



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Wednesday 6 April 2016 at 7.00 pm

PRESENT: Councillors Marquis (Chair), Agha (Vice-Chair), S Choudhary, Colacicco, Ezeajughi, Mahmood, Maurice and M Patel

ALSO PRESENT: Councillors Chohan, Choudry, Farah, Hossain, Hylton, McLennan, Perrin, Southwood and Stopp

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

ASDA, Forty Lane, Wembley Middlesex HA9 9EX

Councillors Marquis (Chair) and Choudhary, members for Barnhill ward, declared that they had attended meetings with the applicant and had referred the noise issue to the Council's Noise Enforcement Team. Both members left the meeting room during consideration of the application.

Councillor Marquis declared that she had received a communication from ASDA, Wembley Park.

Chesterfield House, 9 Park Lane, Wembley HA9 7RH

All declared that they had attended a presentation by the applicant and received briefing notes. They all had received emails from Denise Cheong (objector)

76-78 Salusbury Road, London NW6 6PA

All members declared that they had received email objections from Councillor Denselow; letters of objection from Janis Denselow (Chair of QPARA); letters from the applicant and an email from Sally March regarding inaccuracies in the report concerning noise nuisance.

All members re-affirmed that they would consider all applications with an open mind.

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

RESOLVED:-

that the minutes of the previous meeting held on 9 March 2016 be approved as an accurate record of the meeting.

### 3. **Asda, Forty Lane, Wembley, HA9 9EX (Ref. 16/0615)**

PROPOSAL:

Details pursuant to condition 4 (monitoring and acoustic investigation) of variation of condition application ref 03/1003 relating to planning permission ref 98/0413, dated 03/07/98, for the construction of a retail superstore with provision of service

yard and customer car-parking to read as follows: "The store shall not be serviced on Sundays and Bank Holidays by more than six service vehicles on any one day without the consent in writing of the Local Planning Authority"

**RECOMMENDATION:**

Grant planning permission subject to the conditions set out in the Draft Decision Notice.

David Glover (Area Planning Manager) introduced the application and referenced the supplementary report. Members heard that whilst noise levels were acceptable during the monitoring period, the detailed comments from residents showed that disruptive noise and vibrations were experienced by residents suggesting that the Delivery Management Plan was only adhered to during the monitoring period. David Glover continued that the applicant has shown that acceptable noise levels can be achieved if the Plan is implemented, and recommended that this application is approved as the negatively worded condition that is recommended by officers would allow enforcement action to be pursued if the Plan is not implemented in the future.

Bob Parks (Town Planning Manager for Asda) informed Members that the Delivery Management Plan was being adhered to, leading to a significant reduction in the number of complaints. He added that Asda were currently undertaking a feasibility study about relocating many of their vehicle fleet away from Wembley Park branch which would further reduce the number of vehicles at the Wembley Park branch. He continued that Asda senior management had been given a training module on the Delivery Management Plan with on-going monitoring by an independent monitoring team. In response to a member's question, Bob Parks stated that Asda were committed to a package of consultation with local residents and would ensure that the Delivery Management Plan was cascaded to all staff.

Although members welcomed the progress made they added an additional condition as set out below.

**DECISION:**

Granted planning permission as recommended and an additional condition requiring details of training for staff on Development Management Plan.  
(For 6, Against 0, Abstention 2).

**4. Chesterfield House, 9 Park Lane, Wembley, HA9 7RH (Ref 15/4550)**

**PROPOSAL:**

Proposed demolition of existing building and erection of 21 and 26 storey building comprising flexible retail/commercial (Use Classes A1-A4) and community uses (Use Class D1) at ground floor and basement level, 239 residential units (Use Class C3) on the upper floors and associated landscaping, public realm, ancillary servicing and plant, car and cycle parking and associated works.

#### RECOMMENDATION:

Grant planning permission, subject to the Stage 2 referral to the Mayor of London and subject to the completion of a satisfactory Section 106 or other legal agreement and to delegate authority to the Area Planning Manager or other duly authorised person to agree the exact terms thereof on advice from the Chief Legal Officer, subject to the conditions set out in the Draft Decision Notice and an additional condition 25 as set out in the supplementary report.

David Glover (Area Planning Manager) outlined the proposal and referenced the supplementary report. He stated that the height and design were acceptable and whilst the amenity space fell short of the SPG17 guidance, a compensatory contribution was being sought to include improvements to the local King Edward VII Park. He added that a sum of £83,000 was being sought for carbon reduction and a further contribution was also being requested by TfL.

He then clarified the issues raised at the site visit. David Glover explained the servicing arrangements and added that given the large amount of office and retail floor space on the existing site, the proposed development was anticipated to reduce the overall number of servicing vehicles visiting the site and thus ease capacity within the local areas. In terms of parking, he drew members' attention to condition 3 which required the parking spaces to be provided prior to occupation of the proposed development and thereafter used ancillary to the development. Members heard that there was a reasonable chance that year-round CPZ's would be extended into those streets nearest to the site. David Glover continued that the identified infrastructure needs including GP surgeries, expansion of local primary schools and the establishment of a new secondary school, was expected to be funded largely from the Community Infrastructure Levy (CIL) contribution of approximately £5.4 million. He then drew members' attention to additional representations in support of and in objection to the scheme and added a further condition 25 as set out in the supplementary report.

Denise Cheong Chair of King Edward VII Park spoke in objection on behalf of a number of local residents. She expressed concerns about the height and density of the scheme which constituted an overdevelopment of the site, detrimental to the green space at King Edward Park, and would create dangerous conditions to the junction of Park Lane and High Road, Wembley. She also expressed concerns about the traffic congestion to which the proposal would give rise and added that the financial contribution being sought would not address the problems including pressure on the park. In urging members for refusal, Denise Cheong added that the proposed development failed to comply with the Wembley Area Action Plan and the London Plan – which stated that a building on this site should be no higher than that at Wembley Central.

In response to the issues raised by the objector, David Glover advised that the site was appropriate to tall buildings and accorded with the Wembley Link SPD. He continued that having regard to expert opinion (the CABA Design Review Panel), officers considered the proposal acceptable for the site

In accordance with the Planning Code of Practice, Councillor Stopp, ward member, stated that he had been approached by residents in support and in objection to the scheme, the developer and by local businesses. He started by applauding the developers for their consultation and the offer for an excellent community asset. He however felt that the height was excessive, the orientation was not ideal and that the number of affordable housing units should have been higher than was being offered by the applicant.

Steve Sanham (applicant's agent) stated that through extensive public consultation and engagement, the proposed scheme would provide a high quality retail and residential building in contrast with the existing outdated building. In response to members' questions, the applicant's agent stated that they were in negotiation with the current owners about the site for car parking facilities. He continued that although the density was higher than recommended guidance, the provision of public space coupled with proposed improvements to the local park would be compensatory elements and that he would continue to work towards enhancing carbon emission levels. In response to the low levels of affordable housing despite the height of the buildings, he explained that the affordable housing agreed with the Council was based on viability assessments for the scheme and that the height and set back was appropriate for the site. The applicant's agent confirmed that he would consider a "Car Club" facility and a contribution towards possible introduction of Controlled Parking Zone (CPZ) in the vicinity. The members of the committee recommended contributions for existing residents for at least 5 years based on the average rate, to avoid any prejudice to existing residents from new development.

In responding to transportation issues raised at the meeting, John Fletcher (Development Control, Transportation) advised that currently there were studies in the area to improve pedestrian and traffic safety and traffic flow in the area and in his view, the scheme would not give rise to transportation problems. David Glover clarified that the height of the proposed scheme was not contrary to policy and although it was not in keeping with the Wembley Area Action Plan (WAAP), it would not be detrimental to the open character of the High Road. He continued that minor shortfalls identified in the scheme would be addressed, highlighting improvement to the local park and endeavours to enhance the carbon emission levels.

Members were minded to approve the application as recommended but added additional conditions for landscaping, car club and a contribution towards residents' costs arising from the introduction of controlled parking zone (CPZ).

**DECISION:** Granted planning permission as recommended in the Draft Decision Notice and additional conditions for landscaping, car club and a contribution towards residents' costs arising from the introduction of controlled parking zone (CPZ). (For 4, Against 2, Abstention 2).

**5. 76-78 Salusbury Road, London, NW6 6PA (Ref 15/4590)**

**PROPOSAL:**

Change of use of the 1st, 2nd and part of the ground floor of the public house (Use class A4) to create 8 self-contained flats (3 x 1bed, 3 x 2bed and 2 x 3bed) together with associated alterations to include removal of rear dormer window, new 2nd floor rear extension, stairwell extension, replacement and relocation of some of the windows, insertion of new windows and rooflights, terraces and screening, cycle parking spaces.

**RECOMMENDATION:**

Refuse planning permission for reasons set out in the Draft Decision Notice

Angus Saunders (Area Planning Manager) in setting the background stated that the application was deferred from a previous meeting to enable officers to review any off-site contribution, the details of the on-site community provision and potential conditions regarding future use of the facilities covering hours of use, amplified sound, access arrangements and external activities. He referenced the supplementary report, highlighting additional representations received in respect of loss of community space on the upper floors; loss of a local community centre and community rooms for local groups such as Swing Patrol. He also referred to further objections received from QPARA as set out in the supplementary and reiterated the recommendation for refusal for reasons set out in the draft decision notice.

Janis Denselow (Chair of QPARA) objected to the proposed development for the following reasons:

The provision of 83sqm for community use would be inadequate as it was a quarter the size of the original community space.

Access arrangements to the pub were both restrictive and unsatisfactory, especially retaining the entrance on Hopefield Avenue.

Inadequate financial contribution for an off-site community facility,

The proposal failed to promote a viable pub for community space.

Kevin Barrett an objector, speaking in a similar vein on behalf of the Irish Pensioners Group, requested that the British Legion which had operated in the area without problems be considered as the preferred occupant for the community space. In response to a member's question, Kevin Barrett stated that he had not discussed his plans for community use of the space with the owner of the property. He also stated that as an ACV the community space should be protected.

Judy Wilcox, a resident of Hopefield Avenue and a supporter stated that the disabled access was satisfactory and that all community groups could be considered to be accommodated within the proposed building. She made reference to the original events room on the first floor and claimed that it was not sustainable as a community facility. She added that in her view the financial contribution for an off-site community facility was adequate to offset any consequent loss. In urging members for approval, Judy Wilcox alleged that the

views expressed by QPARA on the application were founded on aspiration and supposition.

In accordance with the provisions of the Planning Code of Practice, Councillor Southwood (ward member) stated that she had been approached by QPARA and residents of Hopefield Avenue. She added that she was speaking on behalf of Councillors Denselow and Nerva in support of QPARA's stance. Councillor Southwood stated that due to inadequate provision of community space, the scheme would not provide an appropriate facility as an asset of community value (ACV). She also questioned the viability of the pub. Councillor Southwood continued that the off site provision offered by the applicant was inadequate, reminding members that a huge amount of community funds had been historically invested in the building as a community facility.

Kieron Hogdson (applicant's agent) stated that the proposal for the building which was currently empty would not only address the problems associated with the building as an event space but also deliver a community centre which was compliant with the provisions of DDA. He continued that in addition to the financial contributions, the proposal would provide community facilities for local groups. He considered that the request by the British Legion would lead to a loss of the pub and therefore constitute a material change of use to which the applicant would not agree.

Members then questioned the applicant's agent on aspects of the proposal including access, viability and re-provision of community space. In response, the applicant's agent clarified that the access provided would not conflict with the community use and the pub use of the building. He continued that for viability reasons, some of the flats would be sold and others for rent. He added that the rear proposed elevation would not result in overlooking as it was a stairwell window rather than a habitable room..

DECISION: Refused planning permission as recommended.  
(For 7, Against 0, Abstention 1).

## **6. 1 Craven Park, London (Ref 15/5130)**

### **PROPOSAL:**

Erection of a six storey building comprising 21 self-contained flats (9 x 1bed, 9 x 2bed and 3 x 3bed) with associated cycle storage, bin stores, communal and private amenity space and landscaping.

RECOMMENDATION: Refuse planning permission for reasons set out in the Draft Decision Notice.

Angus Saunders (Area Planning Manager) summarised the following reasons for recommending refusal of the proposed development; bulk; overbearing; out of character; servicing and waste management arrangements; and harm to the future residents of the development.

DECISION: Refused planning permission as recommended.  
(For 8, Against 0, Abstention 0).

**7. 342 Neasden Lane, London, NW10 0AD (Ref 15/3398)**

**PROPOSAL:**

Temporary permission for the part change of use of existing retail shop (Use class A1) to provide a radio controlled mini-cab office (Use class Sui Generis).

**RECOMMENDATION:**

Grant temporary planning permission subject to the conditions set out in the Draft Decision Notice

Angus Saunders (Area Planning Manager) outlined the scheme including a diagram of parking restrictions on surrounding streets and with reference to the supplementary report clarified the issues raised at the site visit. He stated that with officers monitoring initial temporary consent and conditions to restrict pick ups/drop offs, signage and waiting room, the 'radio controlled' aspect of the proposal would not give rise to concerns. He added that officers had raised the point regarding the layout of the Mini Cab Office and how the window and location of the door could promote its use by passing customers. The Area Planning Manager continued that the applicant was requested to remove the window in the proposed plans with the rear of the property converted into a 'Staff Only' area which he declined.

In accordance with the provisions of the Planning Code of Practice, Councillor Choudry, ward member, stated that he had been approached by local residents and the business community about the application. Councillor Choudry objected to the proposal on the grounds that there was an over-saturation of mini cab offices in the Neasden Shopping area and that a further addition would fuel the anti-social behaviour including gang fighting and noise nuisance that the offices had generated in the area. In his view there was no real demand for the mini cab office and that other alternative proposals for the site should be considered to diversify the businesses in the area.

Ghulam Dost (applicant) claimed that the mini cab office opposite his shop was owned by the brother of Councillor Choudry and this was the reason for his objection. This was denied by Councillor Choudry. He also stated that the only reason why he declined to carry out the suggested amendments requested by officers was because the permission was temporary for one year after which he would apply for a 3 year permission and carry out the amendments. He clarified that as a radio controlled service, customers would not be allowed to use the waiting area as it would be for the exclusive use of staff. In response to members' questions, the applicant stated that residents would be leafleted and that bookings for the service would be on-line and by telephone. After the Chair emphasised the importance of the internal layout changes, he confirmed his agreement to the officers' suggestions for amendments to the layout prior to commencement of the minicab operation.

DECISION:

Granted planning permission as recommended subject to additional conditions on layout, window, door and no advertisement.  
(For 5, Against 3, Abstention 0).

**8. Any Other Urgent Business**

None.

The meeting closed at 9.50 pm

S MARQUIS  
Chair