



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 11 December 2013 at 7.00 pm

PRESENT: Councillor R Moher (alternate for Ketan Sheth, in the Chair) and Councillors Aden, Baker, Brown (alternate for CJ Patel), Cummins, Hashmi, Kabir, Kataria, Mashari, (alternate for Singh), Ogunro (alternate for John) and Powney

ALSO PRESENT: Councillors Harrison and Harshadbhai Patel

Apologies for absence were received from Councillors Ketan Sheth, John, CJ Patel and Singh

1. Declarations of personal and prejudicial interests

Councillor Mashari declared that she lived opposite 1-90 Barons Court NW9 and took no part in the discussion on application ref: 13/2453 after advice from the legal representative.

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 13 November 2013 be approved as an accurate record of the meeting.

3. SKL House, 18 Beresford Avenue, Wembley, HA0 1YP (Ref. 12/3089)

PROPOSAL:

Erection of first floor extension to front of building, alterations to the front forecourt layout, reduction in width to existing vehicle access, retention of extraction plant and wood burner installation to the rear and change of use from office (B1a) to a mixed use with B2 (general industrial), B8 (warehouse & distribution) with ancillary office and ancillary showroom (as amended by revised plans).

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

This application was deferred from Planning Committee on 18 September 2013 after it came to light that a database error had occurred which meant that not all interested parties had been notified of the Committee arrangements. In addition, revised details including plans and specification relating to a wood burner at the rear of the building had been received from the applicant and consultation undertaken.

Neil McClellan, Area Planning Manager in reference to the tabled supplementary report drew members' attention to officer responses to queries raised by Heather Park Branch Neighbourhood Watch (HPBNW) through the local Member of

Parliament. He then referred to a number of additional representations received from HPBNW since the report was published and submitted the following responses;

Once the burner was reported by HPBNW in early March 2013 the Council sought further details and an amended application. Consultation of the amended scheme was undertaken and notice of the meeting in excess of the minimum requirement was given to residents. In respect of the environmental permit, he stated that there was no legislative requirement for the Council to consult and that the standard Council procedure was not to consult on environmental permit applications. Members were advised that since the applicant was granted a draft permit Environmental Health (EH) had not received any complaint about the burner being operated. He continued that the equipment had been rigorously tested and approved for use within a Smoke Control Zone and as there was no evidence that its operation was in breach of draft permit conditions, EH were comfortable with its location.

Mr David Stock Chair of HPBNW in objecting to the application stated the residents were not consulted on the amended scheme that included the wood burner and were also not informed about the issuing of the draft environmental permit to operate the burner. He continued that the residents did not complain about the wood burner because they were not consulted about it. He considered that the wood burner was not used for burning paper but rather medium density fibreboards (MDF) which were carcinogenic with dust particles settling on nearby parked vehicles and blighting the area. As a result, residents had not been able to open their windows since December 2012 when the operation commenced.

Mr Stock continued that in his view the application was flawed as it did not contain details of the MDF burner and that its location was inappropriate due to its close proximity to residential dwellings. He therefore requested a deferral until residents' concerns were addressed.

Prior to members' discussions, Councillor Brown informed the Committee that he had received emails from the objector which he had forwarded to officers and sought legal advice on whether he could still take part in the discussion and voting on the application. The legal representative advised that Councillor Brown could take part in the consideration of the application as he had passed on the emails and had confirmed in response to a question that he would pursue the application with an open mind. The legal representative also added that in his role as "Councillor" it was part and parcel of the democratic process that he was likely to receive correspondence on such matters from local constituents.

Members sought clarification on MDF products and requested additional information and greater clarity from Environmental Health (EH) on the impact of the wood burner on air quality, noting the potential hefty European Union fines if the Council was unable to achieve its air quality targets. It was therefore suggested that the application be deferred for greater clarity and added that the re-submitted scheme should be in two parts to distinguish the application for extension from the wood burner. Councillor Kabir recommended that an officer from the EH team should be present to offer clarification when the Committee met

to reconsider the application. Concerns were also raised as to why residents were not consulted prior to the issuing of the draft permit.

In responding to the above, the Area Planning Manager reiterated that consultation with residents was undertaken following the receipt of the amended scheme. He clarified that the draft permit allowed wood burning but not MDF products. Stephen Weeks, Head of Area Planning agreed that if members would like to receive additional information as requested then it would be appropriate to defer the application

DECISION: Deferred for greater clarity of environmental view including fuller explanation on the impact of air quality.

4. 1-90 INC, Barons Court, Church Lane, London, NW9 8AD (Ref. 13/2453)

PROPOSAL:

Erection of 1 additional floor to each of the existing three storey residential blocks at 1-90 Barons Court to create 26 additional residential units (10 x one-bed, 8 x two-bed, 8 x three-bed), 34 additional car parking spaces and associated landscaping

RECOMMENDATION:

- (a) Grant Planning Permission, subject to amended conditions 6 and 12, an appropriate form of Agreement in order to secure the measures set out in the Section 106 details section of this report as amended in the Heads of Terms and with delegated authority to the Head of Area Planning to agree a commuted sum for affordable housing, 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.

Andy Bates, Area Planning Manager submitted clarifications on issues that arose during the site visit. He stated that refuse collection would take place from the south-east car park and from the refuse collection point at front of the site with no changes to the current access arrangement. In order to ensure that the design of the development would be in keeping with the character of the existing building, he recommended an amendment to condition 6 to require further detail of windows and relationship of the extension to the existing building as set out in the supplementary report. In respect of the trees, he stated that although six trees were proposed to be removed, 36 new trees were to be planted in replacement.

He then referred to additional objections received since the report was published in respect of impacts from construction on health and the rear car park on residential amenity and advised that a condition was proposed that required a Construction Method Statement to be submitted. In respect of that, he recommended an amendment to the wording of condition 12 as set out in the supplementary report. Members also heard that as the parking area was 10m

from the rear of the existing block at its closest point, the separation distance was considered sufficient to prevent an unacceptable level of noise.

In respect of affordable housing, Andy Bates advised members that there were on-going discussions to agree a commuted sum towards offsite affordable housing as a result of the consultant's review of the proposed scheme and supporting viability report. He therefore requested that authority be delegated to the Head of Area Planning to agree a commuted sum and, if an agreement cannot be reached, clause (b) as set out in the Section 106 details in the Committee report would come into effect. He also recommended an amendment to the Section 106 Heads of Terms to reflect a Sustainability Checklist score of 41%.

DECISION: Planning permission granted as recommended.

5. Land next to Waverley Court, Brondesbury Park, Kilburn, London (Ref. 13/1773)

PROPOSAL:

Erection of a 6 storey building comprising 5 flats (1 x 3 bedroom and 4 x 2 bedroom) with associated landscaping and car-parking

RECOMMENDATION: Refuse planning permission.

Andy Bates, Area Planning Manager in reference to the tabled supplementary report responded to the queries raised at the site visit. Members heard that the height and scale of the proposed building would be much higher than the existing Waverley Court, resulting in a prominent form of development which would be clearly visible from Brondesbury Park and Salusbury Road to the south. In respect of the quality of the Site of Importance for Nature Conservation (SINC) and the designation of the wildlife corridor for nature conservation in this particular location, he stated that the designation on the site had been based on the flora and fauna observed throughout the designated land. He continued that whilst some of the planting may appear to be of little amenity value, it had an important role in providing natural habitat for various wildlife species, hence the inclusion of the site within the designated land.

Andy Bates added that despite the proximity of the site to Brondesbury Park overground station, Officers were of the opinion that the site would not support the principles of sustainable development as any development of the site would cause environmental harm to the nature conservation importance of the SINC and wildlife corridor. He therefore considered that the site would not constitute an environmentally sustainable location for development. He continued that in addition to insufficient car parking spaces to meet the current car parking standards, the proposed development would occupy a greater footprint than the previous permission on site and would overall have a greater mass. As such, he considered that the proposed development would have a greater physical impact on the SINC and wildlife corridor. Members heard that as the previous permission was still subject to the approval of landscaping details any landscaping proposals

put forward under the current scheme could reasonably be required as part of the previous permission.

Mr Robert O'Hara, the applicant's agent stated that due to the proximity of the site to buses and Brondesbury Park overground station, transport accessibility to the site had PTAL rating of 3. He added that as the site was within a controlled parking zone, there would be no significant on-street parking such as to warrant refusal on those grounds. In terms of nature conservation, Mr O'Hara stated that there would be no resulting demonstrable harm and that prior decontamination would be carried out to the site. In his view, the diversity of the area would be enhanced whilst the intensity of use would be reduced. Members heard from the agent that in terms of design, the proposed development for low cost building on a brownfield site would be built with robust materials so as to preserve privacy without detriment to the area. Mr O'Hara added that a detailed landscaping scheme which would encourage wildlife would be submitted. In response to a member's question, Mr O'Hara stated that the proposed development would be a one storey higher than the adjoining Waverley Court. He reiterated that the proposal would not result in a harm to the nature conservation.

DECISION: Refused planning permission as recommended.

6. Harlesden Primary School, Acton Lane, London, NW10 8UT (Ref. 13/2829)

PROPOSAL:

Erection of a 2 storey building to include nursery classrooms, assembly hall and external rooftop multi-use games area (facing Minet Avenue), single storey extension to main school, new covered walkway linking main school to new building and associated soft play landscaped areas

RECOMMENDATION:

Grant planning permission subject to additional conditions or undertakings and an amendment to condition 6 as set out in the tabled supplementary report, with the wording to be delegated to the Head of Area Planning.

With reference to the tabled supplementary report, Andy Bates, Area Planning Manager responded to queries raised at the site visit. In reference to the drawings submitted, he stated that the updated drawings showed the correct footprint of the adjoining properties and plans formed the basis of the proposal. Members heard that the differences between the two sets of plans did not make a material difference to the overall assessment of the acceptability of the development. Additionally, the applicants had submitted a set of sunlight shading studies, including one for the existing situation and one for the proposed situation. In officers' view, the proposal would not lead to loss of sunlight to No.91 Minet Avenue. The trees within the site were shown as being retained and conditions had been attached to ensure that even during construction they would be protected, drawing attention to condition 6 as set out in the tabled supplementary report. He clarified that the new entrance area would include a new 4m wide path and a planting zone, averaging 2m in width and 1.5m in height which would help to

mitigate congestion at busy times of the day, whilst at the same time providing for a visually attractive access into the school.

In respect of potential noise, members heard that the Head of the School had amended the community letting strategy to accommodate the interest of the local community and had reduced community lets in an attempt to reduce possible impacts on neighbours. Whilst it was acknowledged that the proposal would have some impact on people living nearby, the increase from one form of entry to three and the impacts that it would have in terms of noise were considered to be within acceptable limits. He continued that an acoustic consultant had looked at the proposal and commented that as far as the multi-use games area (MUGA) was concerned the roof-top location would be no closer to existing dwellings than the existing MUGA and due to its height above ground and the parapet, would provide better screening.

Mr Jon Allen an objector stated that the noise impact from the proposal could not have been properly assessed by the Committee as the school was closed when members visited the site. He added that noise from the playground would be amplified when the school was not closed. In his view, the siting of the main entrance was inappropriate due to the narrowness of the pavement and the volume of traffic during drop off and pick up times. Mr Allen requested that robust conditions should be attached to address noise impact and to ensure that trees damaged during construction could be replaced. In response to a member's question Mr Allen stated that noise activity was partly as a result of community hire of the school for parties until about 03:00 hours.

Mr Andrew Lloyd, the applicant's agent referred to the acoustic consultant's report which looked at the proposal and commented that as far as the MUGA was concerned the roof-top location would be no closer to existing dwellings than the existing MUGA. It would also have better screening as a result of its height above ground and the parapet. He was not aware of a planning requirement to submit noise assessment impact for school projects adding that noise impact would be significantly reduced due to staggered break times.

In response to a member's enquiry about measures to minimise noise impact on No 91 Minet Avenue, Andy Bates clarified that access to the school would be via Acton Lane and thus no cars would use the Minet Avenue entrance. Additionally, adequate buffer distance and a sense of separation would be maintained. He added that trees lost during construction would be replaced as part of the conditions.

DECISION: Planning permission granted as recommended.

7. Preston Park Primary School, College Road, Wembley, HA9 8RJ (Ref. 13/2903)

PROPOSAL:

Demolition of existing dining room and kitchen block and the erection of a new two storey class room block incorporating replacement dining room and kitchen, a

single storey extension to the existing nursery/reception year block, the removal of three temporary class room huts, increased cycle storage, new fencing, new landscaping, and the creation of a larger reception rear playground.

RECOMMENDATION: Defer to enable local residents to be consulted on the Transport Statement.

Stephen Weeks, Head of Area Planning informed the Committee that it had been brought to the Council's attention that the Transport Statement which was submitted separately to the main application was not put on the Council's website and so members of the public had not had the opportunity to view and comment on the information. In the interest of fairness he recommended that the application be deferred in order to allow for local residents to be consulted on the Transport Statement.

DECISION: Deferred to enable local residents to be consulted on the Transport Statement.

8. 19-29 ODDS, Linthorpe Avenue, Wembley, HA0 2ER (Ref. 13/3115)

PROPOSAL:

Demolition of existing building and erection of a replacement 3 storey building comprising 9 residential flats with associated car parking, cycle storage and amenity space.

RECOMMENDATION:

Grant planning permission subject to additional conditions requiring additional landscaping and amendments to the bin store as set out in the tabled supplementary report, 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 and Procurement.

In reference to the tabled supplementary report, Neil McClellan, Area Planning Manager informed members that the number of proposed parking spaces which had been corrected to 8 was considered satisfactory by the Transportation Engineer. He added that the bin storage design had been amended and would now open inwards or use a sliding door arrangement, drawing members' attention to a condition attached to secure the amendment.

In response to residents' concerns, the Planning Manager submitted that the proposal would be constructed on the foot print of the existing building and with a similar height. He continued that due to its irregular shape, the layout of the proposal was considered reasonable in terms of residential amenity and to ensure that the proposed development was of a quality that complied with the London Plan standards. Members heard that the submitted plans were based on the assessment that the original side projections on the Chaplin Road houses were non-habitable, hence concerns about separation distances were not considered significant. He continued that the applicant had agreed to undertake additional

landscaping along the boundary of the site with improved screening, in respect of which an additional condition was recommended to require further details of landscaping along the boundary.

Mr Wadjiani an objector stated that whilst he supported the development in principle he had concerns about separation distances as the habitable room fell short by 3m. He continued that the application did not comply with SPG17 in that it would not meet the minimum rear elevation separation distances to new builds. He also added that as the new windows, balconies and doors would be much larger than the current arrangement, overlooking would result.

Kerry Radford, the applicant's agent stated that the separation distance maintained was in excess of guidance and would minimise any potential overlooking that could result. The amenity space provision was also in excess of Brent's requirements. She added that the building which had been vacant in excess of eight years had become dilapidated and attracted anti-social behaviour. The quality of accommodation proposed complied with the minimum requirements of the London Plan with all areas of bedrooms and balconies provided with windows to maximise outlook and light to those areas. Members heard that the reduced amount of parking spaces would allow greater scope for landscaping.

In response to a member's enquiry, the Area Planning Manager clarified the relationship of the proposed development to boundaries and separation distances adding that had it been a new site, officers would have insisted on greater distances between boundaries. He advised that the separation distances were in accordance with SPG17 standards and that the proposed scheme was not considered to result in additional overlooking. In reiterating the recommendation for approval, he drew members' attention to additional conditions requiring additional landscaping and amendments to the bin store as set out in the tabled supplementary report.

DECISION: Planning permission granted as recommended.

9. Pop In Commercial Centre, South Way, Wembley, HA9 (Ref. 13/2601)

PROPOSAL:

Creation of car wash facility to 6 existing parking bays with canopy.

RECOMMENDATION: Grant temporary consent for a period of one year.

Mr Jain, speaking on behalf of the applicant stated that the applicant would provide drainage to improve the site which would have adequate car parking spaces. He added that one of the objectors had withdrawn his objection to the proposed car washing facility. Mr Jain requested the removal of the temporary planning permission for a permanent one.

In response to members' queries, the Area Planning Manager stated that the application complied with the Council's sustainable drainage policy and that as Transportation officers were satisfied with a year's temporary planning permission,

the request for a permanent permission could not be recommended. He also drew members' attention to condition 4 which sought to strengthen details of the drainage system to ensure that the runoff of contaminated water was properly controlled.

DECISION: One year temporary planning permission granted as recommended.

10. Palace of Arts and Industry, Engineers Way, Wembley, HA9 (Ref. 13/2799)

PROPOSAL:

Erection of a series of 5- to 16 storey buildings within Plot NW01 situated on the corner of Engineers Way and Empire Way comprising 475 residential units and 1,061 square metres of commercial floorspace (Use Class B1 (Business), D1 (non-residential institution), D2 (leisure and assembly), A1 (retail) , A2 (professional and financial services) or A3 (restaurant and café)) and associated residential parking spaces, private communal landscaped garden, ancillary spaces, and associated plant, cycle storage and refuse provision.

This application is submitted pursuant to conditions 1 (Reserved Matters in relation to Layout, Scale, Appearance, Access and Landscape), 9 (Noise), 23 (Sustainability Implementation Strategy) and 29 (Affordable Housing Storage) in relation to Plot NW01 of outline planning permission reference 13/1323 which varied outline planning consent reference 10/3032.

RECOMMENDATION:

Approve the reserved matters and details pursuant to conditions 1, 9, 23 and 29 in relation to plot NW01 of the Quintain "North West Lands" outline planning consent subject to the removal of condition 5 and 6 and revised drawings as set out in the supplementary report.

With reference to the supplementary report, Neil McClellan, Area Planning Manager recommended the removal of conditions 5 and 6 following comments received from Highways and Safer Streets, respectively. He added that conditions 24, 25 and 26 which Thames Water requested to be imposed to address the waste water infrastructure needs of the application still applied as this was an application for reserve matters only. In response to a member's question about financial contribution, Neil McClellan advised the Committee that financial contributions for the scheme had already been agreed at the outline application stage.

DECISION: Approved the reserved matters as recommended.

11. 311 East Lane, Wembley, HA0 3LG (Ref. 13/2201)

PROPOSAL:

Conversion of single family dwellinghouse into 3 self-contained flats, erection of single-storey and two-storey side and rear extensions, conversion of garage into habitable room, erection of rear dormer window and provision of 3 off-street car-parking spaces to the front with associated soft landscaping (as amended).

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted as recommended.

12. Land next to Victoria Centre, Acton Lane, London (Ref. 13/1296)

PROPOSAL:

Erection of 9-storey building comprising 99 units of Extra Care Accommodation (Use Class C3(B)) with ancillary facilities, 754 square metres of Use Class A1/A3 Floorspace at ground floor, ancillary car parking and landscaping.

RECOMMENDATION:

Grant full planning permission subject to an additional condition regarding the land to be dedicated as adopted highway, an amendment to condition 6, an approved document, an amendment to Section 106 Heads of Terms 3 (d) and to delegate authority to officers to agree additional information regarding sustainability and environment works as set out in the supplementary report, referral to the Mayor of London and subject to the completion of a satisfactory Section 106 or other legal agreement and delegate 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.

Neil McClellan, Area Planning Manager in reference to the tabled supplementary report submitted the following additional information;

The Pedestrian Environment Review System (PERS) audit received showed that the proposed development had an above average provision of pedestrian facilities close to the site and that the existing infrastructure would be suitable. However TfL had requested contributions towards pedestrian environmental measures to address the lack of dropped kerbs and improved tactile pavements in the areas set out in the supplementary report and which were mainly within Ealing Borough. As the amount was likely to be small, officers had requested that delegated authority be granted to the Head of Area Planning to agree this matter with the applicant prior to the Stage 2 referral to the Mayor.

In respect of drainage, given that the proposed building would cover the majority of the site and that a large proportion of the site frontage would be offered to the Council as public highway (new footway), the drainage proposals were considered acceptable. The Area Planning Manager informed members that the applicant was working up further information on revised energy assessment and sought delegated authority to the Head of Area Planning to agree the details in consultation with the GLA prior to the Stage 2 referral to the London Mayor. He then drew members' attention to an additional condition and minor changes and as set out in the supplementary report.

DECISION: Planning permission granted as recommended.

13. Appeals decisions monitoring April - September 2013

Members received a report which provided updated monitoring information with recent information and analysis of appeal decisions for the period of 1 April – 30 September 2013 (First & Second Quarter: 2013/2014). Stephen Weeks, Head of Area Planning Members informed members that the report was intended to help evaluate how saved Unitary Development Plan (UDP) policies and Council's supplementary guidance (SPGs and SPDs) were currently being used in determining planning applications. This would assist in identifying areas where Appeal Statements and/or Officer Reports can be strengthened to further justify reasons for refusal and from that to consider whether a revised approach should be taken when assessing applications where it was identified that the Planning Inspectorate consistently allowed appeals on a particular ground.

In welcoming the report members noted that between 1 April 2013 and 30 September 2013 (2013/2014 – Q1 & Q2), the Council determined a total of 1921 planning applications (1439 granted); of these applications 75% were granted and 25% were refused and that the Council was successful in defending the majority of planning appeals across the period of analysis.

RESOLVED:

that the report on appeals monitoring be noted.

14. Any Other Urgent Business

None.

The meeting closed at 9.05 pm

R MOHER
In the Chair