



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Wednesday, 6 April 2011 at 7.00 pm

PRESENT: Councillors RS Patel (Chair), Sheth (Vice-Chair), Adeyeye, Baker, Cummins, Daly, Hashmi, Long, McLennan, CJ Patel and Powney (alternate for Kataria)

ALSO PRESENT: Councillor Mary Arnold and Councillor Muhammed Butt

Apologies for absence were received from Kataria

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

Unit 16, The Tay Building, 2A Wrentham Avenue, London NW10 3HA

Councillor Adeyeye declared a personal interest that his daughter used the facilities at the site. He therefore left the meeting room and did not take part in the discussion or voting on this item.

1 Fernbank Avenue, Wembley HA0 2TT

Councillor Daly declared a personal interest that she had received representations from an objector about this application. She therefore left the meeting room and did not take part in the discussion or voting on this item.

2. **Minutes of the previous meeting - 16 March 2011**

RESOLVED:-

that the minutes of the previous meeting held on 16 March 2011 be approved as an accurate record of the meeting subject to the following addition to the list of declarations of personal and prejudicial interests;

Newfield Primary School, Newfield Nursery & Mission Dine Club

Councillor Long declared a prejudicial interest that she was a member of Brent Housing Partnership (BHP) Board. She left the meeting room and did not take part in the discussion and voting on this item.

3. **17 Waltham Drive, Edgware, HA8 5PG (Ref. 11/0293)**

PROPOSAL: Erection of part single-, part two-storey side and rear extension to dwellinghouse and the division of the property to two self-contained dwellinghouses, comprising one three-bed and one one-bed, new vehicular crossover to front with one off-street parking space and associated hard and soft landscaping as revised by plans received 24/03/11

RECOMMENDATION:

- (a) Grant Planning Permission, 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:

- (a) Planning Permission granted, 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.

4. 2 Glenwood Grove, London, NW9 8HJ (Ref. 11/0285)

PROPOSAL: Single storey rear extension to dwellinghouse

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

5. Garages rear of 55 Mount Pleasant Road, Henley Road, London NW10 (Ref. 11/0023)

PROPOSAL: Details pursuant to condition 3 (landscaping), condition 8 (details of ventilation and extraction), condition 9 (materials) and condition 10 (tree survey) of full planning permission 10/0932 dated 13/07/10 for demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area and subject to a Deed of Agreement dated 8th July 2010 under Section 106 of the Town and Country Planning Act 1990, as amended.

RECOMMENDATION: Grant planning consent.

Steve Weeks, Head of Area Planning, informed the Committee that further to the publication of the main report, comments were received from a resident which raised no additional issues. He added that the applicant had stated that he would observe all the proposed conditions set out in the officer's report. Steve Weeks continued that the applicant's arboriculturist's report submitted had been agreed by the Council's tree protection officer.

DECISION: Planning consent granted.

6. 62A Wrentham Avenue, London, NW10 3HG (Ref. 10/2913)

PROPOSAL: The erection of a single storey side and rear extension to ground floor flat.

RECOMMENDATION: Grant planning permission subject to conditions.

Neil McClellan the Area Planning Manager referred to the adjoining resident's request for the last two metres of the extension to be set off the boundary by an additional 63cm so as to mirror the gap at No 64 Wrentham Avenue. He submitted that extensions built up to the common boundary were routinely approved by the Council.

Mr Iain Lindsey an objector stated that the proposal would constitute an infilling development which could set a precedent for similar undesirable developments in the area. He requested that the flank wall be brought only 63cms further away to increase the gap between the boundary to 1.3 metres over the rearmost 2 metres of the extension for the following reasons: to mirror the gap left between the boundary at No.64; to produce a much more consistent and complementary design; and to reduce significantly the bulky impact of the extension on No. 64.

In responding to the above, Steve Weeks stated that the proposal which incorporated a satisfactory design would have no significant harm to the objector.

DECISION: Planning permission granted subject to conditions.

7. 1-3, Canterbury House, Canterbury Road, London, NW6 5ST (Ref. 11/0179)

PROPOSAL: Extension of time limit for planning permission 07/2234 (Change of use from office premises (B1) to residential (C3) on the first floor to create 2 one-bedroom and 3 two-bedroom flats, 3-storey side extension to provide staircase and lift, erection of additional storey to form 4 two-bedroom flats with associated landscaping to front and car parking to side of Canterbury House, as accompanied by Design & Access Statement dated July 2007 ("car-free" development), subject to a Deed of Agreement dated 15/02/2008 under Section 106 of the Town and Country Planning Act 1990 (as amended).

RECOMMENDATION: Grant planning permission subject to conditions as amended in condition 3, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

The Head of Area Planning drew members' attention to the amendment to condition 3 as set out in the tabled supplementary report on landscaping and measures for tree replacement.

Mr Jay Dalu-Chandu in objecting to the application expressed concerns about the impact of the proposed development on sunlight and residential amenities in general. He added that the likely increase in population as a result of the development would put an undue pressure on available local amenities.

Mr Jonathan Cross the applicant's agent stated that the application complied with the standards and policies of the Borough both in terms of sunlight and intensification. He endorsed the recommendation and urged members for approval.

Steve Weeks informed the Committee that it was difficult to envisage the impact on sunlight being significant and that the applicant's BREEAM statement was satisfactory.

DECISION: Planning permission granted subject to conditions as amended in condition 3, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

8. Unit 16, The Tay Building, 2A Wrentham Avenue, London, NW10 3HA (Ref. 10/3149)

PROPOSAL: Conversion of first floor Yoga Centre (Use Class D2) to 5 self-contained flats (3 x 2 bed & 2 x 3 bed) with the erection of a first floor extension.

RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Neil McClellan the Area Planning Manager referred to concerns expressed with the loss of the Yoga Centre (D2) and clarified that the Unitary Development Plan (UDP) and the newly adopted Core Strategy did not contain policies that protected D2 uses. He added that whilst the contribution of the Yoga Centre seemed to be well known to the community, owing to the identified need for residential units, it would be difficult to resist the proposal on use grounds.

Mr Kieran Rafferty the applicant's agent spoke only to point out that the address of the site was incorrect.

Members agreed that delegated authority be granted to the Head of Area Planning to effect the necessary correction.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to correct the address and to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Note: Councillor Adeyeye declared a personal interest in the application in that his daughter attended the centre. He therefore left the meeting room and did not take part in the discussion and voting on this application.

9. 758 & 760, Harrow Road, London, NW10 (Ref. 10/3088)

PROPOSAL: Erection of 2 four storey buildings comprising 2 retail units and 1 office unit at ground floor level with 14 self-contained flats with roof terraces above, associated car-parking, bicycle storage, refuse storage and alterations to existing pedestrian and vehicular accesses (amendments and Deed of Variation to planning permission 06/3514).

RECOMMENDATION: Grant planning permission subject to conditions as amended in condition 8, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Neil McClellan informed members that on the advice of the Director of Legal and Procurement, should permission be granted it should be subject to the completion of a new s106 agreement as opposed to a Deed of Variation. The new s106 agreement would encompass all of those Heads of Terms for both the current and previous applications, as set out under the heading "S106 DETAILS" in the main report. He therefore amended the description and condition 8 as set out in the tabled supplementary report. The Area Planning Manager added that due to the proximity of the site the Royal Borough of Kensington and Chelsea were consulted but they raised no objections to the application. He continued that the Council's Highways Engineer and the Environmental Health Officer had no objections to the scheme and that the concerns raised by the Landscape Design Team would be satisfied through suitably worded conditions on landscape requirement.

Mr Piers Warne, an agent objecting on behalf of the adjoining premises (Regent Public House) claimed that by failing to provide adequate measures on noise attenuation the proposed development could cause unreasonable noise transmission to his client's premises. He clarified that the new owner could apply for a premises licence with hours of operation of up to 2:00am which could adversely impact on the public house in terms of noise and parking problems. In requesting members to defer the application, Mr Warne suggested the installation of the following as additional conditions; triple glazing, extra sound attenuation system and air-conditioning.

Mr George Vas Dekys the applicant's agent stated that the application had been revised following an extensive consultation with interested parties and negotiations with officers to arrive at an acceptable scheme. He added that financial contributions under a Section 106 legal agreement had been recommended to compensate for any likely loss of amenities. He also drew members' attention to other conditions requiring insulation which would address concerns on noise.

DECISION: Planning permission granted subject to conditions as amended in condition 8, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

10. 103-107, 103A, 109-119 odds, 121-123 Kilburn High Road, 110-118 inc Kilburn Square and all units and stalls at Kilburn Square Market, London, NW6 (Ref. 10/3072)

PROPOSAL: Erection of a single storey front extension, ground and first floor side extension, infill of existing first floor walkway and terraces to create additional commercial floor space, creation of a green roof and associated landscaping to front forecourt area.

RECOMMENDATION: Grant planning permission subject to conditions as amended in condition 13, 16 and 20, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

With reference to the tabled supplementary report Steve Weeks, Head of Area Planning submitted the following responses to issues raised at the site visit. In respect of the side extension he stated that the development would maintain a distance of 3.7m between the flank wall and the kerb edge which would exceed the width of the footpath on the opposite side of Brondesbury Road. He continued that the proposal had been inspected by the Crime Prevention Design Officers who concluded that as the area would be clearly visible from a number of properties, it would not give rise to criminal or anti-social behaviour. He however suggested that an additional condition could be imposed to ensure that this was achieved.

In response to Councillor Arnold's enquiry about installing street lighting columns similar to those installed in South Kilburn, Steve Weeks reported that the Council's Transportation Unit had confirmed that it would be possible to negotiate the inclusion of this type of street lighting under the provisions made for public realm improvements as part of the s106 legal agreement. However, in response to a query from Cllr Powney, he recognised that there may be limitations on the appropriate specification. He drew members' attention to condition 13 as amended and as set out in the supplementary report, which sought to address concerns about access between the existing residential units and the roof of the proposed development and further amendments to conditions 16 and 20.

Margaret Stoll in objecting to the proposed development stated that the gates to the rear of the property were not necessary and that access other than the usual route was not desired. She raised issues about security and questions about the closing times of the gates, the market and enquired about steps that were being taken to prevent graffiti. Margaret Stoll also requested the replacement of the trees that had been removed as a result of the development and the erection of a community notice board.

In accordance with the provisions of the Planning Code of Practice, Councillor Arnold a ward member stated that she had been approached by local residents and Kilburn Business Community. Although supporting the application Councillor Arnold emphasised the need for members to take on board concerns expressed by the local residents' association in respect of access, lighting, trees and community notice board.

Mr Michael George the applicant's agent stated that the current application would improve and enhance the regeneration of the market making it attractive to future retailers. He added that the proposal would improve visual amenity with the provision of six trees and four seats on the forecourt, improve security by ensuring that the gates were locked by 5.30pm except for emergency access.

During debate, Councillor Cummins enquired whether it would be possible to add a condition that would prohibit stall holders from over-spilling to the walkways and pavement areas.

In response to the issues raised Steve Weeks stated that the request for anti graffiti measures would be covered when the details of materials were submitted and that the community notice board could be installed using community provision funds under the Section 106 legal agreement. In respect of anti-social behaviour and the gates, he recommended additional conditions including details of the gates and the times of closure to allow the issues raised to be assessed.

DECISION: Planning permission granted subject to conditions as amended in condition 13, 16 and 20, additional conditions on measures to prevent anti social behaviour in blind spot behind extension, community notice board to keep the spaces between market stalls clear and details of gates and access, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

11. 1 Fernbank Avenue, Wembley, HA0 2TT (Ref. 11/0181)

PROPOSAL: Erection of a part single-storey, part two-storey rear extension and installation of two front rooflights and two rear rooflights to dwellinghouse.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

In response to concerns raised by Councillor Daly and residents about noise, noise insulation and fire regulations, the Area Planning Manager Neil McClellan informed members that the Council's building control officer had confirmed that all additions to the property complied with the relevant standards including insulation standards. He also confirmed that the applicant had been advised by way of informatives that the compliance period of the enforcement notice had expired and therefore works on the alterations should commence as a matter of urgency in order to avoid any direct action being authorised under delegated powers.

DECISION: Planning permission granted subject to conditions and informatives.

Note: Councillor Daly declared a personal interest that she had received representations from an objector. Councillor Daly left the meeting room and did not take part in the voting on the application.

12. Dexion House, Empire Way, Wembley, HA9 0EF (Ref. 11/0142)

PROPOSAL: Demolition of the existing building and erection of a building ranging in height from 9 - 18 storeys and including a basement, consisting of 19,667sqm of student accommodation (providing 661 bed spaces) with associated common-room space (Use Class: sui generis); 2,499sqm of community swimming-pool and fitness facilities (Use Class D2); 530sqm commercial units: retail / financial & professional services/ restaurants / public house / takeaway (Use Class A1, A2, A3, A4, A5); with parking, cycle spaces, rooftop plant and associated landscaping.

RECOMMENDATION:

- (a) Grant Consent, subject to conditions as amended in conditions 2, 7, 8, 13, 19, 22, the deletion of condition 20, the referral of the application to the Mayor of London in accordance with part 5 of the Town and Country Planning (Mayor of London) Order 2008, and subject to the completion of a satisfactory Section 106 or other legal agreement and to delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement; but
- (b) if the legal agreement has not been entered into, or the Mayor of London remains unsatisfied with the application by the agreed Planning Performance Agreement expiry date, which at the time of writing this report is 22/04/11, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission; and
- (c) if the application is refused or withdrawn for the reason in (b) above to delegate authority to the Head of Area Planning or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that (b) has been satisfied.

With reference to the tabled supplementary report, Neil McClellan (Area Planning Manager) informed the Committee that officers had assessed the Travel Plan submitted as a requirement of the Section 106 legal agreement and were satisfied that on balance the development would not result in a detrimental impact on the highway network subject to further details. He continued that with only 5 disabled parking spaces provided on site, the traffic impact of the development would not be high. In respect of the query over the number of parking spaces proposed, he confirmed that the figure had been revised from 6 to 5 as a response to the Highway Engineer's comments. Neil McClellan clarified that the scale and height of the proposed development, had not significantly altered in scale from the scheme previously approved on site.

In addressing the concerns regarding noise and odour, he informed the Committee that the Council's Environmental Health Officers (EHO) had considered noise nuisance and odour potential and found that, the proposal, as revised, would not cause harm to local amenities. He added that the EHO had supported the high level ventilation required under condition 26 as being sufficient to address the impact of the retail A2/A3/A5 uses. In reiterating the recommendation for approval, the Area Planning Manager drew members' attention to a number of amendments as set out in the supplementary report.

Mr David Morris the applicant's agent started by saying that the scheme had been revised following a thorough pre-application and post-application discussion which had resulted in a robust scheme. He stated that a Travel Plan which had been submitted as part of the Section 106 legal agreement would be further developed at the detail stage to ensure that student arrivals and exits did not conflict with major events at Wembley National Stadium and complied with accessibility policy.

In reference to the concern by The Stadium that condition 19 was inadequate to address noise levels, Mr Morris stated that that condition was considered acceptable for the previous application on site, for permanent residential accommodation and therefore could be considered acceptable for student accommodation. He then drew members' attention to the regenerative benefits of the scheme stating that it would offer leisure facilities with no capital cost to the Council and that the retail uses proposed would enhance the vitality of the area in consonant with the Wembley Master Plan.

In response to a question by Councillor Long about ventilation, Mr Morris stated that additional designs on ventilation would be submitted at the detail stage, adding that heat generated by the swimming pool would be used as part of the energy strategy for the site. In response to Councillor Powney's query about the 1% of the accommodation that would be constructed as wheel chair access accommodation, the agent responded that the 1% level stated in condition 13 would be in excess of requirements.

In accordance with the provisions of the Planning Code of Practice, Councillor Butt ward member stated that he had been approached by the agent. In expressing his support for the application, Councillor Butt stated that in addition to complying with parking standards and conditions, the development would be sited in an area with excellent transport links. He continued that the transport

impact of the development and the concerns expressed by Wembley National Stadium would be addressed through the Travel Plan. Councillor Butt added that the provision of leisure facilities including the swimming pool for use by local schools would yield added benefits for the Borough in general and, Tokyngton ward in particular.

Members discussed the application during which Councillor Powney reiterated his queries about the disability/wheel chair access for the scheme. The Head of Area Planning drew members' attention to condition 13 which sought to address that concern. In approving the application subject to conditions as amended and as recommended, members agreed that the level wheelchair accessible units provided upfront be set for 2% and delegated to the Head of Area Planning to determine the exact details.

DECISION:

(a) Planning consent granted, subject to conditions as amended in conditions 2, 7, 8, 13, 19, 22, the deletion of condition 20, and an amendment to condition 13 setting the level wheelchair accessible units provided upfront to 2%, the referral of the application to the Mayor of London in accordance with part 5 of the Town and Country Planning (Mayor of London) Order 2008, and subject to the completion of a satisfactory Section 106 or other legal agreement and to delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement; but

(b) if the legal agreement has not been entered into, or the Mayor of London remains unsatisfied with the application by the agreed Planning Performance Agreement expiry date, which at the time of writing this report is 22/04/11, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission; and

(c) if the application is refused or withdrawn for the reason in (b) above to delegate authority to the Head of Area Planning or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that (b) has been satisfied.

13. Chequers, Managers Flat and Store, 149 Ealing Road, (Ref. 11/0137)

PROPOSAL: Minor material amendment to planning permission 09/3013 granted 06/04/10 for *the Demolition of existing buildings and erection of a 3-, 4- and 5-storey building, comprising 2 commercial units (Use Classes A1, A2, A3 or A4) at ground-floor and ancillary basement level and 30 self-contained flats (one 1-bedroom, nineteen 2-bedroom and ten 3-bedroom units,) at upper-floor levels, a car-free development with formation of new vehicular and pedestrian accesses, cycle and refuse stores to side and communal amenity space to rear and subject to a Deed of Agreement dated 6th April 2010 under Section 106 of the Town and Country Planning Act 1990, as amended.* The amendment is for:

- The insertion of 2 obscured glazed windows within eastern elevation facing 2 Stanley Avenue.

RECOMMENDATION: Grant consent subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Neil McClellan, the Area Planning Manager informed the Committee that planning permission reference 09/3013 remains extant, and that the current application merely proposed the insertion of two obscured glazed windows within eastern elevation facing 2 Stanley Avenue. He added that on balance it was considered that the proposed amendments can be treated as an acceptable material minor amendment to the drawings approved through planning consent reference 09/3013.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

14. Any Other Urgent Business

The Head of Area Planning reminded members that the next meeting would take place on Thursday 12 May 2011 at 7:00pm. The site visit would take place on Tuesday 3 May 2011 at 2:30pm followed by a presentation on Wednesday 4 May 2011 at 5:30pm at Brent House, High Road, Wembley.

The meeting ended at 8:40pm

RS PATEL
Chair