



# **LONDON BOROUGH OF BRENT**

## **MINUTES OF THE PLANNING COMMITTEE**

**Wednesday, 6 July 2011 at 7.00 pm**

PRESENT: Councillors Sheth (Chair), Daly (Vice-Chair), Cummins, Hashmi, Kabir, McLennan, Mitchell Murray, CJ Patel, RS Patel and Singh

ALSO PRESENT: Councillor Joyce Bacchus, Councillor George Crane and Councillor Jim Moher

Apologies for absence were received from Baker.

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

None.

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

RESOLVED:-

that the minutes of the previous meeting held on 7 June 2011 be approved as an accurate record of the meeting subject to the deletion of page 6 which had been duplicated on page 7.

### **3. 2A Preston Way & 283-287 odd, Preston Road, Harrow, HA3 (Ref. 11/1042)**

PROPOSAL:

Demolition of 4 dwellinghouses and erection of a two/three storey building to provide 17 x self-contained flats (6 x 1-bedroom, 7 x 2-bedroom and 4 x 3-bedroom) with basement car park with vehicular access from Preston Way and associated landscaping

RECOMMENDATION:

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

Steve Weeks, Head of Area Planning introduced this report. With reference to the tabled supplementary, he informed members about additional letters of objections had been received which chiefly reiterated issues that had been addressed in the main report. In responding to new issues raised Steve Weeks clarified that the proposal would overlap with the previous approval to the rear of No. 281 Preston Road but a condition on landscaping required implementation in full accordance with the approved details prior to the occupation of the residential units. He continued that the toolkit submitted with the application and based on current

values and build costs demonstrated that it was not viable to provide affordable housing. However, an independent revised financial toolkit would be required once actual build costs were available in order to reassess the provision of affordable housing within the development. In respect of issues raised on traffic and access, the Head of Area Planning added that the Council's Transportation Officer had assessed the information and plans provided and was satisfied that the servicing arrangement would be acceptable without a significant impact on the surrounding highway network.

The Head of Area Planning advised members that individual consultation letters had been sent to local residents and groups which had produced a range of responses that were covered in the report. However, the expiry period for the site notices would expire after 14 July, and hence, if the Committee agreed the recommendation, they were being asked to delegate consideration of these. He reported that on the advice of the Director of Legal and Procurement, a right of vehicular access over the proposed car park access road into any redevelopment of 281 Preston Road needed to be secured through the Section 106 agreement rather than by Condition 10. He added that the applicant had confirmed that they would accept a clause in the agreement in accordance with this requirement.

Mr William Kemp, Chair of Preston Amenities Protection Association (PAPA) in objecting to the proposed development stated that due to its size, siting and design the proposed development would be out of character with the surroundings. He continued that with a potential for a substantial increase in population, the proposal would represent an unattractive block on the landscape of the area and urged members to refuse the application. In response to the Chair's query Mr Kemp stated that the conversions in Jubilee Court and Park Place to which the Chair referred were both well away from the application site.

Mr David Pearson objected to the proposed development on grounds of traffic, loss of security, size and massing. He stated that the creation of a car park entrance would require a road layout to accommodate motorists and pedestrians within a site with inadequate turning room. He continued that in the absence of measures like fencing and gating, the demolition of No. 2 Preston Way would lead to loss of security. Mr Pearson referred to the planning Inspector's report to support his claim that the proposal would be out of context and character with the area.

Mr Fred Akuffo the applicant's architect stated that the issues that were raised by the Planning Inspector including overlooking, overshadowing, access and refuse recycling arrangement had been discussed with officers and addressed. He continued that the scheme had benefited from an amended design and complied with relevant policies and guidance. Mr Akuffo urged members to endorse officers' recommendation for approval subject to a Section 106 legal agreement.

During debate, Councillor RS Patel observed that the report did not illuminate on refuse recycling and bin enclosure. Councillor Kabir noted that the site notices had not expired and clarified that members were being asked to delegate consideration of any additional substantial objections received after a decision had been made by the Committee. Councillor Hashmi also sought a clarification on the financial contribution for the Section 106 agreement.

In responding to the issues raised above, the Head of Area Planning stated that in order to deal with substantive additional objections which may be received after the meeting, he had recommended the grant of delegated authority. He undertook to seek further advice on the level of financial contribution. In response to a question from the Chair, he advised members that trees lost as a result of the proposal would be replaced with 19 trees on site. In reiterating the recommendation he recommended a further condition to be added on refuse recycling.

**DECISION:**

Granted delegated authority to the Head of Area Planning to grant planning permission subject to a section 106 agreement as recommended and an additional condition on refuse recycling arrangement and to consider further objections received up to the expiry of the site notice consultation if it is considered appropriate.

**4. Melrose House, 201 Melrose Avenue, London, NW2 4NA (Ref. 11/0807)**

**PROPOSAL:**

Variation of condition 2 (development to be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted) to allow minor material amendments, comprising:

- Enlargement of window on rear elevation to comply with smoke ventilation requirements
- Roof covering to the bicycle stores for compliance with the ECO Homes requirements

of full planning permission reference 10/2142, dated 25/11/2010.

**RECOMMENDATION:** Grant planning consent for variation of condition.

With reference to the tabled supplementary report, Steve Weeks, Head of Area Planning drew members' attention to an advice by the Director of Legal and Procurement on the Section 106 Agreement and a deed of variation. In view of that he undertook to seek a further advice of the Director of Legal and Procurement on the appropriate course of action to ensure that the obligations were complied with before issuing the planning permission. Members noted that payment of the financial contributions had been received

During debate, Councillor Cummins queried the nature of the change to the windows and any implications. By reference to the plans, the Head of Area Planning clarified that the proposed changes by the enlargement of casement windows should not result in a significant adverse impact so as to warrant a refusal.

**DECISION:** Variation of condition 2 approved as recommended and a supplemental agreement to the current S106 agreement.

**5. 67 Dartmouth Road, London, NW2 4EP (Ref. 11/0800)**

**PROPOSAL:**

Single storey rear extension to ground floor flat and installation of rear spiral staircase to first floor flat.

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

Copies of a written statement and a photograph submitted by the applicant's agent were circulated to Committee members at the meeting. With reference to the tabled supplementary, Steve Weeks Head of Area Planning informed members about an additional comment received from a local resident who expressed concerns that the proposal would result in the physical sub-division of the rear garden. In responding to the above, the Head of Area Planning confirmed that as the property had been converted historically and the access arrangements, ownership and sub-division of the rear garden had been confirmed by the applicant. He continued that as the proposed works would not change the ownership of the rear garden and a fence could be erected without planning permission, a condition removing this permitted development right would not be considered to be reasonable.

Mrs Mary Sayers in objecting to the proposed development claimed that she had not been properly consulted and that the plans were not available on the website. She added that the proposal would result in obstruction to her views, outlook and visual amenity and by creating a "corridor of walls effect" it would have an additional detrimental impact. For the above reasons Mrs Sayers urged members to refuse the application so as to safeguard the character of the Dartmouth Road area.

In responding to the issues raised, the Head of Area Planning explained the size and scale of the proposed single storey rear extension in relation to normal guidance and the relationship to adjoining residents. He added that in terms of the dimensions, height and projection the proposal was considered acceptable and complied with relevant policy and design guidance. In response to a query from Cllr. Cummins, he continued that the external staircase would not create a precedent for others on the street as it would be replacing an existing balcony. The Head of Area Planning also drew members' attention to condition 3 that sought to prevent the roof of the rear extension as a roof terrace. He continued that the objector had wanted to view the objections to the proposal which were not published for confidentiality reasons adding that the plans were available on the website site.

**DECISION:** Planning permission granted subject to conditions.

**6. 66A Springfield Mount, London, NW9 0SB (Ref. 11/0488)**

**PROPOSAL:**

Conversion of a garage (currently in use as living accommodation under a personal consent) to provide separate dwellinghouse to 66 Springfield Mount with associated works to divide curtilage.

**RECOMMENDATION:** Refuse planning permission.

This application was called in accordance with Part 5 of the Constitution by Councillors J Moher, R Moher and Crane for further consideration of the merits of the scheme in light of changes planning regulations, the impact upon the amenities of the residents and surrounding properties.

Steve Weeks, Head of Area Planning with reference to the tabled supplementary informed members about the revised plans with proposals for the garden area and went on to clarify the external space for the proposed and existing dwellings following the sub-division of the site in comparison to the Council's normal minimum requirement of 50m<sup>2</sup>. He advised that the usual external amenity space for the existing dwelling would be reduced to approximately 64sqm through the subdivision of the site whilst the external amenity space for the proposed dwelling would be approximately 35sq m. He continued that whilst the plans showed the dwelling as a one-bedroom unit, there were no restrictions preventing an additional bedroom from being provided within the roof space. In reiterating the recommendation for refusal the Head of Area Planning submitted that the main concern with the proposal was the impact on amenity space and the relationship between the proposed properties in terms of significant overlooking.

Mr Suresh Mamtora Chair of Springfield Area Residents' Association stated that the proposed sub-division and conversion would not result in intensification of use, harmful and out of character with the area. He added that there were potential problems in not approving the application in view of threats of use for multiple occupancy or for use for car repairs. He urged members to be minded to approve the sub-division.

**In accordance with the provisions of the Planning Code of Practice** Councillor J Moher, ward member stated that he had been approached by residents in connection with the application. Councillor Moher stated that the proposal which would be used by the applicant's extended family would not cause harm to the area but rather would be in keeping with the character of the area. He added that the relaxation of the planning laws was enough a reason to remove planning condition 4 for personal consent. In response to members' questions, Councillor J Moher stated that he had visited the property and observed that the proposal would not give rise to issues of overlooking and overshadowing.

**In accordance with the provisions of the Planning Code of Practice** Councillor Crane, ward member stated that he had been approached by the applicant. Councillor Crane spoke in support of the views expressed by Mr Mamtora and added that the proposal would be in keeping with the streetscene. He urged members to approve the application.

In response to the points raised by the speakers and members' enquiries, the Head of Area Planning submitted that planning condition 4 was imposed to

support the extended family as well as to be able to bring the garage back into use. He confirmed that the key issue now was the relationship between the properties rather than a need to restore the garage. He continued that privacy and outlook could not be addressed by the applicant as the site was too narrow to accommodate 2 separate dwellings and this would be aggravated by the proposal for a 2-3m fence. With reference to the tabled supplementary and questions from Cllr. Cummins, the Head of Area Planning advised that other layout options for the garden did not seem to overcome the problems of adequate space and poor relationship.. He however indicated that Planning Services would support an application which would be ancillary and incidental to the main dwelling.

DECISION: Planning permission refused.

Note: Councillor Hashmi asked that his dissent against the above decision be recorded.

**7. Hawthorn Road And Litchfield Gardens Corner Site, Hawthorn Road, London, NW10 (Ref.**

**PROPOSAL:**

Demolition of existing commercial buildings and erection of 10 x 2-storey terraced dwellinghouses (3-bedroom) and 10 flats (1 x one-bedroom, 7 x two-bedroom, 2 x four-bedroom) within a 3-storey building with associated landscaping.

**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

Steve Weeks, Head of Area Planning in reference to queries raised by members at the site visit on the quality of the design of the development, in general, and the brickwork to be used in particular, drew members' attention to condition 5. This condition sought details of materials for all external work including samples to be submitted for approval prior to commencement of work. In terms of the impact of the development on car parking in the locality, he clarified that the proposed flats would be permit-free controlled by way of legal agreement.

Mr Ben Kelway the applicant's agent stated that the proposal which was consistent with the site specific allocation would deliver a high quality of development of contemporary design. He confirmed that the applicant would comply with the condition for further details of materials to be submitted prior to commencement of work as recommended. Mr Kelway added that the proposed development would make a valuable contribution by providing affordable housing with acceptable residential amenity and sustainability.

In the discussion that followed, Councillor Hashmi raised objections to the proposed development on the grounds that it was not a "car free development" in an area with inadequate parking spaces. In indicating his intention to vote against

the recommendation Councillor Hashmi queried the fact that the development proposed a 25% affordable housing which was below the policy requirement for a 50% affordable housing. Councillor Cummins enquired about the possibility of mitigating the loss of employment site by imposing a condition requiring the applicant to create local employment via apprenticeship. Councillor Kabir sought advice on the possibility of securing at least the minimum standard for play area within the site.

The Head of Area Planning responded that the area was accessible to public transport facilities (high PTAL rating) and that nearby houses had on-street parking managed through controlled parking zone (CPZ). He confirmed that the site allocation policy allowed for a housing development on the site and that the development was not sufficient enough to trigger employment and/or apprenticeship or a requirement for a play area. In respect of residential amenity he recommended a further condition to control the hours of work.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 legal agreement as recommended, a further condition on construction hours of work and delegated authority to the Head of Area Planning to explore an employment construction initiative.

Note: Councillor Hashmi asked that his abstention from the above decision be recorded.

**8. 16 Kingswood Avenue, London, NW6 6LG (Ref. 11/0797)**

**PROPOSAL:**

Creation of new basement level beneath the existing house and partly beneath the rear garden with lightwells at the front and rear.

RECOMMENDATION: Grant planning permission subject to conditions.

Steve Weeks, Head of Area Planning informed members that in order to secure the future of nearby trees, the Council's Tree Protection Officer was requested to consider the additional information submitted by the applicant. He concluded that the proposal would not put any of the trees in neighbouring gardens at risk, unless site materials, plant and excavated material were stored for any length of time in the rear garden. In order to prevent that, he suggested that tree protective chestnut fencing be erected around the root protection areas until the completion of the development. He clarified a query raised by Councillor Hashmi on the projection of the basement and lightwell beyond the extension to the rear.

DECISION: Planning permission granted subject to conditions, to an additional condition for tree protective fencing, amended condition 5 and an informative as recommended in the Supplementary.

**9. Karma House, 575 North End Road, Wembley, HA9 0UU**

**PROPOSAL:**

Approval of reserved matters relating to landscaping in respect of outline planning permission reference 05/0626 dated 17/04/08 for the demolition of the existing building and the erection of a building ranging in height for 8 to 17 storeys comprising a 120-bedroom hotel on the 1st - 5th floors, 108 timeshare or apartment hotel lets on 6th - 15th floors (84 studios, 24 one-bedroom), a public viewing gallery and restaurant on the 16th floor, one basement level of 40 parking spaces and associated facilities.

**RECOMMENDATION:** Approve reserved matters.

**DECISION:** Reserved matters approved.

**10. Storage rear of 397 High Road & Rear Part of 397A, Rosemead Avenue, Wembley, HA9 (Ref. 11/1030)**

**PROPOSAL:**

Demolition of existing buildings and the erection of two new 6 storey buildings comprising 22 flats and including external amenity space, cycle parking and refuse and recycling storage

**RECOMMENDATION:** Grant planning permission subject to conditions, informatives, 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 Team Manager updated members about a late amendment by the applicants to replace the proposed 5 bed unit on the 5th floor of Block A (the private block) with a 1-bed and a 2-bed unit. He advised that both units would exceed the minimum floor area standards set out in the Council's SPG17 design guide, maintaining an acceptable outlook, good daylight and a minimum of 10 square metres private external amenity space. He considered the amendment, was sought for reasons of viability, acceptable in terms of the quality of accommodation proposed and mix of unit sizes.

In addressing the issues raised at the site visit, the Area Team Manager clarified that although the scheme was originally proposed as a 100% affordable housing development, it had gone through a number of changes since its submission. These had resulted in the removal of a sixth floor from each block, changes in the mix of tenure and affordable/private ratio of 52%/48% and a standard contribution of £128,400 rather than the £115,200. He then outlined the provision for disabled parking, drawing attention to condition 8 which required details of a means of controlling vehicular access to the scheme to prevent the unauthorised parking of vehicles within the site. The Area Planning Manager clarified the position on acceptable refuse and recycling on site and the options available for spending the section 106 landscape funding in the area, with particular priority for upgrading the MUGA in King Edward Park.



During members' discussions, Councillor Kabir enquired about the right of way for pedestrians and to protect the amenity of the residents. Councillor Cummins sought a clarification on the arrangement for vehicle turning room on the site. In response, the Area Planning Manager stated that there would be a dedicated pedestrian right of way that would protect the amenity of residents. He added that although there was turning area within the site, vehicles may have to reverse at some point. He continued that although the previous use was commercial as there would be no private garden there was no need for remediation measures. Disabled parking spaces.

DECISION: Planning permission granted subject to revisions to the mix, tenure of the development and the completion of a satisfactory Section 106 legal agreement as revised in the Heads of Terms and as recommended in the Supplementary.

**11. All units, The Junction & Pacific Plaza, land between 12 & 14 The Junction & 1-11 Odds, Rutherford Way, Wembley Retail Park, (Ref. 11/2675)**

**PROPOSAL:**

Variation of condition 3 (restriction of retail floorspace to bulky goods) of planning consent reference 04/2158 to remove the bulky goods restriction in relation to the eastern retail terrace (units 14 to 17).

RECOMMENDATION: Grant planning permission subject to conditions.

Neil McClellan, Area Planning Manager clarified that the proposal was for the relaxation of a planning condition (condition 3 of reference 04/2158) in the Eastern terrace of the site. He referred to a late objection from the Wembley Town Centre Management and added that the issues raised had been addressed in the main report. With reference to the tabled supplementary report, he drew members' attention to an amended condition 6 and an informative 5, subject to which he reiterated the recommendation for approval.

Nigel Hawkey the applicant's agent informed the Committee that the redevelopment of the entire site would not be possible until the last lease had expired in 2031, hence the need for an interim measure by way of refurbishment as key to progress the regeneration of Wembley. He continued that the proposal would enable retailers to migrate to the site without prejudice to the vitality and viability of the Wembley High Road area. In response to members' questions Mr Hawkey stated that the success of the proposal would enable Quintains to further invest in Wembley and thus the benefits to be fed back to the High Road.

DECISION: Approved variation of condition 3 of planning consent reference 04/2158 as recommended subject to revised description, revised condition No. 6 and additional informative No. 5 as set out in the Supplementary.

**12. Any Other Urgent Business**

None.

The meeting ended at 9:45pm

K SHETH  
Chair

Note: At 9.05 the meeting was adjourned for 5 minutes.