



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 21 August 2013 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), John (Vice-Chair), Cummins, Harrison (alternate for Powney), Hashmi and Kataria

Apologies for absence were received from Aden, Baker, Kabir, CJ Patel, Powney and Singh

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

Marada House, Brondesbury Park, Kilburn, London (Ref. 13/1065)

Councillor John declared that she had been contacted by the applicant.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 17 July 2013 be approved as an accurate record of the meeting subject to the following clarifying amendment to the declaration made by Councillor Kataria;
the email he received from the applicant was in early June 2013 and that the applicant was not his constituent.

3. **Land of former Scout Hut, John Billam Playing Fields, Woodcock Hill, Harrow (Ref. 13/0687)**

PROPOSAL:

Variation of condition 4 (opening hours) to allow opening of the premises between 8:00 to 22:00 Monday to Friday and 8:00 to 22:00 Saturday and Sunday of full planning permission reference 10/0438 dated 19/04/2010 for development of land comprising the former scout hut and adjacent car park at the John Billam Playing Fields off Woodcock Hill with a two storey adult learning and support centre (to relocate the Albert Road Day Centre and ASPECT facility) with adjustments to the boundary with the John Billam playing fields.

RECOMMENDATION: Grant planning permission subject to conditions.

Rachel McConnell, Area Planning Manager, informed members that Gujarati Arya Association London (GAAL) had expressed concerns that the existing use was not following the agreed arrangements set out in the management plan for the car park. They stated that minibuses for the John Billam Resource Centre had been using the incorrect route and had not followed the agreed protocol for parking during sporting events. In reference to the tabled supplementary report, she set out the measures that GAAL had requested to be put in place if planning permission were to be granted.

Members heard from the Area Planning Manager that an existing management plan was in place for the shared use of the car park between GAAL and Brent Council. The management plan set out the times that authorised park users can use the car park and also required Brent Parks Service to provide a list of scheduled events for the year in liaison with GAAL. It also included a provision for annual monitoring of use of the site and a stipulation that GAAL events would take precedence.

Rachel McConnell continued that as the site had been operating for only eight months, the annual monitoring had not taken place to date but that officers would remind both Brent Park Service and GAAL of the agreed protocol as set out in the management plan. In addition, officers had also instructed Brent Transport Service to adhere to the agreed entrance and exit route from the site in response to the concerns raised by GAAL about minibuses for the John Billam Resource Centre driving through the car park rather than along the access road. In reiterating the recommendation for approval, the Area Planning Manager drew Members' attention to amendments as set out in the supplementary report

Mr B Chauhan, objecting on behalf of GAAL, stated that by not adhering to the car park sharing agreement, the Resource Centre were causing traffic congestion in breach of the Transport Management Plan and to the detriment of GAAL. In response to Members' questions, Mr Chauhan stated that the car parking problems were significant on GAAL event days when their visitors required the full use of the car park.

In responding to Members' questions, Rachel McConnell confirmed that as there was no additional space, John Billam Resource Centre had no plans to extend parking capacity. She added that adherence to the Transport Management Strategy would be controlled via conditions. Stephen Weeks, Head of Area Planning clarified that in view of the distance between the site and the nearest residential properties, there would be no resulting detrimental impact on residential amenities. In addition to reviewing the Transport Management Strategy he recommended additional measures including staggering minibus arrival times as set out in the report. Councillor Cummins proposed an amendment for a one year temporary permission with the use restricted to the Neasden Gateway Club which was put to the vote and agreed.

DECISION: Temporary planning permission granted for one year and restricted to use by the Neasden Gateway Club only.

4. 557 Kenton Road, Harrow, HA3 9RS (Ref. 13/0947)

PROPOSAL:

Variation of condition 5 (to allow changes in opening times from 0900 – 2130 Monday to Saturday and 1000 - 1700 Sundays and Bank Holiday to 0900 – 13:00 & 17:00-2130 Monday to Friday, 0800 - 2130 Saturday to Sunday and 10:00 – 19:00 Bank Holidays) of full planning permission reference 09/2091 dated 26/11/2009 for erection of single-storey and two-storey side and rear extension to religious institution, formation of basement with lightwell to rear and associated

landscaping (as accompanied by Aparcar Smith Planning Design & Access Statement ref. CA/2349A and Three Counties Flood Risk Assessment dated 19/08/2009)

RECOMMENDATION: Grant one year temporary planning permission subject to conditions.

In response to concerns raised by a local resident regarding parking in Kinross Close, Rachel McConnell stated that the applicant had not submitted a Green Travel Plan to the Authority for approval as previously required. She therefore reiterated the recommendation for a one year temporary permission subject to conditions to include a requirement for a Green Travel Plan, with measures to encourage public transport and details of the management of large scale events, to be submitted and approved within 3 months of the date of the decision.

DECISION: Temporary planning permission granted as recommended.

5. 17 & 19 Bermans Way, London, NW10 (Ref. 13/1403)

PROPOSAL:

Demolition of an existing detached double garage and attached single garage, and erection of a roof extension comprising an additional two-bedroom flat, a three-storey side extension providing stair access to the new second-floor flat, with associated landscaping

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Members asked that a typographical error in the report on the Community Infrastructure Levy (CIL) be corrected. The contributions would be as follows; Mayor's CIL would be £3,265.50 (93.3sqm x £35); Brent CIL = £18,660 (93.3 sqm x £200).

DECISION: Planning permission granted as recommended.

6. Marada House, Brondesbury Park, Kilburn, London (Ref. 13/1065)

PROPOSAL:

Retrospective application for an existing single storey one bedroom flat and ancillary store to rear of Marada House.

RECOMMENDATION: Refuse planning permission with amended reason 2.

Stephen Weeks, Head of Area Planning, referred to the applicant's submitted statement which claimed that the development was in accordance with the National Planning Policy Framework 2012 (NPPF) and local planning policies. In response, he submitted that the planning application failed to comply with the NPPF and the Council's local planning policies. He explained that the statement focussed on the Council's decision to issue an enforcement notice against the unauthorised building whilst failing to address any of the concerns raised in the

Council's reasons for refusal. He reported on the comments and objections made by the Council's Highways Engineer to the application following receipt of the applicant's transport statement. The Head of Area Planning clarified the requirements of the Council's Waste Planning Guidance including the walking distance to the refuse storage area. He submitted that the proposed retention of the existing unit for residential use was considered unacceptable as it would additionally fail to provide acceptable waste storage for the residential unit. He then drew Members' attention to an amendment to reason for refusal 2 as set out in the tabled supplementary report.

Mr Richard Mouls, the applicant's legal representative, submitted that the application which was a creative exercise to provide a satisfactory accommodation complied with the relevant paragraphs of NPPF. He informed Members that the application was a consequence of incorrect advice given by the Council's former planning enforcement officer. The representative continued that a number of the flats could be made car free. He continued that the access through a secure car park could not be considered unsafe and that concerns about privacy could be addressed via imposition of further conditions. In response to Members' queries, Mr Mouls stated that the distance to the refuse storage area was a matter of judgement and would be addressed through internal management policies. He clarified that privacy issues had been addressed through partitioning and re-configuration and added that the development would provide outdoor amenity space as well as a car free development for four of the proposed flats.

In the discussion that followed, Councillor Cummins expressed a view that the walking distance to the refuse storage area was not a significant factor and that as a third of the windows would overlook a blank wall, it would not give rise to privacy issues. In his view, there was a considerable merit in granting planning permission for the development.

Stephen Weeks, Head of Area Planning, advised Members that the recommendation for refusal was based on a range of issues including refuse storage, outlook and quality of accommodation, all of which fell well below required standards. He also responded that a retrospective planning application was not an admission that what had been built would be considered satisfactory in planning terms.

The legal representative advised that the role of the Planning Committee was to make a decision on the application based on its planning merits rather than the supposed advice by an officer to the applicant. He added that as the development had been carried out without the benefit of planning permission, the Council was within its rights to take enforcement action to address what it considered a material breach of planning control.

DECISION: Permission refused as recommended with amended reason.

7. 111 Leighton Gardens, London, NW10 3PS (Ref. 13/1140)

PROPOSAL:

Proposed part two-storey/part single storey rear extension, replacement of front entrance porch and creation of one car parking space including alterations to hard and soft landscaping at front garden of dwellinghouse (as amended by plan received on 04/07/2013 and 08/07/2013)

RECOMMENDATION:

Grant planning permission subject to conditions and informatives.

Stephen Weeks, Head of Area Planning, in reference to the tabled supplementary report clarified that as the windows to the first floor were to non-habitable rooms, they could all be obscure glazed and high opening only and restricted by condition. Members heard that the planning merits of the proposal were set out fully in the main report which also explained how the building would comply with existing policy. The Head of Area Planning updated Members that the outbuilding was currently being investigated under reference E/13/0629. He confirmed that all Members who had called in the application to Planning Committee had been advised accordingly and fully understood the revision made to the scheme during the course of the application.

Councillor Hashmi declared that he had not been approached by the applicant about the application. He continued that the property was the only one with a first floor extension in the area and disclosed that his own property backed on to the rear garden of the application site.

The legal representative advised that given Councillor Hashmi's disclosure of the proximity of his home to the application site (pecuniary interest) he should not take part in further discussions and voting on the application. The legal representative also reminded the Planning Committee that where Members were unsure about disclosing such interests they should seek advice in the first instance from the Director of Legal and Procurement in order that the full circumstances could be looked so as to ensure that proper advice is given.

DECISION: Planning permission granted as recommended.

Note: Councillor Hashmi did not take further part in the discussion and voting on this application.

8. Electric House, 296 & 296A Willesden Lane, Willesden, London, NW2 5HZ (Ref. 13/1428)

PROPOSAL:

Demolition of existing office building and erection of a seven storey building comprising 25 residential apartments (11 x 1-bed, 13 x 2-bed and 1 x 3-bed) and 383sqm of retail floor space on the ground floor with associated cycle parking, first floor rear communal roof terrace and associated landscaping.

RECOMMENDATION:

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 and Procurement.

With reference to the tabled supplementary report, the Head of Area Planning discussed the temporary leases to a community group for the period ending July 2013 which allowed for a short term use of the building for community benefit. He informed Members about the applicant's concern that future use of the building as temporary offices could prejudice otherwise acceptable uses. In response to further comments from an objector on the scale of the building, Members heard that whilst it would be taller than the surrounding development, its scale was considered to be appropriate to its location within a town centre. He continued that a legal agreement would restrict access by prospective residents to parking permits as the development was in an area with good public transport accessibility. In respect of the quality of materials he stated that officers had sought amended plans to improve the views of the building from Walm Lane and had advised the applicants that high quality materials would be required to ensure that the development made a positive contribution to the Conservation Area, a requirement that would be achieved via condition 26. Finally, he clarified that the Community Infrastructure Levy (CIL) for the proposed development as follows; Brent's CIL would be £348,563.95, although the developers would be able to apply for affordable housing relief. The Mayoral CIL would be £11,129.06.

Ms Sally Buchanan, an objector, stated that whilst she was grateful to Network Housing for allowing community uses of the building, she wondered whether the Mayor of London had been consulted on the proposed demolition of the building. She also wondered whether Network Housing had explored alternative uses of the building and also whether twenty-five flats would adequately compensate for the loss of a building of such considerable merit.

Mr Mark Connell, the applicant's agent, stated that the proposed development of the redundant building would deliver a wider public realm development with 100% affordable housing. He added that the development complied with density, amenity space and lifestyle home requirements. In response to a Member's question whether Network Housing would consider community uses if the spaces were not taken up in full, Mr Connell stated that considerable retail interest in the building had already been expressed and that to allow temporary community uses would raise viability issues.

The Head of area Planning, Stephen Weeks, confirmed that the scheme would be permit free and that there was no statutory requirement to refer the application to the Mayor of London.

DECISION: Planning permission granted as recommended subject to inclusion of requirement to prevent occupants from applying for a car parking permit.

9. Electric House, 296 & 296A Willesden Lane, Willesden, London, NW2 5HZ (Ref. 13/1429)

PROPOSAL:

Conservation area consent for demolition of Electric House to facilitate redevelopment of the site.

RECOMMENDATION: Grant conservation area consent subject to conditions.

DECISION: Conservation area consent granted as recommended.

10. 575 North End Road, Wembley, HA9 0UU (Ref. 13/1494)

PROPOSAL:

Proposed demolition of existing building and construction of part 9-, part 14-, part 17 and part 19-storey building comprising 450 rooms of student accommodation and associated ancillary facilities and landscaping works.

RECOMMENDATION:

Grant planning permission subject to conditions and a referral to the Mayor of London and 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 and Procurement.

Stephen Weeks, Head of Area Planning drew Members' attention to the comments received from the Mayor of London and measures taken by officers to address them, as set out in the tabled supplementary report. He added however that the submitted Travel Plan was not acceptable and thus a revised plan was required which would be secured through a condition including: the provision of the accessible rooms, blue badge parking, cycle parking, Construction Logistics Plan, Delivery and Servicing Plan and a Student Management Plan. He also drew Members' attention to a number of conditions as set out in the supplementary report and corrected the figures for the Community Infrastructure Levy as follows; "This application is liable for Community Infrastructure Levy (CIL). The Mayor's contribution would be £334,480.09 and the Council's charge would be £1,869,400.00."

Members emphasised the need for high quality design and materials for the proposal, adding that the development would lead to the regeneration of the Borough in particular, within the Wembley area.

DECISION: Planning permission granted as recommended.

11. Appeals Monitoring April to June 2013, Q1

The Committee received a follow up monitoring report which provided information and analysis of appeal decisions for the period of April - June 2013 (First Quarter: 2013/2014). Members noted that the purpose of the report was to help evaluate how saved Unitary Development Plan (UDP) policies and Council's supplementary guidance (SPGs and SPDs) were currently being used in determining planning applications. This would help to ensure that the Council's new development plan documents (DPDs) being developed through the Local Development Framework (LDF) process were usable, effective in terms of development management and can be successfully defended at appeal. The report also identified areas where appeal statements and/or officer reports could be strengthened to further justify reasons for refusal.

RESOLVED:

that the progress report on appeals monitoring for Quarter 1 be noted.

12. Date of next meeting

It was noted that the next meeting would take place on Wednesday, 4 September 2013.

13. Any Other Urgent Business

None raised at this meeting.

The meeting closed at 8.45 pm

K SHETH
Chair