



## **LONDON BOROUGH OF BRENT**

### **MINUTES OF THE PLANNING COMMITTEE Wednesday 14 February 2018 at 7.00 pm**

PRESENT: Councillors Marquis (Chair), Moher, S Choudhary, Colacicco, Daly, Hylton, Maurice and W Mitchell Murray

ALSO PRESENT: Councillors

Apologies for absence were received from Councillors Agha

#### **1. Declarations of interests**

7. 17/4877 Land to the South West of Olympic Way/Fulton Road Junction  
Councillor Marquis declared a sensitive interest and gave notice to withdraw from the meeting room during consideration of the application.

Approaches.

3. 17/2884 1-2 Drakes Courtyard, Kilburn High Road, London, NW6 7JR  
All members declared that they had received an email from Mr Bart Murphy (objector).
4. 17/0837 1-8 Capitol Industrial Park, Capitol Way, NW9 0EQ  
All members declared that they had received a briefing paper from the applicant's agent.

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

RESOLVED:-

that the minutes of the previous meeting held on 17 January 2018 be approved as an accurate record of the meeting.

#### **3. 17/2884 1-2 Drakes Courtyard, Kilburn High Road, London, NW6 7JR**

PROPOSAL: Application for alterations to the fenestration and doors at 1-2 Drakes Courtyard

RECOMMENDATION: That the Committee resolve to GRANT planning permission and that the Head of Planning be granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out within the report

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

Damian Manhertz (Area Planning Team Leader) introduced the report, setting out the description of the site, the proposal and emphasising that the application was for alterations to the fenestration of the windows and doors. He reminded the Committee that prior approval had been granted for change of use of the office building to residential use for 39 flats. He referenced an email from Councillor Duffy that raised health and safety concerns of the application in particular the operation of fork lifts in an area close to the proposed entrance. In response, Mr Manhertz stated that there was an existing arrangement where a door can be used without any planning control. He continued that with the prior approval which would allow a change of use to residential, the alterations could take place without this planning application and that the existing door to the courtyard could still be used. The change of use was likely to result in a decrease in footfall to and from the building and would not result in any further harm to pedestrian safety.

Mr Bart Murphy (objector) raised concerns about health and safety, access and lack of highways assessment of the application. He explained that the proposed move of the door from its current entrance would conflict with the operations of MP Moran (local builders' merchants) which occupied the land directly opposite the application site. The resulting access problems (as there would be no footpath) would mean that pedestrians and vehicles would share the road to the detriment of pedestrian and vehicular safety. Mr Murphy continued that the Council's Highways and Transportation had not been consulted on the application. In response to a members' question, Mr Murphy stated that although there had been no accidents on site, with the proposed move of the entrance to the courtyard, accidents were likely to occur.

Mr Owain Nedin (applicant's agent) stated that the issues raised by the objector had been addressed in the officers' report adding that the applicant did not require planning permission to move the doorway. He clarified that the proposed entrance would align with the change of use for which prior approval had been granted and with a more accessible layout to the cycle store, optimise the use of the building. Mr Nedin continued that the health and safety implications of the application had been considered but as movement along the courtyard isn't normally focused on the area shown in the image, delivery vehicles could be accommodated on site without detriment. Mr Nedin highlighted that a right of way existed for the occupants of the building.

Mr John Fletcher (Highways and Transportation) confirmed that the department was formally consulted on the change of use and not on the door. He said that the use of the other existing door would be better in highways terms, but that this did

not take into account what could and could not be controlled within the planning application, noting that the existing door would be in a similar location. Mr Manhertz then outlined the key considerations of the application including health and safety aspects and in reiterating the recommendation for planning permission to be granted, added that the building could be accessed via either of the doors without planning permission. Maria Henry (Senior Planning Lawyer) advised that issues about right of way were a civil matter and outside the remit of the Committee.

DECISION: Granted planning permission as recommended.  
(Voting for approval was carried as follows: For 7, Against 1).

**4. 17/0837 1-8 Capitol Industrial Park, Capitol Way, London, NW9 0EQ**

PROPOSAL: Demolition of the existing buildings and the redevelopment of the site to provide six buildings ranging between four to nine storeys and eight three storey mews houses, and the erection of a two storey commercial building, providing a total 4,051m of flexible commercial floorspace (B1(a),(b) and (c), B8, D2 and A3) across the site and 414 residential units including a mix of studio, 1, 2 and 3 bedroom units with associated basement car parking, cycle storage, plant and shared external amenity space and landscaped courtyards at ground floor level, and other ancillary works.

RECOMMENDATION: That the Committee resolve to 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 Director of Legal Services and Human Resources.

That the Committee resolve to GRANT planning permission subject to:

- A. Any direction by the London Mayor pursuant to the Mayor of London Order
- B. Any direction by the Secretary of State pursuant to the Consultation Direction

That the Head of Planning be granted delegated authority to issue the planning permission subject to a Section 106 Agreement, in order to secure the planning obligations set out within the report.

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out within the report and any other conditions and informatives considered necessary.

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

That the Head of Planning be granted delegated authority to refuse planning permission should the Legal Agreement not be completed within 3 months of the date of the Committee resolution.

David Glover (Development Management Manager) drew members' attention to the supplementary report which set out the circumstances and reasons for altering the recommendation to deferral. He therefore recommended that the application be deferred until the following planning committee meeting to allow the conclusion of the press notice consultation period.

DECISION: Deferred to the next meeting to allow the conclusion of the press notice consultation.

(Voting for deferral was carried as follows: Unanimous)

**5. 17/4747 Land rear of 12-14 St Andrews Avenue, St Andrews Avenue, Wembley**

PROPOSAL: Erection of 3 two storey detached dwelling houses to rear of 12 and 14 St Andrews Avenue, with provision for 4 car parking spaces, cycle and bin storage, installation of new service road between 12 and 14 onto St Andrews Avenue and associated landscaping

RECOMMENDATION: To grant planning permission subject to conditions.

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out within the report.

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Victoria McDonagh (Area Planning Team Leader) introduced the application setting out the description. With reference to the supplementary report, she addressed the issues raised at the site visit by Members. Members heard that the

access was 3.5m wide throughout and 28m in length from the boundary with the public footway to the rear boundaries of the existing houses Nos 12 and 14. Space for bin storage would be provided to the side of the existing houses without encroaching onto the access. As access for ambulances was possible but not for fire engines, the London Fire Brigade had confirmed in principle their acceptance of the use of sprinkler systems.

In respect of arrangements for external lighting and security, she reported that the applicant had confirmed that low level hooded lighting would be provided to BS 5489:2013 standards to limit light spillage and also to ensure safe access. She therefore recommended amendment to condition 14, as set out in the supplementary report, to require prior submission and approval of any lighting to be installed.

Ms McDonagh clarified the boundary treatments around the parking court and the side boundary with No 10. She added that access for construction vehicles could be controlled through the Construction Method Statement, (required in Condition 6) and recommended an amendment to specifically refer to construction access, storage of materials, contractor parking and wheel washing as set out in the supplementary report.

She continued that bin storage and collection had been discussed with Waste Services and Veolia, and that the arrangement had been confirmed as acceptable. Ms McDonagh reported that the tree officer had accepted the loss of trees, subject to replacement tree planting, details of which were specified in Condition 10. She advised that amenity space provision was well in excess of standards and that the quality of accommodation exceeded national minimum.

Although the access was not considered wide enough for two cars to pass, Transportation considered it acceptable in this particular case, as the occasions when two cars would meet would be very rare. As St. Andrews Avenue was a quiet local residential access road, occasional reversing out into the road or waiting on the road would not cause highway concerns. Furthermore, there was adequate turning space within the parking court if cars need to reverse and hence, it would not be necessary to reverse onto or wait in St Andrews Avenue.

Mr Sebastian Power (applicant's agent) stated that density, scale and principle of development were all found to be acceptable. He continued that the driveway access and parking arrangements were acceptable by Highways Officers and that the Fire Brigade considered the use of sprinklers acceptable. He then responded to members' questions on access, bins and front garden green spaces. Mr Power stated that the width of the road was wide enough for ambulance vehicles to access the site and clarified the arrangements for the bins including the enclosed area, sizes and frequency of collection. He added that the front garden spaces were about 10% below the Council's soft landscaping target however, they were designed in this way to maximise road safety and therefore found to be acceptable.

In response to members' enquiry Victoria McDonagh outlined the differences between the current and the previous application that was refused on appeal. She explained that the previous application was for 4 dwelling units whereas the current application was for 3 dwelling units with lower heights and density within London Plan. The separation distance would accord with SPG17 and in addition, the use of hooded lighting would minimise any light spillage.

Mr John Fletcher (Highways and Transportation) in advising on highways issues stated that with only 3 houses, the expected traffic generation would not be significant (between 8 and 10 trips throughout the day) and that visibility was considered to be good. He added that the bend would assist in slowing down traffic, resulting in fewer instances for reversing out. He advised against the suggestion for the removal of 2 car parking spaces as it would result in parking displacement.

In the subsequent discussions, members agreed an additional condition restricting the ability to change the use of the properties to Use Class C4 under permitted development and an additional condition requiring details of a revised frontage layout to include an increase in the width of the vehicular access adjacent to the footway, to allow two cars to pass each other in this location.

DECISION: Granted planning permission as recommended subject to amendments to conditions 2, 6, 10 and 14 as recommended in the supplementary report, an additional condition restricting the ability to change the use of the properties to Use Class C4 under permitted development and a further condition requiring details of a revised frontage layout which would include an increase in the width of the vehicular access adjacent to the footway to allow two cars to pass each other in this location.

(Voting for approval as amended was carried as follows: For 5, Against 2, Abstention 1).

**6. 17/4857 St Margaret Clitherow RC Primary School, Quainton Street, London, NW10 0BG**

PROPOSAL: Phased demolition of existing single storey brick and timber school building and construction of new two-storey brick building to contain school hall, kitchen, classrooms and ancillary support spaces.

RECOMMENDATION: To grant planning permission subject to conditions.

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out within the report.

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall

principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Victoria McDonagh (Area Planning Team Leader) introduced the application and in describing the proposal explained that it was to improve the existing accommodation for the school without increasing the numbers on the roll. With reference to the supplementary report she reported on the additional information submitted by the applicant on refuse arrangements. She continued that the updated site plan clarified the location of the proposed bins in relation to the existing bin store, within an enclosed store adding that collections would not interfere with school activities. The enclosed bin stores would alleviate concerns about amenity impact to 15 Cambridge Gardens and other neighbours. In light of the additional information on the bin store arrangements, she recommended amendments to condition 2 and the removal of condition 11 which required the submission of details of servicing for refuse. Members were informed that comments were yet to be received on Environmental Health Consultation and as such the decision on the application would not be formally given until the appropriate consultation responses had been received from Regulatory Services and the conditions updated accordingly.

Members queried whether any potential site contamination could be dealt with and also queried the highways impact of the application. In response, officers stated that they were not aware of any unusual levels of site contamination. Mr Fletcher (Highways) added that as the school roll would not change as a result of the application, there would be no resulting highways impact of the scheme.

DECISION: Granted planning permission as recommended subject to amendments to condition 2, removal of condition 11 and consultation responses from Environmental Health which may require updates to conditions 8 and 9 as set out in the supplementary report.

(Voting for approval as amended was unanimous as follows: For 8, Against 0)

**7. 17/4877 Land to the South West of Olympic Way/Fulton Road Junction, Olympic Way, Wembley, HA9**

PROPOSAL: Erection of a food and beverage and retail mall to provide restaurant/café, drinking establishment and shop units (use classes A1/A3/A4), an event space (use class D2), external food units (use class A5), ancillary management and storage units, associated servicing areas, provision of cycle parking and placement of signage for a temporary period of 10 years.

RECOMMENDATION: To grant planning permission subject to conditions.

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out within the report.

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Victoria McDonagh (Area Planning Team Leader) introduced the report and answered members' questions. She explained that the permission being sought was for a period of 10 years before the redevelopment of plots NW10 and NW11. She continued that as a temporary 'meantime' use, the scheme would make effective use of the land and a positive contribution to the area whilst the wider phased regeneration was being delivered. Members heard that the built form of the building would occupy almost the entirety of the development plot and therefore no soft landscaping was proposed around the edges of the site, however, new trees would be planted which would help soften the visual impact of the building on the streetscene.

With reference to the supplementary report Ms McDonagh informed members that following publication of the committee report, the applicant had provided a plan showing the location of staff cycle parking spaces which complied with the requirements of the Council's Transportation team. The updated plan, as part of the approved drawings list, meant that condition 19 was no longer required. She continued that following discussion with the applicants, amended wording of condition 24 had been proposed as set out in the supplementary report.

Messrs Matthew Elliot and Gavin Elliot (applicant and architect) addressed the Committee and answered members' questions. They gave an overview of the operations of Boxpark adding that it would deliver major regenerative benefits and bring communities together. They added that as a meanwhile use, the scheme was not required to meet BREEAM standards, although the steel frame building would be insulated, ventilated and concreted. In respect of parking and any anti-social behaviour, members heard that the scheme would make use of existing parking capacity within the Quintain lands, for parking needs. The agent drew members' attention to conditions recommended by officers to address noise levels and management of the situation to ensure that anti- social behaviour would not result.



In responding to issues raised about light spillage, Ms McDonagh added that the amended condition 24, requiring a review of the luminance levels and 'moving graphics' to be submitted to the Local Planning Authority within 6 months of first occupation of development NW07/08, would address such issues. Any mitigation recommendations within the approved review shall also be completed within 3 months of the date of the approval of those measures, or in accordance with a programme approved. In terms of hours of use and delivery times, she drew members' attention to condition 9. Mr Fletcher (Highways) added that the transport statement would address the management of local roads when events finished.

DECISION: Granted planning permission as recommended subject to an amendment to condition 24 and the removal of condition 19 as set out in the supplementary report.

(Voting for approval as amended was carried as follows: For 6, Against 1)

Note: Councillor Marquis having declared sensitive interest, left the meeting room and took no part in the discussion or voting on the application.

#### **8. Any Other Urgent Business**

None.

The meeting closed at 9.35 pm

COUNCILLOR J. DENSELOW  
Chair