



Supplementary - Planning Committee

Wednesday 17 July 2013 at 7.00 pm

Boardroom - Civic Centre, Engineers Way, Wembley,
HA9 0FJ

Membership:

Members

Councillors:

Ketan Sheth (Chair)
John (Vice-Chair)
Aden
Baker
Cummins
Hashmi
Kabir
Kataria
CJ Patel
Powney
Singh

first alternates

Councillors:

R Moher
Van Kalwala
J Moher
Kansagra
Sneddon
Cheese
Oladapo
Long
Hopkins
Gladbaum
Hossain

second alternates

Councillors:

Adeyeye
Ogunro
Moloney
HB Patel
Hopkins
Beck
Al-Ebadi
Naheerathan
Lorber
Harrison
Mashari

For further information contact: Joe Kwateng, Democratic Services Officer
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The press and public are welcome to attend this meeting

Members' briefing will take place at 6.00pm in Committee Room 4

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

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Supplementary Information

Planning Committee on 17 July, 2013

Case No.

13/1123

Location 1-12 Queens Parade, Willesden Lane, Willesden, London, NW2 5HT
 Description Conservation Area Consent sought for the demolition of all existing buildings

Agenda Page Number: 15

Further Information 17/07/2013

Withdrawal

The applicant withdrew this application on 16/07/2013.

Recommendation: The application has been withdrawn. The Planning Committee are asked whether, on the information available, they would have supported the recommendation to refuse Conservation Area Consent for the reasons set out in the report.

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Agenda Item 04

Supplementary Information

Planning Committee on 17 July, 2013

Case No.

13/1122

Location 1-12 Queens Parade, Willesden Lane, Willesden, London, NW2 5HT
 Description Full planning permission is sought for the demolition of the existing buildings at 1-12 Queens Parade and erection of a part 4-/part 6-/part 7-/part 8-storey mixed use building containing 345sqm of commercial floor space on groundfloor and 34 residential units (9 x 1-bed, 23 x 2-bed, 2 x 3-bed) with balconies and communal roof terraces.

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Members visited the site on Saturday 13 July 2013.

Following the completion of the report the applicants have submitted a number of e-mails to the Council's Case Officer. The first e-mail requested a change to the date of the Committee site visit as they would be unable to attend on a Saturday due to their religious observance. A response was sent confirming that it would not be possible to re-schedule the site visit and clarifying that the purpose of the site visit was for Members to familiarise themselves with the site. They were informed that they could arrange to be represented at the visit and were also given the opportunity to submit a written statement that could be passed to Members.

The second e-mail requested that the decision on the application be deferred until the corporate complaint that they have submitted about the way that the application has been dealt with is fully investigated. The Assistant Director of Planning and Development has responded to the applicants complaint in a Stage 1 response sent out on 15 July 2013. The complaints raised do not relate specifically to the merits, or de-merits, of the current application which are fully discussed in the report to Members and, as such, there is no reason why a decision on the proposal should be deferred.

Further Information 17/07/2013

Withdrawal

The applicant withdrew this application on 16/07/2013.

Recommendation: The application has been withdrawn. The Planning Committee are asked whether, on the information available, they would have supported the recommendation to refuse planning permission for the reasons set out in the report.

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Agenda Item 05

Supplementary Information**Planning Committee on 17 July, 2013**

Case No.

13/0656

Location	1 Lydford Road, London, NW2 5QY
Description	Retention of and alterations to existing single and two storey side and rear extension, removal of front porch, existing paved surfacing to driveway to be replaced with block paving and additional soft landscaping to front of Dental Surgery

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The applicant has submitted a briefing note following the members site visit on 13 July 2013. Further issues were also raised at the site visit. These were:

- Whether a kitchen is a habitable room.
- The viability of the existing business
- The distance between the neighbours window and the flank wall of the extension.

These points will be covered in the following summary of the planning history, the issues raised and whether the proposed application addresses these issues.

As Members are aware the original enforcement proceedings began here when an approved single storey rear extension was expanded to also involve building a new larger side extension which is what was seen on the site visit. The original structure on site, as confirmed by photographs, was a lower single storey building that reduced in height from front to back of the site in a series of steps. As Members will have seen the unauthorised extension does not incorporate these steps, but is of uniform height.

Officers have expressed the view that any extension must take the building back to the situation that can be seen on photographs before the unauthorised works took place so that the impact on neighbours is no worse.

The applicants have made two appeals to the Planning Inspectorate in relation to the unauthorised extensions and both appeals have been dismissed.

As explained in the report the existing ground floor and first floor side extensions were found to be unauthorised by the planning inspector when considering the applicants appeal against the Council's Enforcement Notice. In the appeal decision the Inspector stated:

Clearly, what has been constructed is so different from what was permitted under planning permission 07/1787 that I have to regard the rear/side extension, referred to in the allegation as the single storey side and rear extension, as not being in accordance with that permission. Moreover, I consider that it does not accord with any other planning permission for the property.

In concluding whether a breach of planning permission has occurred the Inspector stated:

As the development being enforced against does not have the benefit of planning permission nor does it benefit from permitted development rights, a breach of planning control has taken place.

The applicants subsequently submitted an application proposing alterations to the existing extension, including reducing the width of the first floor side extension and reducing the height of the single storey side and rear extensions. This application was refused by the Council for the reasons set out in the *History* section above. The applicants appealed this decision. The Inspector found in early 2013 that the reduced scheme would still have an unacceptable impact on the living conditions of neighbouring residents of the flats at Mapeshill Place. This is highlighted in the following quotes taken from the appeal decision (ref: APP/T5150/A/12/2176812)

15. I find that the height of the side elevation would make it significantly more overbearing in the outlook from the ground floor flats than the garage was. The fact that the garage itself was prominent in the outlook is not a justification for a development that would be more overbearing.

17. ...In this context I consider that the relatively small loss of daylight would add materially to the harm I have identified from the overbearing effect of the extension.

18. I conclude that the extension would result in harm to the living conditions of occupants of the ground floor flats with side facing windows at Mapeshill Place, in terms of its overbearing effect and loss of daylight. It would therefore be contrary to Saved UDP Policy BE9(e) and SPG5.

The current application is for the retention of an extension which has previously been found to be unauthorised and that causes material harm. The reduction in height proposed for the proposed single storey side extension will not be sufficient to address the harm caused to the living conditions of the neighbouring residents. The kitchen windows are classified as habitable rooms and due to the splayed boundary of the site are positioned between 1.5-2.5m from the flank wall of the extension.

The applicant notes that the proposed reduction in height beyond that proposed would affect the viability of the business that operates on the ground floor. However, Officers consider that this would not be sufficient to allow for the harm to the living conditions of neighbouring residents to be reduced to an acceptable level and, for clarity, the Planning Inspector was made aware of these particular personal circumstances when he considered the appeal earlier this year. As Members are aware, he dismissed the appeal for the reasons set out above and also in the main body of the report.

Recommendation: Remains Refusal

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Agenda Item 06

Supplementary Information Planning Committee on 17 July, 2013

Case No.

13/1098

Location	205, 205A, 205B and Church Road car park rear of 189-203 Church Road, London, NW10 9EP
Description	Demolition of 205 Church Road and proposal of new market square to replace Eric Road. Demolition of 3 storey building to the rear of 203 Church Road and proposal of 34 residential dwellings and ground floor non-residential space (class A1/A3/B1/D1). Stopping up of Eric Road as revised by plans.

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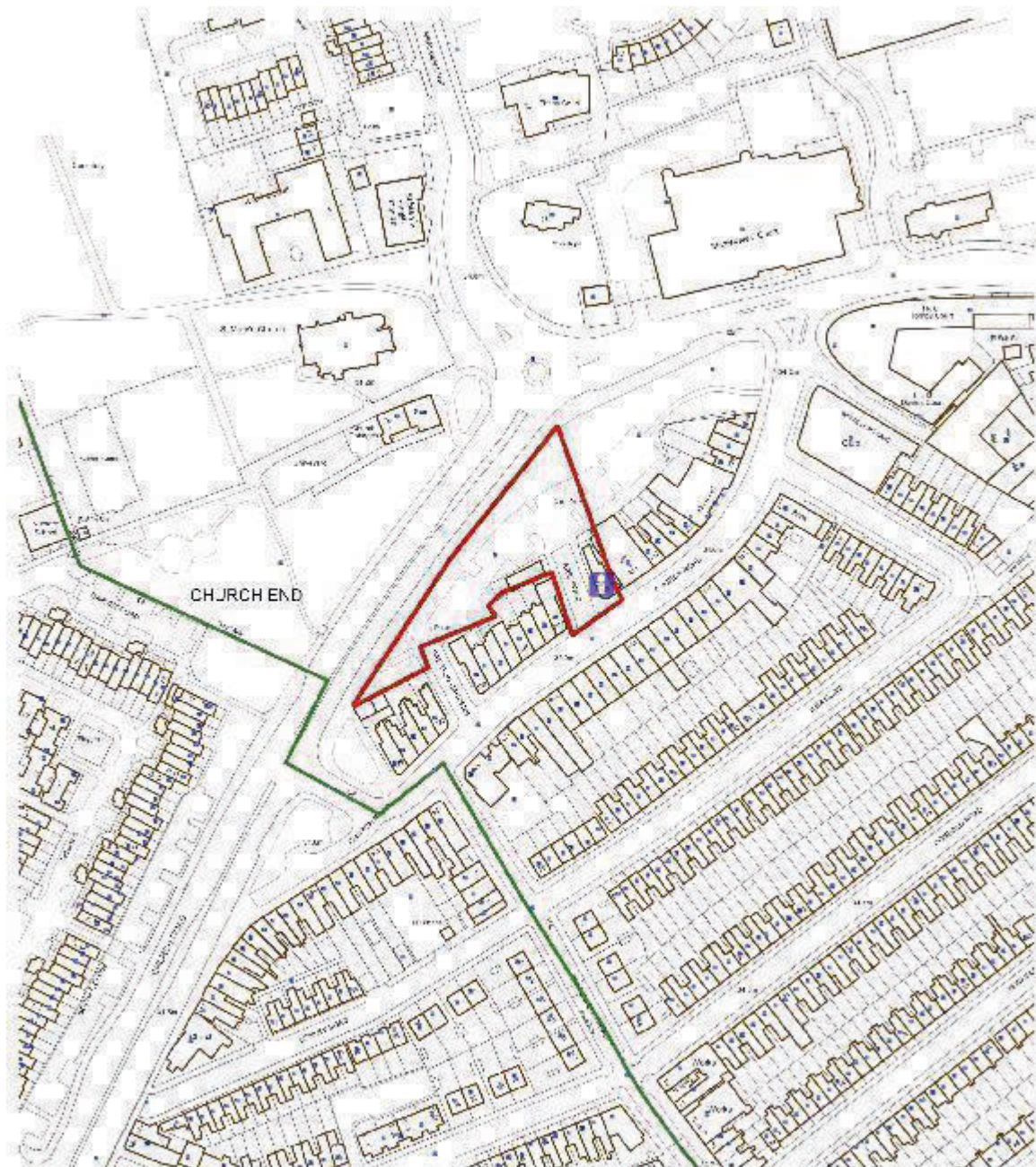
Further information 17/7/2013:

Further to the issue of the supplementary report, a further objection to the scheme was received. The nature of the objection and your officers response to them is set out below:

Issue raised by consultee	Response to comments
1. Demolition of the building to the rear of No. 203 Church Road will reduce the amount of storage, floor space and washing facilities available for the retail unit within no. 203 Church Road.	This land is required to secure an acceptable and viable form of development that will contribute to the proper planning of the area. The development would provide regeneration benefits for the wider Church End area by way of provision of a new market square, a pedestrianised link between Church and High Road and the potential delivery of social enterprise space for use by the local community. The CPO procedure determines compensation issues, should a CPO be approved.

Further to the committee report submitted as part of the agenda, further clarification on certain matters regarding the application and corrections are provided within this Supplementary report for members'.

Officers noted that the incorrect site map that was inserted into the committee report. This has been amended and is replaced by the correct site map below:



Section 106 Details:

At bullet point 4 of the Heads of Terms within the Committee report, the wording '(unless market square is required for construction of Catalyst land') has been removed. The reason for this is that delivery of the market square is integral to the regeneration benefits of the development and the Council wishes to ensure that its delivery is not hindered by any third party matters.

Sustainability assessment: Following the issue of the Committee report, a sustainability checklist has been submitted by the agent which sets out that the scheme scores over 50%. Your officers have highlighted some areas in which further clarification and minor amendments may be required in order to ensure that this target is reached in practice, but are confident that amendments can be made to ensure that a 50% score is attained, and the applicant is aware that measures shall have to be taken to ensure that a 50% score is achieved in order to comply with the terms that shall be set out in the ~~Page 4~~ agreement attached to any planning permission for the proposal.

Consultation:

The list of issues raised by consultees and officer response did not print out correctly in the committee report. A revised copy of the table can be seen below:

Issue raised by consultee	Response to comments
1. I support the scheme. It will create a vibrant and pleasant place to live	No further comment is needed
2. The proposal involves land not under the ownership of the Council	The objection is in relation to the 2-storey building within land to the rear of no. 203 Church Road which would have to be acquired in order to implement the development in its current form. The owner/occupier of this property was consulted as part of the consultation process. The Planning Statement submitted alongside the submission outlines that the intention is that the Council would acquire this site in order to enable the development to be completed. Ultimately if it is not possible to acquire the land then it would not be possible for the development to be implemented, but the planning system allows a planning application to be submitted by an applicant whether or not they own all the land within the site, so this is not considered to be an issue that can prejudice the determination of the application.

In addition, a letter of support for the proposal was received from Catalyst Housing Group.

Clarification of Transportation/Access matters

At paragraph 32 of the report, the issue of access to the parking spaces within the northern section of the car park via the area that would be occupied by the market square was raised. The report outlined that officers considered that it would be acceptable for access to these spaces via the market square to continue in the short term but did not specifically set out for how long and what would happen beyond this unspecified period.

At present, the market is scheduled to continue to run on Wednesdays and Saturdays which would effectively preclude the use of the existing access to the northern section car park on these days, which is an existing situation. Catalyst who own the private car park have a right of way which would have to be retained on other days of the week however. . It is proposed that access to the Catalyst car-park could be maintained by providing controlled access for vehicles over the market square from the proposed parking area adjacent to Church Road. Lockable bollards at the northern end of this parking area would prevent unauthorised vehicles from entering the mainly pedestrianised market square whilst allowing Catalyst employees controlled access to the private car-park.

Parking levels and movement in and out of the Catalyst car park is quite light so it is not envisaged that continuing access into it would generate a high number of vehicular movements. It is anticipated that Catalyst Housing Group will re-develop the site in the future, but until such a situation arises, your officers do not consider that continued access to the private car park would unacceptably hinder the function of the space for use as a market square or as a pedestrianised space.

In the event that this development including the market square is built prior to any re-development of the Catalyst car park , a construction management plan shall be required as part of any subsequent grant of planning permission for the northern car park re-development, which would have to set out how means of construction would be carried out without any significant encroachment over the market square area.

Other matters

At paragraph 48, sub-heading Section 106/CIL has been removed, as this is covered in the earlier section 'Section 106 Details'.

Clarification of plan numbers:

Within the Conditions/reasons section, the list of approved documents have been updated to include additional documents that were not initially included/not received at the time the original report was submitted. The updated list can be seen below:

Plans and elevations

417.001a Existing site plan
 PG010: Existing Site Location Plan
 PG011: Existing Plan
 PG020: Existing Site Section
 PG021: Existing Site Sections
 1233 PG100b Ground floor plan
 1233 PG101b First floor plan
 1233 PG102b Second floor plan
 1233 PG103b Third floor plan
 1233 PG104b Fourth floor plan
 PG105: Roof Plan
 1233 PG300b Proposed elevations
 1233 PG400 Proposed market elevations
 1233 PG401 Proposed High Road elevations
 1233 PG402 Proposed High Road elevations 2
 1233 PG403 Proposed facade details
 1233 PG404 Affordable unit - plans and elevations
 1233 PG405 Communal entrance and Core A details
 1233 PG406 Communal entrance and Core B details
 1233 PG407 Communal entrance and Core C details
 1233 PG408 Proposed rear elevation details
 1233 PG409 Commercial shop front and corner elevations
 1233 PG410 Commercial rear and gable elevations
 417.014c Drainage
 417.015b Adoption

Landscaping and boundary plans, elevations and details

417.204 Circular Planter Detail
 417.205 Terrace Walls
 417.002a Tree survey
 417.003a Tree protection
 417.010c Landscape general arrangement
 417.011c Soft landscaping
 417.012c Boundary landscaping detail key plan
 417.013c Lighting
 417.100c Eric Road landscaping detail
 417.101b Courtyard landscape
 417.102b High Road landscape
 417.201 Cyclestore
 417.202 Gates Preston Gardens
 Church End Materials List 03/07/2013 (Mae)

Town Planning Statements

Synergy Church End Code for Sustainable Homes pre-assessment
 Church End re-development Design & Access Statement 26 April 2013
 Urban Flow Church End Redevelopment - Movement & Parking
 Synergy Church End Daylighting Study
 RBA Church End Accoustic Assessment
 BREEAM 2011 Hitlist for commercial unit
 Thames Water Asset Location Search
 Landscapeprojects Church End Tree Report Final 26 April 2013
 Landscapeprojects Church End Landscape Statement Final 26 April 2013
 Synergy Church End Car Park Energy Statement April 2013
 Museum of London Church Road Car Park Historic Environment Assessment
 Church Road Car Park Redevelopment: Planning Statement
 Church Road Extended Phase 1 Habitat Survey
 Church Road Initial Bat Survey of Trees

Amendments to conditions:

Condition 7 has been removed, as the use of the area labelled 'Non-residential/Commercial A1/A3/B1/D1' on the ground floor plan is already restricted to a use that sits within such Use Classes by virtue of the description of the planning application. The condition therefore does not add any further restriction to use of this floor space and on reflection is deemed un-necessary.

The wording of condition 9 has been amended to the following:

The development shall be constructed using all the external materials shown in the plans and documents hereby approved in accordance with the approved document entitled 'Church End Materials List 03/07/2013' :

Reason: To ensure a satisfactory standard of development.

The wording of the previous condition did not refer to the materials list which was provided by the agent for the application on 03/07/2013 and it was considered that inclusion of reference to this document within the condition would provide further clarity over which materials shall be used in specific sections of the development.

The wording of condition 11 has been amended. 'for the lifespan of the development' has been substituted for 'at any time'. The condition now reads as follows:

The roof of the second floor of the development adjacent to the rear of No. 203 Church Road shall not be used as a roof balcony/terrace amenity space by the occupants of the scheme at any time.

Reason: In the interests of safeguarding the amenities of neighbouring residential occupants.

The wording of condition 25 has been amended to the following:

The development hereby approved shall not commence (save for demolition works) unless further details have been submitted to, and approved in writing by, the Local Planning Authority. Once approved, these details must be fully implemented and permanently maintained:

(a) Further details including the design, materials and source of the market stalls (which should preferably be locally manufactured)

(b) refuse storage facilities and collection arrangements.

Reason: In order to ensure a satisfactory form of development and in order to allow the Local Planning Authority to exercise proper control over the development.

Recommendation: Remains approval subject to completion of a legal agreement and revisions to conditions.

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Agenda Item 07

Supplementary Information Planning Committee on 17 July, 2013

Case No.

13/0574

Location	Units 1-6 Inc, 82 Chaplin Road, London, NW2
Description	Retrospective application for redevelopment of building, including first floor extension, and increase in number of office units from 8 to 12, with installation of new front UPVC windows and 5 rooflights

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Members visited the site on Saturday 13th July 2013 and a number of points were raised:

- the CPZ does not operate at all times, so what will happen when the CPZ is not in place.
- The access way to the site is also used for pedestrian access to the residential properties either side.
- Will the proposal involve any increases in wall height?

- The applicant has not carried out works not in accordance with approved plans previously.
- The applicant is aware of the fact that he can change commercial to residential and has made it clear that is what he intends to do.

As indicated in the report this approval is subject to a "car free" scheme with occupiers unable to apply for Business Permits. It is expected that this restriction will mean that business users will have left the property after business hours so will not be competing for spaces with residents during evening hours. Obviously those same people could work at weekends but it is considered that there would be sufficient capacity on street to cope with any additional demand.

In terms of the vehicular access way, this is a historic arrangement for the B1 use and since the proposed use remains the same, whilst the issue of safety is of course paramount there are no grounds to impose any additional restrictions.

For the avoidance of doubt, there is no proposal to increase the height of the building that Members saw on Saturday.

The Council have to address applications based on their content, and will pursue any breaches of Planning through the proper channels if they arise. Members are aware of the changes to prior approval recently introduced by government which allow changes from B1 office use to residential. Whilst there is an element of relaxing control through the legislation these prior approval applications are still required to be based on an assessment of transport and highways impact, contamination risks and flood risk that the change might result in. In the event of a prior approval application being received for residential purposes, it is likely that the Council would have to consider if an objection on grounds that the proposal would have an unacceptable impact on highways impact would be appropriate. In any event, Members will note that there is a valid Enforcement Notice (E12/0692) relating to the site.

Recommendation: Remains approval, subject to a legal agreement.

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Agenda Item 08

Supplementary Information Planning Committee on 17 July, 2013

Case No.

13/1250

Location	39 & 41, Hillside, Stonebridge, London, NW10 8LY
Description	Construction of 47 new dwellings comprising 11 one-bedroom flats and 24 two-bedroom flats within a 7-storey building fronting Hillside with vehicular access from Shrewsbury Road (Site 22b) together with 3 one-bedroom flats and 9 two-bedroom flats within a 4 storey building fronting Shrewsbury and Johnson Roads (Site 24c), new road connecting Shrewsbury Road and Johnson Road and new access, on-street and off-street car parking, cycle storage, landscaping and ancillary development.

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During the site visit, some Members queried the primary material for the proposed building within the Hillside frontage (site 22b). In addition, the distances between the proposed buildings and existing homes, the Stonebridge Adventure Playground and the Stonebridge School were also queried.

Materials:

The proposed material (terracotta cladding) has been used successfully on some other buildings, but the design approach is such that a number of other materials could be used successfully. Other curved buildings in the local area have been clad with copper cladding (site 22a at the opposite end of this block) and brick (the Stonebridge Hub and site 10, the latter being approved but not yet constructed). Details of materials have been secured through condition (No. 5) and Officers consider that the proposed approach is an acceptable one. Obviously if Members were minded to suggest an alternative then an informative can be attached to the planning consent specifying that an alternative material is to be approved pursuant to condition No. 5 but, as explained above, Officers do not consider that this is necessary.

in excess of the Council's minimum levels as set out within SPG 17. For example, the distance between the rear of Site 22b (Hillside frontage building) and the front of the Site 24 building (to the rear) is 33 m. The distance between the deck access of site 22b and the rear windows of site 22a is 63 m. Whilst the distance between the rear element of the proposed site 22b (Hillside) building and the front of the proposed site 24 (rear) building is only 14 m, there are no opposing windows in this elevation, thus preventing potential overlooking between proposed units.

For the information of Members the minimum distance between the closest point of the site 22b (Hillside) building and the Adventure Playground site is 52 m, whilst the closest part of the Stonebridge School site is 62 m away. It is considered that this relationship would be acceptable and would be unlikely to result in future issues between different users.

Recommendation: Remains approval, subject to a legal agreement.

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