

LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 26 August 2015 at 7.00 pm

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

Also present: Councillors Davidson, Pavey, Shahzad, Ms Shaw and Thomas

1. Declarations of personal and prejudicial interests

4. All Flats at Jubilee Heights, Shoot-up-Hill NW2 3UG
All members declared that they had received emails from the agent representing the applicant and the Jubilee Heights and Cedar Lodge freeholders.
6. 58 Neasden Lane, London NW2 2UJ
All members declared that they had received emails from the applicant's agent.
12. Dawson Road, London NW2 6UA
Councillor Colacicco declared that she had been approached by local residents and would therefore withdraw from the meeting room during consideration of the application.

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 29 July 2015 be approved as an accurate record of the meeting.

3. 24-51 inc, John Barker Court, 12-14 Brondesbury Park, Kilburn, NW6 7BW (Ref. 15/1539)

PROPOSAL: Change of use of existing flats at 24-51, John Barker Court, into a hostel (Use class Sui Generis) for a temporary period of 1 year

RECOMMENDATION: Grant planning permission subject to conditions.

Stephen Weeks (Head of Planning) outlined the scheme and stated following the decision not to progress the application for lack of consultation with residents of Alan Preece Court, full consultation had been carried out and representations had been received from some residents and Councillor Shaw. Members were informed that officers had reviewed the representations received and were satisfied that the issues raised as a result of the consultation had been addressed

in the report. In reference to the main report, he explained how the issues had been addressed and reiterated that the proposal was for a temporary period of one year only.

Rob Churn (Chair of Brondesbury Park Residents' Association) stated that the proposed change of use into a temporary hostel would be inappropriate, adding that the influx of residents would raise health issues without adequate protection for vulnerable residents. In his view, issues relating to fire, asbestos and Legionnaires' had not been addressed.

In accordance with the provisions of the Planning Code of Practice, Councillor Shaw, ward member stated that she had been approached by residents. Councillor Shaw reiterated concerns about the consultation process being flawed and stated that the accommodation was not fit for purpose and that no health and safety check had been carried out to ascertain the level of risk for Legionnaires' disease. She continued that no robust financial assessment had been produced for the applicant. She urged members to require the applicant to implement the advice by Police including the installation of CCTV cameras.

Councillor Davidson stated that he had been approached by members of Brondesbury Park Action Group and echoed the sentiments expressed by Councillor Shaw. He went on to raise procedural issues including possible conflict of interests as the applicant and the Council shared the same address.

Patricia Bramwell (legal adviser) stated that members had a duty to determine the application with an open mind taking into account any new information that had come to light since the last meeting. She continued that natural justice required the application to be brought back before members for determination. The legal adviser added that no member had declared an interest in the application and that it was not unusual for local authorities to submit planning applications for themselves.

Tim Gray (Applicant, Housing Needs Unit, Brent Council) informed members that the application was being submitted to address the acute shortage of accommodation for families in the borough. He clarified that previous residents were moved out not for health and safety reasons but rather the standard of accommodation was not appropriate in the longer term for elderly persons.

In response to members' questions, Tim Gray stated that the issue with Legionnaires' disease had been addressed by chemical dosing and further disinfecting processes. He assured members that measures would be put in place to minimise any such risks and that as part of the management contract, there would be a 24 hour cover with a CCTV camera installed.

DECISION:

Granted planning permission as recommended.

4. All Flats at Jubilee Heights, Shoot Up Hill, NW2 3UQ (Ref. 15/0064)

PROPOSAL:

Erection of a 6-storey building comprising 5 x 2 bedroom self-contained flats with roof garden attached to the Jubilee Heights building to also include the removal of existing vehicular access and cross over off Shoot Up Hill and installation of new pedestrian gates, railing and brick piers with access from Exeter Road

RECOMMENDATION:

Grant planning permission subject to 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 Chief Legal Officer, subject to the conditions set out in the Draft Decision Notice.

Stephen Weeks (Head of Planning) outlined the scheme and referenced the supplementary report circulated prior to the meeting which set out the residents' concerns and the applicant's response clarifying the certificate of ownership and parking spaces. The Head of Planning reiterated the recommendation for approval subject to conditions set out in the draft decision notice.

Lucy Gardiner speaking on behalf of the Jubilee and Cedar Lodge freeholders stated that the proposal represented an over-development of the site which would result in loss of greenery as well as impede access to the site for pedestrians, waste and emergency vehicles. She continued that as the area was already fully parked with a single lane road, the parking situation would be made worse by the proposed development.

O Sowunmi (objector) echoed similar sentiments adding that the proposal would result in a reduction vehicular access points and obstruction to emergency vehicles. She went on to clarify that one half of Jubilee Heights would be inaccessible to emergency vehicles including the fire service. She continued that the proposal would result in less space for car parking particularly in the Exeter Road area.

In accordance with the provisions of the Planning Code of Practice, Councillor Shahzad (ward member) declared that he had been approached by the freeholders and other residents. Councillor Shahzad raised concerns on behalf of the residents in respect of inadequate access points which could result in fire risks, inadequate parking facilities, loss of greenery and playground facilities and parking spaces.

Duncan Chadwick (agent) stated that the access arrangements were recommended by the Council's Highways Officers, in the interest of highway safety. He continued that fire escape and dry riser measures would be in place to address fire issues. Members heard that as the area had a high PTAL rating due to its proximity to good public services, the development would not give rise to parking issues. The agent informed members that space requirements and density of the proposal complied with the London Plan and the Council's policies and standards and that the development would maintain adequate daylighting and

sunlight. He then responded to members' questions about design and access issues.

Following Members' discussion of the application, they decided unanimously to refuse the application for the reasons set out below:

DECISION:

Refused planning permission for the following reasons:

- a) Concern about massing, design and the implications of another phase of development on an increasingly cramped site;
- b) Concern about the reduction in access points at the same time as increasing population density of the development.

5. Garages rear of 32, Crownhill Road, London (Ref. 14/4241)

PROPOSAL:

Demolition of existing garages and erection of a single storey building to provide Junior School Annex to Maple Walk School with associated play area, waiting shelter, cycle storage and new fencing (amended plans and description)

RECOMMENDATION:

Grant planning permission subject to conditions as set out in the draft Decision Notice.

Stephen Weeks (Head of Planning) outlined the proposal and with reference to the supplementary report circulated prior to the meeting, reiterated the recommendation for approval despite members' resolution at the last meeting when they were minded to refuse the application. He accepted however that the site was constrained and that there were a number of schools in the immediate vicinity resulting in significant level of activity including vehicle movements.

In accordance with the provisions of the Planning Code of Practice, Councillor Thomas (ward member) declared that he had been approached by the residents. Councillor Thomas endorsed the reasons for refusal as set out in the report adding that the transport survey was not a true reflection of the level of activity in the area.

Members then discussed the application and decided unanimously to refuse the application for the reasons set out below.

DECISION:

Refused planning permission for the two reasons set out below:

The proposal, by reason of the scale and intensity of the proposed development coupled with restricted nature of the site and close proximity to neighbours, would result in an over-intensive use and development of the site to the detriment of the amenities of neighbours, by virtue of the noise, disturbance and activity associated with the use. The proposal is therefore considered contrary to saved policy BE9 of the Brent Unitary Development Plan (2004) SPG17 'Design Guide for New Development' and the NPPF (2012).

The proposal, by reason of the scale and intensity of the proposed development, would increase parking and traffic pressure in an already congested and heavily parked area which does not have the capacity to safely accommodate the additional parking demand and traffic movements generated by the proposal. Furthermore, no detail has been provided of proposed fire safety and emergency access arrangements. The proposal would therefore cause detriment to the free and safe flow of traffic in the area, contrary to saved policies TRN1 and TRN3 of the Brent Unitary Development Plan (2004), policies 3.18 and 6.3 of The London Plan (2011) and the NPPF (2012).

6. 58 Neasden Lane, NW10 2UJ (Ref. 14/1544)

PROPOSAL:

Partial demolition and change of use of the retained building from light industrial (Use Class B1) to 69 room hotel (Use class C1), including ancillary restaurant, 11 car-parking spaces, 1 coach parking bay, 1 taxi bay, 1 servicing bay, 14 cycle parking spaces and associated landscaping, alterations to windows, metal railing and fire escape stairs.

RECOMMENDATION:

Refuse planning permission for reasons as set out in the draft Decision Notice. However if members are minded to grant planning permission then the permission be subject to conditions as set out in the report.

Stephen Weeks (Head of Planning) provided an update on the Council's employment land use (ELDS) which recommended the need to protect designated industrial sites to be released for alternative uses. He continued that the site was designated in the Local Plan as part of a Locally Significant Employment Site and therefore there was a general presumption in favour of retaining industrial employment uses on the site. The key issues were whether there were any material considerations that would justify the loss of the existing employment use given that the building was within a Locally Significant Industrial Site and whether a hotel would be an acceptable alternative use. The Head of Planning took the view that the proposal which involved the partial demolition and conversion of the existing industrial building to provide a hotel on the site would be contrary to the NPPF and Local Plan and should therefore be refused.

Hansa Ali (applicant's agent) referred to the letter from Indigo (the applicant's architect) circulated to all members of the Committee and which confirmed that the site had been vacant for most of the last four years and despite concerted efforts, no meaningful interest had been shown in the site for employment uses. He added that the proposed building would enhance Neasden Town Centre which was currently characterised by outdated and sub-standard buildings.

DECISION:

Granted planning permission subject to conditions and an informative as set out in the introduction to the original report.

7. 66 Llanover Road, Wembley, HA9 7LT (Ref. 15/2093)

PROPOSAL:

Erection of a 2 storey 3 bedroom house to the rear of 66 Llanover Road, fronting Pembroke Road including the provision of off street car park and bin store

RECOMMENDATION:

Grant consent, subject to the conditions set out in the Draft Decision Notice and additional condition relating to parking as detailed in the supplementary report..

Rachel Murrell (Area Planning Manager) outlined the scheme and referenced the supplementary report circulated prior to the meeting. She clarified the size of the sites created as a result of the proposed development and added an additional condition relating to parking space as set out in the supplementary report.

DECISION:

Granted planning consent as recommended.

8. 51-67 INC, Poplar Grove, Wembley, HA9 9DB (Ref. 15/1438)

PROPOSAL:

Erection of a part fourth storey to provide 2 x 1 bed flats and 1 x studio flat with associated cycle parking spaces and refuse storage to existing block of flats (as amended).

RECOMMENDATION:

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

Rachel Murrell (Area Planning Manager) outlined the scheme including the floor plans and the relationship of the proposal with adjoining properties and referenced the supplementary report circulated prior to the meeting. In response to queries raised at the site visit, the Area Planning Manager stated that the applicant had confirmed his willingness to use an alternative cladding treatment to timber and in respect of that, condition 6 was recommended. Furthermore, the applicant had undertaken to carry out general repair work to the property subject to agreement with the residents' management company. She added that Transportation had advised against formally marking out an additional bay for reasons set out in the supplementary report.

Alpen Patel raised objections on the grounds of inadequate parking spaces which would be aggravated by the proposal. He added that due to lack of combination lock to the garage area, fly tipping was on the increase. He considered that the site was not appropriate for the development due to the history of subsidence.

Harman Song (applicant's agent) welcomed the recommendation of the report as the application complied with the Council's policies and that suitable conditions to mitigate issues raised by the objector had been imposed. He added that the site had adequate parking spaces and that the issue of possible subsidence would be investigated by the applicant.

In welcoming the application, members added an additional condition to ensure the control to the entrance to the garages and parking area allowed easy access to relevant users.

DECISION:

Granted planning consent as recommended and an additional condition to ensure the control to the entrance to the garages and parking area allows easy access to relevant users.

9. 429 & 431 Kingsbury Road, London, NW9 9DT (Ref. 15/1709)

PROPOSAL:

Change of use of existing hot food takeaway (Use class A5) at No 429 and existing retail shop (Use class A1) at No 431 into a single unit providing a mixed use as restaurant and hot food takeaway (Use class A3 & A5) with associated internal alterations

RECOMMENDATION:

Grant consent, subject to the conditions set out in the Draft Decision Notice and amendments to the wording of condition 7 as set out in the supplementary report.

Rachel Murrell (Area Planning Manager) outlined the proposed change of use and with reference to the supplementary report informed members that the unauthorised rear extension had been substantially removed, though not in full. She continued that condition 7 required the structures to be removed in full within 1 month of the date of decision and failure by the applicant to comply with this condition may result in the Council pursuing Enforcement action to remedy the planning breach. She recommended an amendment to the wording of condition 7 on parking and servicing layout as set out in the supplementary report.

Haidi Alasam (applicant) stated that the application aimed to enhance the amenities of the area as well as to provide a sitting area for clients. In response to the Chair's question about the management of waste the applicant stated that there was an alternative collection point on Mondays and that he would leave his bin in the patio area.

DECISION:

Granted planning permission as recommended subject to the amendments to condition 7.

10. Uxendon Manor Primary School, Vista Way, Harrow, HA3 0UX (Ref. 15/1934)

PROPOSAL: Erection of 2 temporary modular classroom buildings with associated internal wc's and store in the school ground

RECOMMENDATION:

Grant temporary consent, subject to the conditions set out in the Draft Decision Notice

Members decided to receive representations for this and the subsequent application (reference 15/0977) together as they both related to the same site. David Glover (Deputy Area Manager) introduced the report and outlined the scheme with reference to the supplementary report circulated prior to the meeting. He clarified the additional vehicular movements and added that the school's existing travel plan which was updated recently (June 2015) had now achieved a "gold" accreditation and that a further update was required through condition 7. He continued that the flood risk assessment submitted with the application confirmed that the proposal should not have a significant impact on local flood risk. Members were advised that the play equipment would be removed and stored.

David Glover went on to explain that the subsequent application was a retrospective application following advice by the Council's Building Regulation Officers. He added that there would be no additional increase in the number of school children or car requirement for additional parking spaces. David Glover clarified that the building which was modest in scale was located behind the existing school buildings and set some distance from the site boundaries and as such would have no significant impact on residential amenity. He advised members that the duration of the consent had been amended from 12 months to 6 years ending 31 July 2021.

John Poole an objector stated that due to lack of public transport facilities to the school the proposal, which he alleged would lead to an increase in the number of pupils without commensurate play area, would also result in additional vehicular movements. He drew members' attention to the existing drainage problems in the area which he added would be exacerbated by the proposal and urged the Committee to be minded to defer the applications until the problems were resolved by Thames Water.

In responding to the issues raised by the objector David Glover explained that the drainage problem was an issue for the Council's Building Regulations however, conditions could be imposed requiring approval by Thames Water. He clarified that the proposal would not result in additional pupil.

In welcoming the application, members refused to approve application reference 15/0977 for a 6 year temporary permission and decided rather to grant temporary permission ending 31 December 2016. Members voted to grant planning permission for application reference 15/1934 for the temporary period ending 31 July 2022 as set out within the committee report. They also added an informative requiring the applicant to consult with Thames Water Public Sewer regarding connection to the Thames Water Public Sewer for both applications.

DECISION:

Granted temporary planning permission as recommended and an additional condition requiring the applicant to consult with Thames Water Public Sewer regarding connection to the Thames Water Public Sewer.

11. Uxendon Manor Primary School, Vista Way, Harrow, HA3 0UX (Ref. 15/0977)

PROPOSAL:

Installation of a single storey modular temporary classroom building in the school's playground and extension to existing car park (relocation of approved proposal reference 14/3781)

RECOMMENDATION:

Grant temporary consent, subject to the conditions set out in the Draft Decision Notice.

See previous application for preamble.

DECISION:

Granted temporary consent to expire on 31 December 2016 and an additional condition requiring the applicant to consult with Thames Water regarding connection to the Thames Public Sewer

12. 2 Dawson Road, NW2 6UA (Ref. 15/0643)

PROPOSAL:

Demolition of existing conservatory, erection of a two storey side and single storey rear extension, new roof lights (1 front, 1 rear and 1 side), reduction in size of the first floor front elevation windows and conversion of dwelling house into 2 self-contained duplex flats (2 x 3bed) with associated provisions for bin stores, car parking, amenity space and landscaping

RECOMMENDATION:

Grant planning permission subject to conditions as set out in the draft Decision Notice

Stephen Weeks (Head of Planning) outlined the scheme and referenced the supplementary report circulated prior to the meeting. He drew members' attention to paragraphs 11 and 13 of the main report that addressed concerns raised at the site visit on bins and car parking respectively.

In accordance with the provisions of the Planning Code of Practice, Councillor Shahzad declared that he had been approached by residents. Councillor Shahzad stated that consultation on the scheme took place whilst most residents were away on holiday and as such did not have an opportunity to comment on it. He therefore urged members to defer the application until residents' concerns including consultation had been addressed.

Stephen Weeks responded that adequate consultation was carried out and went on to clarify that Supplementary Planning Guidance Note 2 (SPG2) required that occupiers of neighbouring properties and, where the scheme involved four or more flats, ward councillors were to be consulted. This view was echoed by the Council's legal adviser.

Gaetano Maddalena (applicant) informed members that the application, which would not result in overlooking complied with the Council's requirements including parking and waste management.

In response to the Chair's request on waste management, the Head of Planning recommended an amendment to condition 6 to require the applicant to provide six bins. This was agreed by the Committee

DECISION:

Granted planning permission as recommended subject to revision to condition 6 to require provision for 6 bins.

Note: Councillor Colacicco having declared an interest at the start of the meeting left the meeting room during consideration of this application.

13. Any Other Urgent Business

None.

The meeting closed at 10.00 pm

COUNCILLOR MARQUIS
Chair