LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE
Wednesday 21 November 2012 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), Daly (Vice-Chair), Aden, Baker, Cummins, Hashmi, RS Patel and Krupa Sheth

Also present: Councillors Brown and HB Patel.

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

1. Declarations of pecuniary interests

None.

2. Minutes of the previous meeting held on 24 October 2012

RESOLVED:-

that the minutes of the previous meeting held on 24 October 2012 be approved as an accurate record of the meeting.

3. 61 Walm Lane, London, NW2 4QR (Ref. 12/2465)

PROPOSAL: Change of use from Wine Bar (A4) to Restaurant/Hot Food Take Away (A3/A5)

RECOMMENDATION: Refuse planning consent.

Steve Weeks, Head of Area Planning informed the Committee about additional information submitted by the applicant on the extraction/ventilation system, noise insulation and noise and disturbance. He also provided the following responses to other matters raised by the applicant:

The plan did not show the location of the new ventilation system and did not provide any idea as to the specification of the ventilation unit to enable an assessment to be made. The location of the flue for the existing ventilation unit outside a habitable room was considered unacceptable and as such replacement of this flue in the same location would still be unacceptable.

In respect of noise insulation, he stated that as there was a residential unit located above the premises, the applicant was required to provide information to demonstrate that existing levels of insulation would be adequate to protect the amenity of residents. He referred to the hours of operation until 02:00 hours all week and added that whilst an earlier closing time would assist in reducing the

impact on the amenity of nearby residents in terms of noise and disturbance, reduced hours alone would not be sufficient to the alleviate concerns amplified in the report. In addition, further detail had not been provided regarding the management of the premises given the specific circumstances relating to the previous management issues of the site. The Head of Area Planning therefore reiterated the recommendation for refusal.

Mrs Rochelle Berger objected to the proposed change of use on grounds of noise nuisance from the vehicles, the clients, amplified music and dance all of which were in breach of planning conditions. She added that although the applicant was required to maintain CCTV films for 31 days and make them available to police licensing officers on demand, he had consistently failed to do so. Mrs Berger expressed a view that the application was a ploy by the applicant to resume the operations of the notorious NW wine bar

The Head of Area Planning added that the police had expressed concerns about the proposal and reiterated the recommendation for refusal for reasons set out in the main and supplementary reports.

DECISION: Refused as recommended.

4. The Crest Boys' Academy, Crest Road, London, NW2 7SN (Ref. 12/2310)

PROPOSAL:
Variation of condition 3 (development to be carried out in accordance with approved plans and documents) of full planning permission 11/1698 dated 19/10/2011 (as varied by planning permission 11/3393 dated 15/03/2012 for phased development comprising enabling works including demolition of existing temporary structures, formation of new access road from Dollis Hill Lane and car park (44 spaces), erection of temporary school accommodation (2.5 year permission); Phase 1: erection of new school buildings comprising four no. four- to six-storey blocks with four-storey linking structures, associated hard and soft landscaping works and car park providing 61 spaces (6 accessible spaces), 238 no. cycle spaces, internal service road from Crest Road, grading, cutting and filling of ground, provision of building mounted mobile telephone antennae; and Phase 2: demolition of permanent school buildings, associated hard and soft landscaping works including one no. Multi Use Games Areas and one no. all-weather pitch with floodlighting (as amended by plans received 31/08/11) to allow minor material amendments to Condition 3
(i) remove all rooftop teaching areas
(ii) add rooftop photovoltaic panels
(iii) addition of Combined Heat and Power (CHP) boiler
(iv) removal of stair and lift access and thus reduction in height of part of Blocks 1, 2 and 3
(v) removal of sixth form social area on Block 2 and increase in height to reduction in height of Block 2
(vi) increase in height of Pod 1 between Blocks 1 and 2
(vii) make changes to the pods' footprint and position of external doors
(viii) reduce the width of Block 3 by 1.3m
(ix) alter the landscaping following the above changes in (vii) and (viii)

RECOMMENDATION: To delegate authority to the Head of Area Planning to approve the application subject to consideration of comments received form the Greater London Authority and any associated conditions.

The Head of Area Planning informed members that following comments received from Environmental Health Officers regarding the proposed changes to the sustainability measures in particular the inclusion of CHP, a further condition (38) as set out in the tabled supplementary report had been imposed. This would require the applicant to submit further detail regarding the specification of equipment proposed and ensure that there were no significant environmental impacts. He also highlighted the comments and any conditions being awaited from the GLA.

DECISION: Granted delegated authority as recommended.

5. Garages rear of 77-80, Riverside Gardens, Wembley (Ref. 12/1301)

PROPOSAL:
Demolition of a block of ten garages and the erection of a three storey building comprising 5 flats (1 x 1-bed, 2 x 2-bed and 2 x 3-bed) including new landscaping, refuse and recycling storage, cycle storage and the provision of 5 off-street car parking spaces.

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. If the applicant fails to demonstrate the ability to provide for the s106 terms and meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an agreement within an appropriate timescale, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

Neil McClellan, Area Planning Manager stated that as a result of some of the issues raised at the site visit the applicant has agreed an additional payment of £5,000 as part of the Section 106 legal agreement to address the issue of fly tipping into river Brent. He then informed members about amendments to conditions 6 and 7 and the deletion of condition 15.

In accordance with the Planning Code of Practice, Councillor Daniel Brown, ward member, stated that he had been approached by some of the local residents. Councillor Brown informed members that the garages existed to alleviate the heavy parking in the area adding that the five off street parking spaces provided for the development would not be adequate to address the parking situation. He also drew members' attention to the list of objections set out in the consultation section of the main report.

Mr Martin Evans, the applicant's agent stated that the provision of five parking spaces had been arrived at as a result extensive discussions with transportation officers who considered the provision acceptable. He continued that the applicant had given a 1metre strip of land to the Council to alleviate parking issues as well as to prevent possible obstruction to emergency services vehicles. Mr Evans added that the demolition of the garages and their replacement with sustainable residential buildings would prevent fly tipping and other undesirable activities on the site.

In response to the Chair's enquiry on outlook, Mr Evans submitted that as a triangular shaped site, it would be difficult to provide a pitched roof and in his view, flat roof was the best way forward. He added that amenity space and parking provisions complied with the Council's standards and UDP policies.

Councillor Daly asked officers to clarify whether there would be loss of on-street parking as a result of the development. Neil McClellan responded that the 5 parking spaces proposed were considered acceptable based on UDP parking standards. He reiterated that the extra one metre provided by the applicant would ease on-street parking and vehicle movements and added that highways officers were satisfied with the arrangements. Neil McClellan added that the proposal offered amenity spaces in excess of acceptable minimum standards.

DECISION: Planning permission granted as recommended subject to the deletion of condition 16 and amendments to conditions 6 and 7.

6. 128 Windermere Avenue, Wembley, HA9 8RB (Ref. 12/1667)

PROPOSAL:
Change of use of existing mini cab office (Sui Generis) to Islamic Culture and Education Community Centre (Use Class D1) (re-submission following withdrawal of previous application Ref: 11/1590).

RECOMMENDATION: Refuse planning consent.

With reference to the tabled supplementary report Steve Weeks updated members that officers had established (on 21/11/12) that the applicants had not served the correct notices to leaseholders and all those with an interest in any part of the land or building to which the application related. This was despite earlier assurances being made that this would be done before the date of the meeting. He continued that subsequent to this, legal opinion was sought and the advice was that the application should be deferred from Committee to allow further time for the correct serving of notices to be carried out. The Head of Area Planning read out only that part of the supplementary which recommended deferral.

In agreeing the recommendation the Chair confirmed that there be no further discussion on the application as it was not being considered and would be reported after the applicant had carried out the statutory consultation under the Town and Country Planning (Development Management Procedure (England) Order 2010.

DECISION: Deferred to allow the applicant to carry out statutory consultation with and notices to leaseholders and all those with an interest in the land.

7. First Central, Coronation Road/Lakeside Avenue, Park Royal, NW10 (Ref. 12/2380)

PROPOSAL:
Reserved matters application for the erection of a 9 storey residential building comprising 138 flats (Block C of outline planning permission granted 28 March 2012). Matters to be considered in the reserved matters application are the appearance and landscaping of Block C only.

RECOMMENDATION: Grant planning consent.

Neil McClellan, Area Planning Manager in reference to the tabled supplementary report informed members about concerns expressed by the owner of the adjoining site, SEGRO, that that residential development on the First Central site may prejudice the future development and operation of its site. Members heard that SEGRO was also concerned that the noise assessment carried out in support of the revised First Central Masterplan did not properly consider the potential noise that could be generated by a future business park operating on the opposite side of Lakeside Way.

In responding to the above the Area Planning Manager stated that both the Council's Environmental Health Office and Catalyst Housing's own consultants were confident that the existing noise mitigation condition attached to the outline planning permission for the First Central Scheme would be sufficient to protect the amenities of future occupiers of block C. Additionally, Catalyst's consultants were currently re-running the noise study to review the potential noise impact from the various development options for SEGRO's site. As the noise study had not been completed at the time of writing the supplementary report he requested that final approval of the reserved matters be delegated to the Head of Area Planning, including a review of the possible noise impact associated with the SEGRO site. He added that although the applicants had not submitted a revised noise report at the time of writing the report, advice from the Environment and Protection Team gave a high level of confidence that this would be adequately addressed.

Mr John Haston speaking on behalf of West Twyford Residents Association (WTRA) objected to the proposed development on the following grounds;

1. More information would be required on the elevational treatment of Block C as the current information was inadequate

2. Residents were not aware of the measures that would be put in place to stop satellite dishes, bikes and washing appearing on balconies.

3. None of the sectional elevations showed the Energy Centre which in his opinion would have to be built in parallel with Block C to provide heat and

power for the block if the centre was to be the energy source. Residents also questioned the height and closeness to Block C.

4. The responsibility for proper upkeep of the grassed areas to a standard suitable for all had not been established.

5. Car parking spaces were limited and there was no indication as to the provision of additional spaces for parking overspill for an application of this magnitude.

6. Security concerns expressed by residents in respect of lighting columns, camera positions and security gates had not been shown on the landscaping drawings. Mr Haston added that gated communities felt more secure and created better environment for residents. He circulated photographs in support.

Mr Ben Riddle in objecting to the application on behalf of residents of 1st Central stated that they were not against the principle of development on the site or the need for shared ownership and social housing. However, they were completely against the idea of concentrating the social housing and shared ownership out of sight from the other 3 proposed properties and instead into one corner which was already overpopulated by residents in social housing. He added that this would not only be contrary to Brent's policy of pepper potting social housing but would also create huge anti-social problems including crime and harassment.

In responding to the issues raised, the Area Planning Manager stated that landscaping and elevational treatment complied with standards and policies. He added that conditions had already been imposed on boundary treatment and the location of the satellite dish. Members also heard that the issue of concentration had been raised and addressed at the outline stage of the application.

DECISION: Planning permission granted as recommended.

8. Planning Appeals 1- 31 October 2012

Noted.

9. Date of next meeting

The next meeting will take place on Wednesday 12 December 2012 at 7:00pm.

10. Any Other Urgent Business

None.

The meeting ended at 8:05pm

KETAN SHETH
Chair