LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE
Wednesday 10 February 2016 at 7.00 pm

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

ALSO PRESENT: Councillors Chohan, W Mitchell Murray, Perrin and Shahzad OBE

1. Declarations of personal and prejudicial interests

3 Garages next to and rear of 13-24, Mead Court and Communal Facility & Laundry, Mead Court, Buck Lane, London NW9 (Ref 15/4604)
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 the application and would not take part in the discussion or voting.

5 CAR PARK, Montrose Crescent & Land N/T 499 & 509 High Road, Wembley (including existing steps connecting to High Rd, Wembley with Station Grove), HA0 (Ref. 15/4473)
The applicant gave a presentation to members and officers. Members also received plans of the scheme from the applicant.

7 Moberly Sports Centre**,** Kilburn Lane, North Kensington, London, W10 4AH (Ref. 15/4226)
All members received emails from the applicant's representative, Michael Holloway and from Councillor Denselow indicating his concerns.

All members re-affirmed that they would be considering all the applications with an open mind.

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 13 January 2016 be approved as an accurate record of the meeting.

Minutes of the meeting held on 16 December 2015
The Committee agreed the following amendment to the minutes relating to the application for 31 Montrose Avenue.
"Janis Denselow (an objector) reiterated that residents were not convinced by the applicant's Construction Method Statement and added that their concerns, including the protection of the nearby tree, had not been addressed. She

requested a deferral of this and any similar proposals to enable a study to be carried out on how other local authorities approached similar applications."

3. Garages next to and rear of 13-24, Mead Court and Communal Facility & Laundry, Mead Court, Buck Lane, London NW9 (Ref 15/4604)

PROPOSAL: Demolition and replacement of existing derelict garages and laundry building with two pairs of 2 storey three bedroom semi-detached houses with associated car parking spaces, realignment of existing path to proposed dwellings, reinstatement of hard-standing as amenity space, landscaping and lighting to the public realm.

RECOMMENDATION: Grant planning permission subject to the conditions set out in the Draft Decision Notice with amendments to condition 3 as set out in the supplementary report.

David Glover (Area Planning Manager) introduced the scheme and with reference to the supplementary report responded to queries raised by members at the site visit. He advised members that details of fencing to improve safety and security would be required through an amendment to condition 3 as set out in the supplementary report. He continued that the applicant, Brent Housing Partnership (BHP), had taken on board the concerns raised about the proximity of the proposed trees to the new houses and would work with the Council's Tree Officer and Landscape Officer to consider appropriate species and location for the proposed trees. David Glover also drew members' attention to BHP's responses to queries raised about cyclical repairs for the estate and the apportionment of service charges as set out in the supplementary report.

Joe Powell (applicant's agent) and Richard De Ville (BHP) attended the meeting and responded to members' queries. The applicant's agent stated that the application had been designed following pre-application meetings to ensure that the proposal complied with National and Local policies including SPG17. He added that the scheme for family dwellings, intended for social rent, would not only assist with housing needs but would also involve significant improvements including the provision of 21 car parking spaces, new lighting, an improved landscaping scheme and recycling facilities.

In response to members' questions, the applicant's agent stated that a Construction Management Plan and a Method Statement which would seek to address concerns about construction traffic (including a requirement to consider routing construction traffic through Kingsbury Road) and reinstatement of damaged pavements would be submitted. He added that further soil investigation would be carried out to ensure sound foundations. The applicant's agent continued that BHP would assess the need for disabled parking and designate spaces for their use. Members heard that BHP was committed to working with the Council to ensure a satisfactory development and would restore any damage to the road or pavement caused during construction.

DECISION: Planning permission granted as recommended and an additional condition requiring the submission of a Construction Management Plan.

4. Brent House, 349-357 High Road, Wembley, HA9 6BZ (Ref. 15/4743)

PROPOSAL: Proposed demolition of existing office building and erection of two buildings of between eight and ten storeys accommodating 248 dwellings (84 x 1-bedroom, 108 x 2-bedroom, 49 x 3-bedroom & 7 x 4-bedroom units) and flexible commercial space at ground floor (for Use Classes A1, A2, A3, A4 and/or B1(a)), new public square, landscaped communal gardens, associated landscape works, alterations to existing crossover(s) and basement car and cycle parking.

RECOMMENDATION: Grant planning permission subject to the referral to the Mayor of London and 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 set out in the Draft Decision Notice and additional conditions regarding drainage and vibro-impact works as set out in the supplementary report.

David Glover (Area Planning Manager) outlined the scheme and referenced the supplementary report. He clarified the servicing and parking arrangements and added that platform lifts would be provided adjacent to the main loading bay to allow goods to be moved from delivery vehicles to their destination. This measure would seek to address level changes across the site. He continued that anticipated infrastructure expected to include new schools, extensions to existing local schools, nursery places, at least 2.4ha of new public open space, improvements to accessibility of existing open space, a new community swimming pool, new health facilities (for GP's and dentists) and new multi-use community facilities would be funded from the Community Infrastructure Levy (CIL) of £3.5 million. In addition, he understood that the applicant had agreed to the £319, 000 bus capacity enhancement contributions that TfL had identified as being required in this area. This contribution would be secured through the s106 legal agreement. He recommended a further condition as set out in the supplementary report in response to the GLA Stage 1 report and their comments on sustainable drainage.

Mark Pender (applicant's agent), Nick Budd (Transport Consultant) and Peter Smith (applicant's architect) attended the meeting to clarify issues raised by members. The applicant's agent informed the Committee that an extensive consultation which engaged the GLA, TfL, local community and local schools had taken place to ensure the development made maximum use of a brownfield site in a town centre. He continued that the development, which would provide acceptable density limits, would incorporate private balconies to all flats in addition to a children's play area.

In response to members' questions, Mark Pender stated that full accessibility standards had been complied with including the provision of a lift service available for use by disabled persons. He anticipated demolition of the existing structure to commence within 6 months and 24 months to complete the building. The

Committee heard that statutory bodies including TfL and Network Rail were consulted on the application but did not raise concerns about the applicant's detailed noise and traffic assessment. He added that the proposal which would not raise safety issues would have a separation distance of 9 metres from the nearest building in addition to adequate capacity to accommodate servicing vehicles.

In welcoming the report, members agreed additional conditions requiring details of balconies and a covered area from the car park to assist disabled persons.

DECISION: Planning permission granted as recommended and additional conditions on details of balconies and the canopy for disabled persons.

5. Car park Montrose Crescent & Land N/T 499 & 509 High Road, Wembley (including existing steps connecting to High Rd, Wembley with Station Grove), HA0 (Ref. 15/4473)

PROPOSAL: Redevelopment of Montrose Crescent car park and land n/t 499 and 509 High Road, Wembley to include a part 3, 6, 13 and 18 storey development on Curtis Lane and a part 4 and 6 storey building on the High Road, Wembley comprising of 186 residential units (43 x 1 bed, 108 x 2 bed and 35 x 3 bed), 1,312 sqm of commercial space comprising A1, A2, A3, A5, B1(a) and/or D1 uses, replacement public car park comprising of 89 public car parking spaces, associated amenity space, landscaping, cycle parking, new lift access to High Road together with alterations to existing stepped access from the High Road to Curtis Lane and Station Grove and public realm improvements.

RECOMMENDATION: Grant planning permission subject to the 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 Planning or other duly authorised person to agree the exact terms thereof on advice from the Head of Legal Services and conditions set out in the Draft Decision Notice and to amendments in the Section 106 Heads of Terms as set out in the supplementary report.

David Glover (Area Planning Manager) introduced the scheme and by reference to the supplementary report clarified the issues raised at the site visit. He advised that extensive works including a new road layout to upgrade Curtis Lane had been accepted by Transportation officers and that the proposed loading bays to serve existing commercial units along Ealing Road could be used by both commercial vehicles and delivery vans. In respect of the impact on Lodge Court, he submitted that robust testing of daylight and sunlight conditions carried out had confirmed that adequate sunlight and daylight environment would be maintained, thus the scheme complied with BRE Guidelines. He drew members' attention to the separation distance of 26metres between buildings which was in excess of the 20m required under SPG17. He clarified that the affordable units would be 38 and not 34 as stated in the main report and drew attention to amendments to the Heads of Terms of the s106 legal agreement in respect of s278 works.

Ken Meadows objected on the grounds that the proposed development would result in loss of sunlight and loss of privacy. He urged the Committee to require the applicant to relocate the blocks to the west side of Lodge Court in order to preserve the amenities of Lodge Court residents.

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 of Lodge Court and Manor Court. Although welcoming the application, Councillor Mitchell-Murray expressed concerns about loss of light particularly to the eastern side of Lodge Court and felt that the orientation of the building could be re-arranged to minimise the impact. She added that residents of Lodge and Manor Court were not consulted on the application and questioned the need for an 18 storey block. Councillor W Mitchell-Murray sought officers' comments on wind assessment and the potential conflicts between delivery vehicles and the bus stand to the front of the proposed building.

Emma White (applicant's agent) and Michael Harper (Daylight and Sunlight Consultant) attended the meeting to respond to queries raised. Emma White informed the Committee that the scheme, which would deliver 186 new homes including affordable units, would assist in the regeneration of the site by the re-provision of the car park and public realm improvements, whilst respecting the amenities of other neighbours. She continued that the application was widely consulted upon which resulted in significant revisions to achieve a scheme that minimised any potential negative impact to other neighbours. Michael Harper explained the daylight and sunlight assessments and the findings which concluded that Lodge Court and Manor Court residents would continue to receive uninterrupted sunlight levels above guideline requirements. The applicant's agent added that the public car park, which the parking survey found to be under-utilised would be privately managed and would be within the Council's controlled charging structure. She confirmed that there would be no bus stand on Station Grove.

Stephen Weeks (Head of Planning) added that an extensive consultation including a public exhibition was carried out last year in addition to about 550 letters sent to local residents including those at Lodge Court. He confirmed that the applicant submitted wind and impact assessments with the application. In response to a member's question, the Head of Planning stated that the development should not normally affect local water supply during construction.

John Fletcher (Development Control, Highways) advised that the applicant would be required to enter into a s278 agreement to ensure that highway controls would be in place for the development.

In welcoming the application, members agreed to add further conditions as set out below to address potential highways impact.

DECISION: Planning permission granted as recommended and the following additional conditions; that the Use Class D1 use shall exclude places of worship; an additional servicing bay is provided on Montrose Crescent; applicant to upgrade the pavement on south side of the High Road to the junction with Ealing

Road; the highway controls to be reviewed pursuant to the Section 278 agreement.

6. 271-273 Kilburn High Road, London, NW6 7JR (Ref. 15/3695)

PROPOSAL: Demolition of existing building and erection of a part four, part five storey building comprising an A3 unit (restaurant/cafe) on the ground floor and 7x self-contained flats (7 x 1 bed) on the upper floors with associated bin and cycle storage.

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

Angus Saunders (Area Planning Manager) introduced the proposal and with reference to the supplementary report responded to issues raised at the site visit in respect of overlooking and daylight and sunlight impact. He informed members that the applicant had submitted details to show a 1.2m deep planter along the side facing the units on 275 Kilburn High Road to demonstrate that overlooking would not result. However, and in response to Member's queries, a privacy screen could be located along this section by amending the proposed landscape condition. He continued that whilst there would be some impact on the second floor flat facing the flank facade (Flat 5, 275 Kilburn High Road), on balance, he considered it to be limited and not sufficient to merit a refusal. He added that whilst the BRE Sunlight/Daylight assessment did not satisfy every scenario, it showed strong conformity with the broader assessment of the proposals.

In addressing the concerns expressed by the Tricycle Theatre, Angus Saunders informed the Committee that as the development would be located to the north of the Theatre, the Theatre would not be overshadowed by the proposals nor its operation unduly affected.

Tom Gilmore objected to the proposed development on the grounds that it would materially harm the living conditions of the residents at 275 Kilburn High Road through loss of outlook and increased noise level. He added that illegal parking in the vicinity would result due to the operation of the nearby café and raised concerns that the EB7 report was based on theoretical data as the rooms were bigger than stated and would therefore be darker than reported.

Graham Sproul objecting on behalf Tricycle Theatre stated that due to its excessive scale and size, the proposal would have a detrimental impact on neighbouring properties including the Tricycle Theatre. The impact on the theatre including noise and overshadowing, would be more significant as it conducted rehearsals throughout the day.

Patrick O'Sullivan objecting on behalf of Peabody Estates (owners of the adjoining properties) echoed similar sentiments and added that due to its size and its proximity to the Peabody properties, the proposal would give rise to overlooking to balconies. He urged the Committee to require the applicant to submit a Construction Management Plan to demonstrate their commitment to minimise

construction impact. Patrick O'Sullivan also expressed concerns about lack of controls to access to the green roof.

Robert O'Hara (applicant's agent) stated that the proposal would not have an unacceptable daylight and sunlight impact and loss of outlook to adjoining properties. He added his company had designed the building at 275 Kilburn High Road and therefore had accurate information on which to base their report. He also stated that the Construction Management Plan to be submitted would set out in more detail measures to minimise construction impact on the neighbours.

In the ensuing discussion, members were minded to endorse officers' recommendation for approval however, they added additional conditions relating to balcony privacy screens, control of access to green roofs, maintenance of ventilation and an amendment to condition 8 for a Construction Logistics Plan (CLP) requiring advice on delivery vehicles for neighbouring properties.

DECISION: Planning permission granted as recommended, with additional conditions relating to balcony privacy screens, control of access to green roofs, maintenance of ventilation and an amendment to condition 8 for a Construction Logistics Plan (CLP) requiring advice on delivery vehicles for neighbouring properties.

7. Moberly Sports Centre, Kilburn Lane, North Kensington, London, W10 4AH (Ref. 15/4226)

PROPOSAL: Details pursuant to condition 17 (Construction Logistics Plan) relating to planning application reference 13/3682 dated 04/02/2015 for full planning permission sought for demolition of all existing buildings and erection of a part 7/part 6/part 5/part 4-storey building with 9293sqm of Sports and Leisure Centre (Use Class D2), 56 flats (22 x 1-bed, 34 x 2-bed) and 240sqm of retail floor space (Use Class A1/A2/A3) and erection of 15 terraced townhouses (15 x 4-bed) with associated car and cycle parking and landscaping and subject to a Deed of Agreement dated 02 February 2015 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.

Angus Saunders (Area Planning Manager) outlined the scheme and with reference to the supplementary report responded to queries raised at the site visit. Members heard that the suspension of the parking bays opposite the loading bay would maintain two-way traffic flow for cars along Chamberlayne Road and was thus considered an improvement on the current situation. He advised that the widening of the carriageway or strengthening of the footway to accommodate loading on the footway was likely to be very costly to the applicant and difficult to achieve. On pollution, the Area Planning Manager maintained that whilst there was evidence to suggest that idling vehicles could result in increased air pollution and congestion, the impact of the proposal would not result in considerably worse congestion than the existing situation. He continued that alternative locations for

off-site loading had been considered and discounted. He explained that Bannister Road or Kilburn Lane as potential off-site loading areas were considered impractical and to carry greater challenges than that of Chamberlayne Road. He clarified that Banister Road was a short road with bus stops on both sides and Kilburn Lane was a residential road with parking bays along its length.

John Keutgen, Chair of Aylestone Park Residents and Tenants Association (APRATA) speaking on behalf of the association and other local residents' associations: Kensal Rise and Kensal Triangle, stated that an unacceptable level of congestion would ensue as unloading would take much longer than advised. He added that alternative sites for unloading facilities existed which the applicant had not explored. He continued that the proposal, which he considered would fail to respect the environment, would cause a significant disturbance to Chamberlayne Road residents.

Simon Taylor, Nick Judd and John Howard (applicant's agents) attended the meeting to respond to queries raised by objectors and members. Members were informed that since the scheme was approved, the applicant had been working in close partnership with officers of the Council to discharge all conditions. The agents continued that restricted hours had been agreed for off-site loading and when not in use the loading bays would be returned to normal use. In addition, an online booking system for deliveries was in place to ensure that disruption to the highway was minimised. In response to members' questions, the agents stated that there were only two deliveries per day each taking on average between 30 and 60 minutes and that traffic marshals and banks men were on hand to assist with the deliveries

During the discussion that followed, members expressed concerns about the traffic impact resulting from disruption to traffic on Chamberlayne Road, the extent to which alternative locations had been explored, pollution from unloading and the impact on shops in Chamberlayne Road. For those reasons members were minded to refuse the application contrary to officers' recommendation for approval.

Voting on the officers' recommendation for approval was recorded as follows:

FOR:	Councillor Agha, Choudhary	**(2)**
AGAINST:	Councillors Marquis and Colacicco, Ezeajughi, Mahmood and Maurice	**(5)**
ABSTENTION:	Councillor Mili Patel	**(1)**

DECISION: Refused planning permission for the following reasons; traffic impact resulting from disruption to traffic on Chamberlayne Road, impact on local shops in Chamberlayne Road and traffic pollution arising from unloading..

8. 76-78 Salusbury Road, London, NW6 6PA (Ref. 15/4590)

PROPOSAL: Change of use of the 1st, 2nd and part of the ground floor of the public house (Use class A4) to create 8 self-contained flats (3 x 1bed, 3 x 2bed and 2 x 3bed) together with associated alterations to include removal of rear

dormer window, new 2nd floor rear extension, stairwell extension, replacement and relocation of some of the windows, insertion of new windows and roof lights, terraces and screening, cycle parking spaces and bin stores.

RECOMMENDATION: Refuse planning permission for reasons set out in the Draft Decision Notice.

Angus Saunders (Area Planning Manager) outlined the scheme and with reference to the supplementary report responded to the issues raised at the site visit in relation to noise, entrance to the public house and community use of the property. He confirmed that there was an extensive history of noise complaints with the site according to meetings held between Environmental Health officers and local residents and with the operator. He continued that due to the commercial character of the area, the use of the entrance on the corner of Hopefield Avenue would not necessarily lead to unacceptable harm to the living conditions of the residents. The Area Planning Manager added that as far as he had established, the community groups had relocated to nearby Salusbury School and Salusbury Rooms. In respect of a query from a resident regarding a commuted sum in lieu of direct re-provision of community facilities and community access to the pub proposed by the applicant, the Area Planning Manager advised that it had not been possible, given the time allowed, to open discussions on this matter with the applicant.

The Area Planning Manager reiterated his recommendation for refusal on the grounds that the applicant had failed to demonstrate that the proposal would provide adequate community space with minimum access arrangements and how the proposed community access would interact with the pub without adversely affecting the viability of the pub.

Judy Wilcox an objector speaking on behalf of the Hopefield Avenue residents raised concerns on the application on grounds of noise nuisance from staff and visitors to the pub and added that the applicant had consistently failed to adhere to planning conditions including amplified music and hours of operation of the event rooms. The objector added that whilst some groups had moved to other sites, the use of the premises by the other remaining groups would worsen the problems being experienced by residents. She also reiterated residents' objection to the use of the entrance to the pub on the corner of Hopefield Avenue and Salusbury Road.

Kieron Hodgson (applicant's agent) stated that the proposed development would bring the building, which was currently empty, back into a mixed use scheme. The proposal would re-provide at ground floor level, an improved and bigger room with good general amenity and the conversion of the hitherto noisy first floor event room to residential accommodation. In response to members' questions, the applicant's agent responded that the applicant would be amenable to the suggestion to provide community facility off-site and that the entrance doors on Hopefield Avenue would not be used.

Members discussed the application during which they were minded to grant planning permission contrary to officers' recommendation for refusal subject to clarification on a number of issues. They therefore decided to defer the application to the next meeting to enable officers to review any off-site contribution and clarify the details of the on site community provision and potential conditions regarding future use of the facilities covering hours of use, amplified sound, access arrangements and external activities.

Voting on the substantive recommendation for refusal for reasons set out in the main report was recorded as follows:

FOR:	Councillor Choudhary	**(1)**
AGAINST:	Councillors Marquis, Colacicco, Mahmood, Maurice and Mili Patel	**(5)**
ABSTENTION:	Councillors Agha and Ernest	**(2)**

DECISION: Deferred to the next meeting to enable officers to review any off-site contribution and to clarify the details of any site community provision and potential conditions regarding future use of the facilities covering hours of use, amplified sound, access arrangements and external activities.

9. Any Other Urgent Business

None.

The meeting closed at 10.55 pm

S MARQUIS
Chair

Note: At 10.00pm, the Committee voted to disapply the Guillotine procedure so as to enable all applications to be considered on the night.