



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Wednesday 22 August 2012 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), Daly (Vice-Chair), Aden, Cummins, Hashmi, John, CJ Patel, RS Patel, Powney (In place of Krupa Sheth) and Singh

Also present: Councillor Barry Cheese, Councillor Helga Gladbaum and Councillor Claudia Hector

Apologies for absence were received from Baker and Krupa Sheth.

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

None declared.

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

RESOLVED:-

that the minutes of the previous meeting held on 25 July 2012 be approved as an accurate record of the meeting.

### 3. **BP Petrol Station, 17-27 Cricklewood Broadway, London, NW2 3JX (Ref.08/2315)**

PROPOSAL:

Refurbishment of No. 17 Cricklewood Broadway to provide 53sqm retail unit (Use Class A1) on ground floor and two x two-bedroom and one x one-bedroom flats on the upper floors and demolition of existing petrol filling station and garage buildings and erection of a five-storey building, comprising a 478sqm retail unit (Use Class A1) on the ground floor and 18 new flats on the first, second, third and fourth floors (consisting of 10 x one-bedroom, four x two-bedroom and four x three-bedroom flats), including cycle and bin storage, removal of vehicular accesses onto Cricklewood Broadway and Hoveden Road and provision of amenity space and landscaping to rear, with pedestrian access onto Hoveden Road, NW2

RECOMMENDATION:

- a) Grant planning permission, subject to conditions, informatives and an appropriate form of agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan,

Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

With reference to the tabled supplementary report, Rachel McConnell Area Planning Manager, updated members that although the scheme would achieve a lower Sustainability Checklist score (43.5% instead of 50%), the scheme would achieve a higher Code for Sustainable Homes level (CSH) than the development plan would require for a site in that location. With that in view, officers had accepted that the higher CSH level can offset a shortfall in the Sustainability Checklist score. To reflect this, she proposed to vary clause (e) of the s.106 heads of terms. She also drew members' attention to an amendment in condition 8 which would require further details of the enclosure of the terraces and planters to secure the privacy of adjoining residents and the deletion of condition 9.

DECISION: Planning permission granted as recommended subject to amendments to condition 8, clause (e) of the Section 106 heads of terms and the deletion of condition 9.

**4. Mount Stewart Infant School, Carlisle Gardens, Harrow, HA3 0JX (Ref. 12/1919)**

PROPOSAL:

Erection of temporary classroom within south east of school site between existing modular building and boundary of Carlisle Gardens to accommodate bulge classroom for 30 pupils (maximum three years).

RECOMMENDATION: Delegate authority to the Head of Area Planning to approve the application subject to conditions, informatives and consideration of any new substantive objections received.

Councillor Cummins enquired as to whether the portakabin would be removed after three years. The Head of Area Planning drew members' attention to condition 1 which clarified that as the building was of a temporary nature, approval was for a limited period of 3 years after which its use shall be discontinued and the portakabin removed.

DECISION: Planning permission granted as recommended.

**5. BRITISH LEGION HALL, 1 Albert Road & 5 Albert Road, London, Kilburn NW6 5DT (Ref. 12/1516)**

PROPOSAL:

Outline application (all matters reserved) for demolition of existing structures on site and erection of new mixed use development comprising of 144 residential units and 480m<sup>2</sup> of commercial floor space (Use Class A1/A3/A4).

RECOMMENDATION: Grant planning permission subject to conditions with additional conditions 20, 21, 22, 23, as amended in conditions 5, 6, 9, the deletion

of condition 11 and the completion of a satisfactory Section 106 or other legal agreement by any subsequent developer, and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Steve Weeks, Head of Area Planning informed members that although Environmental Health had raised no objections to the proposal, they had requested that additional conditions be attached to the permission. He drew members' attention to a number of amended conditions (5, 6 and 9), the deletion of condition 11 to be replaced with condition 23 and additional conditions 20, 21, 22 and 23 as set out in the supplementary report. Members' noted that as the proposal was for the redevelopment of an urban site with existing buildings, it was unlikely to trigger a requirement for Environmental Impact Assessment (EIA). Steve Weeks pointed out that the outline application fitted within the key parameters of the South Kilburn Masterplan with all matters reserved.

In response to the Chair's invitation to comment on the affordable housing element, the Head of Area Planning stated that the intention was to maximise affordable housing within the development adding that as a phased development different outcomes were expected for different sites. Councillor Hashmi indicated his intention to vote against the scheme on the grounds of inadequate provision of affordable housing and the absence of a clause for a permit free development. The Head of Area Planning reiterated the advice that the application was for an outline only with reserved matters and that there could be a scope for parking to be included at the detail stage.

DECISION: Planning permission granted as recommended.

## **6. Park House, Manor Park Road, London, NW10 4JW (Ref. 12/1779)**

### **PROPOSAL:**

Extension to time limit of full planning application reference 09/0732 dated 9 September 2009 for demolition of existing building and erection of a 5-storey building, comprising an estate agent (Use Class A2) on the ground floor and 15 flats (3 one-bedroom, 9 two-bedroom, 3 three-bedroom) on upper floors, subject to a Deed of Agreement dated 09/09/2009 under Section 106 of the Town and Country Planning Act 1990 (as amended)

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

Steve Weeks, Head of Area Planning confirmed that the vacant building had a total floor space of 1188sqm with a resulting net increase of 608sqm. He added that as the building had not been used for at least 6 months out of the last 12 months the whole proposed floor space would be liable to Community Infrastructure Levy (CIL). He continued that the information submitted with the

application had been reviewed in relation to the conditions on the 2009 permission and that further information or improved detail had been sought.

***In accordance with the provisions of the Planning Code of Practice, Councillor Gladbaum***, ward member for Kensal Green stated that she had not been approached in connection with the application. Councillor Gladbaum stated that whilst she supported the application for redevelopment of the building which had remained derelict for a number of years, she was concerned about the tall blue hoarding that was taking about half of the pedestrian space, rendering the pavement narrow. She also expressed concerns about the removal of trees on site.

***In accordance with the provisions of the Planning Code of Practice, Councillor Hector***, ward member for Kensal Green stated that she had been approached by local residents in connection with the application. Councillor Hector informed the Committee that local residents had expressed concerns about the removal of the rights of occupants to apply for parking permits (car free development) and the lack of off street parking.

Paul O'Neil, the applicant's agent stated that the application was for a renewal of planning consent granted almost three years ago and that the applicant was firmly committed to implement that consent. He drew members' attention to the benefits that would result from the development including a car free development as set out in the Section 106 Heads of Terms. The agent confirmed in response to Councillor Daly's question that the activity that was taking place on site was part of the extant application

The Head of Area Planning informed members that the planning conditions for the current permission were yet to be signed off and highlighted that the previous scheme did not restrict the ability to apply for on street parking permits.

DECISION: Planning permission granted as recommended.

**7. Quality House, 249 Willesden Lane, Willesden, London, NW2 5JH (Ref. 12/1336)**

**PROPOSAL:**

Demolition of existing building and erection of a 2, 3 & 4 storey building containing 38 retirement apartments with associated parking, access and landscaping.

**RECOMMENDATION:** Grant planning permission, subject to conditions, informatives and the completion of a satisfactory Section 106 or other legal agreement, on expiry of the neighbour consultation period taking into account any comments received, and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services and Procurement.

With reference to the tabled supplementary report, Neil McClellan responded to concerns raised by an objector on the proposed development and the notification process. He clarified that full consultation procedure was followed and that

additional consultation was also carried out to which no further comments had been received. He recommended that consideration of further representation which may be received be delegated to the Head of Area Planning. He also recommended an amendment to the condition on windows as set out in the tabled supplementary report in order to ensure an acceptable impact on the amenity of neighbouring residents.

Members noted that Environmental Health had reviewed the information on sustainability and had recommended conditions associated with these as set out in the main report. The Area Planning Manager also drew members' attention to an amended plan that showed the provision of two disabled parking spaces, thus removing the need for such a condition.

Councillor Cummins suggested the imposition of conditions to maintain trees for screening in order to address some of the concerns raised to the scheme. He also invited officers to comment on transportation aspects of the development. Councillor Hashmi enquired about the possibility of increasing the contribution of £1,000 for each additional bedroom.

Steve Weeks, Head of Area Planning suggested an amendment to condition 8 which would enable officers to obtain a method statement on the trees and added that the development was unlikely to be prejudicial in transportation terms. He continued that the S106 contribution had been reduced to reflect the anticipated absence of a child yield.

DECISION: Planning permission granted as recommended subject to an amendment to condition 8 in terms of demolition and construction measures relating to the protection trees in rear gardens along the southern boundary and to delegate to the Head of Area Planning, with the advice of the Director of Legal and Procurement, to consider the need to add a condition or S106 clause relating to the occupancy of the building.

**8. 286 High Road, London, NW10 2EU (Ref. 12/1608)**

PROPOSAL: Proposed use of area to front of A3 restaurant for seating for customers and erection of low boundary walls

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Neil McClellan, Area Planning Manager informed members that further details were still required before the development commenced (condition 4) despite the submission of example of the finish of the proposed boundary treatment received from the agent. He therefore recommended an amendment to condition 4 relating to the occupancy of the building and the nature of the front boundary.

DECISION: Planning permission granted as recommended subject to an amendment to condition 4 relating to the occupancy of the building and the nature of the front boundary.

**9. Kelaty House, First Way, Wembley, HA9 0JD 09 (Ref. 12/1293)**

**PROPOSAL:**

Full planning permission is sought for the redevelopment of the site comprising the erection of 5 buildings ranging in height from 4 to 13 storeys for a mix of uses including hotel/serviced apartments (Use Class C1), student accommodation (sui-generis use) and flexible business /retail /community/ leisure uses (Use Classes B1/A1/A2/A3/A4/D1/D2), and ancillary development including basement car park and hard and soft landscaping providing both public and private amenity space.

**RECOMMENDATION:**

- (a) 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 conditions, informatives and 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.
- (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.

Neil McClellan, Area Planning Manager in reference to the tabled supplementary report drew members' attention to a number of amendments (conditions 1, 11 and 15), Heads of Terms of the Section 106 agreement and an additional condition relating to phasing. He added that the proposed scheme reflected the aspirations of the Wembley Masterplan and that members would have a further opportunity to re-consider the application at the detail stage.

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

**10. Planning appeals**

**RESOLVED:**

that the schedule of appeals be noted.

**11. Any Other Urgent Business**

None raised at this meeting.

The meeting ended at 7:50pm

COUNCILLOR Ketan Sheth

Chair