



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 12 March 2014 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), John (Vice-Chair), Aden, Adeyeye, Cummins, Hashmi, Kabir, Kataria (alternate for Councillor CJ Patel) and Powney

ALSO PRESENT: Councillor Claudia Hector and Councillor Carol Shaw

Apologies for absence were received from Councillors Baker, CJ Patel and Singh

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

None.

2. **Minutes of the previous meetings: 12 and 19 February 2014**

RESOLVED:-

that the minutes of the previous meetings held on 12 and 19 February 2014 be approved as an accurate record of the meetings.

3. **110 Walm Lane, London, NW2 4RS (Ref. 13/3503)**

PROPOSAL:

Demolition of existing Public House and Conservative Club and erection of 2 to 10 storey building containing A4/D1 use unit on ground floor and 53 residential units on the ground and upper floors (13 x one bed, 30 x two bed and 10 x three bed). Formation of revised vehicular access from Walm Lane to basement car park comprising 23 parking spaces and associated amenity space, landscaping works and pedestrian access from Walm Lane, subject to Deed of Agreement dated under Section 106 of the Town and Country Planning Act 1990, as amended (revised description).

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 and referral to the Secretary of State, 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, Rachel McConnell, Area Planning Manager informed members about matters raised at the site visit, most of which had been covered in the main report. In response to a particular comment made by Save the Queensbury group about permitted development rights, the Area

Planning Manager confirmed that the wording of the condition as drafted covered the removal of all permitted developments so a change of use to any use other than A4 Use Class would require planning permission. The Area Planning Manager also referred to objections raised by Councillor Pavey on the closure of Busy Rascals and responded that the Section 106 Agreement required the new ground floor space to provide a minimum of 18 hours of community access a week. In addition, there was a requirement for Busy Rascals to be relocated as an interim arrangement during the construction period. She also drew members' attention to a letter of support for the scheme and the schedule of accommodation to be attached as an appendix to the main Committee Report. In response to comments raised by the Council's Tree Officer, the Area Planning Manager recommended that an amendment to condition 9 to include details of Arboricultural Method Statement and Tree Protection Plan to be submitted to and approved in writing by the Local Planning Authority prior to commencement of works on site.

A number of local objectors including representatives of Save the Queensbury, NW2 Residents' Association, Willesden Green Town Team and Busy Rascals spoke in objection to the proposed development highlighting density, height, loss of public house which is an asset of community value, unacceptable level of affordable housing and contrary to the Mapesbury Conservation Area principles.

Councillor Navin Shah, Assembly Member (AM), in objecting to the proposed development referred to a recent motion passed by the Greater London Assembly that sought to protect public houses. He reiterated his objection to the proposed development on the grounds of loss of public house, excessive density and unacceptable level of affordable housing. Councillor Navin Shah AM added that the off-site provision for housing was not an acceptable solution for such a key site.

In accordance with the provisions of the Planning Code of Practice, Councillor Shaw, Ward Member, stated that she had been approached by the local residents regarding the scheme. Councillor Shaw stated that the proposal would constitute an over-development of the site in terms of height and density. In addition, the proposal would not be appropriate in the Mapesbury Conservation Area.

Judy Langley, former Organising Secretary and founder member of the Mapesbury Conservation Sub Committee, spoke in support of the application as an independent person. She commented that the proposed development would encourage and 'kick-start' Willesden Green with a high quality building. In her view any reduction in the number of storeys would compromise the elegance of the building.

Steven Gough, speaking on behalf of the applicant Fairview New Homes Ltd, stated that the scheme had been thoughtfully designed following consultation and would deliver a high quality piece of architecture that would respect the Mapesbury Conservation Area. He added that the scheme was appropriate for the location in terms of its density, design, scale and elevation detailing. Members heard from the applicant that an independently reviewed viability assessment confirmed that

the maximum level of provision for affordable housing had been provided within the scheme. He continued that an agreement had been signed that would allow the existing operators of the Queensbury to take on the new lease and provision would be made for Busy Rascals to continue to provide their services within the building. Mr Gough added that as it was a prerequisite that Busy Rascals continue to deliver their services during the construction phase of the scheme and he was confident that an interim site could be found before construction commenced.

Mr James Prior, operator of the Queensbury stated that the proposal would allow The Queensbury to continue to operate.

In the ensuing discussions, members raised concerns about the height, scale, massing and density of the proposed development within a conservation area and the loss of an asset of community value in the area. A view was also expressed that the scheme would constitute an overdevelopment of the site with inadequate level of affordable housing and parking provisions.

In responding to the concerns raised, Rachel McConnell, Area Planning Manager stated that the scheme would be viewed in the context of the more modern development at 112 Walm Lane and Westly Court and would make a positive contribution to the streetscape. She added that the independently reviewed viability assessment had been submitted to demonstrate that the level of affordable housing was appropriate and the S106 secures a further financial review on an open book basis. The Area Planning Manager continued that as a permit free development with basement parking, the parking provision was considered acceptable.

Stephen Weeks, Head of Area Planning, outlined the differences between the proposed development and 112 Walm Lane and added that in terms of density, design and height, the proposal was considered acceptable. He continued that a package of measures was proposed which would re-provide community uses. In reference to the motion referred to by Councillor Navin Shah AM, he stated that as a change in policy had not yet been adopted, it would not be afforded significant weight in the determination of this application.

Members then voted by a majority to refuse the application contrary to officers' recommendation for the following stated reasons as set out in the decision column below;

DECISION: Refused planning permission for the following reasons:

- (i) Height, scale, massing & density of the development in the Mapesbury Conservation Area and in close proximity to Willesden Green Conservation Area and Grade II Listed Willesden Green Station;
- (ii) Inadequate provision of on-site affordable housing;
- (iii) Absence of legal agreement to secure Community Access Plan, Sustainability, job & training opportunities for local residents ('Brent 2 Work'), Considerate Contractors Scheme, Travel Plan and Permit Free.

4. Ex Willesden New Social Club, Rucklidge Avenue, London, NW10 (Ref. 13/3702)

PROPOSAL:

Erection of a part three, four and five storey building, with a setback fifth storey, accommodating 21 flats (100% affordable rent) and ground floor A1 retail use, together with associated cycle storage, landscaping and amenity space.

RECOMMENDATION:

Grant planning permission subject to amended condition 2, 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.

Andy Bates, Area Planning Manager, in reference to the tabled supplementary drew members' attention to the scheme, presented at the site visit, which consisted of minor revisions to ensure the building did not overhang the public highway. In addition, the massing along the Park Parade and Rucklidge Avenue elevations would be reduced by 1.6m and 1.5m respectively. Members heard that most of the objections raised at the site visit had been addressed in the main report. The Area Planning Manager continued that the proposed building represented a relatively minor change to the scheme already approved for the site with relatively similar massing, number of storeys and a marginal increase in height. He drew members' attention to some significant reductions on the ground floor and third floor on Rucklidge Avenue. The Area Planning Manager continued that the set back of the ground floor from the pavement would be an improvement on the current situation.

In responding to concerns about affordable housing, the Area Planning Manager submitted that as a relatively modestly sized scheme with a single core, 100% affordable rented housing was not considered appropriate however, the Council would have nominations rights to meet local housing needs. He continued that Transportation Officers had confirmed that any disabled resident could apply for an on-street parking bay to be provided in the future. He clarified the amendment to condition 2 to reflect the submission of revised plans and the revised drawing numbers.

Rita Taylor, an objector circulated pictures and expressed concerns about the building lines, loss of daylight particularly to numbers 14-19 Park Parade, overlooking to the rear gardens of adjoining residents and thus loss of privacy. Rita Taylor added that for the above reasons, the proposed development would contravene the Council Supplementary Planning Guidance 17 (SPG17).

In accordance with the provisions of the Planning Code of Practice, Councillor Hector, ward member stated that she had been approached by the local residents in connection with the application. Councillor Hector stated that due to its height the proposed development would result in overbearing, overlooking and lack of privacy. She added that the cantilevered design of the scheme would encourage street drinkers to the site, adding to anti-social behaviour in the area.

Councillor Hector expressed a view that the development should be mostly for affordable housing and that there was no need for the scheme to incorporate shops (use class A3).

Dominic Tombs, the applicant's agent informed members that minor changes made to the scheme complied with the London Plan and overall, would be an improvement to the site. He continued that the officers' report adequately addressed concerns on density, internal layout and height and added that as a "car free development", the scheme would not add to the parking problems in the Rucklidge Avenue and Park Parade areas. Members heard that the scheme would provide a much needed family accommodation for which funding had been secured by the applicant.

In responding to issues raised, the Area Planning Manager clarified that the scheme which was similar to the previously approved scheme for the site except in height, complied SPG17 in terms of design, day lighting and amenities

DECISION: Planning permission granted as recommended.

5. Flats 1 and 2, Pember House, Pember Road, London, NW10 5LP and 35B Kilburn Lane, North Kensington, London, W10 4AE (Ref. 13/1938)

PROPOSAL:

Demolition of existing building and external staircase, retention of the façade and construction of 5-bed dwelling with basement and commercial office space on the ground floor.

RECOMMENDATION: Grant planning permission subject to an additional condition on Construction Method Statement and informatives.

With reference to the tabled supplementary, Andy Bates, Area Planning Manager informed members about a resident's request for deferral to enable them to undertake their own examination of the submitted daylight study. He clarified that such technical reports of that nature were not consulted upon the study. Members heard that in respect of additional information submitted covering issues such as a flood risk, drainage and sewers to support the construction methodology of the development, an additional condition was recommended as set out in the tabled supplementary which sought to safeguard the amenity of the neighbours by minimising impacts of the development.

Dr Elizabeth Tuckey in objection stated that the proposed development would create an overbearing impact on neighbouring gardens and also reduce sunlight to neighbouring properties. She added that the proposal would be out of character with existing properties in the area characterised by Victorian architecture.

Veronica Newson objecting on behalf of Kensal Triangle Residents' Association expressed concerns that the basement development would cause noise vibration, interrupt structural stability of neighbouring properties and damage to party wall

and water tables. She also raised concerns about the hours of operation during construction.

Lydia Lambert, the applicant's agent informed members that the proposal would result in a high quality building that would maintain the existing footprint. She added that as the basement would not be visible externally, the development would not create an overbearing impact nor result in loss of daylighting. She also referred to letters of support of the application.

In responding to the issues raised, the Area Planning Manager suggested that an existing condition should be amended to require the applicant to submit further details on the roof and also to include with informatives relating to hours of operation and protection of street trees.

DECISION:

Granted as recommended subject to revision to the condition on materials and additional informatives relating to hours of work and protection of street trees.

6. STORAGE LAND OPPOSITE LINDEN AVENUE, Station Terrace, London (Ref. 12/2511)

PROPOSAL: Erection of 9 residential units with 5 (A1) retail units and 1 (B1) office.

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 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, Stephen Weeks, Head of Area Planning advised members that issues about ownership that transpired at the site visit would impact on the development, the required servicing bay and the asset protection measures required by Network Rail. He therefore amended the recommendation to deferral in order to allow the opportunity to clarify land ownership issues.

DECISION: Deferred as recommended.

7. 30 Second Way, Wembley (Ref. 13/2832)

PROPOSAL:

Erection of a Costco warehouse club (Sui Generis), including a tyre installation centre, sales and associated facilities including parking, landscaping, servicing arrangements and access to the highway.

RECOMMENDATION:

(a) Grant planning permission subject to referral to the Mayor of London and subject to 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; 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, Stephen Weeks, Head of Area Planning set out the applicant's responses to comments made by Wembley National Stadium Limited (WNSL) in respect of car park management plan. He added that further information received regarding emergency egress for disabled visitors and staff was considered to be acceptable. Members heard that the wording of conditions reviewed and discussed with the applicant had resulted in minor changes to conditions 5, 8, 10, 11, 12, 14 and 19.

In response to a member's question about employment, Mr Deeks the applicant's agent stated that about 70% of the workforce would be local and that Costco would offer apprenticeship to enable local people to get into the company's training scheme.

DECISION: Planning permission granted as recommended with amended conditions 5, 8, 10, 11, 12, 14 and 19.

8. Sudbury Court Design Guides

This report presented a draft of Sudbury Court Estate Conservation Area Design Guide which was being reviewed with the overall aim of producing up to date documents to give a clearer guidance to residents on types of developments that would be considered acceptable. The report sought members' comments on the draft prior to public consultation scheduled to commence in April 2014. Members heard that the draft Design Guide had been widely consulted on with interested groups including the Sudbury Court Residents Association, ward councillors and the Lead Member for Regeneration & Major Projects.

In welcoming the report members noted the key changes to the Design Guide which included detailed illustrations, diagrams and further detail regarding replacement windows. Stephen Weeks, Head of Area Planning stated that the key changes added clarity to the Design Guide, making it user friendly to applicants for developments in the Conservation Area.

RESOLVED:

that the draft Sudbury Court Estate Conservation Area Design Guide be endorsed for public consultation scheduled to commence in April 2014.

9. Any Other Urgent Business

None.

The meeting closed at 10:50pm

KETAN SHETH
Chair

Note:

At 9:30pm the meeting was adjourned for 5 minutes.

At 10:30pm, the Committee decided to dis-apply the guillotine procedure to enable all applications to be considered.