



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Wednesday 3 June 2015 at 7.00 pm

PRESENT: Councillors Marquis (Chair), Agha, S Choudhary, Ezeajughi, Hylton, Mahmood and M Patel

ALSO PRESENT: Councillors Chohan, Filson and Pavey

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

6. All Units, Queens Studio, 117-121 Salusbury Road NW6 6RG

All members received an email from Mr George Loizou, a local resident and a briefing note from Mr Raj Madar on behalf of the applicant. Members confirmed that they would approach the application with an open mind.

Councillor Choudhary explained that he had made a comment on the application during the site visit which could be open to misinterpretation but confirmed that he would approach the application with an open mind.

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

RESOLVED:-

that the minutes of the previous meeting held on 21 April 2015 be approved as an accurate record of the meeting.

### 3. **Land at the Junction of Yeats Close & Great Central Way, London, NW10 (Ref. 14/4469)**

PROPOSAL: Erection of a warehouse / industrial building for flexible use within Use Class B1(b) (research and development), B1(c) (light industry), B2 (general industry) and/or B8 (storage or distribution) purposes with ancillary B1(a) (office) floor space on the first and second floors; vehicle, cycle and bike parking, landscaping and fencing.

RECOMMENDATION:

Grant planning permission subject to the conditions listed after paragraph 27, the completion of a satisfactory Section 106 or other legal agreement as amended in the Heads of Terms as set out in the supplementary report and delegate authority to the Head of Planning or other duly authorised person to agree the exact terms thereof on advice from the Chief Legal Officer, subject to the conditions set out in the Draft Decision Notice.

Andy Bates (Area Planning Manager) updated members on the work that had been undertaken by Officers in order to resolve the issues relating to the possible

displacement of vehicles that currently park on Yeats Close. He continued that following a review of the Deeds for the strip of grassland which would be required for the construction of a lay-by on the opposite side of the road from the application site, Officers in the Council's Property and Projects Section had confirmed that there were no covenants which would prevent the transfer of the land to the Highway Authority. The legal processes required to be undertaken by the Council would take approximately 8 weeks. Although Officers were confident that the applicant would be able to undertake the construction of the lay-by via a S278 agreement, Andy Bates recommended amendments to the S106 Heads of Terms as set out in the supplementary report.

Ashley Chambers (applicant's architect) reiterated the extensive work undertaken by the applicant in partnership with the Officers of the Council to resolve the issues for which the application was deferred from a previous meeting. He added that the scheme complied with the Wembley Area Action Plan (WAAP). The architect informed members that an acoustic fence would be erected and that any suggestion to restrict the hours of operation would be detrimental to the development which was for employment use and activity.

In response to members' questions, the architect stated that six van parking spaces would be provided and that measures outlined in the applicant's air quality assessment submitted with the report confirmed that any pollution impact on residents would be insignificant. He continued that noise survey undertaken confirmed that as a distribution depot, noise impact would be at an acceptable level and without air borne pollution. In respect of a suggestion for conditions to restrict the hours of operation, the Area Planning Manager advised that as an employment site, it would be unreasonable to impose any restriction on hours of operation. In respect of signage, he suggested an informative advising the applicant to discuss future signage in the locality as a matter of urgency with the Highways and Transportation Section.

DECISION:

Granted planning permission as recommended and an informative advising the applicant to discuss future signage in the locality as a matter of urgency with the Highways and Transportation Section.

**4. Former Oriental City, 399 Edgware Road, Kingsbury, London, NW9 (Ref. 15/1337)**

PROPOSAL:

Reserved matters application for construction of a part 2-, part 9-storey buildings comprising 183 residential units (52 x 1 beds, 67 x 2 beds, 51 x 3 beds and 13 x 4 beds) with associated landscaping, parking and servicing (Phase 2). This application has been submitted pursuant to conditions 4 (the Reserved Matters), 37 (car parking), 38 (servicing details), 39 (cycle parking), 41 (residential unit mix) and 42 (details of housing quality) of Outline planning permission reference

12/2166 (subsequently varied by application ref: 14/4965 dated 18 March 2015 and non material amendment ref: 14/3849 dated 5 January 2015).

RECOMMENDATION: Grant planning permission subject to conditions set out in the Draft Decision Notice.

Rachel Murrell (Area Planning Manager) with reference to the supplementary report clarified the issues raised during the site visit. Members heard that under the hybrid planning consent, a financial review mechanism had been incorporated into the S106 legal agreement to secure any identified surplus towards the provision or improvement of affordable housing in the borough, capped at £3,600,000. She advised that the S106 legal agreement also secured employment training plans for each phase of the development. She continued that officers in Property and Education had not as yet identified a school operator, noting that the deadline for achieving this target was June 2016.

Tom Vernon (applicant's agent) stated that he had worked in close partnership with officers to bring forward an acceptable hybrid scheme which would assist with the regeneration of the site including residential accommodation. He added that an acceptable car parking provision had been agreed and that within the S106 agreement, if controlled parking (CPZ) was introduced, residents would not be entitled to parking permits. The agent continued that the applicant expected residents to register as new patients with local existing General Practitioners (GP).

DECISION: Planning permission granted as recommended.

**5. 13 & 13A Carlisle Road, Kingsbury, London, NW9 0HD Queensbury (Ref. 14/1482)**

PROPOSAL:

Change of use of the premises into a food production unit (Use class B2) to include the creation of a multi-vehicle despatch facility, loading bays and alterations to the front pavement

RECOMMENDATION:

Grant planning consent subject to the conditions as set out in the Draft Decision Notice and amendments as set out in Supplementary Report to conditions 2 (approved plans), 6 (tree planting), 7 (hard standing) and 8 (ventilation and extraction).

With reference to the supplementary report, Rachel Murrell (Area Planning Manager) outlined the noise complaints reported to Environmental Health and how they had been dealt with by the applicant.. She continued that the applicant had submitted updated plans showing the siting of acoustic screens either side of the extension, following the profile of the roof to assist with noise management of the site. The Area Planning Manager informed members that the applicant had advised that the timings of servicing would follow the same routine as has been in

existence for many years. Members heard that the applicant had requested that the hard standing at the front of the plot should not be restricted to permeable material as easy cleaning of such an area was important for food factories. In respect of that, Rachel Murrell recommended an amended condition requiring details of the hard standing to be submitted for approval, as set out in the supplementary report.

Dipak Patel and Nigel Raveneau (objectors) expressed concerns about noise nuisance from the applicant's current operations which they felt would be aggravated by the proposed development. They added that rat and mice infestation and food odour would also increase to the detriment of residential amenity. They continued that their concerns had not been adequately addressed by the applicant and the Council's Environmental Health Officers.

David Quinn (applicant's agent) drew members' attention to the measures that the applicant would put in place including an acoustic barrier and modern refrigeration panels to mitigate the concerns expressed by the objectors. He referred to the Council's Environmental Health Officer's conclusion that there had been a significant improvement in noise generation at the site. In response to members' questions, the applicant's agent stated that the applicant would make every attempt to improve the operation in the service yard, including training of staff and notices to the drivers advising them of the need to respect their neighbours.

In bringing the discussion to an end, the Chair remarked that the operation of the business had previously had a detrimental impact on residential amenity and in order to minimise future impacts, she suggested additional conditions requiring the applicant to erect a suitable tarmac or alternative surface between 13 and 13A and the submission of a servicing management agreement. These were put to the vote and declared carried.

DECISION:

Granted planning permission as recommended with additional conditions for suitable tarmac or alternative surface between units 13 and 13A to the front of enclosed loading bay (between units 11 & 13 and submission of a Servicing Management Agreement.

**6. All Units, Queens Studio, 117-121 Salusbury Road, London, NW6 6RG (Ref.14/4719)**

PROPOSAL: Change of use of existing offices (Use Class B1(a)) to residential (Use class C3) and construction of an additional two storeys to create 32 self-contained flats (1 x studio, 12 x 1 bed, 12 x 2 bed and 7 x 3 bed) and associated landscaping and external alterations.

RECOMMENDATION:

Grant planning permission subject to the recommended conditions set out in the draft decision notice at the end of the report and 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 Chief Legal Officer.

Andy Bates (Area Planning Manager) in reference to the supplementary report clarified the issues raised during the site visit. He stated that the overall height of the proposed development would result in an increase of 2.7m from the highest point of the existing building to the highest point of the proposed building at the front. However, the additional height would be minimised, in part, through the utilisation of roof space. He added that the changes to the windows would have an acceptable impact on the appearance of the building. Members heard that the separation distances between the proposed extensions and St Anne's Court would be sufficient to ensure reasonable daylight, outlook and privacy was maintained. Andy Bates explained that the existence of a prior approval for flats in the building was a material consideration.

The Area Planning Manager informed members that the site was located outside of, but between, two Conservation Areas (Queens Park and Paddington Cemetery) and whilst the proposed development would have an acceptable impact on the setting of the Paddington Conservation Area, any alteration to the cemetery wall would require a separate grant of Listed Building Consent. He continued that the good access to public transport in association with the inability of future residents to be able to apply for parking permits would mean that the proposal would be unlikely to result in unacceptable highway conditions. He added that the site was within a controlled parking zone (CPZ) and had access to good transport links, which would minimise parking demand.

Richard Johnson objecting on behalf of Queens Park Area Residents' Association (QPARA) stated that the proposed development of 32 flats would constitute an over-development of the site. He added that its modern design would be out of character with properties in the area and that the addition of two floors would conflict with the characteristic Victorian design of the lower floor. He informed members that due to its massing, density and height, the proposed development would have an adverse impact in terms of loss of privacy and outlook of the residents of the adjoining St Anne's Court.

Will Kumer (applicant's agent) stated that the proposed development for 32 flats would provide 13 affordable dwelling units. He added that mitigating measures had been carried out to ensure that any adverse impact was significantly reduced. He reiterated that the proposal was for a car free development within a CPZ area, drawing members' attention to the incorporated exterior landscaping and improved security. He continued that the proposal which complied with the London Plan would seek to prevent overlooking via the provision of adequate separation distances and the use of obscure glazing.

In response to members' questions, the agent stated that parking provision would be available for blue badge holders. He clarified that the tenure for the flats would be a mix of intermediate/shared housing and affordable housing units. The agent added that overlooking would be minimised by obscure glazing and that outlook

would be improved. He added that in order to maintain the façade of the building, details of materials to be submitted would seek to blend with the character of the buildings in the area. He also drew members' attention to proposed soft landscaping scheme for communal garden amenity.

DECISION:

Granted planning permission as recommended and additional conditions requiring details of a communal satellite system to be submitted and approved and an amendment to condition 8 for a review of treatment of materials on 1st and 2nd floors of the existing building.

**7. 2-8 Malvern Road, London, NW6 5PP (Ref. 15/1050)**

PROPOSAL: Demolition of doctor's surgery (Use Class D1) and erection of a 5 storey building comprising 9x self-contained flats (1x 1 bedroom, 6 x 2 bedroom and 2 x 3 bedroom), erection of bin and cycle store and associated landscaping.

RECOMMENDATION: Grant planning permission subject to the conditions set out in the Draft Decision Notice.

Andy Bates (Area Planning Manager) clarified the issues raised at the site visit. He informed members that the existing permission (reference 10/0047) for 3 years would expire on 28/06/16. In respect of the height of the building he stated that the proposed building would be 1m higher than the existing permission. However, its scale and massing and a top floor set-in of 3.1m from the side boundary was considered acceptable. He informed members that the Daylight and Sunlight report submitted by the applicant concluded that there would not be an unacceptable impact on neighbours, including those opposite to the site and neighbours at 197-205 Shirland Road. Furthermore, the separation distance across the road of between 16m and 19m was considered acceptable and comparable to the relationship under the approved scheme, 10/0047.

In respect of the impact of the proposed development on the character of the area, Andy Bates clarified that whilst the proposed building would be close to boundaries and significantly higher (five stories in height), its location within the South Kilburn Regeneration Area had specifically been identified as being appropriate for a development of this scale in the adopted South Kilburn Masterplan. As such it was considered to be visually acceptable and appropriate to the urban context of the site. Members were advised that matters relating to restrictive covenants were property rather than planning issues and as such should not be considered as material planning considerations in the determination of any proposal. In respect of an additional representation received from Westminster City Council objecting to the proposal on the grounds of loss of the D1 use, Andy Bates stated that the report explained why officers did not feel that a D1 use had to be retained on the site.

Sarah Greasley (objector) stated that the proposed building would be excessive in height which would cause a significant loss of daylight as well as result in

overlooking to neighbours. She added that there was inadequate separation distances to protect and preserve the amenities of the neighbours.

Graham Murdoch (applicant's agent) informed members that the proposed development would be an improved scheme on the previous permission. He continued that the daylight and sunlight report confirmed that the proposed development would have a minimal impact on the neighbours and that residential amenity would not be compromised. In response to a member's suggestion, the applicant's agent confirmed that he would accept further conditions for balcony frosted windows and a requirement to contribute towards landscaped improvements to the public space to the north of the site.

DECISION: Granted planning permission as recommended and additional conditions for obscure glazing to the balcony and a Section 106 financial contribution towards landscaped improvements to the public space to the north of the site.

## **8. Any other urgent business**

### **Minutes of the meeting held on 4 March 2015**

Bowling Club and Collins Lodge, King Edward VII Park, Park Lane, Wembley (Ref. 14/4208)

The Committee re-considered an extract from the minutes of the meeting held on 4 March 2015 in relation to Bowling Club and Collins Lodge, King Edward VII Park, Park Lane, Wembley (Ref. 14/4208) following comments made by an objector to the application who addressed the meeting. The objector considered that the minutes were, in part, not an accurate reflection of her address. Members considered the version submitted by the objector (reproduced below) and agreed that the objector's comments be appended to the minutes as a true reflection of her address.

*"The proposed land swap is sloping, waterlogged on recent visits with restricted views across the park. Several trees beside the footpath obstruct the views across the park. The land is not functional and usable. No replacement building is proposed, there will be no indoor community space. Not only is it not a comparable land swap, it is actually an inferior replacement."*

*"King Edward VII Park was bought by the council in 1913 (and opened in 1914) to compensate the residents of Wembley for the loss of Parkland at Wembley Park, which was being developed as a high class residential garden suburb."*

*Also "paragraph 71 and CP18 of the Core Strategy" should say:"paragraphs 74 and 123 of the National Planning Policy Framework, CP18 of the Core Strategy and the All London Green Grid."*

The meeting closed at 10.05 pm

S MARQUIS  
Chair

Note: At 10.00pm, the Committee decided to disapply the guillotine procedure to enable all applications to be considered on the night.