



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Wednesday 17 April 2013 at 7.00 pm

PRESENT: Councillor Ketan Sheth (Chair), Councillor Daly (Vice-Chair) and Councillors Aden, Cummins, Hashmi, Kansagra, John, CJ Patel, RS Patel, Krupa Sheth and Singh

Also present: Councillors Gladbaum, Hector, Hossain and HB Patel

Apologies for absence were received from Councillor Baker.

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

Councillor Kansagra declared that as a ward member, he had received correspondence about the application for Asquith Court Schools, 9 The Ridgeway (item 3), which he had passed on to officers.

### 2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 13 March 2013 be approved as an accurate record of the meeting.

### 3. **Asquith Court Schools, 9 The Ridgeway, Harrow, HA3 0LJ (Ref. 12/3238)**

PROPOSAL:

Construction of 2 x vehicular accesses onto Draycott Avenue to provide 'entrance' and 'exit' to serve new hardstanding for six on-site parking spaces and parent drop-off zone, pergola, re-location of lamp post, alterations to landscaping and play areas and other associated alterations.

RECOMMENDATION:

- (a) Grant planning permission subject to conditions and to an appropriate form of Agreement in order to secure the measures set out in the Section 106 details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

Councillor Kansagra requested a site visit to enable members to assess the impact of the development in particular, potential increase in traffic and congestion in the vicinity.

DECISION: Deferred for a site visit to enable members to assess the impact of the development including potential increased traffic in the area.

**4. All Flats, Jubilee Heights, Shoot-up-Hill, London NW2 (Ref. 13/0377)**

PROPOSAL:

Variation of condition 2 (development to be carried out in accordance with approved plans) to allow minor-material amendment comprising; provision of 1 x 2 bedroom and 4 x 3 bedroom flats (instead of 5 x 2 bedroom flats) of full planning permission 11/1307 approved under appeal dated 27/02/12 for erection of a 5-storey building, comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights.

RECOMMENDATION:

- (a) Grant planning permission subject to conditions, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

DECISION: Planning permission granted as recommended.

**5. Former Willesden New Social Club, Rucklidge Avenue, London NW10 4PX (Ref. 13/0507)**

PROPOSAL:

Erection of a four and five storey building accommodating 22 flats, ground floor A1 and/or D1 floor space and retention of electricity sub-station.

RECOMMENDATION:

- (a) Grant planning permission subject to conditions and to an appropriate form of Agreement in order to secure the measures set out in the Section 106 details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

With reference to the tabled supplementary report, Andy Bates, Area Planning Manager drew members' attention to the issues raised at the site visit and additional objections raised by Councillors Powney and Hector. He stated that majority of the concerns expressed by residents including issues relating to the cantilevered section and minor alterations to the massing had been dealt with in the main report. Andy Bates continued that Transportation Officers had confirmed that any disabled resident could apply for an on-street parking bay to be provided. In respect of the proposed height of the building, he stated that information submitted with the application confirmed that at its highest point the proposed

development would be no higher than the “Design Works” building on the opposite side of Rucklidge Avenue.

Andy Bates clarified that the top floor of the proposed development would be set away from the edge of the building (by 3.3 metres on Rucklidge Avenue elevation) so that the eaves of the new flatted block would actually be 2.7 metres below the height of Design Works. In terms of congestion, he reiterated that the scheme would be "car free" and coupled with existing parking controls, would safeguard parking amenity of the area during peak hours. In addition, the ground floor commercial unit would have its own dedicated servicing bay.

Rita Taylor in objection to the proposal raised the following concerns:

- Due to its overhang on Park Parade, the scheme would be overbearing and out of character with the streetscene.
- Due to its excessive height, the proposed building would fail to integrate with the properties on Rucklidge Avenue
- With small balconies which would fail to meet standards, the scheme would provide poor levels of amenity to future occupiers.

Rita Taylor urged members to refuse the current application and request the applicant to re-submit a scheme with an amended design.

Ian Britton, Chair of Rucklidge Avenue Residents' Association (RARA), in objecting to the proposed development, raised the following issues:

- The development, which would be forward of the building lines, would be over-intensive and visually overbearing.
- The size, bulk and massing of the proposed development would be out of character with the properties in the area.
- It would represent an intensive development with dense design and poor level of internal amenity.
- The cantilevered design would be out of character with properties in the area and conflict with the guidelines set out in the Mayor of London's London Plan.
- With small balconies and only 2 out of 22 flats having rear gardens, the development would provide inadequate amenity space for the residents.
- Despite being a car free development (with no on-site parking facilities) within a controlled parking zone, the scheme would add to traffic congestion as Rucklidge Avenue was 100% fully parked.
- Residents were not re-consulted about the scheme.

Mr Britton alleged that the previous application for the site was granted planning consent based on inaccurate information. He therefore urged members to refuse the current application to enable the applicant to discuss the issues raised by residents.

***In accordance with the Planning Code of Practice, Councillor Hector***, ward member, stated that she had been approached by local residents. Councillor Hector raised objections to the application on the following grounds:

- The bulk of the proposed building would be out of proportion with the surrounding area and constitute an over-development of the site.

- The full impact of the development particularly the health and safety aspects of the electricity substation had not been assessed by the applicant.
- The building would constitute a visibility hazard for traffic and pedestrians because of its excessive height.
- Increased scale and massing of the building would adversely impact on neighbouring amenity.
- Poor lighting in the area would encourage anti-social behaviour around the site.

Mark Pender, the applicant's agent, stated that design changes were made to the scheme to enable the development to be built above the electricity sub-station and cantilevered to allow floor space. He added that as the differences between this and the previous application that was granted consent were marginal, it was not considered necessary to re-consult with residents. In addressing concerns about traffic, the agent stated that the development would be "car free" and easily accessible to public transport network with a good PTAL rating of 6.

In addressing the views expressed by the objectors, the agent stated that the scheme was well designed to blend in with the townscape and that its height would be lower than the Design House on the opposite side of the road. He added that the balconies would be identical to the extant scheme that was granted planning consent, drawing attention to the financial contribution for the Section 106 legal agreement.

The Area Planning Manager added that the cantilevered design would not encourage anti-social behaviour and in his view the application, incorporating a balanced building line, represented a quality scheme. He clarified that the scheme was revised in order to remove the overall mass over the electricity sub-station and not for health and safety reasons. He added that the consultation on the application complied with the normal approach to schemes of this nature.

DECISION: Planning permission granted as recommended.

## **6. 11A and 11B Harlesden Gardens, London NW10 4EY Ref. 12/3380)**

### PROPOSAL:

Conversion of a ground floor 2-bedroom unit into a three bedroom unit and the conversion of first floor flat 3-bedroom unit into two 1-bed units ("car-free" development).

### RECOMMENDATION:

- (a) Grant planning permission subject to conditions and to an appropriate form of Agreement in order to secure the measures set out in the Section 106 details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

DECISION: Planning permission granted as recommended.

**7. Jubilee Clock, High Street Harlesden NW10 (Ref. 13/0500)**

**PROPOSAL:**

Listed building consent for relocation of Jubilee Clock onto footpath outside no's 53 & 55 High Street, NW10.

**RECOMMENDATION:** Grant listed building consent subject to conditions.

With reference to the tabled supplementary report, Andy Bates, Area Planning Manager informed members about a letter of support received from Harlesden Town Team (HTT). HTT, representing local residents and businesses in the Harlesden area, stated that the repositioning of the clock would benefit the community as a whole.

Ian Britton, Chair of Rucklidge Area Residents' Association (RARA) in objection stated that the regeneration of Harlesden Town Centre could proceed without the need to relocate the jubilee clock as he felt that its current location would not delay the regeneration project. He added that the proposed road layout would slow down local traffic, especially buses which would need to slow down considerably to make safe turns, thus carrying a far greater potential risk of collision with the clock. Ian Britton continued that the relocation of the clock to a slightly smaller island would encourage litter around it as well as lead to loss of landmark status.

Leroy Simpson, Chair of Harlesden Town Centre Team speaking in support of the application stated that the relocation of the clock was part of a major regeneration of Harlesden that had been fully consulted upon with residents and who fully supported the proposals. He added that the proposed location for the clock would assist in speeding the flow of traffic. In response to members' questions, Leroy Simpson stated that the clock had been moved before in the distant past to its present location and that it was unlikely that the new location would attract or encourage litter around the clock.

***In accordance with the Planning Code of Practice, Councillor Gladbaum***, ward member, stated that she had received a letter from an objector which she had forwarded to Planning Services. Councillor Gladbaum spoke in support of the regeneration project and the need for the relocation of the clock to facilitate a better flow of traffic in the Harlesden area.

***In accordance with the Planning Code of Practice, Councillor Hector***, ward member, stated that she had been approached by residents. Councillor Hector expressed a view that the proposed relocation would be out of character with the High Street. She added that most residents had expressed a preference for the retention of the clock in its current location as the proposed relocation would only obscure the clock.

Anna Dennemann, the applicant's agent informed the Committee that the relocation of the clock tower was essential to progress the regeneration of the Town Centre, under proposals agreed by the Council's Executive and Highways

Committee. She outlined the benefits of the regeneration project which she added had been widely consulted on with residents. Anna Dennemann urged members to support the recommendation for listed building consent.

DECISION: Listed building consent granted as recommended.

**8. 300 High Road, London NW10 2EN (Ref. 13/0178)**

PROPOSAL:

Demolition of existing building and the construction of a part 2, 3 and 4 storey building accommodating 6 residential units (2 x three-bed, 2 x two-bed, 2 x one-bed). 96m<sup>2</sup> A1 space and associated communal and private amenity space, cycle, refuse and recycling bin storage.

RECOMMENDATION:

- (a) Grant planning permission subject to conditions and to an appropriate form of Agreement in order to secure the measures set out in the Section 106 details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

DECISION: Planning permission granted as recommended.

**9. 904 Harrow Road London NW10 5JU (Ref. 13/0224)**

PROPOSAL:

Demolition of existing petrol filling station and construction of part three, part four storey (over undercroft) building comprising 21 residential units, amenity space, undercroft car and cycle parking and associated landscaping and access arrangements.

RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary report, Andy Bates, Area Planning Manager outlined the points raised by some residents in support of the application. He added that whilst a number of issues raised had been addressed, fundamental aspects of the scheme that had been consistently raised with the applicant relating to the design, quality of accommodation, impact on residential amenity and poor landscaping remained unresolved. Furthermore, the applicants had confirmed that they did not wish to change the proposal further.

Dave Hallberry, representing Kensal Triangle Residents' Association (KTRA) highlighted the following points in support of the application;

- Current usage as a petrol station was causing significant problems including drug dealing, general crime and noise nuisance.
- If the current use became unviable, the land could become derelict with associated social problems.

- Design changes had been made by the applicant to prevent overlooking to nearby residents.
- Concerns about construction management had been addressed by the applicant by signing up to the considerate contractors scheme (CCS).

Stuart Blakely, the applicant's agent stated that the proposed development would offer a high quality living environment within acceptable densities. He added that the scheme complied with Supplementary Planning Guidance 17 (SPG17) and that no material harm including overlooking would result. In response to members' questions, the agent stated that the scheme would provide adequate amenity space and landscaping which would be set back by 1.5metres from the Harrow Road frontage.

In the discussion that followed, members accepted the principle of development on the site and expressed a view that the application be deferred to enable the applicant to re-negotiate further with the officers on those issues which remained unresolved.

Steve Weeks, Head of Area Planning advised members to agree the recommendation for refusal in principle but to delegate authority to officers to withhold the decision for a 2 week period so as to provide the applicant with the opportunity to agree to make revisions to the scheme, in accordance with the recommendations set out in the supplementary report, to address the reasons for refusal.

DECISION: Permission refused as recommended with decision withheld for a 2 week period to provide the applicant with the opportunity to agree to make revisions to the scheme in accordance with the recommendations set out in the supplementary report to address the reasons for refusal.

#### **10. 61A Station Grove, Wembley, HA0 4AR (Ref. 13/0110)**

##### **PROPOSAL:**

Demolition of existing garage and erection of a new 2-bedroom single family dwelling house (C3 Use Class), with associated soft landscaping and off-street parking space.

##### **RECOMMENDATION:**

- (a) Grant planning permission subject to conditions and to an appropriate form of Agreement in order to secure the measures set out in the Section 106 details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

DECISION: Planning permission granted as recommended.

**11. Wembley High Technology College, East Lane, Wembley HA0 3NT (Ref. 13/0230)**

**PROPOSAL:**

Demolition of existing gymnasium and erection of a 3 storey extension with replacement gymnasium on the ground floor and 8 additional classrooms on the first and second floors (revised description).

**RECOMMENDATION:** Grant planning permission subject to conditions.

**DECISION:** Planning permission granted as recommended.

**12. 15 Steele Road, London NW10 7AS (Ref. 13/0236)**

**PROPOSAL:**

Proposed change of use from existing office ancillary to the garage workshop to a radio controlled only mini cab office (Use Class Sui Generis).

**RECOMMENDATION:** Grant one year temporary planning permission subject to conditions.

**DECISION:** Planning permission granted as recommended.

**13. Car Park, Brook Road, Wembley, HA9 (Ref. 12/3499)**

**PROPOSAL:**

Erection of 4 blocks of flats (3x8-storey & 1x5-storey) comprising 109 flats and the erection of 2x3-storey semi-detached family houses (revised description).

**RECOMMENDATION:**

- (a) Grant planning permission subject to amendments to conditions 2, 9, 23 and 30 and to the Heads of Terms of the Section 106 obligations or an appropriate form of Agreement in order to secure the measures set out in the Section 106 details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

With reference to the tabled supplementary report, Neil McClellan, Area Planning Manager, informed members that additional representations had been received since the report was circulated but raised no new issues. He also updated members about a tree that he understood from the owners of the site (Transport for London) was leaning precariously over the road and for which reason the owners were intending to remove it. The Area Planning Manager then drew members' attention to amendments to conditions 2, 9, 23 and 30 and to the Heads of Terms of the Section 106 obligations as set out in the supplementary report.



Mr Barry Hargraves, an objector alleged that the proposed scheme would result in a shortfall of eighty car parking spaces and as Brook Avenue was already heavily parked, unbearable traffic congestion would ensue. The resultant pollution would have an adverse impact on residential amenity, giving rise to a significant deterioration in the quality of life of local residents. He also expressed concerns about the height of the proposed blocks and suggested that a 2 or 3-storey block would integrate with the character of houses on Brook Avenue.

Paula Saunders, a local resident objected to the proposed development on the following grounds:

- The proposed 8-storey blocks would be excessive in height and overbearing within a residential area which comprised mainly domestic houses.
- It would thus result in overlooking and loss of privacy to neighbouring residents.
- It would constitute an over-development of the site with high density flats which would be detrimental to the neighbouring houses on Brook Avenue.
- The proposed parking provision would be insufficient and despite being a “car free development”, the scheme would exacerbate the existing traffic situation on Brook Avenue particularly as there would be only one vehicular access into the development.
- As the car park (the site) was already situated in an elevated land above the road, the 8-storey building would be over-imposing when viewed from the other side of the road, despite the proposed woodland buffer.
- The 8-storey block of flats at the end of the road adjacent to the Premier Inn should not be used as a precedent for the rest of the road as that building was situated next to another 8-storey building.
- The proposal would set a dangerous precedent for future undesirable developments in the area.

In response to members’ questions, Paula Saunders stated that the proposal would lead to overshadowing especially to the residents in bungalows on Brook Avenue. She continued that as the site was situated on a bank of about one metre high, the high rise block of flats would lead to loss of privacy and overshadowing. Paula Saunders added that even with careful landscaping, the impact on the surrounding area would be overpowering and would take many years for trees/shrubs to mature enough to mitigate loss of privacy and overlooking that would ensue.

***In accordance with the provisions of the Planning Code of Practice, Councillor HB Patel***, ward member declared that he had been approached by the residents. Councillor Patel stated that the proposed development, in view of its height on a raised bank, would cause overshadowing, overlooking and loss of privacy. In addition to the above, as the scheme would provide twenty seven (27) instead of one hundred and thirty six (136) car parking spaces, the parking situation and traffic movements would be chaotic on a road that was heavily parked throughout the day. Councillor Patel urged members to defer the application for a site visit to enable members and residents to have a proper

dialogue during the visit or alternatively to refuse the application in its present form.

***In accordance with the provisions of the Planning Code of Practice, Councillor Choudhary***, ward member stated that he had not been approached in connection with the application. Councillor Choudhary expressed concerns about increased traffic that would ensue and highlighted the need for a traffic analysis report to be considered by members before deciding on the application. He also expressed concerns about the height of the blocks, the increase in population and the potential increase in demand for school places.

Mr Dominic Tombs, the applicant's agent informed the Committee that the land had been declared surplus to requirements by Transport for London (TfL), the owners. The proposed car free development which complied with Supplementary Planning Guidance 17 (SPG17) and the London Plan in terms of its density, would maintain a separation distance of 43 metres. Mr Tombs continued that the scheme would provide a significant contribution to a much-needed family accommodation for social rent whilst providing a good living environment for future occupants as well as making a positive contribution to the visual amenities of the area. He added that the development would not cause material harm to the amenities of neighbouring occupants. The scheme, which was supported by officers, was judged to be a sustainable development that optimised the use of a site. He continued that the site was close to good transport links within the Wembley Growth Area and in accordance with the objectives of the National Planning Policy Framework, the London Plan 2011 and the Brent development plan documents.

In response to members' enquiries the applicant's agent confirmed that a report on acceptable noise levels had been submitted with the application and that a separation distance to the nearest residential property of 43 metres would be maintained. He added that the Heads of Terms of the Section 106 legal agreement required the applicant to make a contribution towards school places as set out in the officers' report. Mr Tombs then invited the applicant's architect to clarify certain aspects of the development.

Steve Wright, the applicant's architect clarified that the closest point to the railway line would be about 7metres and that the total height of the 8 storey block would be about 27 metres, both of which complied with the Design Access Statement submitted with the application. In respect of parking provisions, the architect stated that the parking spaces had been moderated from 63 to 27 as the development would be "car free" and had a good PTAL rating due to its accessibility to public transport network. He also confirmed that in addition to flyers sent to all neighbouring residents inviting them to comment on the scheme, the applicant's project team visited residents and responded to their queries.

In responding to Councillor HB Patel's request for a site visit, the legal representative clarified that in accordance with paragraphs 20 and 23 of the Planning Code of Practice the purpose of the Committee's site visit was to enable members to gain information relating to the land and buildings and that whilst on site, members were not to engage individually in discussion with applicants and objectors. With that in place he advised that exchanges between members and objectors could not take place if the Committee agreed to a site visit.

During members' discussion, issues were raised about the decibel levels from the railways to the site, what mitigating factors had been put in place to minimise resulting vibration, contribution levels towards school places, parking spaces and the impact of the development on neighbouring residents in view of its topography.

Neil McClellan responded that all habitable windows would have double or triple glazing, fitted with sound attenuated air vents and that no primary habitable room windows would face towards the railway. He referred to condition 29 which required the residential units to be designed to meet the 'Sound Insulation and Noise Reduction Code of Practice' (BS8233:1999) and that following completion of the development tests would be carried out to ensure that it had met the Code of Practice. He then clarified that a contribution towards education would be included in the overall financial contribution set out in the Heads of Terms of the Section 106 legal agreement in line with the Council's adopted Supplementary Planning Documents (SPD) on Section 106 Legal Agreements. The Area Planning Manager continued that the loss of car parking was acceptable in view of the site's accessibility to good transport network and good PTAL rating. He added that if parking displacement became a problem then additional measures including controlled parking (CPZ) would be considered. Members heard that the separation distance between the proposed blocks met SPG17 guidelines and that the scheme would benefit from a significant landscaping scheme.

Steve Weeks, Head of Area Planning added that the applicant would be required by way of a condition to submit details of measures to ameliorate noise levels including rigorous testing. He also clarified that section 106 contributions were applied towards building school extensions.

DECISION: Planning permission granted as recommended.

#### **14. Barnhill and Queens Park Conservation Design Guide - response to consultation**

Members considered a report which set out comments received following the public consultation of the Barn Hill Conservation Area Design Guide and Queens Park Conservation Area Design Guide and the changes made as a result. Members' attention was drawn to the key changes made as a result of the consultation responses and as set out in the report which included the following:

- More detailed guidance on designing extensions which would take into account the changes in ground levels characteristic of the Barn Hill Conservation Area;
- More detailed guidance on terraces and raised patios to ensure they would protect the privacy of neighbouring properties and also provide an acceptable design solution;
- Guidance on basements which was not covered in the previous Design Guide;
- Further detail regarding replacement windows including examples of the plans and level of detail required as part of a planning application to assist applicants and ensure acceptable replacement windows were provided.

Robert Dunwell Chairman of Barnhill Residents Association (BHRA 2004), part of the Queensbury Area Residents' Association (QARA) Group of Associations expressed concerns that the report before members failed to set out detailed consultation responses. He therefore urged members to refuse to endorse the recommendations in the report.

Rachel McConnell, Area Planning Manager clarified that the report set out the issues raised and the comments made (including those made by Robert Dunwell), following the consultation. The Head of Area Planning added that a report would be submitted in future setting out options for considering basement applications.

RESOLVED:

that the proposed revisions to the Barn Hill Conservation Area Design Guide and Queens Park Conservation Area Design Guide be endorsed to be presented to the Executive Committee for formal adoption.

**15. Planning Appeals 1 Feb - 31 March 2013**

RESOLVED:

that the planning appeals for 1 February to 31 March 2013 be noted.

**16. Any Other Urgent Business**

None.

The meeting ended at 10:05pm

KETAN SHETH  
Chair