



# **LONDON BOROUGH OF BRENT**

## **MINUTES OF THE PLANNING COMMITTEE Wednesday 13 February 2019 at 6.00 pm**

PRESENT: Councillors Denselow (Chair), Johnson (Vice-Chair), S Butt, Chappell, Colacicco, Hylton, Maurice and Sangani

ALSO PRESENT: Councillors Councillor Fleur Donnelly-Jackson

Apologies for absence were received from Councillors

### **1. Declarations of interests**

Willesden Green Garage, St Pauls Avenue NW2 5TG 9Ref. 15/5291)

All members declared that they had received correspondence from Mr Hale, an objector.

Councillor Chappell declared that he had been approached by residents in connection with the application.

All Members re-affirmed that they would consider this and other applications with an open mind.

### **2. Minutes of the previous meeting - 16 January 2019**

RESOLVED:-

that the minutes of the previous meeting held on 16 January 2019 be approved as an accurate record of the meeting.

### **3. 15/5564 Trinity House, Heather Park Drive, HA0 1SU**

PROPOSAL: Demolition of the existing office building Trinity House and to construct 50 residential units (11x 1-bed , 25 x 2-bed 14 x 3-bed ), together with 16 onsite car parking spaces, landscaping and amenity space (amended description).

RECOMMENDATION: To grant planning permission, subject to the completion of a satisfactory Section 106 or other legal agreement to include the obligations set out within the report, and the conditions and informatives recommended in this report, and to delegate authority to the Head of Planning or other duly authorised person to agree the exact terms thereof on advice from the Head of Legal Services.

That the Head of Planning be granted delegated authority to negotiate the legal agreement indicated above.

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions to secure the matters set out within the report.

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee not that such change(s) could reasonably have led to a different decision having been reached by the Committee.

That, if the legal agreement has not been completed by the statutory determination date for this application (including determination dates set through agreement), the Head of Planning be granted delegated authority to refuse planning permission.

Mr David Glover (Development Management Manger) introduced the report which was deferred from the meeting in October because Members were minded to refuse the application due to concerns including the lack of any affordable housing. Members suggested that additional housing units could be provided in place of the offices and basement parking area. Members heard that the applicant had since reviewed and amended the scheme by removing the basement and office space, increasing the housing units from 47 to 50 with 20% affordable units and 70/30 tenure split and re-providing some parking spaces at ground level. In reference to the supplementary report, he advised Members about an additional objection received since the publication of the report and addressed the issues raised. Mr Glover added that the proposed scheme, as set out in the report, was considered to be acceptable having regard to all relevant planning considerations.

Members welcomed the amendments by the applicant and endorsed the officer's recommendation for approval subject to conditions.

DECISION: Granted planning permission as recommended.  
(Voting on the recommendation was unanimous).

#### **4. 17/5291 Willesden Green Garage, St Pauls Avenue, NW2 5TG**

PROPOSAL: Demolition of MOT garage and erection of a part seven-storey and part four storey building with basement level to provide 70 self-contained flats (35 x 1 bed, 22 x 2 bed and 13 x 3 bed) with ground, third and fourth floor amenity spaces and ground floor play area, provision of basement car parking, cycle and refuse storage, alterations to vehicular accesses and associated landscaping.

RECOMMENDATION: To GRANT planning permission subject to the prior completion of a legal agreement to secure the planning obligations set out within the report.

That the Head of Planning be granted delegated authority to negotiate the legal agreement indicated above.

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions (and informatives) to secure the matters set out within the report.

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

That, if by 12 December 2018 the legal agreement has not been completed, the Head of Planning be granted delegated authority to refuse planning permission.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Mr Damian Manhertz (Area Planning Team Leader) introduced the application which was reported to the Planning Committee on 12th September 2018. At that meeting, Members were minded to refuse planning consent and thus the application was deferred to a subsequent meeting to enable planning officers to present a report to address their concerns and points of further clarification. These related to the development's impact upon the living conditions of the adjoining occupiers, impact on views to and the setting of the neighbouring Grade II Listed Building and the character of the area, the servicing arrangements, in particular, deliveries and to the new properties and the resultant impact on highway safety and the amount of affordable housing and family sized units that were proposed.

Members heard that since the deferral, the Agent contacted officers to discuss amendments that could be made to the scheme. Several alternative proposals were been tested, including a design to step the building down on the eastern side near the neighbouring property on St Pauls Avenue and alterations to a section of road to create a servicing bay on the opposite site of St Pauls Avenue. Although these options were considered by the applicant, it has been confirmed that they no longer wish to amend the scheme and would prefer a decision to be made on the application as it was previously presented to the Committee.

Mr Manhertz referenced the supplementary report and added that the issues raised by the additional objector had been addressed within the main report. Although he reiterated officers' recommendation for approval for reasons set out within the report, he drew Members' attention to the set of reasons for refusal should they be so minded.

Mr Peter Hale (objector) felt that the applicant had made no changes to the scheme that Members were minded to refuse when the application was last

considered. He stated that the proposed development would be inappropriate in terms of its height, bulk, scale and density and would be out of keeping with its surroundings. Whilst he accepted the principle of development on the site, he felt that the current proposal failed to conform to policy requirements, delivering 18.5% family units (25%) and 18.57% affordable housing with near policy tenure split (50%). Mr Hale continued that the proposal would impact adversely on the daylight and sunlight to the living rooms including ground floors of Kingsley Court and 75 St Pauls Avenue to the detriment of the occupiers.

Mr Jorge Vasquez (objector) expressed concerns about the proposed development on the following grounds; it failed to enhance the heritage of the area; loss of light, overshadowing and overlooking to neighbouring properties; failure in its relationship with existing properties. Mr Vasquez added that the applicant had failed to engage with the residents throughout the application process and that anti-social behaviour had been observed since the closure of the MOT station on the site.

Ms Micala Fox (supporter) stated that the site, due to its proximity to the underpass, was a source of anti-social behaviour and by its redevelopment, would provide a natural surveillance as well as complement the character of the existing Victorian houses in the area. In her view, the site was of no architectural merit. She welcomed the wider benefits of the scheme which showcased the provision of housing and family size units with wheel chair access and the provision of cycle spaces in an area with a high PTAL rating due to its proximity to Willesden Green underground station and several local buses.

In accordance with the provisions of the Planning Code of Practice, Councillor Fleur Donnelly-Jackson (ward member) stated that she had been approached. Councillor Donnelly-Jackson objected to the application on the grounds that it failed to deliver affordable housing units and that not enough consideration had been given to its impact on lighting. She continued that the proposal constituted an inappropriate development which would be out of keeping with the design and character of the neighbouring properties.

Messrs Joe Copping (applicant), Mark Westcott (agent) and their daylight/sunlight consultant addressed the Committee. Mr Copping informed Members that the scheme had gone through a series of amendments since its inception in 2017 reducing the number of homes to 70 homes including affordable units. He continued that the loss of light impact to 75 and 75A would have been greater had the existing terrace been continued beyond those properties. He added that additional changes suggested were not possible as they would have affected the viability of the scheme which had been robustly tested independently and thus render it undeliverable. In his view, the benefits of the scheme outweighed the concerns expressed or potential harm.

During question time, Members sought clarification on the following matters of concern; the views of the listed building, daylight and sunlight impact, affordable housing units and community engagement.

Mr Mark Wescott acknowledged that whilst there would be a degree of concealment to the views of the Listed Building, the design merits of the proposed development reflected and respected Kingsley Court. He continued that compromises had already been made on affordable housing delivery and that consideration had not been given to increasing affordable housing in the basement as that area would be used for plants, cycle, bin storage and thereby compromise amenity issues. Mr Westcott added that the applicant had held public exhibitions, circulated leaflets, advertised in the press and incorporated into the scheme suggestions made by residents including drainage and colour tone.

Officers were asked to discuss the issues raised including anti-social behaviour, highways, heritage and affordable housing. Mr Manhertz stated that he was not aware of anti-social issues. Mr John Bowman (Highways Officer) confirmed that as there were projected to be around 2 and 3 van deliveries per day, there would be no significant highways and servicing impact even if the deliveries were at greater intensities than this. Mr Mark Price (Heritage Officer) considered that there would be no significant harm to Kingsley Court. Mr Manhertz added that the viability of the scheme had been robustly tested and that the scheme delivered the maximum reasonable level of affordable housing. Members heard that should permission be granted, officers would require a Legal Agreement to review viability in the future for an uplift to fund affordable housing elsewhere or further affordable units to be incorporated into the development. Secured through a Section 106 legal agreement.

In the ensuing discussions, most Members balanced the benefits and impacts associated with the scheme. All but one member voted against the recommendation to grant planning permission. In accordance with the constitution, members gave individual reasons that they considered that permission should be refused. All members cited the impact of the proposal on the light received by the windows of No. 75 St Pauls Avenue as their primary concern. Individual members also cited other reasons, including the impact on the listed building and local character, and highways impact. Officers advised that, should permission be refused, an additional reason for refusal would need to be attached relating to the absence of a Section 106 legal agreement and associated inability to secure measures to mitigate the impacts of the scheme that would have otherwise been secured through that agreement (as set out in the supplementary report). Following further discussions, members voted to refuse planning permission due to the impact on the windows of No. 75 St Pauls Avenue (Reason 1 as set out in the Supplementary Report) and due to the absence of a legal agreement. Members highlighted that the benefits of the scheme did not outweigh the impacts in this instance.

DECISION: Refused planning permission for reasons set out above.

Voting on the decision to refuse was recorded as follows:

For	Councillors Denselow, Johnson, S Butt, Chappell, Hylton, Maurice and Sangani	(7)
Against:	Councillor Colacicco	(1)

**5. 18/2984 6 & 6A Coombe Road, NW10 0EB**

PROPOSAL: Demolition of the existing buildings and redevelopment of the site comprising the erection of a part three, five and six storey building providing 727 sqm of flexible employment workspace (Use Class B1), 42 self-contained flats (17 x 1bed, 14 x 2bed and 11 x 3bed) with associated car and cycle parking spaces, refuse and recycling stores, amenity space, landscaping and associated development.

RECOMMENDATION: That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure the planning obligations set out within the report.

That the Head of Planning be granted delegated authority to negotiate the legal agreement indicated above.

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out within the report.

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

That, if by the "expiry date" of this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning be granted delegated authority to refuse planning permission.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Ms June Taylor (Principal Planning Officer) introduced the report and answered Members' questions. She outlined the merits of the scheme including delivery of affordable housing, affordable workspace, financial contribution and parking provision. In reference to the supplementary report, Ms Taylor drew Members' attention to points of clarification and the applicant's agent further information on the impact of the development on daylight and sunlight received by nearby windows in Roger Stone Court which were found acceptable.

Ms Mary Duffy (Objector) objected to the application on the grounds that its height would have a detrimental impact on the character of the area consisting mainly of low rise properties and the nearby area. She added that the proposal would not

be in keeping with or complement the Conservation Area. Ms Duffy also raised concerns about undue pressure on drainage and inadequate consultation with the neighbouring residents.

Mr Luke Cadman and Mr Alun Evans (applicant and agent respectively) addressed the Committee. They outlined the main benefits of the scheme including 26% family-sized housing with affordable housing provision of 35.7%; appropriate design, scale and appearance to the surrounding context; high residential living standard with private and communal amenity space and on-site parking for 69% of the residential units. Members heard that adequate separation distances to adjoining sites had been allowed as well as an 8m distance from the River Brent, accessible as part of a public footpath along the riverside

In response to members' questions, Ms Taylor confirmed that 3 neighbour objections were received in response to two consultation exercises each consulting a total of 280 neighbouring properties. The concerns raised had been addressed in the relevant sections of the report. She added that residents of Braemar Avenue were not within the consultation parameters. She continued that the applicant had submitted flood risk assessment and subject to the usual conditions, Thames Water Authority had no objections to the proposal.

DECISION: Granted planning permission as recommended.  
(Voting on the recommendation for approval was unanimous).

## **6. Any Other Urgent Business**

None.

The meeting closed at 7.40 pm

COUNCILLOR J. DENSELOW  
Chair