

## **LONDON BOROUGH OF BRENT**

### **MINUTES OF THE PLANNING COMMITTEE Wednesday 9 August 2017 at 7.00 pm**

PRESENT: Councillors Agha (Chair), Moher (Vice-Chair), S Choudhary, Colacicco, Daly, Maurice and W Mitchell Murray

ALSO PRESENT: Councillor Mili Patel

Apologies for absence were received from Councillor Hylton

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

None.

Approaches.

All members received an email from a resident of Braunston House in relation to the application for 224-249 and 253 Ealing Road, Wembley (Ref. 16/3606).

#### **2. Minutes of the previous meetings - 12 July 2017**

RESOLVED:-

that the minutes of the previous meeting held on 12 July 2017 be approved as an accurate record of the meeting.

#### **3. 111 Chamberlayne Road, London NW10 3NS**

PROPOSAL: Temporary use of land to the rear of 111 Chamberlayne Road for outside seating area

RECOMMENDATION: To GRANT planning permission and grant delegated authority to the Head of Planning to issue the planning permission and impose conditions and informatives to secure the matters set out in the draft decision notice.

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

Damian Manhertz (Deputy Area Planning Manager) introduced the report and answered members' questions. He referenced the supplementary report and responded to issues on noise, overlooking and impact of the seating area. These were raised in the petition that was submitted after the report had been published.

He clarified that excessive noise and harm caused through elements such as smoking could be classified as a statutory nuisance and as such would be covered and controlled through Environmental Health legislation rather than planning legislation. Members heard that the windows adjacent to the plot related to a clinic rather than a residential property and that a wall approximately 1.6m in height provided some separation, drawing attention also to recommended condition 3 to limit the hours of use from 09.00 hours to 18.00 hours, Monday to Saturday.

The Deputy Area Planning Manager continued that although visitors to the clinic would have to pass it, it was worth noting that the coffee shop was a commercial unit within a secondary shopping frontage and what was being proposed would be of benefit and help to their business. In addition to the condition on the hours of operation, the application was being recommended for a temporary trial period so as to assess the actual impact.

Gillian Lonsdale (objector) circulated photographs of the site and raised the following issues of concern; the umbrellas would result in loss of natural light to her adjoining osteopathy clinic; the patrons to the coffee shop would adversely impact on her business through noise disturbance, smoking and loss of security for her clients. She requested the imposition of the following conditions; the umbrellas should not be used between 08.00 hours and 17.00 hours; the erection of a "no smoking" sign and the installation of a CCTV surveillance camera to deter anti-social behaviour gathering.

Simon Millett (applicant's agent) stated that the applicant had a permitted development right which would expire on or before 31 December 2018, drawing attention to a typographical error in condition 1. He added that Planning and Environmental Officers were satisfied with the proposal and had recommended conditions to allow control and to assess its impact prior to any application that would be submitted upon expiry of the current temporary scheme.

He continued that there was no anti-social behaviour on the premises and that adequate separation via the 1.6m wall existed. He noted that, his client proposes that the seating area to the rear would be a no smoking part of the premises and customers would continue to use the area to the front of the store if they wanted to smoke, this would be implement as part of his clients management of the site. In response to members' questions, the agent stated that the applicant could put up a "no smoking" sign. A suggestion was put forward to lower the ground level of the seating area to reduce its impact on the surroundings. Mr Millett noted that this and CCTV was not part of the proposal and he did not consider it was necessary.

In response to queries raised, the Deputy Area Planning Manager stated that the umbrellas were of acceptable height and that the hours of use of the site had been conditioned for 9am till 6pm. He added that any reported breaches occurring during the use would be dealt with by the planning enforcement team and the environmental health officers.

Rachel Murrell (Development Management Manager) advised that there was no justification to require CCTV cameras and that outside smoking was controlled by other legislation.

DECISION: Granted planning permission as recommended subject to updating Condition 1 to reflect the time period set out for the 2 year change of use. (Voting was recorded as follows: For 6; Against 0; Abstention 1).

#### **4. 62 Dunster Drive, London NW9 9EL**

PROPOSAL: Conversion of existing dwelling into 3 self-contained flats with associated internal alterations and provision of front car parking, soft landscaping and bin storage.

RECOMMENDATION: To GRANT planning permission and grant delegated authority to the Head of Planning to issue the planning permission and impose conditions and informatives to secure the matters set out in the draft decision notice.

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

Chris Heather (Deputy Area Planning Manager) informed the Committee that a total of 8 (not 81) objections had been received from 5 properties. He clarified that the principle of use and the proposed sub-division was acceptable and that the amendments proposed as part of the application were considered relatively minor in design terms for a sufficiently high quality residential accommodation.

He added that the impact was considered not to be materially greater than the development which had planning permission and was currently under construction. He continued that the impact on the highway was considered to be acceptable.

Pamela Surayah (objector) circulated photographs to support her presentation and to inform members that what was being built was much larger (higher) development than that the specification granted in December 2016. She alleged that residents were not consulted about the proposal and went on to raise the following issues of concern; health and safety risk aspects of such a hugely imposing and out of character building on the corner of a major junction, where several accidents have occurred to date due to poor visibility; the development would be out of character with neighbouring residential properties in terms of its excessive scale which would result in overbearing. She requested that the Enforcement Team be asked to get involved to make sure that the building complies with the scheme granted permission in December 2016

Desal Al Hasani (applicant's agent) informed members that an extant planning permission was granted in 2016 and that the construction of the building was substantially complete and in accordance with conditions imposed and building regulations requirements. He added that the building would remain residential with no impact on neighbouring residential properties.

In the ensuing discussions, members noted that the claim by the agent that the building was substantially complete was not backed up by photographs recently taken and submitted by the objector. Rachel Murrell (Development Management Manager) advised that members could either defer the application until the development was substantially complete and the Enforcement Team had established that the development was being carried out in accordance with the permission granted in December 2016 or to agree in principle and delegate authority to Head of Planning to grant planning permission in due course when satisfied.

DECISION: Deferred the application until the development was substantially complete and the Enforcement Team had established that the development was being carried out in accordance with the planning permission granted in December 2016.

(Voting on the above decision was unanimous).

## **5. 245-249 and 253 Ealing Road, Wembley HA0 1EX**

PROPOSAL: Redevelopment of the site to provide two new buildings of part 9 and part 10 storeys high to accommodate 92 flats (7 x studios, 45 x 1 bed, 26 x 2 bed and 14 x 3 bed units), ground floor commercial use within Use class A4 (drinking establishment) or Use class D1 (community centre) with associated basement for car and cycle parking spaces and storage, vehicular crossover, bin stores, amenity space, landscaping and associated works

RECOMMENDATION: To GRANT planning permission subject to conditions and the completion of a satisfactory Section 106 or other legal agreement with Heads of Terms as set out in the report

That the Head of Planning be granted delegated authority to negotiate the legal agreement indicated above.

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out draft decision notice.

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

That, if by 3 months of the Committee date the legal agreement has not been completed, the Head of Planning be granted delegated authority to refuse the planning permission.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Chris Heather (Deputy Area Planning Manager) introduced the report, referenced the supplementary report and answered members' questions. He informed members that although the scheme was "car free", the applicants had already provided information on how the development would achieve 10% wheelchair accessible units. In view of that, he recommended an amendment to condition 15 of the draft decision notice to require compliance. In terms of unit sizes, members heard that of the 92 flats proposed, only 6 would fall short of the London Plan standard, with the other 86 flats exceeding the standards. Although the distance would not achieve the 20m separation distance in many instances, SPG17 stipulates that 20m was a standard for privacy and not for outlook. He added that at least 20m should be established between facing windows for privacy and at least 10m of unobstructed space should be achieved from habitable room windows to establish suitable outlook.

In respect of density, he noted that the proposed development would have 1,997 habitable rooms per hectare, which was substantially higher than the 725 habitable rooms per hectare achieved at the 243 Ealing Road development. Both of these densities are higher than the recommended 200-700 habitable rooms per hectare within the London Plan. Whilst it was acknowledged that its relationship with the existing buildings was slightly tighter than that established within 243 Ealing Road, the building still sits within more open surroundings that cannot be accounted for within a density calculation that only considers land within the applicant's ownership. In terms of daylight and sunlight impacts, he explained that out of 589 windows, only 78 (13.2%) did not meet BRE recommendations

Chris Heather informed members that the scheme would deliver 24 affordable housing units which was considered to represent the maximum reasonable amount when compared against the viability and development costs/constraints, as backed up by correspondence from BNP Paribas. In addition there was a clause for post implementation financial review mechanism to reasonably capture any improvement in viability for deferred affordable housing planning obligations within the S106 agreement. He added that the scheme would also retain the public house in accordance with Brent's planning policy DMP21, the community use of which would be secured through the S106 agreement. To ensure retention of the pub, he recommended a new condition revoking permitted development rights for the unit to convert to an A1, A2 or A3 unit.

Andrew Linnie, speaking on behalf of the local residents raised concerns on loss of daylight, massing, density, noise and access. He alleged that 122 neighbouring windows failed the light assessment test. He continued that the building was too large and access points have thus been included in the rear and side block A, which would create problems for emergency exits and access to refuse stores. Members heard that the balconies would look directly into nearby homes thus resulting in overlooking and lack of privacy. The objector then highlighted the excessive density of the scheme at 800 units/hectare as against 200 under the London Plan and for surrounding homes and lack of adequate infrastructure including schools to support the scheme. He noted that although the scheme

would be “car free”, that would be insufficient to address the parking situation in the area adding that the nearby Alperton station would not be able to provide adequate public transport facility for the additional population. The objector added that the applicant failed to seek and incorporate the views of residents.

Steve Buckmaster (applicant’s architect and agent) informed members that in terms of massing, height and scale, the proposed development was appropriate for the site as was the principle of development which was in accordance with the Development Plan for the area. He continued that in addition to housing provision, the scheme would deliver community use at ground floor level, £1.6m in CIL to offset any deficiencies. He added that the mix of units was appropriate as was the affordable housing and viability issues which had been scrutinised by PNB Paribas, the Council’s assessor.

Members then discussed the application during which they raised issues of concern relating to community access, density, transport links, upgrade to Alperton station, play space and infrastructure including schools to support the scheme.

Chris Heather stated that the community access to the public house for Corib Rest at Salusbury Road NW6 did differ from this proposal as there were already agreements in place relating to this. He reiterated that although the density was higher, the buildings would sit within more open surroundings. The upgrade of Alperton Station was a matter for Transport for London (TfL) whose officers would feed into the Stage 2 consultation with the Mayor of London. In respect of play space, he was of the view that both on-site play space and Alperton Sports Grounds would be adequate to satisfy the needs of the children in the development. He continued that in terms of school places, Children’s Services make provision for proposed developments.

Members then voted to approve the application as set out below on the Chair’s casting vote.

DECISION: Granted planning permission as recommended subject to an additional condition revoking permitted development rights, the removal of condition 25 as set out in the supplementary report and with additional informative requiring the applicant to ensure that any damage to public realm is repaired and that maximum standards were applied to fire safety issues.

(Voting was recorded as follows: For 3 + Chair’s casting vote; Against 3; Abstention1).

## **6. Any Other Urgent Business**

None.

The meeting closed at 9.15 pm

A AGHA  
Chair