



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Wednesday, 14 December 2011 at 7.00 pm

PRESENT: Councillors Sheth (Chair), Baker, Cummins, Hashmi, Kabir, McLennan, Mitchell Murray, CJ Patel, RS Patel and Naheerathan (In place of Daly)

ALSO PRESENT: Councillor Colum Moloney, Councillor Bhiku Patel, Councillor Carol Shaw and Councillor Zaffar Van Kalwala

Apologies for absence were received from Councillors Daly and Singh

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

#### ***493 Kenton Road, Harrow, HA3 0UN (Ref. 11/2529)***

Councillor Sheth declared that his family owned a property that was some 800 metres away from the application site address. Although he had no personal or prejudicial interest, he stated that he would refrain from discussion and voting.

#### ***201 and 203 Kenton Road, Harrow, HA3 0HD (Ref. 11/2187)***

Councillor Sheth declared that he had dined at the restaurant with his family but that as he had no personal or prejudicial interest.

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

RESOLVED:-

that the minutes of the previous meeting held on 23 November 2011 be approved as an accurate record of the meeting.

### 3. **Garages R/O 129-145, 145A & Land R/O 151-157, Melrose Avenue, London, NW2 4LY (Ref.11/2414)**

PROPOSAL:

Erection of five x two-storey dwellinghouses with basements comprising two x four-bed semi-detached houses and three x four-bed terraced houses, eight car-parking spaces, provision of bin store and bicycle stands, with associated hard and soft landscaping and means of enclosure (in place of one x three bed and two x four bed dwellinghouses and eight parking spaces which formed part of the previously approved scheme with LPA ref: 06/1117).

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.

In clarifying the issues raised at the site visit, Rachel McConnell (Area Planning Manager) stated that the proposed ground level would be similar to the original ground level where it adjoined the gardens of properties in Gay Close and Kenneth Crescent. She continued that the site had always been at a higher level than the Gay Close gardens. She added that the tree adjacent to the Kenneth Crescent and Gay Close boundaries was intended to be retained but if it died, it would be replaced at a ratio of 2:1 (two new trees to one lost tree). She advised the Committee that Building Control were seeking a land drain to be provided for the garden area in order to assist drainage.

In respect of the concerns expressed by residents of Gay Close on overlooking, Rachel McConnell stated that the closest point between habitable room windows of 20m complied with the standards within SPG17 and that no harm would arise from loss of privacy as amplified in the Planning Inspector's decision. She noted the residents' disagreement on the height of the fence and added that the height (between 2m and 2.8m) was a reflection of the general consensus of residents. In respect of the revised plans submitted by the applicant which showed the removal of the first floor rear projecting balconies and landscape plans, she suggested an amendment to condition 2 as set out in the tabled supplementary report.

Mr Phillip Jeffrey objecting on behalf of a resident of Gay Close stated that as Gay Close was below the levels of the proposed development it would create an overbearing aspect to the residents. He suggested that the following measures to ameliorate the impact: an increase of the fence height to 3.4m; proposed landscaping should be designed in conjunction with the residents of Gay Close.

Mr Sean McDonagh, the applicant's agent, stated that the proposed development which incorporated additional landscaping was in accordance with existing planning guidance and policies. He continued that although the applicants were willing to open negotiations with residents on the height of the fence, the proposed height reflected the general consensus of residents. He confirmed that the applicants would work in partnership with the residents on the proposed landscaping.

Councillor Hashmi requested confirmation that the maintenance of the boundary fence would be the responsibility of the applicant. Rachel McConnell suggested amending condition 7 by inserting the words 'maintained thereafter'.

DECISION:

- (a) Planning permission granted, subject to conditions as amended in condition 2 and 7, 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.
- (c) To delegate authority to the Head of Area Planning to consider the need for changes to the informative.

**4. 493 Kenton Road, Harrow, HA3 0UN (Ref. 11/2529)**

PROPOSAL:

Full planning permission sought for change of use of ground floor to a restaurant/shisha cafe (Use Class A3), installation of extract ventilation duct to western elevation, installation of bi-fold doors to frontage, erection of free-standing open sided Vergola roof cover to north and east elevation for covered shisha area and associated landscaping to forecourt including erection of low boundary wall.

RECOMMENDATION: Refuse planning permission.

Rachel McConnell, Area Planning Manager set out the proposal and officers' reasons for recommending refusal as set out in the main report.

Mr Anand Suchak, in objecting to the proposed change of use stated that the proposal would be inappropriately located as it would be within an area which was fully residential and close to the local school. He added that existing parking facilities were inadequate and would not be able to support the proposal. In conclusion, Mr Anand re-affirmed his support for officers' reasons for recommending refusal.

Mr William Ellis, an objector echoed similar sentiments and added that the applicant had not assessed desirability of the proposal within a residential area and its adverse impact on local residents.

Mr Neil Taylor, the applicant stated that the restaurant would be a family run business which would not sell alcohol. He added that demand for parking would be limited as it would involve between 5-6 cars to the premises. He continued that noise from passing traffic would overcome the level of noise at the site. Mr Taylor noted that as the site had been vacant for some time his proposal would enhance the appearance and economic activity of the area. He went on to assure members that strict identity (ID) requirement would be put in place to limit any possible impact on residents.

DECISION: Planning permission refused.

Note: Councillor Sheth, having declared an interest in this application did not take part in the voting or discussion.

**5. 201 & 203 Kenton Road, Harrow, HA3 0HD (Ref. 11/2187)**

**PROPOSAL:**

Change of use of ground floor premises at 201 Kenton Road from a retail unit (use class A1) to mixed use comprising a retail unit at the front of premises and a dining hall at the rear to be used in connection with an adjoining restaurant at 203 Kenton Road with associated alterations.

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

Rachel McConnell, Area Planning Manager stated measures had been taken to safeguard the amenities of local residents by ensuring that appropriate access arrangements were provided and that both premises operated within their prescribed hours. With that in view, she drew members' attention to an amendment in condition 6 and an additional informative as set out in the tabled supplementary report.

Mr Paul Shepherd objecting on behalf of his mother, an adjoining resident, stated that the proposed change of use would lead to an unacceptable level of noise and parking problems particularly as both 201 and 203 would be used as banqueting facilities of more than 80 people. He added that due to lack of designated smoking area, smokers were likely to congregate outside of the premises, thus destroying the quite enjoyment of residential amenity.

In response to questions about licensing the legal representative clarified that the applicant could vary the hours of operation when he submitted a separate application to the Licensing Sub-Committee under the Licensing Act 2003.

**DECISION:** Planning permission granted subject to conditions and informative as amended in condition 6.

**6. Northwest Jamathkhana, Cumberland Road, Stanmore, HA7 1EJ (Ref. 11/2123)**

**PROPOSAL:**

Demolition of central and rear parts of existing building and erection of replacement two storey extension behind existing two storey frontage element of community centre building.

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.

Rachel McConnell, Area Planning Manager, informed members that the applicant had submitted revised plans which altered the elevations and reduced the visual bulk of the building. In addition, a revised site layout plan had been received which included the provision of 6 "Sheffield" style cycle stands in the forecourt, 2 demarcated disabled parking bays within the car park, space for three 240 litre bins on the north elevation towards the rear of the building and indicative alterations to the boundary landscaping of the site. She therefore recommended an amendment to condition 2 as set out in the tabled supplementary report and removal of condition 5. In addition, she advised that condition 4, 7 & 8 be amended as acceptable details had now been submitted relating to the disabled bays, cycle parking and refuse provision.

Steve Weeks, Head of Area Planning recommended an additional condition for self-closing doors as a further measure to safeguard the amenities of adjoining occupants if the applicant was to install amplified music.

DECISION:

- (a) Granted planning permission, subject to additional condition on door/window closure, amendments to conditions detailed above, amendments to informative, 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.

**7. 113 Bryan Avenue, London, NW10 2AS (Ref. 11/2665)**

PROPOSAL:

Demolition of existing warehouse building and erection of four 5 bedroomed terraced dwellinghouses.

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 Legal and Procurement Service.

At the start of the meeting Councillor Cummins moved an amendment for the application to be deferred for a site visit to enable members to assess the impact of the proposed development. This was put to the vote and declared carried.

DECISION: Deferred for a site visit to enable members to assess the impact of the proposed development.

**8. 15 Steele Road, London, NW10 7AS (Ref. 11/1699)**

PROPOSAL:

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

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

**9. Land rear of 12, Central Way, London, NW10 (Ref. 11/2623)**

PROPOSAL:

Redevelopment of site comprising of 9 units for B1(c), B2 and B8 uses, with associated landscaping, service areas, parking and cycle parking

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

Neil McClellan, Area Planning Manager corrected that the recommendation to delegate authority to agree the exact terms of the s106 should be to the Head of Area Planning instead of the Director of Environmental Services. He also reported on minor amendments by the applicant which had resulted in 133 parking spaces (a reduction of 7 spaces) and additional landscaping.

DECISION: Planning permission granted subject to conditions and 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. First Central, Coronation Road/Lakeside Avenue, Park Royal, NW10 (Ref. 10/3221)**

**PROPOSAL:**

Outline planning application for:

- a) The construction of up to 60,000 sqm of office accommodation (Class B1) in 3 buildings up to a maximum of 10 storeys in height, up to 1,700 sqm of retail, restaurant, hot-food take-away floor space (Class A1 to A4), up to 2500 sqm of health and fitness floor space (Class D2) with associated pedestrian areas, landscaping, access/servicing, car and cycle parking; and
- b) the construction of 4 residential blocks up to a maximum of 9 storeys in height to provide a maximum of 545 residential units, consisting of a mix of 1, 2 and 3 bedroom apartments for private, rented and shared ownership, with associated landscaping, access/servicing, car and cycle parking; and
- c) the provision of 2 play areas and a Multi-Use Games Area, and modifications to existing footpaths in West Twyford Park (Bodiam Fields), and modifications to existing surface treatment in Lakeside Drive; and
- d) the provision of an energy centre on land east of Lakeside Drive.

Matters to be approved: access, layout and scale with appearance and landscaping reserved.

**RECOMMENDATION:** Grant Consent, subject to 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.

If the legal agreement had 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 31 January 2012, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

Neil McClellan, Area Planning Manager addressed the following issues raised at the site visit by members and interested parties:

**Health and education provision:**

The Section 106 legal agreement would secure £1.1m towards secondary school provision and £0.9m towards primary school provision and although no additional nursery provision was proposed within the scheme, nursery accommodation was being provided at West Twyford Primary School. Space for a GP surgery had been provided on the ground floor of Crystal House as part of the first residential

phase although it still remained vacant since its construction and despite marketing.

Over concentration of social housing:

The proportion of social housing being proposed would be approximately 25%, half the 50% level required by policy, subject to viability. He clarified that whilst dispersing social housing around a site ('pepper potting') may be considered preferable in terms of social integration, housing associations continued to resist it due to the practicalities of delivery, management and affordability.

Energy Centre Location:

After further consultation with the Council's Environmental Health team the Area Planning Manager suggested an additional condition as set out in the tabled supplementary report be added. The condition sought further safeguards over emissions and required the relocation of the centre in order to protect residential amenity.

Siting of MUGA:

The proposed MUGA to be sited at the junction of Twyford Abbey Road with Bodiam Way, about 30 metres away from the nearest house and separated from the park by roads was considered sufficient to preserve the amenities of residents. As no floodlighting was proposed the use of the MUGA after dark would be restricted.

Clarification on consultation:

A total of 251 residents in Brent and Ealing were consulted on the application in addition to a further consultation undertaken by Ealing Council. Officers were satisfied that the consultation undertaken for this application significantly exceeded the statutory requirements.

Footpath between Lakeside Drive and Toucan Close:

The Area Planning Manager informed members that he had consulted Highways and Transportation on residents' requests for the foot/cycle path between Lakeside Drive and Toucan Close to be sealed off to discourage "a rat run" and anti-social behaviour. Their view was that the public footpath provided a useful route and was required for the proper planning of the area.

Traffic camera in Bodiam Way:

He proposed an additional Heads of Term to be included in the s106 requiring that the traffic camera be maintained at all times to ensure that Bodiam Way continued to be restricted to bus and emergency vehicles only. This intention was also expressed by Ealing Council which raised no objection to the scheme.

Mr Robin Brotherick objecting on behalf of the residents of Abbeyfield Estate stated that the 9 storey blocks would constitute gross over-development of the site. He claimed that officers had given inadequate consideration to integrate affordable housing as required under the Council's Supplementary Planning Guidance Note 21 (SPG21). He reiterated the concerns about the footpath in Bodiam Way and requested its closure to traffic. He requested a relocation of the energy centre in the interest of residential amenity.



Mr Tony Smith speaking on behalf of Toucan Close residents and tenants' Association expressed concerns about social consequences of the proposal. He continued that the proposal failed to provide a viable community centre for the youth to meet and interact. He submitted that the charges for hiring the facilities at the Crystal building for leisure activities were excessive and urged that unless the charges were subsidised, the residents could not afford to use the Crystal building, hence adversely affecting their quality of life.

Mr Paul Stevens in objecting on behalf of West Twyford Residents' Association raised the following issues;

- (i) Lack of health care provisions including General Practitioners (GP) surgery for a development that would result in 545 dwelling units and in excess of 1,500 residents.
- (ii) Inadequate provision for education both at primary and secondary school level at a time when the local secondary school had about 100 students on its waiting list.
- (iii) Whilst welcoming the inclusion of a MUGA within the proposal, Mr Stevens requested that it should be relocated further away from residential properties so as to preserve residential amenities.
- (iv) The scheme failed to provide any planning gain for the residents.

For the above reasons, Mr Stevens urged members to defer the application until further discussions had taken place on issues raised by residents.

***In accordance with the Planning Code of Practice, Councillor Moloney***, ward member stated that he had been approached by some of the residents. Councillor Moloney spoke in support of the proposed development adding that it would assist the council in addressing the acute housing within the Borough. Whilst acknowledging the increase in the number of residents, Councillor Moloney felt that there would be no greater demands on health and educational provision.

***In accordance with the Planning Code of Practice, Councillor Van Kalwala***, ward member stated that he had been approached by the applicant. Councillor Van Kalwala in echoing the views expressed by Councillor Moloney noted that the issues raised by the objectors had been addressed in the Committee report. He added that the proposal would assist in addressing the acute shortage in housing in the Borough, provide local employment including apprenticeship and improve the quality of life for residents.

Mr Michael Crook for the applicant stated that the proposal for a residential development was acknowledged in the Council's Core Unitary Development Plan (UDP). He added that 138 affordable homes would be provided in the first phase of the development in addition to education and transportation benefits under the Section 106 legal agreement and a commitment to provide apprenticeship for local residents.

In response to members' questions, Mr Crook stated that space had been made available at "Crystal House" which was hoped to attract GPs, dentists and other health care providers. He continued that the operators were looking into a management plan including charges in order to promote its use. In responding to a question about over-concentration of affordable housing, he clarified that in order to achieve early delivery it was agreed to provide affordable housing first and to maintain an equal split between rented and shared ownership. Mr Crook confirmed that although the energy centre would be located away from residential buildings, the applicants intended to review the location to ensure that it was sited further away from Toucan Close.

Steve Weeks, Head of Area Planning added that condition had been imposed to secure an appropriate location for the energy centre and that under the Section 106 legal agreement, contributions towards education would be split between Ealing and Brent Councils. He suggested a further clause under the Section 106 agreement to secure local construction and apprenticeship for the proposed development. The Head of Area Planning also clarified the significance of the planning performance date as stated in the recommendation and that this was yet to be finalised.

DECISION: Planning permission granted subject to conditions, 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 to include a clause on local construction and apprenticeship 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.

If the legal agreement had 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 31 January 2012, to delegate authority to the Head of Area Planning, or other duly authorised person, to agree this period and to refuse planning permission.

**11. 159 Harrow Road, Wembley, HA9 6DN (Ref. 11/2416)**

**PROPOSAL:**

Development comprising a new building ranging in height from 1 to 7 storeys comprising 18 residential units and including basement car parking, cycle parking, refuse and recycling storage and external amenity space

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

Neil McClellan, Area Planning Manager, corrected that the recommendation was for a refusal rather than approval as published on the Council's website. He continued that since the report was written the applicant had submitted a number of amendments which sought to overcome the reasons for recommending refusal including compliance with SPG17. With that in view, Neil McClellan requested a deferral to allow officers more time to consider the scheme and seek further amendments if necessary.

Members accepted the recommendation for deferral.

DECISION: Deferred to allow officers more time to consider the scheme and seek further amendments.

**12. 28 Berkhamsted Avenue, Wembley, HA9 6DT (Ref. 11/2042)**

**PROPOSAL:**

Change of use of land to extend domestic rear garden of No. 28 Berkhamsted Avenue and erection of single storey outbuilding in rear garden of dwellinghouse (Revised description, and revised plans received)

RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the tabled supplementary report Neil McClellan, Area Planning Manager referred to corrections in the report for which he recommended an amendment to condition 2. He also referred to an additional objection from a local resident but which raised no new issues.

DECISION: Planning permission granted subject to conditions as amended in condition 2.

**13. Any Other Urgent Business**

***Pre-meeting***

Members briefly discussed the merits of the recently introduced arrangements for pre-meeting which took place at Brent House at 2:30pm on the day before the meeting. Members expressed a preference to revert to the previous arrangement for pre-meeting on the day of the meeting but at an earlier start time of 5:30pm.