

LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 15 November 2017 at 7.00 pm

PRESENT: Councillor Agha (Chair), Moher (Vice-Chair), Ahmed (substitute for Councillor Hylton), S.Choudhary, Colacicco, Daly and Maurice.

Also present: Councillor Hirani.

An apology for absence was received from Councillor Hylton.

1. Declarations of interests

80,82 & 84 Harrowdene Road (Ref 17/3318)

Councillor Daly declared a personal and prejudicial interest given she knew the applicant. As a result she withdrew from the meeting during consideration of the application.

Approaches:

1-7, 9, 11 & 11A Elm Road (Ref 17/3188)

All members of the Committee had received a brochure from the applicant. In addition Councillor Agha had received an email from a local resident.

Cottrell House, 53-63 Wembley Hill Road, Wembley (Ref 17/0387)

All members of the Committee had received a leaflet from the applicant

60 Neasden Lane, London (Ref 17/2477)

All members of the Committee had received a brochure from the applicant. In addition Councillor Agha had received an email from a local resident

2. Minutes of the previous meeting

RESOLVED that the minutes of the previous meeting held on 18 October 2017 be approved as an accurate record of the meeting.

3. 245-249 and 253 Ealing Road, Wembley, HA0 1EX (Ref 16/3606)

PROPOSAL: Redevelopment of the site to provide two new buildings of part 9 and part 10 storeys high to accommodate 92 flats (10 x studios, 42 x 1 bed, 25 x 2 bed and 15 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 (Revised plans submitted changing the floorplans and elevations of Block B and Daylight/Sunlight Report addendum).

RECOMMENDATION:

- (1) That the Committee resolve to GRANT planning permission subject to conditions set out in the report and the completion of a satisfactory Section 106 Heads of Terms or other legal agreement and referral to the Mayor.
- (2) That the Head of Planning be granted delegated authority to negotiate the legal agreement indicated above and to issue the planning permission and impose conditions and informatives to secure the matters set out in the report.
- (3) 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.
- (4) That, if by 3 months of the committee date the legal agreement has not been completed, the Head of Planning is granted delegated authority to refuse planning permission.
- (5) 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.

David Glover (Area Planning Manager) introduced the report and reminded Members that the application had been subject to initial consideration by the Committee on 9 August 2017, where planning permission had been granted subject to conditions, a Section 106 Agreement and referral to the Greater London Authority (GLA). Prior to the final decision being issued, however, it had been identified that one letter of objection had not been fully discussed and the original committee report had contained some inaccuracies relating to the description of the relationship between the proposed development and an adjoining development site at 253a Ealing Road. The application had therefore been brought back to Committee for reconsideration. In order to further examine the relationship between the application site and No.253a Ealing Road, the applicant had commissioned a further daylight and sunlight assessment and had proposed a number of revisions to the internal layout and external façade, which had resulted in a re-consultation being undertaken on the proposed revisions.

Whilst not felt to have an unduly detrimental impact given its location, concerns had been raised during the re-consultation process regarding the lack of a daylight/sunlight assessment for the south side of Braunston House. As a result the applicant had provided additional information to clarify the position, which had been detailed within the supplementary report provided for the Committee. The supplementary report also outlined an additional comment received following publication of the original report from a resident of Cosgrove House and informed Members of the submission of additional CGI visualisations of the proposed development. In addition, the Committee was advised that since publication of the supplementary report, the applicant had submitted a revised plan in order to address objections raised in relation to the location of a fire escape originally

located at the rear of the Public House proposed at 243 Ealing Road. Having taken account of the additional information provided, officers recommendations remained approval, subject to the conditions and s106 obligations detailed within the report and previous report to the Committee.

Kathryn Andrews (local resident of Braunston House) in objection, raised concerns in respect of the proposed development including:

- (i) the detrimental impact on surrounding residents in relation to outlook, access, privacy, loss of daylight and sunlight, density, parking, traffic, road safety and local amenities;
- (ii) the use of the public house as a community asset given concerns regarding anti-social behaviour;
- (iii) the environmental impact in relation to air quality, amenity space, noise and the detrimental impact on the micro climate in the area;
- (iv) the impact of the construction on the surrounding area given the proximity of the development to adjacent buildings and as access would rely on land outside the applicant's ownership;
- (v) the failure of the application to deliver the required proportion of affordable housing and to meet planning and non-planning guidance in relation to density, privacy and design of the windows;
- (vi) the failure of the applicant to engage with all relevant stakeholders, with specific reference made to a letter of objection submitted by Network Homes; and
- (vii) the style of the proposed development was not in keeping with the style and materials used in surrounding developments;

In addition, Andrew Linnie (local resident of Braunston House) also in objection, referred to the concerns raised by the previous speaker and raised a number of other concerns including:

- (i) the detrimental impact on surrounding properties given its excessive density in relation to current guidance and number of windows which had failed the Building Research Establishment (BRE) light test;
- (ii) the proximity of the development to surrounding buildings, which was felt to contravene spatial planning guidance;
- (iii) the impact on parking and traffic given the lack of visitor parking provision;
- (iv) the reliance on public transport and cycling, given the transport figures referred to within the report and limited cycling infrastructure in the surrounding area and concerns regarding safety;
- (v) the potential loss of commercial/retail space;
- (vi) access arrangements to the development and public house;
- (vii) the failure to advertise the existing public house unit;
- (viii) the failure of the development to deliver the required level of affordable housing.

Chris Whitehouse (applicant's agent) in responding to the issues raised, felt it was important to recognise that a number of the concerns highlighted had already been subject to consideration by the committee when approving the original decision. As a result of the outstanding issues highlighted, further detailed technical and design work had been undertaken to test the suitability of the design with these results detailed within the committee and supplementary reports. The terms of the draft s106 Agreement had been agreed (including relevant housing and community benefit) and there had been no objections from the statutory

consultees. The development proposals were felt to be robust in planning policy terms and officers had once again recommended approval, having assessed the overall benefits associated with the type of mixed use development proposed.

In the discussion that followed, members sought further clarification in relation to the daylight and sunlight impact assessment of the proposed development on surrounding properties and the concerns raised in relation to the potential impact on privacy at adjoining sites. In response, David Glover advised members that it was considered amended plans submitted by the applicant as a result of concerns regarding the privacy relationship between the proposed development and that at No.253a Ealing Road had sufficiently addressed the issues identified. Similarly the daylight and sunlight assessment undertaken in relation to the impact of the adjoining site development at No.253a Ealing Road was considered to be acceptable, particularly in view of the density of the surrounding urban area. Daylight and sunlight assessment of the internal accommodation within the proposed development had also confirmed that in all cases this would meet BRE guidance. In terms of the daylight and sunlight impact on surrounding developments members were advised that the revised plans would not materially alter the impact of the proposal on levels of daylight or sunlight received by surrounding residential units. Members noted the detailed outline of the assessments undertaken, which had been based on a recognised industry standard with concerns expressed about the number of windows not having been assessed as meeting BRE sunlight or daylight guidelines across a number of surrounding buildings including Cosgrove House, Braunston House, 372 and 255 Ealing Road. Additional concerns were also raised in relation to the high density of the proposed development, which members noted was beyond guidelines within the London Plan Density Matrix.

Whilst recognising that the proposed development would result in a loss of daylight and sunlight beyond BRE guidance levels for a number of windows in adjacent buildings, David Glover supported by Rachel Murrell (Development Control Manager) advised that this had needed to be assessed against the benefits associated with development of the site. The development would provide a significant number of new homes in the borough and was located within an already dense urban area within one of the boroughs Housing Development Zones and with close access to public transport. Whilst recommended for approval, it would, however, be a matter for the Committee to consider whether the benefits of the proposed development outweighed the harm and concerns associated with the loss of daylight and sunlight.

DECISION: To grant planning permission as recommended, subject to:

- (1) the conditions and s106 obligations as detailed within the report and supplementary report as well as those detailed within the report originally considered by the committee on 9 August 2017;
- (2) additional informatives being included requiring that any damage to public realm was repaired, the maximum standards were applied to fire safety issues and that commercial uses were subject to the London Living wage.

(Voting for approval was carried on the casting vote of the Chair with the initial votes cast as follows: For 3, Against 3 and Abstain 1)

4. 80, 82 & 84 Harrowdene Road (Ref. 17/3318)

PROPOSAL: Outline application for the demolition of the existing 3 buildings at 80, 82 & 84 Harrowdene Road, HA0 and erection of a 4 storey detached building with basement, comprising 33 self-contained flats (2 x 1 bed, 28 x 2 bed, 3 x 3 bed) with associated parking, cycle store, refuse storage, landscaping and communal amenity space.

RECOMMENDATION:

- (1) To resolve that the planning application be refused for the reasons set out in the report.
- (2) That the Head of Planning is delegated authority to issue the decision notice and impose informatics pursuant to Community Infrastructure Levy (CIL) liability matters.
- (3) That the Head of Planning is granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add informatics or vary the reasons for refusal) 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.

Victoria McDonagh (Deputy Area Planning Manager) introduced the report outlining the material planning considerations relating to the application. Members were advised of contact with a local resident on the day of the meeting, enquiring about the receipt of 80+ letters of objection which had not been included within the committee report. Officers had confirmed no record existed of these letters being received with members noting that the recommendation for refusal was already based on a significant number of reasons. Should members be minded to refuse the proposal as recommended in the report and the applicant were to appeal the decision, objectors would then have a further opportunity to comment on the appeal.

DECISION: Planning permission be refused for the reasons stated, as recommended within the report.

(Voting for refusal was unanimous: For 6, Against 0 and Abstain 0)

As Councillor Daly had declared a personal and prejudicial interest in this application she withdrew from the meeting at the start of the item and was not present during the discussion or decision made.

5. 1-7,9,11 & 11A Elm Road (Ref. 17/3188)

PROPOSAL: Demolition of existing hotel buildings and erection of a part 3, part 4 and part 5 storey 128 bed aparthotel plus basement accommodation comprising guestrooms and ancillary facilities within a 4-storey basement (situated below the

part-basement lower ground floor), together with soft and hard landscaping, servicing, cycle storage and refuse and recycling facilities (revised description)

RECOMMENDATION:

- (1) To grant planning permission subject to conditions and the completion of a satisfactory Section 106 Heads of Terms or other legal agreement.
- (2) That the Head of Planning be granted delegated authority to negotiate the legal agreement indicated above and to issue the planning permission and impose conditions and informatives to secure the matters set out in the report.
- (3) 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 or that such change(s) could reasonably have led to a different decision having been reached by the Committee.
- (4) 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 planning permission.

David Glover (Area Planning Manager) introduced the report, outlining the material planning considerations relating to the proposal. Members noted the additional information provided within the supplementary report clarifying the position relating to the changes in energy and sustainability obligations. In response to a query from members it was reported that if members were minded to approve the application (as recommended) concerns regarding the parking arrangements for coaches could be covered under an amendment to Condition 8 requiring adherence to a coach management plan.

As members had indicated they were minded to approve the recommendation to grant planning permission, the applicant's agents advised they would withdraw their request to address the committee.

DECISION: Planning permission be approved, as recommended within the report subject to:

- (1) the carbon offset payment obligation being removed from the s106 agreement;
- (2) an amendment to Condition 8 requiring the coach management plan to include details on access and parking arrangements on site; and
- (3) additional informatives being included requiring that any damage to public realm was repaired, the maximum standards were applied to fire safety issues and that employees were subject to the London Living wage.

(Voting for approval was unanimous: For 7, Against 0 and Abstain 0)

6. Cottrell House, 53-63 Wembley Hill Road, Wembley, HA9 8DL (Ref. 17/0387)

PROPOSAL: Demolition of the existing mixed use building and erection of a part 6, 8 and 13 storey building comprising 64 residential units, with 2 commercial units (Use class A1) located over ground and mezzanine floors fronting Wembley Hill Rd, and associated car and cycle parking spaces, bin stores, landscaping and amenity space.

RECOMMENDATION:

- (1) To refuse planning permission for the reasons set out in the report and within the draft decision notice and subject to the stage 2 referral to the Mayor of London.
- (2) That the Head of Planning be granted delegated authority to issue the decision notice and impose informatives pursuant to the Community Infrastructure Levy (CIL) matters:
- (3) 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 informatives or to vary the reason for the refusal) 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.

Victoria McDonagh (Deputy Area Planning Manager) introduced the report outlining the material planning considerations relating to the proposal and also recommending the inclusion of an additional reason for refusal.

Linda Aitken (applicant's agent) speaking in objection to the recommendation for refusal, raised the following issues:

- (i) the improved architectural approach and visual appearance of the proposed development, as referenced within the committee report;
- (ii) the increase in part of the building from 10 to 13 storeys would increase the number of affordable homes it would be possible to deliver from 13 to 16;
- (iii) the minimal opposition from local residents, with only one letter of objection received as a result of the consultation undertaken;
- (iv) in terms of the contextual impact and fit of the proposal with the surrounding area, it was important to note that there were buildings immediately opposite the site above the height of the proposed development and that the GLA were supportive of the height of the building now proposed;

Whilst noting the issues raised, Members remained concerned at the impact of the proposed increase in height of the development on local residents in the adjacent residential street and were therefore minded to approve the recommendation for refusal.

DECISION: Planning permission be refused as recommended within the report subject to the inclusion of an additional reason for refusal setting out that the impacts of the proposal would not be mitigated in the absence of a legal

agreement (which would not be agreed where planning permission is refused) including the necessary highways works, travel plan, Affordable Housing, sustainability measures, job and training opportunities for local residents and contributions towards street planting and towards the establishment of a local controlled parking zone.

(Voting for refusal was unanimous: For 7, Against 0 and Abstain 0)

7. 60 Neasden Lane, London NW10 2UW (Ref.17/2477)

PROPOSAL: Demolition of existing buildings on site and erection of new four storey commercial building fronting Neasden Lane comprising a total of 2,131 sqm, of which 117sqm is for flexible use within use classes A2, A3 or B1 and 898sqm of affordable workspace B1(a), and the remaining floorspace for use classes of A2 or B1, and new three to five storey residential building to the rear comprising 121 self-contained units (38 x 1bed, 63 x 2bed and 20 x 3 bed) with associated car and cycle parking, bin stores, landscaping and public realm works.

RECOMMENDATION:

- (1) To GRANT planning permission subject to the prior completion of a legal agreement to secure the planning obligations set out within the report.
- (2) That the Head of Planning be granted delegated authority to negotiate the legal agreement indicated above and to issue the planning permission and impose conditions and informatives to secure the matters set out in the report.
- (3) 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.

David Glover (Area Planning Manager) introduced the report outlining the material planning matters relating to the application. Members noted the application fell within a designated Locally Significant Industrial Site (LSIS) but that the approval of a non-employment use (hotel) for an adjacent site had significantly changed the physical context of the application site by isolating it from the main LSIS area and surrounding it with non-employment uses. The site was therefore considered suitable for release with the scheme felt to provide a sufficient mix of residential accommodation, managed affordable workspace, flexible commercial use and aesthetic improvements to justify recommended approval.

In response to a query raised by Members regarding the management of any potential contamination of the site David Glover advised that this had been addressed through the inclusion of a condition (should members be minded to approve the application) to ensure the necessary site investigations were undertaken and any remediation measures identified as a result were implemented. In terms of the impact of any construction works on the school

adjoining the site these would be addressed through the construction management statement.

Having considered the regeneration benefits associated with the scheme and altered context of the site, Members indicated they were minded to approve the recommended approval of the application. Given that members had indicated they were minded to approve the application Councillor Hirani (local ward councillor) and the applicant's agent advised they would withdraw their request to address the committee.

DECISION: To grant planning permission, as recommended in the report, subject to the inclusion of additional informatives requiring that any damage to public realm was repaired, the maximum standards were applied to fire safety issues and that employees were subject to the London Living wage.

(Voting for approval was unanimous: For 7, Against 0 and Abstain 0)

8. Any Other Urgent Business

None.

The meeting closed at 8:10pm
COUNCILLOR AGHA
Chair