



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Thursday 24 September 2015 at 7.00 pm

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

ALSO PRESENT: Councillor John Duffy, Councillor Neil Nerva and Councillor Michael Pavey.

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

4. The Maqam Centre, Tiverton Road NW10 3HJ (Ref. 15/1588)
Councillor Choudhary declared that as he knew the applicant he would leave the meeting room during consideration of the application and would not take part in the discussion or voting.

All members received emails from Aylestone Park Residents and Tenants Association (APRATA) expressing their objections to, and from Councillor Denselow and Southwood in support of, the application

- 7 William Dromey Court, Dyne Road, NW6 7XD (Ref. 15/2551) and
8 James Stewart House, Dyne Road, NW6 (Ref. 15/3014)
Councillor Mili Patel declared that as she was a Trustee of the Board of Governors of Brent Housing Partnership (BHP), the applicant, she would leave the meeting room during consideration of both applications and would not take part in the discussion or voting. All members received an email in support from Councillor Conneely
9. Special Item - Application for the Modification and Discharge of Planning Obligations
All members had received an email from the applicant.

2. **Minutes of the previous meeting - 26 August 2015**

RESOLVED:-

that the minutes of the previous meeting held on 26 August 2015 be approved as an accurate record of the meeting.

3. **Lanmor House, 370 High Road, Wembley, HA9 6AX (Ref. 15/0196)**

PROPOSAL:

Erection of two additional storeys to provide 8 self-contained flats (7 x 2 bed and 1 x 1 bed) above the existing five storey office building(amended description)

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

Stephen Weeks (Head of Planning) introduced the report, outlined the proposal and with reference to the supplementary report circulated prior to the meeting, clarified the issues raised at the site visit. Members heard that the applicant's agent had advised that some internal works were being carried out in relation to the conversion of the building to residential following the grant of planning permission for external cladding. The Head of Planning added that the applicant would be advised by way of an informative that if the planning permission was granted, works cannot commence on site until the prior approval for the scheme currently under construction had been completed and occupied.

In terms of the height of the proposal, he informed members that whilst the additional storeys would change the appearance and scale of the building when viewed from Ecclestone Place, the building was already of a significantly different scale and appearance and consequently was not considered to detract from the street scene. The impact on residential amenity would be modest given the set back and as such officers considered that it would not result in a significant detrimental impact on the occupiers of the residential properties to the rear. He added that the parking provision within the site significantly exceeded the maximum standards and drew members' attention to an additional condition on parking arrangement and a revised condition on bin storage as set out in the supplementary report.

Jaine Lunn (an objector) stated that the proposed development, which would infringe the 45 degree line, would result in significant detrimental impact including noise nuisance, loss of sunlight and inadequate parking provision. She added that Ecclestone Place already suffered from inadequate parking which would be aggravated by the proposed scheme. Jaine Lunn continued that the inadequate bin storage facilities for the proposal, which offered no affordable housing, contravened the Council's guidance.

Tony Allen (applicant's agent) stated that the scheme which offered housing in the upper floors was considered acceptable in terms of its amenity space, reduced visual impact and hence no significant overbearing and over-looking would result. He added that as the parking provision was considered to be adequate, the Council's Highways and Transportation Officers did not raise any concerns about the proposal.

Members then questioned the agent on a number of issues including clarity of the scheme, parking provision, the location of the bin storage and its visual impact. The applicant's agent responded that the current application which was for internal works was quite separate from the previous scheme for the building granted under permitted development. He added that the car parking provision which had been reduced to facilitate servicing arrangements, exceeded current standard. He clarified that the location of the bin storage which was dictated by siting constraints would offer greater flexibility for the potential office occupiers.

In the discussion that followed, members generally agreed that the vicinity already suffered from parking problems and agreed to an additional condition for a section 106 legal agreement to restrict all residents' permits only. They also agreed an additional recommendation requiring a relocation of the bin storage area.

DECISION:

Granted planning permission subject to conditions as set out in the Decision Notice, an additional condition on bin storage and a Section 106 legal agreement to restrict permit parking to residents only.

4. The Maqam Centre, Tiverton Road, London, NW10 3HJ (Ref. 15/1588)

PROPOSAL:

Change of use of previously approved crèche (Use Class D1) to fitness suite (Use Class D2) and reception area. Amendments to external works to include alterations to bin and cycle storage, hard and soft landscaping and entrance gate.

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

Andy Bates (Area Planning Manager) with reference to the supplementary report circulated prior to the meeting clarified the issues raised at the site visit including the planning history of the site. He continued that the applicant had indicated to complete the external works within 15 months and to improve the appearance of this element of the building, a temporary banner displaying a graphic of a green wall could be installed. He advised members that the Council had no powers to force the applicants to finish the development however officers had recommended conditions which sought to encourage stages of the development to be brought forward as soon as possible

Andy Bates went on to clarify the access arrangements to the fitness suite and drew members' attention to condition 5 of the report which required the applicants to submit Management Plan detailing access arrangements to the fitness suite. In respect of members' concerns about the D2 use, he recommended an additional condition restricting the use of the fitness suite to a fitness suite only or D1 use in connection with the rest of the building as set out in the supplementary report. He added that funding for the project was understood to come from privately raised donations however, this was not considered to be a material planning consideration. He added that the proposal would not give rise to an unacceptable parking impact.

Ruth Dar and John Keuetgen (Secretary and Chair of APRATA respectively) spoke in objection to the application. Members heard that whilst APRATA welcomed the additional condition on D1 use they had no confidence in the planned phased development. They also questioned the need for change of use of the property and requested that officers and the applicants should get together and put forward a master plan for the site

In accordance with the provisions of the Planning Code of Practice, Councillor Nerva (ward member) declared that he had been approached by local residents. Councillor Nerva endorsed the request for a master plan for the site for clarity and requested curtailment of further development on the site until the conclusion of the master plan.

Steve Rickhards (applicant's architect and contract administrator) stated that he anticipated a seamless completion of the scheme lasting 12 months. He drew members' attention to proposed landscaping and tree planting as well as an active frontage to Wrentham Avenue. He then responded to members' questions. The architect stated that the proposal would have no significant parking impact and clarified the flexible use of the community facilities that the pool area would provide as well as the phases of the development.

Following the ensuing discussion, members decided to add an additional condition that the gym could not be used until the swimming pool was provided and a further condition relating to Green wall maintenance.

DECISION:

Granted planning permission subject to conditions as set out in the draft Decision Notice, additional condition restricting the use to D1 only as set out in the supplementary report and that gym can not be used until the swimming pool was provided and a further condition relating to Green wall maintenance.

Note: Councillor Choudhary having declared an interest in the application at the start of the meeting did not take part in the discussion or voting on the application.

5. 12 Carlisle Road, Kilburn, London, NW6 6TS (Ref. 15/1452)

PROPOSAL:

Proposed excavation of basement level with reinforced glass panels set into the ground to form rear lightwells, demolition of existing detached garage and replacement with detached brick-built outbuilding, insertion of first floor rear window and rear patio doors and demolition and rebuilding of part of existing boundary wall to dwelling house (amended plans and description)

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

Andy Bates (Area Planning Manager) outlined the scheme and with reference to the supplementary report circulated prior to the meeting clarified issues raised at the site visit on impact on neighbouring properties, the depth of projection into the rear garden and the false garage doors. Members heard that the applicant had submitted a revised construction methodology report and how the neighbour impact would be mitigated during construction. He continued that concerns about party wall were not considered a material planning consideration. In reiterating the recommendation for approval subject to conditions, Andy Bates then drew members' attention to amended conditions 3 and 7 as set out in the supplementary report.

Ellen Gadsten (applicant's architect) informed members that the proposal had been refined to address issues raised including a reduction in overall massing. She added that 2 new fruit trees and hedge trees would be planted for enhanced landscaping and that the existing outbuilding would be rebuilt. In response to the Chair's suggestion, the applicant's architect confirmed acceptance of an amended condition 8 to include details of green roof to outbuilding and maintenance.

DECISION:

Granted planning permission subject to conditions as set out in the draft Decision Notice, amended conditions 3 and 7 as set out in the supplementary report and amended condition 8 to include details of green roof to outbuilding including maintenance details.

6. 37A Streatley Road, London, NW6 7LT (Ref. 15/2362)

PROPOSAL:

Basement extension with front and rear lightwells to ground floor flat.

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

Andy Bates (Area Planning Manager) outlined the scheme and with reference to the supplementary report circulated prior to the meeting, responded to issues raised at the site visit. Members were informed that the applicant had submitted a construction method statement (CMS) and plans showing the under pinning sequence of the property. In respect of noise and hours of work, he stated that the decision notice would set out the hours of work and that the applicant would need to join the Considerate Contractors Scheme to ensure neighbouring amenity was protected as far as possible from building works. Members heard that despite concerns, no research had confirmed that basement developments would necessarily cause problems in the future e.g. to the water table, trees and soil.

The Area Planning Manager clarified that land within the first 6m of the front garden had not been counted as amenity space in accordance with the Unitary Development Plan (UDP) and as such, changes to the layout of the forecourt were not necessarily considered to create loss of amenity space for occupiers of the upstairs flat. A condition recommended requiring the provision of further details of planting to the forecourt would improve the existing situation and help soften the presence of the proposed front lightwell. In terms of shared use of the forecourt and implementing the permission, the applicant would need to seek consent of the joint freeholder. He advised members that the applicant would be required to seek and obtain the consent of utility suppliers including water and electricity prior to commencement.

Al Forsyth (Vice Chair, Brondesbury Residents and Tenants Association) objected to the scheme on the grounds that as it was for a basement development for a flat instead of a whole house, it would result in detrimental impact on the other

occupiers of the house. He added that no consultation had taken place nor steps taken to resolve the resultant problems.

In accordance with the provisions of the planning Code of practice, Councillor Duffy, ward member, stated that he had spoken to both the applicant and the objectors in connection with the application. Councillor Duffy identified that the key issue was around ownership and urged the Committee to review the policy for basement applications which related to shared ownership of a property which contained flats.

Robert Gott (applicant's agent) stated that the application which complied with the Supplementary Planning Guidance (SPG) and the London Plan, would seek to address the concerns expressed by the objectors including structural issues. In response to members' questions, the applicant's agent explained the method of construction and the parking arrangement for the removal of soil during the seven week construction period. He also clarified that the stable base of the proposal would be ensured via underpinning and foundation with reinforced concrete, thus minimising subsidence and ensuring the safety of the residents in the upper floor of the house. He added that party wall notices would be served by a party wall Surveyor at the design stage.

In bringing the discussion to an end, the Chair requested officers to consider reviewing the basement policy to include buildings that were in more than one ownership. Members were mindful of the consultation with those with interest in the land and in granting planning permission as recommended, members added an informative advising the applicant to consult and involve all those who have interest in the land.

DECISION:

Granted planning permission as set out in the draft Decision Notice and an informative encouraging the applicant to consult and involve all those who have interest in the land.

7. William Dromey Court, Dyne Road, London, NW6 7XD (Ref. 15/2551)

PROPOSAL:

Erection of two-storey detached residential unit (3 x 4bed), with associated hard and soft landscaping, provision for 12 car and cycle parking spaces including the provision of 2 disabled car-parking spaces.

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

Members agreed to receive together, the representations on this and the application for James Stewart House (reference 15/3014) but to decide on them separately. Andy Bates (Area Planning Manager) outlined the applications and with reference to the supplementary reports clarified the issues raised at the site visit. He clarified the extent of consultation undertaken by the applicant, Brent Housing Partnership, (BHP). In respect of concerns about repairs and tenants'

behaviour, Andy Bates reported that BHP stated that they had carried out all repairs as instructed and added that officers considered that the proposal, which had attracted a grant from GLA, would result in reduced anti social behaviour. Members heard about the proposed treatment of boundaries around the site, the replacement trees for the largely diseased existing trees and the parking arrangements were considered to be sufficient to address the concerns raised on noise. He then drew members' attention to additional conditions on details of lighting and surface water drainage as set out in the supplementary report.

Stephen Marcus (an objector) raised concerns about the proposed development for social housing on the grounds that it would depreciate property values in the area. He continued that due to its density, the proposal would result in increased noise from social housing tenants as well as a detrimental impact on parking in the area.

Keith Harley (Director, BHP) informed members that the claim that social housing would necessarily result in anti social behaviour and loss of property values were unfounded. He outlined measures that BHP had put in place to address noise generation and antisocial behaviour at their properties including boundary treatment and surveillance cameras. He advised members that visitor parking spaces would be managed through the use of scratch cards system and supervised by a parking contractor. Tom Ashton (applicant's architect) added that the secure design for the proposal allowed for access and clarified the rear access to the Kingdom Hall and servicing arrangements.

In response to the Chair's enquiry about the level of consultation done for the scratch card system, Stephen Hayley stated that BHP had received mixed responses to the consultation but would accept an additional condition as suggested by the Chair.

DECISION:

Granted planning permission subject to conditions as set out in the draft Decision Notice, amended plan numbers, an extra condition on future consultation on parking permit allocation and additional conditions on details of lighting and surface water drainage as set out in the supplementary report.

Note: Councillor Mili Patel having declared an interest in the application at the start of the meeting did not take part in the discussion or voting on the application.

8. James Stewart House, Dyne Road, London NW6 (Ref. 15/3014)

PROPOSAL:

Erection of two-storey detached residential unit (4 x 3bed), with associated hard and soft landscaping, improvement work to existing communal amenity space and provision for 24 car parking spaces

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

See the previous item (reference 15/2551) for the preamble.

DECISION:

Granted planning permission subject to conditions as set out in the draft Decision Notice and additional conditions on details of lighting and surface water drainage as set out in the supplementary report and a further condition requiring that prior to occupation of the first unit BHP undertake consultation on options for car parking controls (including scratch cards) in the development.

Note: Councillor Mili Patel having declared an interest in the application at the start of the meeting did not take part in the discussion or voting on the application.

9. Application for the Modification or Discharge of Planning Obligations under Town and Country Planning Act 1990 (Section 106A) and Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992

The Committee considered an application under section 106A of the Town and Country Planning Act 1990 (as amended) to modify or discharge a planning obligation to pay a financial contribution within the Legal Agreement dated 4 June 2009 and Deed of Variation dated 26 October 2009 in order to reduce the financial contribution due to the Council.

Stephen Weeks (Head of Planning) set out the background to and the history of the application. He referred to the applicant's claim about viability, the purpose of the agreement and that payment of the outstanding s106 costs would result in the company making a significant loss. He advised members that the applicant was a willing signatory to the Legal Agreement and that the developer's reference to the provisions of the Community Infrastructure Levy (CIL) was irrelevant. He continued that the payment under the legal agreement was not subject to viability of the scheme. The Head of Planning recommended that the application to modify or discharge the planning obligation be refused and pursued with the relevant party.

DECISION:

Refused the application to modify or discharge the planning obligation.

10. Any Other Urgent Business

None.

The meeting closed at 10.20 pm

S MARQUIS
Chair