



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Wednesday 16 July 2014 at 7.00 pm

PRESENT: Councillor Marquis (Chair), Councillor Colacicco (Vice Chair) and Councillors Agha, S Choudhary, Colacicco, Filson, Hylton, Kansagra and Mahmood

Also present: Councillors Carr, Hector, Mashari, Pavey and Shahzad

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

Former Kensal Rise Branch Library

Councillor Filson declared that as he had previously expressed a view that prejudged the application, he would withdraw from the meeting room during consideration of the application.

Councillor S Choudhary declared that as he had previously expressed a view that prejudged the application, he would withdraw from the meeting room during consideration of the application.

37 Lydford Road, London NW2 5QN

Councillor Colacicco declared that as she lived close to the application site address, she would withdraw from the meeting room during consideration of the application.

### 2. **Minutes of the previous meeting held on 17 June 2014**

RESOLVED:

that the minutes be approved as an accurate record of the meeting subject to the following amendment in clause 8 paragraph 3:

“Councillor Filson stated that he wished to remain in the meeting room only to hear the contributions and then withdraw during members’ deliberations of the application”.

### 3. **Former Kensal Rise Branch Library, Bathurst Gardens, London, NW10 5JA (Ref. 14/0846)**

PROPOSAL:

Conversion of the existing vacant building to provide 5 residential units (2 x studios, 1 x 1 bed duplex flat and 2 x 2 bed duplex flats) on part ground and upper floors and 186m<sup>2</sup> community space (Use Class D1) on the ground floor. Single storey ground floor extension to west elevation, provision of roof extension and communal residential roof terrace fronting onto Bathurst Gardens and creation of

basement for bin/cycle store. Provision of new entrance door on Bathurst Gardens serving D1 space with associated cycle parking and landscaping to Bathurst Gardens and College Road. Erection of temporary site hoarding to protect site for period of vacancy.

**RECOMMENDATION:**

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

The application was deferred at the last meeting for further legal advice on whether the alleged falsification of consultation responses on a previous application relating to the site (reference 13/2058) would be a material planning consideration in the assessment of the current application. Horatio Chance, legal representative, advised that the legal opinion the Council received from Richard Drabble QC confirmed that the allegations were not of material consideration for the purposes of determining the current application.

With reference to the supplementary report, Andy Bates, Area Planning Manager, informed members that the Council would seek to ensure that the community space was provided through appropriately worded clauses within the Section 106 legal agreement and conditions. He clarified that if following the marketing campaign an occupier was not found for the community space, Brent CVS, a membership organisation for the local not for profit sector which seeks to support, promote and develop the voluntary sector, had agreed to have the first right of refusal to prepare a bid. He added that the applicants had confirmed in writing that friends of Kensal rise Library (FKRL) would be named as the actual tenant, subject to satisfactory lease negotiations and management plan. Furthermore, the applicants had confirmed that they had earmarked a sum of £3,000 to be given to the tenant of the community space to fit it out. Andy Bates then referred to correspondence from Councillor Nerva expressing his support for the application and urging members for additional conditions for additional on-street parking and a requirement on the developer to arrange for the hoarding to become a community mural within three months.

Ms Jodi Gramigni, an objector, expressed a view that the building ought to be retained as an asset of community value thus enabling local communities, schools and charities to access the library. She then referred to a petition signed by some 314 people that endorsed her views and urged members to refuse the application for change of use of the historic community asset in accordance with the Localism Act 2011.

Horatio Chance advised that the use of the land would be conditioned and that the building as an asset of community value (ACV) was not in dispute. He explained that the listing of the building as an ACV was a material consideration for the purposes of the Committee and members were obliged to attach whatever weight they deemed necessary during the decision making process. He also clarified for members' attention that the role of the Committee was to consider the use of the land in planning terms and not to get side tracked with what named party was to be afforded possession of the community space because such matters fell outside

of the ambit of the Committee and would be dealt with by the Council in its capacity as "Listing Authority" under the provisions of the Localism Act 2011.

Ms Stephanie Schonfield noted the developments since the last meeting when the application was deferred, as outlined in the report and amplified by the Area Planning Manager. In endorsing the recommendation for approval, Ms Schonfield added that FKRL looked forward to creating a community library for a diverse community for generations to come.

Mr Sandip Sahota, the applicant's agent, confirmed that FKRL would be the actual tenant for the D1 Use of the building. He continued that in consultation with the local community, a flexible approach to accommodate a variety of community uses had been agreed. In response to members' questions, Mr Sahota stated that a letter of intent with FKRL had been signed and once planning permission was granted the applicants would resume negotiations with FKRL. He confirmed that spaces had been created in anticipation of the grant of planning permission and added that the applicant proposed to keep refuse facilities in the basement area, accessible by a lift. Mr Sahota continued that additional cycle spaces could be accommodated and that the width of the community door could be increased by 0.4m.

In the ensuing discussion members expressed a view for the refuse facilities to be relocated from the basement to the ground floor level, the community access door to be widened and that there should be an increase in cycle stands. These were voted upon and agreed as additional conditions.

Stephen Weeks, Head of Planning reiterated the amendments to the marketing campaign as outlined by Andy Bates and advised that the suggestion of a mural on the hoarding could be raised with the developer.

**DECISION:**

Agreed as recommended with additional conditions for the relocation of the refuse facilities from the basement to the ground floor level, wider community access door and an increase in cycle stands.

*Note: Councillors Filson and S Choudhary left the meeting room during consideration of the application and took no part in the voting or discussion.*

**4. 37 Lydford Road, London, NW2 5QN (Ref. 14/1201)**

**PROPOSAL:**

Demolition of existing office to builders' yard and erection of a 3 bedroom three storey (including basement) dwellinghouse, relocation and reduction in width of existing crossover, one off-street parking space and associated soft landscaping.

**RECOMMENDATION:** Refuse planning permission.

All members of the Committee declared that they had received correspondence from the applicant and that they would approach the application with an open mind and therefore had not been influenced.

With reference to the supplementary report, Andy Bates clarified the points raised by members during the site visit. He informed members that it was not considered that the proposal would have a materially harmful impact on the amenities of neighbouring residents, given its compliance with the adopted guidance in SPG17. He clarified the overall height of the building and the distance between the building and the footway, adding that it was not considered that the application could set a precedent for future developments in the Mapesbury Conservation Area. Andy Bates confirmed that although the principle of a contemporary dwelling at the site could be supported, the bulk, height and massing of the proposed development would obstruct views through rear gardens, thus detracting from the character and appearance of the conservation area.

Ms Sheelagh Putnam, Chair of Mapesbury Residents Association and an objector stated that the proposed development in terms of its excessive height would cause loss of views and openness to the neighbouring properties and would be out of keeping with the Victorian and Edwardian character of the conservation area. She added that the proposal would be contrary to the Article 4 Direction that afforded added protection to the conservation area.

In accordance with the provisions of the Planning Code of Practice, Councillor Shahzad, ward member, stated that he had been approached by both residents and the applicant. Councillor Shahzad urged members to take note of residents' concerns about the impact of the development on the conservation area.

In accordance with the provisions of the Planning Code of Practice, Councillor Carr, ward member, stated that she had been approached by both residents and the applicant. Councillor Carr stated that the proposal, by its height, would cause loss of views, loss of outlook and loss of visual amenities and therefore would not complement, enhance or preserve the character of the Mapesbury Conservation Area. Councillor Carr also added that despite her comments, there were also supporters of the scheme.

Mr Peter Benda, speaking as a supporter, stated that the current site as a builders' yard was an eyesore within the conservation area. He welcomed its replacement with a contemporary building that complied with the council's guidance.

Mr Chris Campbell, the applicant stated that the proposal which incorporated a sympathetic and low level design complied with the design guide of the conservation area and would complement and enhance its character. In response to members' questions, Mr Campbell stated that the proximity of the building to the footpath was due to the constraints of the site, however he would ensure that the envelope of the site and neighbouring residents' right to light were maintained. He continued that although the first floor was not protruding, he could reduce the bulk of the first floor of the building by a setback of 300mm.

The Area Planning Manager advised members that the overall height of the building would be 6m and that the first floor would protrude. In echoing the advice, the Head of Planning added that the overall design and bulk were pertinent in the recommendation for refusal.

Councillor Kansagra took a view that if the applicant was prepared to reduce the protrusion then the committee should be minded to defer the current application pending submission of revised plans. He therefore moved an amended motion for deferral. Councillor Filson opposed the amended motion adding that the applicant could re-submit a revised application if members endorsed the recommendation for refusal, a view that was seconded by Councillor S Choudhary.

Horatio Chance advised Members that they were under a duty to consider the application before them and on its individual merits. It was not possible for the applicant to seek to vary his application during the committee process despite the positive submissions he put forward by way of the suggested amendments he would make to the application. If that was his intention, and if Members were minded to approve the officer's recommendation, he should submit a fresh application, working closely with the Council's Planning Service during that process.

Members then voted on the amended motion in the name of Councillor Kansagra for deferral pending revised plans which was declared lost. Voting on the substantive recommendation for refusal for reasons set out in the main report was declared carried by a majority.

DECISION: Refused as recommended.

**5. 205-211 ODDS Inc, 235 and Land in Church Road Car Park rear of 205-235 Church Road, London, NW10 (Ref. 13/2213)**

**PROPOSAL:**

Full planning permission for demolition of buildings within 205 and 235 Church Road, redevelopment of section of Church Road car park site to the rear of 207-233 (odds inc.) Church Road to erect a part 2, 3, 4, 5 and 6 storey building containing 65 residential units, 298m<sup>2</sup> (GEA) retail floorspace together with 7 car parking spaces and associated works as revised by plans and details. ("car free" development)

**RECOMMENDATION:**

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

With reference to the supplementary report, Andy Bates addressed the issues that were raised by members at the site visit. Members heard that refuse storage for the residential element of the development would be provided in three locations; the High Road serving blocks A and B and two located on Eric Road. In order to minimise the distance that residents would have to travel to the waste and recycling facility and in the interest of highway safety, Andy Bates recommended an amendment to condition 25 as set out in the supplementary report. He clarified that the loss of existing trees as a result of the 2m set back from the pavement was necessary as their retention would significantly hinder the scope to develop the site to achieve the aims of the Site Specific Allocation and wider Growth Area requirements. He continued that a financial contribution of £15,000 would be

sought under the Section 106 legal agreement for the planting of trees on the High Road adjacent to the development. Andy Bates advised that the operation of the proposed market square including servicing, storage of stalls, rubbish collection and details of shared surface arrangements in Eric Road would be contingent upon a suitable Delivery and Servicing Plan which would be secured via a Section 106 agreement to be agreed prior to occupation and operation of the market. He added that concerns raised about unsafe structure next to Eric Road had been referred to the Building Control Team for their investigation.

Jacey Chalmers in objecting to the proposed development raised concerns about the potential loss of car parking facilities, servicing and loading facilities for the traders and the removal of trees to facilitate the development.

Mark Connell, the applicant's agent informed members that the provision of a market square within the scheme had been agreed in principal with the previous planning decisions and with the Council's Regeneration Team in terms of bringing forward the development of the adjoining site. He continued that the height, scale and massing of development which would also provide 24 affordable homes had been reduced whilst maintaining satisfactory internal and amenity space requirements which complied with BREEAM standards.

In response to members' questions, Mark Connell stated that adequate mitigation of £15,000 for replanting had been agreed for the loss of trees along the Church Road frontage. He continued that as the site had been identified for growth in accordance with the Site Specific Allocation, it was considered acceptable for the density level to be marginally exceeded. Members heard that although the scheme would be a car free development with no planning requirement for visitors parking bays, nine car parking spaces would be made available when the market was not in operation. In addition, the site had a good PTAL rating being in close proximity to the tube network and a car club facility. The agent clarified the width of the market area and servicing arrangements but could not confirm whether the applicant would take steps to set the building back and closer to the local magistrate court building.

DECISION: Agreed as recommended subject to an amended condition 25 as set out in the supplementary report.

## **6. Planning and enforcement appeals 1 - 30 June 2014**

RESOLVED:

- (i) that the schedule of planning appeals for 1 to 30 June 2014 be noted;
- (ii) that in future the schedule of planning and enforcement appeals be sent by the Head of Planning to members for information and not attached to the agenda.

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

None.

The meeting ended at 9.50 pm.

S. MARQUIS  
Chair