel operator to apply for business parking permits. He also recommended additional conditions requiring the applicant to provide further details regarding the refuse storage facilities and collection arrangements. With reference to the supplementary report, the Head of Planning also recommended a further condition for a revised roof plan to be provided that showed additional PV panels where appropriate and for the Energy Report to be secured as part of the Section 106 Agreement

Malcolm Honour (applicant's agent) stated that the application was for a renewal of an expired planning permission granted on 14 October 2011 to demolish the existing 28 bedroom hotel and external store and erection of a new 3, 4, 5 and 6 storey, 92 bedroom hotel with associated alterations to car park layout and vehicular access. He continued that the difference between the current application and the previous scheme from 2010 was that outline planning permission to agree the principle of development was now being sought rather than full planning permission. Members heard that the application complied with the Council's policies and the London Plan.

In response to members' questions about parking, Malcolm Honour stated that on site parking would not be provided except for disabled spaces and that general parking provisions would be available on-street and via Pay and Display facilities. In respect of coach parking, he referred to the Travel Management Plan details of which would be submitted for approval. He continued that any contribution

towards the introduction of CPZ in the area would be addressed in the Section 106 agreement and indicated that the applicant would be willing to contribute 25% of the consultation costs for CPZ.

DECISION: Planning permission granted as recommended and subject to additional conditions on the following as set out in the supplementary report;
25% contribution (capped at £15,000) towards future CPZ consultation in the event that agreed triggers are met and conditions requiring further details of CHP, plant and extraction flue.

Revised roof plan showing additional solar panels;

Travel management plan

Combined Heating Power.

4. PERFECT EXPRESS, 100 High Street, London, NW10 4SL (Ref.14/1719)

PROPOSAL:

Change of use from retail (Use class A1) to coffee shop/restaurant (Use class A1/A3), installation of new shop front, erection of a single storey rear extension with air conditioning units mounted onto the roof and installation of extract duct to the rear elevation.

RECOMMENDATION: Grant planning permission subject to conditions set out after paragraph 14 of the report.

Andy Bates (Area Planning Manager) in reference to the supplementary report informed members that the applicant had confirmed that the location of the proposed A/C units at the courtyard wall at ground floor level to the rear of the site would minimise noise and visual impact. The drawings had been amended accordingly. He also referred to an additional representation by the present occupier reiterating his concerns and which had been discussed in the main report.

Yusuf Abrishami, the current occupier and an objector to the application stated that the application was a submission of the refusal of a similar change of use application to convert the property from an A1 premises in use as a dry cleaners to an A3 restaurant. He continued that the reasons for refusal on grounds of loss of vitality in the primary frontage and lack of detail relating to the extract system had not changed. He added that the location of fire exit and the air condition unit would be inappropriate. Yusuf Abrishami alleged that the report contained misleading and somewhat irrelevant information particularly on rent payment. In response to a member's enquiry, the objector clarified that although the lease for the premises expired in 2012, he had via negotiations, managed to secure tenancy at will since then.

Horatio Chance, legal representative advised members that matters relating to lease and rent payment were of a property law nature and should therefore not be classed as relevant material planning considerations so would have to be disregarded.

Lorraine Davidson (applicant's agent) stated that the principle of development was acceptable and that the proposal would enhance the retail vitality of the Town Centre. She continued that although there was no need for the extractor equipment, measures had been taken to ensure one was appropriately sited to the rear following an acceptable acoustic assessment. Members heard that subject to consultation, a conservation area signage would be supplied. She confirmed that the applicant would be happy to accept a further condition that tables and chairs would not be placed outside of the shop and on the pavement.

DECISION: Planning permission granted as recommended and subject to amended plan numbers and an additional condition to restrict the use of chairs and tables outside the premises.

5. Building rear of 48 Haycroft Gardens, London (Ref.14/2761)

PROPOSAL:

Demolition of existing garage to the front and gym block to the rear and erection of a 3 bedroom bungalow on land to the rear of 48 Haycroft Gardens, NW10, with associated access, provision for car and cycle parking, bin stores and landscaping.

RECOMMENDATION: Grant planning permission subject to conditions listed after paragraph 14 of the report.

Andy Bates (Area Planning Manager) with reference to the supplementary report informed members that the scale of the proposed dwelling had been reduced and he therefore corrected the description from 3 bedroom to 2 bedroom bungalow. In order to secure information relating to boundary treatment, he added an additional condition on details of fencing as set out in the supplementary report.

David Chambers, an objector, stated that the proposed development within a back garden would be contrary to the suburban character of the area and local urban grain (Policy H15). He added that the proposal would lead to increased noise and disturbance associated with occupancy of the site as a dwelling, resulting in adverse impact on local parking conditions. David Chambers informed members that the reasons for refusing the application in 1994 were still valid. In response to members' questions, David Chambers stated that due to potential over-intensive use rather than personal use of the "Dojo", the proposal would give rise to security issues and additionally, would not improve the character of the area.

Luke Allen an objector reiterated the concerns expressed by the previous objector and objected to the principle of development on the site on the grounds that the proposed development would result in light pollution from the "Dojo".

In response to the concerns raised by the objectors, Andy Bates stated that the proposal would increase natural surveillance of the area and would have a boundary treatment as an additional condition. He added that there were additional restrictions on the use of the 'Dojo' building to reduce its impact on neighbours. In relation to concerns raised about general noise and disturbance from the proposal, he drew members' attention to the reduction in the number of

bedrooms and the restriction on vehicular parking to the front of the site to prevent vehicles from entering the rear part of the site. He added that given the separation distances between neighbouring properties, it was not considered that the development would have a materially harmful impact on noise and disturbance to neighbours given the general pattern of development elsewhere. He continued that the removal of permitted development rights would allow future control to be exercised over building extensions and outbuildings in the interests of residential amenity.

In accordance with the provisions of the Planning Code of Practice, Councillor Kelcher stated that he had been approached by the residents in connection with the proposed development. Councillor Kelcher objected to the proposal on the grounds that it would constitute a backland development which would result in loss of trees, privacy and noise nuisance for neighbouring residents.

Harman Sond (applicant's agent) stated that the scale of the development had been reduced from 3 bedroom to 2 bedroom with acceptable Design and Access Statement submitted. He referred to the additional condition on details of fencing and boundary treatment which would minimise any potential impact on neighbouring residential amenity. The agent confirmed that the proposal would have a lesser footprint but the height would remain the same as the existing house. In response to a member's enquiry, the applicant's agent stated that he had worked with officers and the Fire Service to ensure that access for emergency vehicles would not be impeded. He added that a considerable distance had been maintained to minimise potential light pollution to the occupants of No 46, although the applicant would welcome an additional condition to control lighting, if members were so minded.

Steve Weeks (Head of Planning) clarified the separation distances and reiterated the additional condition on external lighting to control amenity space and the restriction to control access to vehicles erring the site.

DECISION: Planning permission granted as recommended subject to amended description to 2 bed bungalow and additional conditions requiring details of fencing as set out in the supplementary, limit to external lighting and access to vehicles to the site..

6. Land rear of 40-42 Okehampton Road, London (Ref.14/2761)

PROPOSAL:

Demolition of 4 garages and erection of a two-storey, 3/4-bedroom dwelling house with basement containing habitable rooms, timber fencing (1.8m high) to boundary, installation of vehicular and pedestrian gate to front, formation of new pedestrian access, alterations to narrow existing vehicular access to site and raise part of existing dropped kerb, with provision of 1 car-parking space.

RECOMMENDATION: Grant planning permission subject to conditions listed after paragraph 15 of the report.

With reference to the supplementary report, Andy Bates (Area Planning Manager) informed members that having assessed the proposal against the Council's UDP policies there were no sufficient grounds to resist the proposal on the basis of design. Whilst acknowledging that the style of architecture proposed would be different to that of the existing neighbouring properties, the proposal would have an innovative contemporary design with its height significantly below that of the adjacent No.44 Dundonald Road and would be sited forward of the main front wall of properties. He submitted that the design represented a high quality building based on well composed elevations, high quality architectural detailing and an acceptable palette of materials. The Area Planning Manager added that any grant of planning permission would not entitle the developer to access land without the agreement of the landowner. He drew members' attention to an additional condition recommended by the Tree Protection Officer to ensure that the proposed works would not harm the street tree located approximately 5.3m from the proposed dwelling house, as set out in the supplementary report.

Matthew Hancock (an objector) stated that although he did not object to the principle of the development, he considered that the current proposal would be out of character with the Area of Distinctive Residential Character (ADRC). He also expressed concerns about loss of light to No. 44 Dundonald Road and urged members to refuse the application. In response to a member's question, Matthew Hancock stated that he would welcome an opportunity to meet and discuss with the applicant an appropriate scheme which would enhance but not detract from the area.

John Keutgen (Chair of APTRA) in objection stated that the proposed development would not complement with the ADRC as it would be an incongruous development which would result in loss of privacy. He urged members to refuse the current application.

Mike Brazier (applicant) submitted that the current application incorporated an attractive and modern design and that the changes were to enable more light. In response to members' questions the applicant stated that the garages which were to be replaced with the dwelling house of appropriate design quality, were derelict and not much used. He added that the scheme would not be out of character and that there would no impact on above ground appearance. He continued that the impact on the neighbour's bay window would be minimal and that he did not intend to stray on to the neighbour's property during construction

DECISION: Planning permission granted as recommended subject to an additional condition on trees as set out in the supplementary report.

7. 24 Windermere Avenue, London, NW6 6LN (Ref.14/2970)

PROPOSAL: Creation of a basement level to include light wells to the front and rear garden of dwelling house

RECOMMENDATION: Grant planning permission subject to conditions listed after paragraph 17 of the report.

Andy Bates (Area Planning Manager) with reference to the supplementary report informed members that in relation to the window design, the front glazing would be a door with the same width as the sash window above and that its design would not be visible from the street and as such, the proposed glazing was considered acceptable. He reported on discussions with Brent's Environmental Health Officers about the impact of the proposal on structural integrity and water table adding that the extension would make little difference to any superficial ground water. Members heard that the Basement Guidance document would advise the applicant of the Council's requirements to control noise and disturbance for the proposal. Additionally, Brent would require by condition that the developer joined the Considerate Contractor Scheme prior to undertaking works and the importance of complying with the Party Wall Act. The Area Planning Manager also drew members' attention to an email from the applicant which had been circulated to all members of the Committee and which provided further details on how the proposal would be constructed..

Robin Sharp and Richard Johnson representatives of Queens Park Residents' Association (QPRA) objected to the proposed development on the grounds that it would detract from the character of the area. They added that the proposal would cause noise and disturbance during construction and in the longer term could cause structural movements to adjoining houses as neighbouring houses had shallow foundations. They also expressed concerns about environmental pollution that could ensue and urged members to refuse the application until after further consultations with residents had been taken place on the principle of basements.

In response to members' questions, QPRA representatives stated that light emanating from the development would not enhance or preserve the status and character of the conservation area. They added that the detrimental structural impact of the development which could take several years to surface. Furthermore, the proposal could set a precedent for similar undesirable developments in the area.

DECISION: Planning permission granted as recommended.

8. 123 Chevening Road, London, NW6 6DU (Ref.14/3443)

PROPOSAL: Construction of basement to include light-wells at front and rear of property and enlargement of flank wall window to dwelling house.

RECOMMENDATION: Grant planning permission subject to conditions as listed after paragraph 14.

Andrew Zein (applicant) speaking in support of his application stated that he had maintained the footprint of the house and adhered to the design guide. He added that the internal stairwell would be built to a high standard to incorporate a fire escape. In response to a member's question the applicant stated that the Council's Building Regulations Officers were satisfied with the vibration testing conducted for the proposed development.

DECISION: Planning permission granted as recommended.

9. 62 College Road, London, NW10 5ET (Ref.14/3550)

PROPOSAL: Change of use from retail (Use class A1) to a 1 x1 bedroom residential flat (Use class C3) on the ground floor.

RECOMMENDATION: Grant planning permission subject to conditions as set out after paragraph 17 of the report.

Andy Bates (area Planning Manager) with reference to the supplementary report clarified the location of other retail/convenience stores in the area. He then referred to emails from Councillors Denselow, Nerva and Southwood in respect of loss of employment and stated planning considerations identified in the main report outweighed concerns in relation to loss of employment opportunities.

In accordance with the provisions of the Planning Code of Practice, Councillor Davidson stated that he had been approached by residents and that he had in the past used the retail facility of the shop. Councillor Davidson objected to the proposal on the grounds of loss of employment and loss of vital service to the immediate community. He added that the loss of the shop would present an unacceptable visual impact and through loss of lighting from the shop, would result in a detriment to the safety and security of residents.

In accordance with the provisions of the Planning Code of Practice, Councillor Kelcher stated that he had been approached by members of the public and the shop tenants. Councillor Kelcher echoed the concerns expressed by Councillor Davidson and added that as the shop provided a suitable facility, its loss would represent a loss of retail centre within the community. He continued that due to the loss of employment which would result, the application would be contrary to the Council's Unitary Development Policies (UDP).

In the ensuing discussion Councillor Filson supported the views expressed in Councillor Nerva's email and added that residents would have to cover long distances to similar shops. Members were also mindful of the importance of the shop and the services it offered in the local community. Some members sought information on the lease agreement for the shop. The legal representative advised the Committee that they advised the committee that they should not be confiding the lease / landlord and tenant issues as part of their planning considerations. The committee was not concerned with the landlord and tenant nature of the premises but merely the use of the premises in planning terms.

DECISION: Refused planning permission for the following reasons;
Notwithstanding policy SH18, the particular nature of the shop, its importance within the local community and the services it provided to the local area were of particular value to local residents.

10. 36 Regal Building, 75 Kilburn Lane, North Kensington, London, W10 4BB (Ref.14/4024)

PROPOSAL: Rooftop extension and internal alterations to provide additional living accommodation to 2 x existing third floor residential properties.

RECOMMENDATION: Grant planning permission subject to conditions and informatives as listed after paragraph 9 of the report.

Andy Bates (Area Planning Manager) informed members about the changes and differences between this application and the previous proposal which was considered to be materially harmful to residential amenity and the character and appearance of the area. He continued that the changes outlined within the main report had addressed the harm previously identified so that the application was now considered acceptable. It would not have a significant harm on the character and appearance of the area and residential amenity. Members heard that the scale size which would be suitable to the existing frontage development complied with the requirements of policies BE9 and H15 of Brent's UDP and the guidelines set out in SPG 17: Design Guide for New Development.

Jonny Barrett (applicant) was present to answer members' queries. He stated that in order to restrict overlooking, he proposed to have a 2m high boundary timber screen. With respect to 1-2 Bannister Road, he stated that whilst it would not comply with the guidance, the extension would not be materially harmful than the existing visual relationship between this property and the application proposal given the 3.5m set back. He continued that the revised plans demonstrated that the extension would comply with the 30 degree guidance contained in SPG17 in respect of the rear facing windows of the frontage building.

DECISION: Planning permission granted as recommended.

11. College of North West London Willesden, Dudden Hill Lane, London, NW10 2XD (Ref.14/3841)

PROPOSAL: Proposed redevelopment of Edison Building and erection of a new 5 storey building for educational use.

RECOMMENDATION:

Granted planning permission subject to the conditions and informatives listed after paragraph 20 and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of 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) informed members that as the proposed building would be 1.8m higher than the existing building and would not unacceptably impact on neighbouring amenity it was considered to be acceptable. With reference to the supplementary report and in respect of the scope for improving its BREEAM score, he stated that the College was confident of achieving BREEAM Excellent but at a cost to the College. He then drew members'

attention to the amended Heads of Terms as set out in the supplementary report, amended condition 10 on boilers and the condition on Considerate Construction Method Statement.

Ian Davies (the applicant's agent) paid tribute to officers for their contribution prior to submission. Members heard that the College was noted for its high standard of education to students in the area and had a good reputation in construction technology. He advised members that the College's bid had passed the initial Expression of Interest stage and funding had been secured from London Enterprise Panel (LEP) and subject to detailed approval, the budget for the project would be increased. He concluded by stating that the project would enable the College to offer new curriculum to enable students to secure employment.

DECISION: Planning permission granted as recommended subject to amended condition 10; construction method statement and amended heads of terms as set out in the supplementary report.

12. Any Other Urgent Business

None at this meeting.

The meeting ended at 11.15pm

Note: At 10.00pm, the Committee agreed to suspend Standing Orders to enable members to consider all applications on the night.