



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Thursday 22 October 2015 at 7.00 pm

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

Also present: Councillors Colwill, Dixon, McLennan, W Mitchell Murray, Pavey, Perrin, Southwood and Stopp.

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

3. Ark Elvin Academy, Cecil Avenue Wembley (Ref. 15/3161)  
Chetan Patel sent emails to all members dated 5, 11, 20, 21 (x3) relating to correspondence with Planning Officers, the Legal Monitoring Officer, Highways Department Councillor Butt (Leader of the Council) and the Local Ombudsman regarding the alleged breach of the public right of way (PROW) and concerns about construction access.  
  
John Joseph Collery sent an email to all members dated 13 October 2015 regarding the alleged breach of the public right of way.  
  
Vimal Chavda sent an email to all members dated 21 October 2015 regarding the alleged breach of the public right of way.
7. 33A Wrentham Avenue NW10 3HS (Ref. 15/3094)  
Michael Woodman-Smith (architect) and Leah Clarke (applicant) sent emails to all members on the 21 and 22 October 2015 respectively with further representations, enclosing additional plans and letters of support from neighbours.
9. Car Park Ainsworth Close (Ref. 15/3218)  
Councillor Mahmood declared a prejudicial interest and indicated that he would leave the meeting and would not take part of the discussion or voting during consideration of the application.  
  
Councillor Mili Patel declared a prejudicial interest as a member of the Board of Trustees of Brent Housing Partnership (BHP) and indicated that she would leave the meeting room and not take part in the discussion or voting during consideration of the application.
10. Former Kensal Rise Branch Library (Ref. 15/3819)  
Margaret Bailey (Chair of Trustee, Friends of Kensal Rise Branch Library) sent a letter in support to all members dated 20 October 2015.

Councillor Choudhary declared a prejudicial interest and indicated that he would leave the meeting room and not take part in the discussion or voting during consideration of the application.

**2. Minutes of the previous meeting - 24 September 2015**

RESOLVED:-

that the minutes of the previous meeting held 24 September 2015 be approved as an accurate record of the meeting.

**3. Ark Elvin Academy, Cecil Avenue, Wembley, HA9 7DU (Ref. 15/3161)**

PROPOSAL:

Demolition of existing buildings on site and erection of replacement building to accommodate a three storey 9FE secondary school for 1750 pupils (1350 11-16 year old and 400 post 16) with associated car parking, servicing and circulation space, Multi Use Games Area, All Weather Pitch, games areas and other hard and soft landscaping, together with the diversion of Public Right of Way (PROW) No.87

RECOMMENDATION: Grant planning permission subject to conditions as set out in the draft Decision Notice and amended conditions 2, 10, 11 and 18 as detailed in the supplementary report.

Rachel Murrell (Area Planning Manager) outlined the proposal and referenced the supplementary report. Members heard that the use of Brent House or the existing access from the High Road was not considered appropriate for the main construction access route. Brent House was a separate site under different ownership and the High Road was deemed to be unsuitable due to health and safety reasons given its proximity to the existing school building. She continued that Jesmond Avenue had been selected as the preferred route of construction access as it had a direct access from Harrow Road, its closer proximity to the North Circular Road, loss of fewer on-street parking and the ability to enable the school to operate during construction without risk to pupils. Members heard that a car park within the site to compensate for the loss of on-street parking would be difficult to manage and as such was not considered appropriate.

The Area Planning Manager reported that legal advice had confirmed that assessment of claims to the use of the school grounds as a public right of way could not be carried out by the Planning Committee and must instead be dealt with by a separate process by the Transportation Department. The advice also confirmed that there was no impediment to the Planning Committee considering and determining the application. She drew members' attention to condition 22(a)(iii) regarding boundary fencing during construction, updated plans to reflect the changes to the site layout and amended conditions 2, 10, 11 and 18 as detailed in the supplementary report.

Chetan Patel (resident objector) stated that the application which would remove the current open space would be contrary to Brent's open space policy and the relevant Unitary Development Plan (UDP) policies. He continued that there had been no consultation with residents on the proposed yellow lines, the proposed construction route and that car parking spaces had not been properly assessed.

He added that the design statement for the application was inadequate. He challenged officers' reasons for selecting Jesmond Avenue as the preferred construction access route adding that had officers opted for Cecil Avenue, only 3 houses would have been affected as opposed to 170 houses in Jesmond Avenue. He also stated that the application would remove public access to open space that residents had been using for at least 20 years

Ronak Patel (resident, objector), speaking in a similar vein referred to lack of consultation regarding the yellow lines, anti-social behaviour and light pollution from the MUGA pitches. He added that with heavy vehicles passing through Jesmond Avenue during the construction period, the impact in terms of noise nuisance, spillage and damage road infrastructure would be severe. He queried who would be responsible for monitoring the construction traffic. He also raised concerns about light pollution and queried whether the entrance points to the field from Jesmond Avenue would remain open once the construction was complete.

Raphael Moss, (Headteacher, Elsley Primary School) speaking in support stated that the application would offer good quality sporting facilities for his pupils and help develop the community. He added the upgrading of the fence would allay his concerns over children safety and anti-social behaviour.

Amanda Whelan (Executive Headteacher, St Joseph Junior and Infants' School) speaking in support of the application stated that the health and safety safeguarding concerns had been addressed in the report and subject to the erection of robust quality fencing, the school was fully supportive of the proposed academy.

In accordance with the provisions of the Planning Code of Practice, Councillor W Mitchell-Murray (ward member) stated that she had been approached by residents. Councillor Mitchell-Murray spoke in support of the application adding that the new school was needed but raised concern about the lack of respect shown to residents. She also expressed safeguarding concerns for the children and stated she continue to engage with residents regarding the parking issue and with the academy on measures to limit light pollution to the residents of Jesmond Avenue..

In accordance with the provisions of the Planning Code of Practice, Councillor Stopp (ward member) declared that he had been approached by residents. Councillor Stopp stated that a precedent was set when the Committee refused the application for the Welsh School in King Edwards VII Park due to its detrimental impact on residents' access to green spaces, a reason which could be applied to the current application. He also expressed concerns about the lack of consultation with residents and the loss of public access to the open space. Councillor Stopp urged deferral of the application to enable proper consultation with residents to take place.

Vaughan Burnard on behalf of the applicant stated that a grant of £26m, which had been secured from Central Government for the proposed academy, could be withdrawn if the application was refused. He added that the proposal would provide a good standard of environment and education for the community including children from local primary schools. He continued that the assertions made by some of the residents were unfounded.

Patricia Bramwell (legal representative) stated that as part of the consultation process a number of letters had been received by the Council regarding the claimed use of the school grounds as a public right of way and that the Council was unaware of the precise nature of the claim as the representations received were not clear, but in any event, any such claim would be dealt with by way of a separate process by the Transportation Department. She advised that members could determine the application if they considered that they had all the relevant planning information they required.

In the ensuing discussion, members raised questions about alleged inadequate consultation, control of dust and dirt during construction, light pollution from the pitches and the enforcement of the yellow line restrictions. Officers were also requested to comment on the access arrangements via Jesmond Avenue and the possibility of maintaining the front of the site permanently for use as green space and no other use.

John Fletcher (Development Control Transportation Officer) reiterated that for reasons outlined in the report including health and safety, Jesmond Avenue was considered to be appropriate for access to the site during construction. He added that there would be further consultation with residents on the yellow lines and that control of construction traffic would be set out in the Construction Management Plan. Rachel Murrell advised members that conditions had been imposed to ensure that there would be no significant light spillage or pollution from the pitches and that Sport England were satisfied with the conditions imposed for the floodlit all weather pitches within the application. Stephen Weeks (Head of Planning) advised members that it was inappropriate to condition the front of the site for use as green space only as a local policy had been adopted that identified the site for a mixed use development to meet wider regeneration objectives.

In her closing remarks, the Chair noted that conditions had been recommended that would allay many of the concerns expressed by residents and mitigate potential adverse impact including safeguarding and light pollution. She also noted that the claims to the use of the grounds as a public right of way was not, on legal advice, an issue for the Committee to consider. She suggested that in future schemes the Education Funding Agency (EFA) should consider providing sufficient funding to achieve BREEAM excellent standard for the scheme at the outset. She referenced the report and suggested an additional condition should be included (as per para 65 of the report) for signage and landscaping at the High Road entrance. Condition 21 should also be updated to ensure the maintenance of external plant equipment to ensure it meets required noise levels. These were put to the Committee and declared carried. A request was made for a condition to require the applicant to restore the road surface on Jesmond Avenue at the end of the construction. Stephen Weeks (Head of Planning) stated that such a condition would not be necessary as the Transportation team had confirmed that the condition of the road surface would be recorded prior to the start of construction work and it would be again assessed at the end of the works. The applicant would be responsible for any remedial works.

**DECISION:** Planning permission granted as recommended subject to an additional condition for signage at the High Road entrance and updated condition 21 for the monitoring of external plant following installation.

#### **4. 25 Brookfield Crescent, Harrow, HA3 0UT (Ref. 15/1569)**

##### **PROPOSAL:**

Demolition of existing dwelling house and associated buildings and erection of 3 two storey dwelling houses (2 x 2bed and 1 x 3bed) with associated car parking spaces, bin stores, amenity space and landscaping (revised description)

**RECOMMENDATION:** Grant planning permission subject to conditions as set out in the draft Decision Notice and an additional condition in relation to foul water drainage as set out in the supplementary report.

Rachel Murrell (Area Planning Manager) outlined the scheme and with reference to the supplementary report, drew members' attention to the matters raised during the site visit. The officers' responses addressed claims about the use of the site as a builders' yard, highways considerations of the scheme, overdevelopment of the site, boundary treatment and removal of trees from the site. She added that as the site was partly within a flood risk area a flood risk assessment had been submitted and a condition had been secured requesting details of permeable paving for the hardstanding. She continued that as details of foul water drainage would need to be agreed with the sewerage undertaker, an additional condition requesting further details of foul water drainage as set out in the supplementary report was recommended.

In respect of additional letters of objection from Councillors Colwill and Kansagra on the grounds of over-development and loss the uniformity of the houses on the road, Rachel Murrell advised that having regard to the previous appeal decision, the proposal was not considered to be an overdevelopment of the site and that the sitting of the new houses and their relationship to the streetscene was considered to be acceptable.

Dipak Radia (objector) stated that the current application failed to address the issues for which it was previously refused. He continued that the application went against Brent policy of building on garden space, it would be out of character with the houses on the road and an over-development of the site. He stated that it would also adversely impact on parking as well as lead to loss of privacy, overlooking to properties in Cranleigh Gardens and as highlighted by the officer, flooding and sewerage problems.

In accordance with the provisions of the Planning Code of Practice, Councillor Colwill (ward member) declared that he had been approached by residents. Councillor Colwill reiterated his concerns about over-development of the site, loss of views, adverse traffic impact and increased flood risk in Brookfield Crescent. Councillor Maurice echoed similar views.

Rachel Murrell in responding to the above issues stated that the Planning Inspectors decision is material to the assessment of the application. The decision accepted the principle of development on the site and the reduction in the number of units from 4 to 3 had sought to address concerns regarding the impact on the character of the area. John Fletcher (Highways) and Patricia Bramwell (legal adviser) spoke in concurrence. Patricia Bramwell, confirmed that the Inspector's Decision was a material consideration in the determination of the application.

DECISION: Planning permission granted as recommended.

**5. Flat 1-6 INC, 9 Regent Street, London, NW10 5LG (Ref. 15/2200)**

**PROPOSAL:**

Construction of a new floor to existing four storey mixed used building to provide two additional self-contained flats (2x 1bed) "CAR FREE DEVELOPMENT".

**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 responded to the queries raised at the site visit. Members heard that a Construction Method Statement would be required by condition and that the applicant would also be required to sign up to the Considerate Constructors Scheme prior to works being undertaken. The Method Statement would to mitigate, as far as possible, levels of disturbance. He continued that the separation distance to Harrow Road was sufficient to prevent potential overlooking and adverse streetscene. The Area Planning manager drew members' attention to the "car free development" which would limit the impact of the proposal on highway conditions in the area.

Christopher Alley speaking on behalf of Kensal Triangle Residents' Association (KTRA) reiterated the concerns set out in the main report and added that the open aspect of the development and the levels of disturbance during construction had not been addressed.

In accordance with the provisions of the Planning Code of Practice, Councillor Southwood (ward member) declared that she had been approached by residents. Councillor Southwood raised objections to the scheme on the grounds of excessive height, loss of privacy, overlooking and an increase in the level of congestion and pressure on parking facilities, albeit a "car free development". She added that the proposal could set a precedent for similar undesirable developments to the detriment of the area.

Jonathan Ellis (applicant's agent) informed members that the concerns expressed would be addressed via conditions including the Construction Method Statement which required the applicant to sign up to the Considerate Constructors Scheme prior to works being undertaken. He added that overlooking had been minimised through separation distance to the nearest garden and additional planting had been proposed. The agent undertook to engage with residents on further concerns that they may have during construction. In response to a member's question, Jonathan Ellis stated that a residential change in use of the ground floor was not likely to be acceptable because it would be difficult to provide an acceptable quality of residential environment for future residents and moreover, the layout was not conducive to this use.

DECISION: Planning permission granted as recommended.

**6. 15 Brondesbury Villas, London, NW6 6AH (Ref. 15/2809)**

**PROPOSAL:**

Proposed conversion of property from two 2x bedroom flats to a single 4x bedroom dwelling house plus erection of single storey rear extension following demolition of existing single storey rear extension, erection of glazed side extension and re-location of access door at second storey level, replacement of UPVC windows with timber windows, alterations to existing outbuilding including insertion of bi-fold doors and replacement of roof with glazed roof and removal of front canopy structure (amended plans and description)

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

Andy Bates (Area Planning Manager) introduced the scheme and referenced the supplementary report. He informed members that the applicant had provided updated existing rear and side elevations showing that there would be no increased impact on neighbours, in response to concerns expressed by the occupants of Nos. 13 and 17 Brondesbury Villas.

Whist welcoming the application, members agreed to an additional condition to restrict the use of the roof of the extension as an outside terrace.

**DECISION:** Granted planning permission as recommended and an additional condition restricting the use of the roof of the extension as an outside terrace.

**7. 33A Wrentham Avenue, London, NW10 3HS (Ref.15/3094)**

**PROPOSAL:**

Proposed erection of single storey rear and side extension and separate access to ground floor flat

**RECOMMENDATION:** Refuse planning permission for reasons as set out in the draft Decision Notice.

Andy Bates (Area Planning Manager) outlined the scheme and referenced the supplementary report in terms of the applicant's view that precedents existed at 62 and 64 Wrentham Avenue to justify the development and also referred to a letter of a neighbour's support and a response from the applicant's agent on officer's report which had been circulated to all members of the Committee. Andy Bates concluded that the proposal which would incorporate a wrap around extension would relate unacceptably to the existing building in design terms, size and bulk and urged members for refusal.

Leah Clarke (applicant) informed members that the rear extension proposed would extend the full width of the house and together with its size, bulk and siting accorded with the provisions of SPG5. She continued that the proposal in terms of its detailed design, especially within main frontages, prominent elevations and roofs, would conform with the DMP7 (Brent's Heritage Assets) The applicant added that the fundamental reason for the application was the need to provide an adequate combined area for the kitchen, dining and living area, and a new entrance in the side extension that would open directly into the new

living / dining area. She advised members that the proposals, which incorporated a creative and appropriate design solution specific to the site's shape, size, location, would have no impact on the public realm streetscape. Michael Woodman-Smith (applicant's architect) was in attendance and responded to members' queries.

In bringing the discussions to an end the Chair clarified the application and reiterated the concerns outlined by officers and for which the recommendation for refusal had been made.

Members voted however to be minded to grant planning permission contrary to officers' recommendation for refusal and requested the Head of Planning to submit a further report to the next meeting setting out conditions for approval.

Voting on the recommendation for refusal was recorded as follows:

FOR:	Councillor Marquis	(1)
AGAINST:	Councillors Choudhary, Colacicco, Maurice and Patel	(4)
ABSTENTIONS:	Councillors Agha, Mahmood and Ezeajughi	(3)

DECISION: Minded to grant planning permission contrary to officers' recommendation for refusal.

**8. 143 & 145 Brondesbury Park, Brondesbury, London, NW2 5JL (15/2382)**

**PROPOSAL:**

Demolition of existing synagogue and erection of a new three storey synagogue with basement level with ancillary prayer hall, youth room, community hall and nursery.

RECOMMENDATION: 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 Head of Legal Services, subject to the conditions as set out in the draft Decision Notice.

Andy Bates (Area Planning Manager) outlined the scheme and with reference to the supplementary report, clarified the height of the proposed development and its relationship with the adjacent building. He added that the proposal would not impact on highways conditions in the vicinity as the CPZ for the area operated from 10.00am - 3.00pm and that the area to the front of the site would not be used for parking. He however added an additional condition requiring a Travel Plan to encourage sustainable transport modes.

DECISION: Granted planning permission as recommended and an additional condition requiring details of Travel Plan.



## **9. Car Park, Ainsworth Close, Neasden, London (Ref. 15/3218)**

### **PROPOSAL:**

Erection of three 2 storey terraced dwelling houses (1 x 2bed and 2 x 3bed) including formation of off street parking, bin and cycle stores and associated hard and soft landscaping.

**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 responded to concerns raised at the site visit. Members heard that there would be no direct conflict with adopted guidance due to the separation distance between windows in the existing and proposed flank wall and the angle of the buildings. He continued that the cycle stores and bin stores were located so as to be easily accessible and would not impact on the scope for soft landscaping, requirement under condition 3. He advised that the spread of tree roots was not be envisaged to create neighbourly difficulties.

Members heard that Thames Water had considered the scheme and, whilst they did not raise objection to the proposal, suggested conditions to ensure that the development did not adversely impact on drainage as clarified in the main report. Andy Bates informed members that the parking standard attributable to the proposal did not anticipate overspill parking from the site and that the car park had been historically underused. He continued that although there had been some instances of anti social behaviour on the estate requiring wardens to be called out, the proposal should not give rise to anti social behaviour and should establish an active character in a currently poorly overlooked space.

John McConalogue objected to the proposed development on the grounds of overlooking, over-shadowing and loss of car parking facilities. He considered that the revisions made by the applicant were minor involving changes to a single bedroom and failed to address residents' concerns.

Kim Darby echoing similar sentiments added that due to the narrow width of Ainsworth Close, the proposed development would result in an adverse traffic impact. She continued that the removal of trees would directly affect the foundations of nearby properties.

In accordance with the provisions of the Planning Code of Practice, Councillor Dixon declared that she had been approached by, and had attended drop in sessions with residents. Councillor Dixon informed members that the applicant had made satisfactory revisions that addressed concerns previously expressed and which rendered the scheme fit for purpose. She continued that the proposal enabled Brent to respond to the housing needs of its residents and urged members to agree to the recommendation for approval.

Daniel Pan (applicant's architect) stated that revisions had been made to the scheme which addressed concerns raised by objectors. He added that working in partnership with the Council's Tree Officer, measures had been put in place to reduce visual impact and enhance the streetscene. He continued that although the

scheme complied with parking standards, the applicant would continue to engage with residents on any possible introduction of CPZ. In response to a member's enquiry about parking survey, Daniel Pan stated that an independent survey was commissioned by the applicant and passed on to the Council's Highways officers who raised no concerns about the application on highways grounds. This view was concurred by John Fletcher (Development Control Highways Officer).

The Chair enquired as to whether the applicant had considered the impact of 2 instead of 3 dwelling units, whether an increase in service charges was likely and stressed the importance of improved resident engagement for such infill schemes in light of the comments made by residents about the parking survey. Tom Bremner for the applicant, Brent Housing Partnership (BHP) responded that having 3 units would in addition to providing an extra dwelling unit, enhance surveillance and assist in security. He continued that BHP was investing in the estate including general outlook and fire safety with no impact on service charges to residents.

DECISION: Planning permission granted subject to conditions as recommended.

**10. Former Kensal Rise Branch Library, Bathurst Gardens, London, NW10 5JA (Ref. 15/3819)**

PROPOSAL:

Variation of condition 5 (cycle parking and refuse recycling storage) to allow the location of cycle parking and refuse stores at ground floor level, of full planning permission reference 14/0846 dated 11/11/2014 for Conversion of the existing vacant building to provide 5 residential units (2 x studios, 1 x 1 bed duplex flat and 2 x 2 bed duplex flats) on part ground and upper floors and 186m<sup>2</sup> community space (Use Class D1) on the ground floor. Single storey ground floor extension to west elevation, provision of roof extension and communal residential roof terrace fronting onto Bathurst Gardens and creation of basement for bin/cycle store. Provision of new entrance door on Bathurst Gardens serving D1 space, with associated cycle parking and landscaping to Bathurst Gardens and College Road. Erection of temporary site hoarding to protect site for period of vacancy, and subject to a deed of agreement dated 05 November 2014 under section 106 of the Town and Country Planning Act 1990, as amended.

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

Andy Bates (Area Planning Manager) outlined the scheme and referenced the supplementary report. Members heard that Margaret Bailey (Chair of Friends of Kensal Rise Library) and Councillors Denselow and Southwood had expressed their support for the scheme. He added that additional details addressed the concerns about size of bin stores as well as their usability and arrangements for collection by waste operatives. Andy Bates continued that Officers in the Councils Waste Management Service had confirmed that they raised no objection to the details.

DECISION: Planning permission granted as recommended.

## 11. Any Other Urgent Business

*Andy Bates*

Members were informed that this was the last meeting for Andy Bates (Area Planning Manager) as he would be leaving the employment of Brent Council for a new post at London Borough of Enfield. Members were unanimous in thanking Andy Bates for his long and helpful service, wishing him every success in his new post.

*Rachel Murrell*

Members were informed that this was the last meeting for Rachel Murrell (Area Planning Manager) prior to the start of her maternity leave. Members were unanimous in expressing their best wishes to Rachel.

The meeting closed at 10.29 pm

COUNCILLOR MARQUIS  
Chair

Please note:

That at 9.15pm, the meeting was adjourned for 5 minutes.

That at 10.00pm, members voted to disapply the guillotine procedure so as to be able to consider all applications on the night.