

LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 14 March 2018 at 7.00 pm

PRESENT: Councillor Marquis (Chair), Agha (Vice-Chair), Moher, S Choudhary, Daly, Kabir (substitute for Councillor Colacicco), Maurice and W Mitchell Murray.

ALSO PRESENT: Councillors Jones and Miller.

Apologies for absence were received from Councillors Colacicco and Hylton.

1. **Declarations of interests**

3. Capitol Industrial Park, Capitol Way NW9 0EQ 17/0837
Councillor Kabir (substitute) declared that she had attended an exhibition arranged by the agent and that she had been approached by both objectors and the applicant. As such she would leave the meeting room after her presentation without taking part in the discussion or voting.

Approaches

3. Capitol Industrial Park, Capitol Way NW9 0EQ 17/0837
All members had received an email from Mr Dan Hulsmann (objector).
- 6 1-12 INC, Queens Parade, Willesden Lane, NW2 5HT (Ref. 17/0322)
All members had received an email from Rachel Leharne (objector).
Councillor Marquis had received an email from the Willesden Green Town Team (WGTT).

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 14 February 2018 be approved as an accurate record of the meeting subject to the following amendments:

Page 2 paragraph 3 (sentence 2) delete "main door"

Page 2 paragraph 5 (sentence 2) after existing door, insert "the current main entrance".

3. **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 Area 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 obligations set out in 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 in the report and any further informative(s) considered necessary by the Head of Planning.

That the Head of Planning is 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.

The application was deferred from the previous planning committee meeting to allow the conclusion of the press notice consultation period which has passed and no further representations were received in relation to the application.

Victoria McDonagh (North Area Team Leader) introduced the report and addressed the following issues for which members sought clarification during the site visit; design, highways and transportation, infrastructure, quality of accommodation, impact on neighbours and carbon savings. Ms McDonagh advised members that following publication of the committee report on the previous agenda, the applicant had identified some inaccuracies within the report all of which had been addressed in the report.

In accordance with the Planning Code of Practice, Councillor Kabir, ward member stated that she had received emails from, and attended an exhibition arranged by

the agents, and had been approached by residents. She expressed concerns about density, height, impact on local residents and overspill parking. She also raised concerns about the cumulative impact of developments in the area and consequent effect on the amenity of existing residents. Councillor Kabir suggested that if members were minded to grant permission then the applicant should contribute towards general improvements to the area and quality of life of the local residents.

Ms Jan Donovan, Mr Charles Dunnett and Mr Andrew Trowbridge (applicant's agents) addressed the Committee. Ms Jan Donovan explained the background to the application, and that it provided housing which would accord with the London Plan and Brent's planning policies. Members asked questions relating to public transport accessibility, provision of parking, air quality, contribution via S106 obligations to possible implementation of a CPZ, affordable housing review mechanism, construction timetable and logistics.

Mr John Fletcher (Highways and Transportation) responded to questions on the traffic impact of the development and the process for implementation of a CPZ to mitigate the impact of any overspill parking. Members discussed the proposal and raised concerns about potential impact on local surrounding areas from traffic and additional parking pressure.

Prior to making a decision, the Area Planning Team Leader provided a summary.

DECISION: Granted planning permission as recommended with an additional requirement that the Council would carry out a consultation on the principle of introducing a CPZ prior to start of the development.

(Voting for approval was carried as follows: For 6, Against 0 and Abstain 1).

Note: Councillor Kabir having declared an interest and made her presentation left the meeting room and did not take part in the discussion or voting.

4. All Units, 253A Ealing Road, Wembley, HA0 1ET

PROPOSAL: Demolition of the existing buildings on the site and the erection of 20 residential units comprising four 2 storey terraced houses (4 x 2bed houses) and two 4 storey residential blocks providing 16 flats (8 x 2bed and 8 x 3bed units), together with 5 associated car parking spaces, cycle storage, landscaping and access. (Revised description 19.10.17)

RECOMMENDATION: Resolve to grant planning permission subject to conditions and the completion of a satisfactory Section 106 or other legal agreement, and grant delegated authority to the Head of Area 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 Head of Planning be granted delegated authority to negotiate the legal agreement indicated above, to issue the planning permission and impose conditions and informatives to secure the matters set out in 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, if the legal agreement has not been completed by the statutory determination date for this application (including determination dates set through agreement), the Head of Planning be granted delegated authority to refuse planning permission.

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.

Ms Victoria McDonagh (Area Planning Team Leader) introduced the application and answered members' questions, relating to the principle of residential development, housing mix, viability and the provision of affordable housing, and the contribution of towards affordable workspace, and traffic and congestion.

Ms Debora Kirk and Mr Harmit Vyas (objectors) addressed the Committee raising concerns about parking pressure, proximity to their houses, loss of residential amenities (privacy, overlooking and noise), overdevelopment of the area with other developments, causing pollution and excessive traffic. The speakers responded to members' questions on the residents' rejection of a CPZ.

Mr Oliver Milne (applicant's agent) stated that the application followed several years of positive engagement which would contribute to the Alperton Growth Area.

In the discussion members wanted further information about construction traffic, in particular the impact on Carlisle Road and the establishment of public rights of way through the site; they were concerned about the absence of a post-implementation viability review.

DECISION: Deferred for further clarification on;

- i) construction traffic
- ii) acceptability of a post implementation viability review,
- iii) public right of way through the site from Carlyon Close to 243 Ealing Road/Hatton Road and
- iv) details of the car scheme.

(Voting for deferral was unanimous as follows: For 8, Against 0 and Abstain 0)

5. 1 Nash Way, Harrow, HA3 0JA

PROPOSAL: Change of use of ten A1 supermarket parking spaces to car wash and valeting operation (sui generis) including erection of a canopy and cabin (Amended description 3.1.18)

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 in 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.

Victoria McDonagh (Area Planning Team Leader) introduced the report and answered members' questions on the principle of the proposal and impact on the amenity of adjoining residential occupiers.

Mrs Mili Khatri (objector) stated that the proposed car wash would significantly increase noise nuisance through engine and machine noise and shouting from operatives to the detriment of the peaceful enjoyment of her family's lives. Mrs Khatri added that the proposal, in her view, would be of no benefit to the residents.

Ms McDonagh clarified that the application had been subject to noise assessment and reviewed by Environmental Health and the Noise Team, who were satisfied that there would not be an unacceptable impact. She accepted the suggestion of an informative relating to ecologically sound materials to be used in the car wash and to add "switch off engines" to the advertisement consent.

David Glover (Development Management Manager) advised that Environmental Health (rather than Planning) had stronger powers to monitor noise levels breach.

DECISION: Granted planning permission as recommended with additional informatives on;

- i) safety of washing materials and
- ii) inclusion of signage on the Advertisement Consent.

(Voting for approval was as follows: For 6, Against 1 and Abstain 1)

6. 1-12 INC, Queens Parade, Willesden Lane, Willesden, London, NW2 5HT

PROPOSAL: Demolition of existing retail units and erection of part-six, part-seven, part-eight storey building, comprising 117 student residential accommodation units (Use class Sui Generis) on the upper floors, ground floor retail floorspace of

298sqm providing 5 commercial units (Use class A1) and entrance lobby for the student accommodation, and use of basement level to provide retail warehouse floorspace of 243sqm (ancillary to A1) along with cycle parking, bin stores, laundry and plant room ancillary to the student accommodation, with associated enhancements to the public realm at street level.

RECOMMENDATION: That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure the planning obligations set out in the report.

That the Head of Planning be granted delegated authority to negotiate the legal agreement indicated above and to issue the planning permission and impose conditions (and informatives) to secure the matters set out in 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, if the legal agreement has not been completed by the statutory determination date for this application (including determination dates set through agreement), the Head of Planning be granted delegated authority to refuse planning permission.

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.

Mr Chris Heather (Principal Planning Officer) introduced the report including matters raised in the supplementary in response to the site visit, and answered questions regarding changes to the scheme, impact on neighbouring amenity especially on overlooking and loss of daylight to Electric House, student facilities, meeting of housing targets, provision of student schemes in the Borough, status of the site allocation, size of retail units, height and design, servicing and student drop off/pick up arrangements.

Mr Heather referred to the consultation responses, which included letters of objection and of support, and outlined that some of the letters of support which came from nearby residential properties also referred to the individuals being a local businessperson but without specifying the business. Officers had not been able to verify that these residents were also local business people so members should consider the letters of support with that in mind.

Officers considered that whilst there would be some loss of light to the adjoining property, this was not sufficient to justify a refusal.

Ms Rachel Leharne (objector) expressed disagreement with the report. The proposal was unacceptable because the need for student accommodation had not been demonstrated, the use would cause disruption to residential amenity, it resulted in loss of daylight and sunlight and overlooking, that alternative uses had not been considered, and the application should be refused.

Mr James Ward (objector) objected to the use and lack of housing (including affordable), overdevelopment, noise nuisance, excessive density and overshadowing.

In accordance with the Planning Code of Practice, Councillor Miller, ward member stated that he had been approached by the applicant and objectors. Councillor Miller raised concerns about the impact on the residents of Electric House from loss of light and outlook, and the logistics of moving students in and out, impacting on traffic flow. Councillor Miller was concerned about setting a precedent for buildings of similar height which would alter the character of the area as well as place a strain on local infrastructure.

In accordance with the Planning Code of Practice, Councillor Jones MBE, ward member stated that she had been approached by the applicant and objectors. Having clarified her position as an objector, she expressed concerns about the lack of family housing, noise nuisance, adverse impact on local infrastructure including Willesden Green library and residential amenity.

Messrs Simon Toplis and Mr Simon Owen (applicant's agents) addressed the Committee outlining elements of the scheme and then answered questions regarding local business support including the existing "meanwhile users", suitability of the site for student accommodation because of good accessibility and town centre location, need for student accommodation, measures to mitigate impact on amenity, management of servicing and student arrivals/departures, CIL contribution towards local infrastructure.

Members also asked questions relating to the meantime spaces, use of the building in the summer holidays, recreational, communal and amenity space for students, any soil contamination, servicing and management arrangements.

In response Mr Toplis stated that as meanwhile use it would be subject to usual commercial arrangements, he expected many full time students to be there over the summer but vacant rooms could be let to visiting students, that each room would have sitting and kitchen areas, and there was a ground floor café. No soil contamination had been found but if further studies revealed it, this would be dealt with. Student arrivals/departures would be managed on an appointment basis and set out in the management plan.

Members still expressed concerns about the arrangements for loading and unloading at a busy junction of Walm Lane and Willesden Lane which also had bus stops. Mr Fletcher (Highways and Transportation) explained how it would work and that he was satisfied with it.

In summing up, Mr Chris Heather stated that it accorded with Council policy in relation to the provision of student accommodation due to its location within a town centre and good transport links, there was some impact on residents but overall, was not sufficient to withhold consent.

Having heard all submissions, members expressed concerns about the application and were minded to refuse the application for reasons set out in the decision column below. The application was thus deferred to the next meeting for officers to draft reasons for refusal for consideration.

DECISION: Minded to refuse and deferred to next meeting for a report to deal with the following;

- (i) Servicing arrangements, including student drop off and departure arrangements and consequent impact on the traffic flow and safety in the locality
- (ii) Quality of student accommodation (lack of recreational and leisure space within the building) and impact of student activity on the amenity of the area
- (iii) Loss of daylight to residents of 3 flats in Electric House.

Voting for refusal contrary to officers' recommendation was as follows:

For:	Councillors Marquis, Choudhary, Daly, Maurice, Moher and W Mitchell-Murray	(6)
Against	Councillor Agha	(1)
Abstain:	Councillor Kabir	(1)

7. Any Other Urgent Business

None.

The meeting closed at 11.05 pm

COUNCILLOR S MARQUIS
Chair