



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Wednesday 12 December 2012 at 7.00 pm

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

Apologies for absence were received from Ketan Sheth and 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 21 November 2012 be approved as an accurate record of the meeting.

### 3. **Alpine House, Honeypot Lane, London, NW9 9RU (Ref. 12/2612)**

PROPOSAL:

Redevelopment of the site with erection of mixed-use scheme to provide 144 residential units (Class C3), 1800sq/m of employment workspace (Class B1), 5 live/work units (Sui generis) and associated parking, amenity space, landscaping and access.

RECOMMENDATION:

- (a) Grant Planning Permission, subject an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report and referral to the Mayor, incorporating revisions to Section 106 Heads of Terms, amendments to conditions 5, 7, 9, 10, 15, 19 and proposed additional conditions as set out in the supplementary 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, with reference to the tabled supplementary report, clarified queries raised at the site visit on the following: the proposed number of units; affordable tenure mix; parking numbers and overall amenity space. She continued that the development originally proposed 105 car parking spaces within the site and on street along Westmoreland Road and

Honeypot Lane but the number had had to be reduced to 102 spaces to accommodate footways with a minimum of 2metres. Members heard that the London Borough of Harrow had not raised objections to the scheme subject to amendments to the Section 106 Heads of Terms to ensure that funding could be put aside to control the impact of CPZ within the boundaries of Harrow. She added stated that objections raised by QARA Group of Associates (Brent) on parking had been addressed in the main report.

The Area Planning Manager drew members' attention to the comments made by the GLA and officers' clarifications as set out in the supplementary. In reiterating the recommendation, she referred to a number of amendments to the Heads of Terms of the Section 106 agreement, conditions 5, 7, 9, 10, 15 and 19 19 and proposed additional conditions as set out in the supplementary report.

Mr Robert Dunwell, Chairman of QARA Group of Associates (Brent) in objecting to the scheme expressed concerns about the fact that not all cars expected to be generated by the development would be accommodated within the site. He also re-stated his objection to the possible introduction of controlled parking zone (CPZ) to the area. He added that with the surrounding streets in both Brent and Harrow being heavily parked, the addition of a possible 77 cars would produce a general parking blight with accompanying impact on safety of pedestrians and motorists. Mr Dunwell therefore requested the Committee to defer the application until the matters raised by QARA had been resolved.

Mr David Ayre, the applicant's agent stated that the scheme which was a culmination of 12 months' design work and consultation with officers and interested persons reflected the architectural aspirations and the overriding vision to respond to residential needs. He added that the scheme which provided generous amenity spaces would be a significant improvement to the area would ensure that car parking was contained on site. In his view the scheme would serve as a catalyst for future development in the area.

In response to members' enquiry on landscaping, Mr Ayre stated that the main thrust would be the provision of communal landscaped communal areas for children and adequate tree planting, working in close association with Brent's tree consultants.

Rachel McConnell added that in order to mitigate parking overspill, which would equate to approximately 34 cars accommodated on site or by other newly created spaces, waiting restrictions would be reviewed to allow night time parking in Westmoreland Road, in addition to car club and residential cycle parking. These would significantly exceed parking standards. The Head of Area Planning added that there was some limited scope for parking overspill but was unlikely to be a severe problem and on balance considered the scheme acceptable.

DECISION: Planning permission granted as recommended.

#### **4. Atlantic Electronics, 295-297 High Road, London, NW10 2JY (Ref. 12/1685)**

##### **PROPOSAL:**

Demolition of derelict building and the construction of a four storey building comprising 9 residential units on the upper three floors with a commercial unit on the ground floor.

##### **RECOMMENDATION:**

Grant planning permission subject to a new condition on treatment of balconies, amended condition 1 as set out in the supplementary report 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.

With reference to the supplementary report, Andy Bates, Area Planning Manager clarified the issues raised during the site visit. In respect of the relationship of the proposal with No. 299, he stated that owing to the siting of the proposed building, the dual aspect nature of the bedroom and the window located in the recess benefiting from only a limited degree of light and outlook, officers were not of the view that the proposed development would have a detrimental impact on the amenity of residents at No 299. He informed Members that no complaints had been made from existing residents about noise and furthermore, there were a number of similar relationships within other developments in the Borough where an acceptable standard of noise insulation had been achieved, drawing attention to condition 4 which sought to prevent noise nuisance. In order to restrict outlook to non-residential uses and minimise noise intrusion, he recommended an additional condition requiring the applicant to submit further details of balcony treatment including specification of ventilation and glazing to all balconies.

Andy Bates drew members' attention to amendments to condition 1 as set out in the supplementary report to secure further details of landscaping including raising planting beds. He added that 3 of the flats failed to meet internal floor space requirements by about 1sq m and to compensate for the shortfall, the applicant had agreed to contribute £10,000 toward public realm improvements. In respect of disabled parking, he submitted that due to site constraints in this location on a distributor road, it was not considered possible to insist on a disabled parking bay at the site. However, as in other similar cases, there was an option to provide an on-street disabled bay in an appropriate location, via an application to Highways. He also added that officers in Environmental Health had confirmed that no complaints had been received regarding the neighbouring flue.

In response to a Member's enquiry, Mr Martin Ledger the applicant's agent confirmed the contribution of £10,000 to compensate for the shortfall of 1sq m for each of the 3 flats would be acceptable and that due to site constraints, it was not possible to provide disabled parking space.

**DECISION:** Planning permission granted as recommended and subject to further amending condition 1 to require 'tree planting' and a new condition on the treatment of balconies.

**5. Allotments R/O 1-31 odd, Wembley Hill Tennis Club Grounds, Sports and Social Club, Vivian Avenue, Wembley, HA9 (Ref. 12/2653)**

**PROPOSAL:**

Redevelopment of site including the demolition of the former Wembley Hill Sports and Social Club building and the erection of 40 residential extra care units in two blocks (1 x two storey and 1 x three storey block), the provision of a new community open space, landscaping, and car parking with vehicle access gained via Corsham House (as amended by revised plans).

**RECOMMENDATION:**

Grant planning permission subject to additional conditions on vehicle access barrier and visibility as in the supplementary, the completion of a satisfactory Section 106 or other legal agreement with amended Heads of Terms and as set out in the supplementary 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, in reference to the tabled supplementary report, informed members that Transportation officers had confirmed they were satisfied that adequate visibility would be achieved in either direction for vehicles crossing the footpath. Furthermore, measures proposed to be undertaken as part of the Section 278 agreement would reduce vehicle speed and by emphasising the presence of the footpath would give priority to pedestrians. He added that whilst the installation of a gate or barrier on the Corsham House (east side of the footpath) was welcomed in principle, further details would be secured through condition to ensure that it was appropriately sited.

In response to queries raised at the site visit, the Head of Area Planning clarified that resurfacing of the public footpath should apply to the length of the footpath adjoining the site as part of the section 278 works. He added that the grass verges along Victoria Court did not form part of the application as it was outside of the application site. In order to ensure the applicant agreed the condition of the highway before commencement of works, he recommended an amendment to condition 19 for submission of a Construction Method Statement.

Members heard that a sustainability checklist with a self-assessed score of 50.3% had been submitted but that it had been re-assessed by officers to have a slightly lower score of 48.3%. The development had also been designed to include a Combined Heat and Power Unit (CHP). On site renewable technology had been considered and photovoltaic (PV) systems which were in line with London Plan policy 5.7 were proposed.

He added that the Landscape Officer considered the measures proposed to compensate for the loss of vegetation, habitats and nature conservation value to be relatively good however, the Section 106 financial contribution had been amended slightly to secure £63,000 to compensate for the losses. Furthermore, an additional clause was proposed requiring the applicants, prior to a material start, to submit and have approved an Allotment Management Strategy. He drew members' attention to the revised landscaping strategy submitted which confirmed

that additional trees would be planted with new trees proposed along the northern edge of the site to help provide screening of the buildings for adjoining gardens.

Mrs Bridie Ahmed a local resident expressed her support for the proposed development particularly as it would provide care units. She however sought the Committee's clarification and assurance on condition 19 as set out in the main report.

Mr Mark Connell, the applicant's agent expressed gratitude for the residents' support and confirmed the applicant's intention to work in partnership with the residents. He drew attention to the financial contribution under the Section 106 agreement and added that the applicant would not propose alternative uses for the site, confirming that the site would remain for allotment uses only.

During question time, Mr Connell was asked to indicate the extent of help that Willow Housing was prepared to give to allotment holders and whether community elements would be preserved. The agent confirmed that the applicant would develop and manage the site according to guidelines as well as organise meetings with the community.

During discussion, Councillor Cummins expressed concerns about the proposal in that the allotments would be tenanted by Willow Housing to the community via a legal agreement with a local residents group (yet to be set up) who would act as landlord for the allotment, manage the space and pay an annual rent in line with Brent's allotment charges. He also noted with some concern a break clause that would allow Willow to terminate the lease and implement another acceptable use and urged for a degree of flexibility to be applied. The Chair remarked that the rent to be charged should be affordable to the allotment holders.

Councillor Cummins observed that the path was in a poor state of repair to be resurfaced and put forward an amendment for a condition requiring the applicant to resurface the entire pathway so as to make it safe for the elderly. Prior to voting, the Head of Area Planning advised that the amendment, which had cost implications, had not been previously put to the applicant. The amendment was however put to the vote and declared carried.

DECISION: Agreed as recommended with additional conditions, revised condition 19 to agree condition of highway and revised Heads of Terms requiring the applicant to prepare the allotment site and to carrying out repairs to the whole of the pathway.

## **6. Government Consultation on Proposed Changes to Permitted Development**

Members received a report that detailed Government's consultation on proposals to increase permitted development (PD) rights for extensions to houses and business premises in non-protected areas (e.g. outside Conservation Areas) in England. The proposed amendments to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) were also intended to streamline the regime covering the installation of broadband infrastructure.

Steve Weeks, Head of Area Planning, in explaining the proposals stated that the impact on both the adjoining properties and the extended house was considered excessive in conjunction with existing PD rights for outbuildings. He explained that the proposals were likely to result in creating an overbearing relationship and a loss of outlook and light as well as detrimental visual impact in relationship with adjoining properties. He added that level changes between properties and the associated impact on adjoining properties had been overlooked in the proposals. He continued that the proposals would not only reduce the size of gardens but would also reduce soft landscaping and significantly increase water run-off. Members heard that by allowing detached garages to be converted into habitable dwellings could raise enforcement issues. Steve Weeks suggested the use of garage for incidental purposes only provided a proportion of the front garden soft landscaping of say 25% was retained. He sought Members' endorsement of the draft response attached as an appendix to the report to be sent to the DCLG by the deadline date of 24 December 2012.

During discussion, Members were unanimous in expressing that the proposals, which they considered to be ill-thought out, would have a disastrous impact on the borough and contrasted with the Government's policy on backland development. In endorsing the draft response, members requested the Head of Area Planning to submit it to the DCLG in the strongest possible terms.

#### DECISION

That the comments set out on the DCLG's response form (attached as an appendix to the report) be agreed as recommended and that the Head of Area Planning's covering letter should emphasise the Planning Committee's strong concerns about the impact of the proposals on Brent residents and businesses.

#### **7. Any Other Urgent Business**

None raised.

#### **8. Date of next meeting**

The next meeting will take place on Wednesday 16 January 2013 at 7:00pm.

The meeting ended at 8:25pm

COUNCILLOR M DALY

Vice Chair (in the chair)