



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 15 October 2014 at 7.00 pm

PRESENT: Councillors Marquis (Chair), Colacicco (Vice-Chair), Agha, S Choudhary, Filson, Hylton, Kansagra and Mahmood

ALSO PRESENT: Councillors Chohan, Kabir, McLennan, W Mitchell Murray, Miller, Milli Patel, Pavey and Perrin

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

Land at 255 Ealing Road, Wembley HA9 Ref 14/2276)

3. All members on the Committee had been approached by the objectors in advance of the meeting by email and confirmed that they would consider the application with an open mind.

7. Walm Lane Public Inquiry – Affordable Housing

Councillor Colacicco declared that she had campaigned on the application and would withdraw from the meeting room during consideration of the application.

All members on the Committee had been approached in advance of the meeting by email but confirmed they would consider the application with an open mind.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 17 September 2014 be approved as an accurate record of the meeting.

3. **Land at 255, Ealing Road, Wembley, HA9 (Ref. 14/2276)**

PROPOSAL:

Construction of 3- to 9-storey building comprising 125 residential units and 277 sqms of affordable work space (Use Class B1) and associated parking, access, landscaping and related ancillary works.

RECOMMENDATION:

- (a) Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report and subject to conditions listed after paragraph 75, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Planning, or other duly authorised person, to refuse planning permission

With reference to the supplementary report, Rachel Murrell (Area Planning Manager) responded to matters raised at the site visit. In respect of infrastructure

she informed the Committee that funding had been secured for the redevelopment of Alperton Community School through the Priority School Building Programme; a project scheduled for completion in September 2016. In addition, a potential site had been identified for a primary school and other community uses, with a feasibility study underway linked to the redevelopment of Alperton Community School. The project would not commence until the Stanley Avenue site became surplus to requirements when the secondary school relocates to the Ealing Road site.

Members heard that Brent was working with the developers at 243 Ealing Road to identify users for over 1000 m² of affordable work space or alternative D1 use which could include medical or health services, nursery, crèche or day centre. She continued that funding had been secured through Section 106 contributions and Community Infrastructure Levy (CIL) for improvements to the quality and accessibility of local existing open spaces.

Rachel Murrell informed members that on the advice of Transportation, improvements to crossing facilities would not be sought as part of this scheme given that the existing junction of Carlyon Avenue and Ealing Road had a signalised pedestrian crossing facility. She advised that the Council would not be able to provide speed cameras as they were provided and managed by Transport for London. She drew members' attention to an amendment to the proposal description and an additional condition on servicing management plan.

Bron Roberts, Chair of Cromwell and Burns Residents' Association (CABRA), stated that whilst she was not against the principle of the development she felt there was a clear need for infrastructure support particularly general practitioner (GP) services or provision for a polyclinic. She emphasised this was of particular importance, given the closure of other local GP services.

Tanya Jordan, speaking on behalf of the owners of 253A Ealing Road, stated that the proposed development would compromise the potential redevelopment of 253A Ealing Road and should only be developed as part of a comprehensive scheme. She added that her client was concerned about over shadowing and unreasonable distances, contrary to Supplementary Planning Guidance (SPG) 17. She added that her clients were prepared to agree a conditional contract with the owners of 255 Ealing Road which would allow for a comprehensive development. In response to a Member's question, Tanya Jordan stated that a greater set-back from the shared boundary would assist in ensuring development in future would not be restricted.

The legal representative advised that the purchase of 253A Ealing Road was at an embryonic stage and that no legally binding contract was in place as to affect the determination of the current application for 255 Ealing Road. The Committee was being asked to consider the current application before it.

In accordance with the provisions of the Planning Code of Practice, Councillor Mili Patel (Ward Member) stated that she had not been approached by the applicants. In her address, Councillor Milli Patel highlighted the following;

- (i) inadequate consultation with residents;

- (ii) existing parking problems in the area would be worsened by the proposed development; and
- (iii) inadequate infrastructure in particular a health care centre to support the development.

Councillor Mili Patel also enquired as to whether Section 106 financial contributions would be used in providing school places to meet growing demand for school places. She urged officers to provide clearer information about the impact of the development on school places and the timeframe for the provision of school places in the area. In reference to the Class D1 use, Councillor Mili Patel requested officers to confirm whether residents would be consulted on its type and nature

The Area Planning Manager reiterated that funding for the redevelopment of Alperton Community School had been secured through the Priority School Building Programme, a project currently scheduled for completion in September 2016. In addition, a potential site had been identified for the primary school and other community uses which would not commence until the secondary school relocated to the Ealing Road site and the Stanley Avenue site became surplus to requirements.

Mary Power, the applicant's agent stated that the proposed development which accorded with the Alperton Master Plan would not prejudice future comprehensive redevelopment of the site involving 253A Ealing Road. She added that the scheme which would be "permit free" would provide the maximum achievable car parking spaces on site in addition to the provision of a "car club" facility. Mary Power continued that a contribution of £60,000 would be made towards the cost of consultation with residents for a controlled parking zone (CPZ) if one was to be introduced.

In response to members' questions, Mary Power stated that no material impact on the adjoining site would result from the current application. She added that the use class of the non-residential unit had been expanded for flexibility and that her client was in discussions with social landlords and GP surgeries about taking up spaces within the development. She added that the scheme incorporated a play space within the ground floor courtyard and that the trees in Ealing Road would be protected.

The Area Planning Manager, in reference to the applicant's shadow casting report and site constraints, concluded that the proposed development would not have a significant impact subject to the design proposals that came forward. It would have an impact on the adjoining public house although, the Council's policies and guidance did not seek to protect the levels of daylight and sunlight for public houses. In line with the advice by officers in Transportation, she recommended that a condition requiring details of a Servicing Management Plan to be provided for the affordable work space units.

Whilst noting the overall density of the scheme and affordable housing proposed, Members were also concerned about parking problems in the area and felt that appropriate measures should be put in place to protect existing residents. In endorsing officers' recommendation, Members added a further condition to the

Section 106 agreement securing appropriate initial funding towards residents parking permits should a CPZ be introduced.

DECISION: Granted planning permission granted as recommended subject to additional conditions requiring details of Servicing Management Plan and securing appropriate initial funding towards residents parking permits should a CPZ be introduced.

4. Land next to Fairbanks Court, Atlip Road, Wembley, HA0 (Ref. 14/1515)

PROPOSAL: Change of use of water space for residential moorings.

RECOMMENDATION: Grant planning permission subject to the conditions listed after paragraph 19.

Rachel Murrell (Area Planning Manager), responded to queries raised at the site visit. She explained that sewage and refuse storage facilities were available at nearby locations as amplified in the supplementary report. The Canal and River Trust considered the locations of these facilities to be within a short cruising distance from the application site. In respect of Council Tax, she informed the meeting that if a mooring was permanent, the Council would inform the Valuation Office Agency (VOA) who would calculate and issue a band for the mooring, adding that a comparable valuation in the Grand Union Canal was band A. Members heard that the proposal would not give rise to parking issues as Atlip Road was a private road where parking was controlled by a private company on behalf of the owners of the development. In addition, as the site had good public transport accessibility it was not considered that the proposed change from visitor to residential moorings was likely to result in significant parking over-spill.

Aiden Johnson Hugo, a surveyor for Canal and River Trust, clarified that the application was for a change of use of water space only and complied with local and national policies. In response to Members' questions, he stated that boaters were highly mobile and would be able to manage use of existing sewage facilities. In respect of refuse storage, he added that local freeholders to the adjoining residential development had agreed that boaters could use their facilities.

Members felt that the arrangement for refuse storage needed to be refined and in approving the application subject to conditions added a further condition requiring details of refuse storage.

DECISION: Granted planning permission as recommended subject to an additional condition requiring details of refuse storage.

5. Sarena House and Allied Manufacture, Grove Park, London, NW9 0EB (Ref. 14/2930)

PROPOSAL:

Demolition of all existing buildings and the erection of 2 to 6-storey buildings providing 227 residential units (10 x 4bed houses, 58 x 1bed, 101 x 2bed, 31 x 3bed and 27 x studio flats), 256 sqm of affordable work space for research and development (Use class B1(B), proposed vehicular access from Grove Park,

provision for car/bike parking on the basement and ground level and associated landscaping and amenity space.

RECOMMENDATION:

- (a) Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, subject to conditions listed after paragraph 116 and referral to the Mayor of London, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Planning, or other duly authorised person, to refuse planning permission.

With reference to the supplementary report, Rachel Murrell (Area Planning Manager) responded to the queries raised at the site visit. She informed the Committee that the agent had confirmed that the boundary wall along Evelyn Avenue may not be retained and to reflect that, condition 13 had been amended as set out in the supplementary. She continued that on the advice of GLA and TfL, the PTAL rating for the site was 4 taking into account its proximity to a range of public transport facilities. She however confirmed that it should be noted that the site ranges from PTAL 2 to 4 with the eastern half of the site including the mid point of the site falling PTAL 4. In reference to the additional objections received, the Area Planning Manager submitted that extensive consultation with about 533 neighbours was undertaken in addition to press and site notices being displayed. She continued that the height of the proposed development was considered acceptable in design terms and in relation to neighbouring sites. Members heard that the site was within the Colindale/Burnt Oak Growth Area which would be supported by infrastructure development including a school and a D1 facility which have planning permission. Furthermore, a contribution would be sought from the applicant towards the cost of consultation for CPZ if its introduction was required.

Seb Malde (Chair of Grove Park Residents Association) urged members to refuse the application on grounds of excessive density, inadequate parking provision, lack of health care provision, educational provision and children's play area.

In responding to the above, the Area Planning Manager drew members' attention to the infrastructure development involving the Oriental City development which she added would provide a superstore, a primary school and a D1 facility. She continued that officers were seeking a financial contribution from the applicant towards the cost of consultation for CPZ, although the mitigation measures secured were anticipated to reduce the potential for overspill parking. She also added that funding received through CIL payment could be used if deemed appropriate to improve the Grove Park Open Space. With regard to the scale of development, she discussed how the buildings reduced in scale at the boundary with Evelyn Avenue to take account of the character of surrounding development.

Robert Dunwell, speaking on behalf of Queensbury Area Residents (Group of) Associations (QARA) stated that more than half of the site had a PTAL rating of between 2 and 3 which would give rise to parking overspill. In his view, the possibility of a 2 year grace period during which existing residents' permits would

be paid for or subsidised, would not be sufficient adding that a lasting solution would be for a provision of an additional car park. He also expressed concern about the density of the proposed development which he felt was excessive and should be reduced. For the above reasons he urged members to be minded to refuse the application.

In accordance with the provisions of the Planning Code of Practice, Councillor Kabir, Ward Member, declared that she had been approached by the residents and the applicants. Councillor Kabir drew Members' attention to the concentration of residential and commercial developments in the vicinity which together with coaches to and from Village School would result in increased traffic, air pollution and general intensification and overdevelopment of the site. She added that consideration should be given to securing infrastructure including a health facility and community space to support the development. Councillor Kabir however supported the proposal to undertake consultation on the introduction of CPZ in the area if required.

David Maddox (applicant's agent) reaffirmed that the PTAL rating for the site was principally 4. He continued that the provision of 136 car parking spaces for the development, which equated 0.6 space per unit, was in excess of TfL's requirement for 0.5 spaces. He added that the play space was also in excess of requirement and that the independent viability assessment commissioned by the Council supported the number of affordable units provided by the development. In response to a Member's enquiry, David Maddox explained that as the development would not be carried out in phases, it was agreed to provide off site contribution for affordable housing following completion of the development, should market conditions improve

DECISION:

Granted planning permission as recommended subject to securing appropriate initial funding towards residents parking permits should a CPZ be introduced.

6. 163 & 165 Chatsworth Road, London, NW2 5QT (Ref. 14/1628)

PROPOSAL:

Change of use of land to rear of 163 & 165 Chatsworth Road to incorporation into the residential curtilage of 163 Chatsworth Road.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted as recommended.

7. Walm Lane Public Inquiry - Affordable Housing

This application was deferred from the Planning Committee meeting of 17 September 2014 to allow Members more time to consider the associated background documentation. Andy Bates (Area Planning Manager) informed the Committee that following the Council's decision in March 2014 to refuse planning permission for the redevelopment of 110 Walm Lane (including the Queensbury Public House) the applicant had submitted an appeal which was due to be determined through the public inquiry procedure.

He continued that following the submission of the appeal, the applicant had issued a revised affordable housing offer of 2 additional units to the Council and for all affordable housing to be provided on-site. He clarified that the purpose of the report was to provide information on the revised affordable housing offer in order to enable members to decide whether the revised offer would adequately address the relevant reason for refusal.

Andy Bates informed members that the offer was reviewed by an independent consultant, BNP Paribas, instructed by the Council to assist with the negotiation of affordable housing on the site. BNP Paribas advised that in viability terms the proposed affordable housing offer of shared ownership units from 10 to 12 (22.6%), which would be delivered wholly on site would be acceptable. Members noted however that the offer meant that a cash-in-lieu contribution would no longer be available.

BNP Paribas highlighted the sensitivity of such appraisals to changes in assumed future sales values and recommended that, if the offer was accepted by the council, this should be subject to securing a suitable 'open book' review of the scheme viability and affordable housing offer, taking into account the costs and revenues achieved by the development.

Andy Bates submitted that having considered the revised affordable housing offer within the context of the previous decision, the appeal and the advice given by BNP Paribas, officers considered that the revised offer constituted an improved position on affordable housing and on balance, officers considered that the principle of the revised offer should be accepted, subject to the terms set out in paragraph 2.1 of the report.

Representatives of Save the Queensbury Group, NW2 Residents Association and Brent Housing Action addressed the Committee. They felt that the marginal increase on affordable housing on site fell quite short of, and was disproportionate to, the amount expected for such a development. They expressed doubts about the advice on viability as the report did not present information on full knowledge, methodology and analysis used in reaching the conclusion. They therefore urged members to reject the offer.

In accordance with the provisions of the Planning Code of Practice, Councillor Miller (ward member) declared that he had been approached by Save the Queensbury Group. Councillor Miller echoed the sentiments expressed by the previous speakers adding that the affordable housing proportion proposed by the applicant fell short of the Mayor of London's housing target of 50%. He also expressed concerns about the segregation between shared and private ownership units within the development. Councillor Miller continued that a rejection of the offer would send a clear message to the applicant of what the Council expected from the development without weakening the Council's case at the appeal hearing.

Stephen Weeks (Head of Planning) informed members that the viability report together with the methodology for assessment was given to the Chair as part of wider discussions on the delivery of affordable housing. Horatio Chance, legal representative advised that it was possible for the independent report on viability

studies to be made confidential as part of wider discussions on the delivery of affordable housing.

Members then had an extensive debate during which they expressed concerns about the proportion of affordable housing being offered by the applicants adding that the current offer was not significantly different from what the applicant had previously offered. They also discussed the ability to challenge the developers assumptions on the appraisal as well as the expectation and need for developments to make the maximum possible affordable housing contribution. The Chair proposed a motion in those terms.

Councillor Filson put forward an amended motion for members to be minded to refuse the application and defer it until they had received and considered the methodology and assumptions of the viability report. This was put to the vote and declared lost. Members then voted on the Chair's motion as set out below which was declared carried by a majority.

Refused the revised affordable housing offer for the following stated reasons;

The Planning Committee recognised the proposed change but noted that the suggested amendment made in July 2014 does not significantly alter the original overall affordable housing proposal made in February 2014 and the level of affordable housing was still unacceptably low. It considered that the change indicated that there could be scope to further improve the offer, noted the reports reference to the sensitivity of such appraisals as well as the lack of clarity on the scope to provide any further affordable housing on site following the recommended 'open book' review. In the absence of an opportunity to scrutinise the developers expectations and in the context of Brent's housing needs and affordable housing policies, the level and nature of the shared ownership housing proposed was not considered to be the reasonable maximum affordable housing that the development could provide.

Voting on the above motion was recorded as follows;

FOR: Councillors Marquis, Agha, Choudhary, Hylton and Mahmood	(5)
AGAINST: None	(0)
ABSTENTION: Kansagra and Filson	(2)

Note: Councillor Colacicco having declared a pecuniary interest at the start of the meeting withdrew from the meeting room during consideration of the application and took no part in the discussion or voting on the application.

8. Any Other Urgent Business

None.

The meeting closed at 10.55 pm

S MARQUIS
Chair