



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Wednesday 19 June 2019 at 6.00 pm

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

ALSO PRESENT: Councillors Councillor Tariq Dar MBE (Labour), Councillor Liz Dixon (Council member), Councillor Fleur Donnelly-Jackson and Councillor Ahmad Shahzad OBE

Apologies for absence were received from Councillors Sangani

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

110 Walm Lane, London, NW2 4RS (Ref.18/4675)

Councillors Chappell, Denselow, Hylton, Johnson, Mahmood, Maurice declared that they had been approached by either the residents, agents and/or developer.

### 2. **Minutes of the previous meeting - 10 April 2019**

RESOLVED:-

that the minutes of the previous meeting held on 10<sup>th</sup> April 2019 be approved as an accurate record of the meeting.

### 3. **Wembley Youth Centre and Land next to Ex Dennis Jackson Centre, London Road, Wembley, HA9 (Ref 18/4273)**

PROPOSAL: Demolition of community centre and erection of three residential blocks ranging from three to seven storeys in height comprising a total of 170 residential units (67 x 1 bed, 82 x 2 Bed, 13 x 3 Bed and 8 houses) with community centre, new vehicular and pedestrian access, provision for car parking, cycle and refuse storage, amenity spaces and gardens and associated landscaping.

RECOMMENDATION: That the Committee resolve to GRANT planning permission subject to: Referral to the Mayor of London (stage 2 referral)

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

That the Head of Planning is 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 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 Toby Huntingford (Principal Planning Officer) introduced the report and answered Members' questions. He referenced the supplementary report and drew attention to amendments to conditions 39 and 41 and corrections in the main body of the report. He went on to clarify that there are 44 trees on site, rather than 43 as specified in the main report. Whilst 29 trees were to be lost on site, 85 new trees were proposed to be planted alongside a comprehensive landscaping scheme. Mr Huntingford also clarified the ecology impact and responded to questions about tenure.

DECISION: Granted planning permission as recommended with amended conditions as set out within the supplementary report.

(Voting on the recommendation was as follows: For 7, Against 0)

**4. 2A, Preston Waye and 283, 285 & 287 Preston Road, Harrow, HA3 (Ref. 18/4902)**

PROPOSAL: Demolition of buildings and erection of a 2 to 4 storey residential building comprising 35 self-contained flats (6 x studios, 12 x 1 bed, 10 x two bed and 7 x 3 bed) with basement level, provision for car and cycle parking and associated landscaping.

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 reports and 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 reports.

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 the planning application 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 (Development Management Team Leader) introduced the report and answered Members' questions. In reference to the supplementary report, Mr Manhertz clarified that a gate in the location was evaluated but as it was not considered to be necessary it was not included in the final proposal. He then outlined the differences between the current application and the previous application that was refused.

Members then discussed the application during which they expressed concerns that the design of the building was out of context and character with the buildings in the area. The scale, massing and design of the building were of concern to members. It was also felt that the proposed development would give rise to issues regarding highway flow and safety. Members considered that the proposal is likely to result in an excessive level of over-spill parking within a narrow road and the associated vehicle movements would result in highway safety issues.. Members also expressed concerns about the scheme which proposed 35 flats comprising (6 x studios, 12 x 1 bed, 10 x two bed and 7 x 3 bed) but included an insufficient level and mix of Affordable Housing. Members were therefore minded to refuse the application.

In addressing Members' concerns Mr Manhertz responded that although the proposal looked different from existing properties within the area, it was not likely to cause harm or detriment to the area. Reference was made to the scale of buildings within the retail frontages. He continued that the Transportation Team had assessed the scheme and concluded that the development would not give rise to highway or servicing problems. In respect of the affordable housing, Mr Manhertz stated that the viability of the proposed development had been independently assessed and was considered to demonstrate that the proposal would provide the maximum reasonable proportion of Affordable Housing.

Having heard the officer's response, Members were minded to refuse the application and in accordance with the Planning Code of Practice, decided to defer the application for a report to be prepared on the matters of concern raised within this meeting.

DECISION: Deferred to another meeting for the reasons for refusal to be assessed by officers in a follow-up report.

(Voting on the recommendation was as follows: For 0, Against 7).

(Voting on the deferral was as follows: For 7, Against 0).

**5. 110 Walm Lane, London, NW2 4RS (Ref. 18/4675)**

PROPOSAL: Replacement of existing building (containing public house and former members club) with a mixed use development within a part 4 and 5 storey building comprising public house and function room on ground floor (Use Class A4), 48 self-contained flats (14 x 1 bed, 22 x 2 bed, 11 x 3 bed & 1 x 4 bed), green roof and photovoltaics panels, bicycle and refuse storage, amenity space and landscaping (SCHEME A) (Amended Plans - Key changes to public house façade and internal layout)

RECOMMENDATION: That planning permission should be **refused** for the following reasons:

1. The proposed development, by reason of its massing and poorly designed front elevation, would appear unduly prominent and out of character in the street scene and in the wider locality. The development would fail to preserve or enhance the character or appearance of the Mapesbury Conservation Area. As a result, the proposal fails to comply with Policies 3.4, 3.5, 7.4, 7.6 and 7.8 of the London Plan; policy CP17 of the Core Strategy, Policies DMP1 and DMP7 of the Development Management Policies; National Planning Policy Framework 2018.
2. In the absence of a legal agreement to control the matter the proposal would fail to provide the maximum reasonable amount of affordable housing which would be contrary to Policy 3.12 of the London Plan, Policies H5 and H6 of the draft London Plan, Policy CP2 of the Core Strategy, Policy DMP15 of the Development Management Policies.
3. In the absence of a legal agreement to control the matter the proposal would result in additional carbon dioxide emissions within the borough in an Air Quality Management Area, without any contribution to carbon reduction measures in the area. As a result, the proposal would be contrary to Policies 5.2, 5.3 and 7.14 of the London Plan, Policy CP19 of the Core Strategy, Policy DMP1 of the Development Management Policies.
4. In the absence of a legal agreement to control the matter, the development would result in additional pressure on servicing, parking demand and transport infrastructure to the detriment of the free and safe flow of traffic and pedestrians which would be contrary to Policies DMP1 and DMP12 of the Development Management Policies

The Committee agreed to receive together the representations for application references 18/4675 and 18/4710 relating to the same site but to decide them individually.

Mr Sean Newton (Principal Planning Officer) introduced the reports and answered members' questions. He referenced the supplementary reports which summarised additional objections received since the publication of the agenda adding that the points raised had been addressed within the Committee reports. Mr Newton addressed the issues raised by Councillor Miller as referenced within the

supplementary report. He also clarified that the Community Infrastructure Levy (CIL) indexation figure should be 224.

Mr Ian Elliott (Save the Queensbury) speaking in objection to the applications stated that whilst the residents accepted the principle of development on the site, he expressed concerns about a number of issues, including: the applicant's failure to retain the heritage building which is also an asset of community value, issues with the statement of community involvement, the design, massing and height which would be out of character within the Mapesbury Conservation Area. Mr Elliott also endorsed the officers' reasons for refusal for application reference 18/4675, as amplified within the report, adding that those reasons were equally valid to support refusal of application reference 18/4701.

Mr Stephen Nathan QC representing Mapesbury Residents' Association objected to both schemes on a number of grounds, including: The design, scale and appearance of the proposed building including the materials, that the proposal is unsympathetic to the Conservation Area; significant heritage building that ought to be preserved rather than demolished; the existing building which made a positive contribution to the heritage area ought to be preserved so as to maintain the character of the area; the report failed to address the concerns in respect of the south elevation

In accordance with the Planning Code of Practice, Councillor Donnelly-Jackson stated that she had been approached by the developer and the local community. Echoing the views expressed by Save the Queensbury Pub group, Councillor Jackson added that the proposals through their poor designs, would be out of character with the Conservation Area. She continued that the demolition of the existing building would adversely impact on facilities for families and the local nursery (Busy Rascals).

In accordance with the Planning Code of Practice, Councillor Dar stated that he had been approached by the local residents. Councillor Dar also objected on the grounds that the proposed demolition would adversely affect the users including Busy Rascals and the pub. He continued that the modern design proposed would also be out of character with the area. Councillor Dar informed the Committee that the consultation for the schemes was flawed.

In accordance with the Planning Code of Practice, Councillor Shahzad stated that he had been approached by the local residents. Councillor Shahzad raised concerns about the following matters; excessive height, inappropriate roofscape, scale and massing unsympathetic and out of character with the appearance of the area. Furthermore, the proposal would adversely impact on local residents who regularly used the building.

Councillor Dixon read out a statement on behalf of Councillor Colacicco (Deputy Mayor) highlighting the following issues; potential harm to the users; excessive height; insufficient architectural merit; lack of thorough character appraisal and lack of consultation with the local community. She continued that the proposals would fail to enhance and preserve the character of the area and hence urged refusal of both applications.

Mr. Luke Raistrick (agent) outlined the main differences between the applications and drew members' attention to the affordable and family housing provision. He considered that both schemes complied with and responded to the character of Mapesbury Conservation Area. He set out that the current pub operators have been offered the first right of refusal for the pub in the new development, if approved. Mr. Raistrick added that the schemes would provide substantial planning benefits including the provision of 48 homes of which 35 % would be Affordable, the protection of the pub use and a community space for Busy Rascals nursery for whom the applicant had offered to find a temporary accommodation.

Mr. John Pryer (the operator of the Queensbury Public House) spoke in support of the proposals. He thanked the local community and Busy Rascals for their support adding that the scheme would seek to make the best possible use of the site. In response to members' questions, Mr. Pryer stated that both schemes would deliver the pub and community uses, hence achieving the aims of Save the Queensbury group.

In the ensuing discussion, members sought clarification on a number of matters including consultation, access, design, scale, massing, external materials, size and layout of the pub, whether the pub was designed to allow the provision of a kitchen, the level of affordable housing and tenure split to which Mr. Newton responded. Members acknowledged the re-provision of the pub. The value of the existing building was discussed together with the impacts associated with its loss and the benefits associated with the scheme. The potential impacts of the three heritage assets were also discussed. Members weighted the benefits of the scheme with the impacts associated with the loss of the existing building and the construction of the proposed development. Concern was expressed regarding the design, height and massing of the proposed scheme. Members considered that proposed building would appear overly prominent and discordant within the conservation area setting, and that both proposals would result in harm to the character and appearance of the conservation area that is not outweighed by the benefits of the scheme.

Members then decided to endorse the recommendation for refusal for the reasons as set out within the report for application reference 18/4675, with the reason for refusal on design grounds amended to also include a reference to the scale and massing of the building. Members were also decided to refuse planning consent for application reference 18/4701 for the same reasons.

DECISION: Refused planning permission as recommended and excessive height, the scale and massing of the building.

(Voting on the recommendation for refusal was as follows: For 7, Against 0).

**6. 110 Walm Lane, London, NW2 4RS Ref. 18/4701)**

PROPOSAL: Replacement of existing building (containing public house and former members club) with a mixed use development within a part 4 and 5 storey building comprising public house and function room on ground floor (Use Class

A4), 48 self-contained flats (14 x 1 bed, 22 x 2 bed, 11 x 3 bed & 1 x 4 bed), green roof and photovoltaics panels, bicycle and refuse storage, amenity space and landscaping (SCHEME B) (Amended Plans - Key changes to roof form, public house facade and internal layout).

RECOMMENDATION: To resolve to grant planning permission, subject to the completion of a satisfactory Section 106 or other legal agreement, 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 Chief Legal Officer.

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

See planning reference 18/4675 for preamble.

DECISION: Refused planning permission for the following reasons:

Insufficient architectural merit, out of character with the Mapesbury Conservation Area in terms of excessive height, design and massing and lack of a legal agreement to control resulting harm.

(Voting on the substantive recommendation was as follows: For 2, Against 5).

Voting on the refusal, contrary to officers' recommendation, was as follows:

|         |   |      |
|---------|---|------|
| For     | Councillors Denselow, Butt, Chappell, Mahmood and Maurice | (5)  |
| Against | Councillors Hylton and Johnson                            | (2). |

**7. Stonebridge Primary School Annexe, Twybridge Way, NW10 0ST (Ref. 18/4810)**

PROPOSAL: Demolition of the former day centre and redevelopment of the site to provide an apartment block rising to 5 storeys comprising 13 flats (4 x 1 bedroom and 9 x 2 bedroom), 14 houses rising to 3 storeys (10 x 3 bedroom and 4 x 4 bedroom), and one apartment block rising to 5 storeys comprising 40 studio flats with an element of care (Use Class C3(b)) with associated amenity space and

landscaping, the creation of a new loop road, car parking, cycle storage and refuse storage.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Mr Damian Manhertz (Area Planning Manager) introduced the report and informed Members that additional information received since the report was published related to daylight/sunlight issues and affordable housing which had been addressed within the report. Members heard that the applicant had submitted a daylight, sunlight and overshadowing analysis of the impact of the development on surrounding properties. It was noted that all 67 of the residential units (both C3 and C3b accommodation) would be 100% affordable rented housing (at a social / affordable rent). Mr Manhertz recommended an additional condition to restrict permitted development rights for the houses

DECISION: Granted planning permission as recommended subject to additional condition restricting permitted development rights under Classes A to E for the houses.

(Voting on the recommendation was as follows: For 7, Against 0).

**8. 3 Cygnus Business Park, Dalmeyer Road NW10 2XA (Ref. 19/0888)**

PROPOSAL: Change of use from a light industrial use (Use class B1c) to MOT service centre (Use class B2).

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Mr. Damian Manhertz (Area Planning Manager) introduced the report and answered Members' questions. He confirmed that Dalmeyer Road was not controlled (not within CPZ) and that any resulting parking overspill on the public highway would be dealt with through parking enforcement. He continued that the 2 parking spaces provided, which accorded with Development Management Policies, would be line with the Council's parking standards. He clarified that the allocation and management of parking spaces within the business park would be the responsibility of the land of the landowner.

DECISION: Granted planning permission as recommended.

(Voting on the recommendation was as follows: For 7, Against 0).

**9. Any Other Urgent Business**

None.

The meeting closed at 9.20 pm

COUNCILLOR J. DENSELOW  
Chair