



# **LONDON BOROUGH OF BRENT**

## **MINUTES OF THE PLANNING COMMITTEE Wednesday 17 July 2013 at 7.00 pm**

PRESENT: Councillors Ketan Sheth (Chair), John (Vice-Chair), Aden, Baker, Cummins, Hashmi, Kabir, Kataria, CJ Patel, Powney and Singh

ALSO PRESENT: Councillor Emad Al-Ebadi

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

1 Lydford Road, London NW2 5QY (Ref. 13/0656)

Councillor Hashmi declared that he had received a telephone call and an email from the applicant which he passed on to the case officer's attention.

Councillor Kataria declared that he had received an email from the applicant which prompted him to call in the report to Committee, but that the applicant was not known to him.

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

RESOLVED:-

that the minutes of the previous meeting held on 19 June 2013 be approved as an accurate record of the meeting.

### **3. 1-12 Queens Parade, Willesden Lane, Willesden, London, NW2 5HT (Ref. 13/1123)**

PROPOSAL:

Conservation Area Consent sought for the demolition of all existing buildings.

RECOMMENDATION: Refuse planning permission.

Andy Bates, Area Planning Manager informed the Committee that the applicant had withdrawn the application for reasons set out in the tabled supplementary.

DECISION: Application would have been refused had it not been withdrawn by the applicant.

### **4. 1-12 Queens Parade, Willesden Lane, Willesden, London, NW2 5HT (Ref. 13/1122)**

**PROPOSAL:**

Full planning permission for the demolition of the existing buildings at 1-12 Queens Parade and erection of a part 4-/part 6-/part 7-/part 8-storey mixed use building containing 345sqm of commercial floor space on ground floor and 34 residential units (9 x 1-bed, 23 x 2-bed, 2 x 3-bed) with balconies and communal roof terraces.

**RECOMMENDATION:** Refuse planning permission.

Andy Bates, Area Planning Manager informed the Committee that the applicant had withdrawn the application for reasons set out in the tabled supplementary.

**DECISION:** Application would have been refused had it not been withdrawn by the applicant.

**5. 1 Lydford Road, London, NW2 5QY (Ref.13/0656)**

**PROPOSAL:**

Retention of and alterations to existing single and two storey side and rear extension, removal of front porch, existing paved surfacing to driveway to be replaced with block paving and additional soft landscaping to front of Dental Surgery.

**RECOMMENDATION:** Refuse planning permission.

With reference to the tabled supplementary report Andy Bates, Area Planning Manager, set out the background to the application adding that the original enforcement proceedings began when an approved single storey rear extension was expanded to also involve building a new larger side extension which members saw on the site visit. He continued that officers had required the applicant to reduce the height of the building and to restore it to the situation before the unauthorised works took place so that the impact on neighbours was no worse. The applicant had resisted the requirements on the grounds that it would affect the viability of the business that operated on the ground floor of the building. The applicant had made appeals including against enforcement to the Planning Inspectorate both of which were dismissed. Andy Bates drew members' attention to extracts from the Inspector's reports that confirmed the dismissals and in the main supported officers' views of the applications.

Prior to the applicant and her agent addressing the Committee, the legal representative advised that in accordance with the Council's Planning Code of Practice under its Constitution, Councillor Al-Ebadi, the applicant's technical adviser, should not take part in the discussion of the application.

Following discussions and clarifications, Councillor Kataria moved an amendment for the application to be deferred from consideration until the applicant could find another technical adviser to speak on her behalf.

DECISION: Deferred from consideration until the applicant can find another technical adviser to speak on her behalf.

**6. 205 Church Road, London, NW10 9EP Ref. 13/1098)**

**PROPOSAL:**

Demolition of 205 Church Road and proposal of new market square to replace Eric Road. Demolition of 3 storey building to the rear of 203 Church Road and proposal of 34 residential dwellings and ground floor non-residential space (class A1/A3/B1/D1). Stopping up of Eric Road.

**RECOMMENDATION:** Grant planning permission subject to informatives, 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.

Andy Bates, Area Planning Manager, drew members' attention to additional responses to the consultation and officers responses to them. He explained that the delivery of the market square was integral to the regeneration benefits of the development which the Council wanted to ensure was not hindered by any third party matters. He continued that following the publication of the Committee report, a sustainability checklist had been submitted by the agent which set out that the scheme score was 50%. Officers had highlighted some areas in which further clarification and minor amendments may be required to ensure that this target was achieved in practice. Officers were confident that amendments can be made to ensure that the applicant put in measures to ensure that a 50% score was attained, in order to comply with the terms set out in the legal agreement attached to any planning permission for the proposal

The Area Planning Manager then clarified the issue of access to the parking spaces within the northern section of the car park via the area that would be occupied by the market square. He added that whilst in officers' view it would be acceptable for access to the spaces via the market square to continue in the short term, Catalyst Housing Group, the owners of the private car park, proposed to provide controlled access for vehicles over the market square from the proposed parking area adjacent to Church Road. In addition, lockable bollards would be erected at the northern end of the parking area to prevent unauthorised vehicles from entering the mainly pedestrianised market square whilst allowing Catalyst employees controlled access to the private car-park. It was anticipated that Catalyst Housing Group would re-develop the site in the future, but until then officers did not consider that continued access to the private car park would unacceptably hinder the function of the space for use as a market square or as a pedestrianised space. In the event that the market square was built prior to any re-development of the Catalyst car park, a construction management plan which would set out how the means of construction would be carried out without any significant encroachment over the market square area shall be required as part of any subsequent grant of planning permission. In re-affirming the recommendation for a section 106 approval, Andy Bates drew members' attention to amended

conditions 9, 11 and 25 and the removal of condition 7 as set out in the tabled supplementary report.

Mr Ankram objected to the proposed development on the grounds that due to its height, it would result in loss of light, loss of privacy and a detrimental impact on his business which he operated from 203 Church Road.

Mr Aslam also raised objections to the proposed development on the grounds that it would result in a detrimental impact on his business particularly his storage facilities and would thus result in loss of family income.

Mr Alex Ely, the applicant's agent stated that the proposal to build 34 new homes would be a significant improvement on the currently blighted site. He added that the development would make use of quality and robust materials to provide a development with private amenity spaces, better storage facilities for the market stall holders which would mitigate fly tipping whilst enhancing the functions of the square.

In response to members' questions, Mr Ely stated that eight pay and display car parking spaces would be provided to overcome the current irregular parking situation which was mainly for long stay parking. He continued that the area was accessible to good public transport facilities with level 4 PTAL rating. He also clarified that extensive consultation with all interested parties including the market's management company was carried out during design and development stages of the proposal and that their suggested amendments were incorporated. Mr Ely added that the development would provide one affordable housing unit.

Andy Bates then submitted the following responses to members' queries: In excess of 500 consultation letters were sent out to residents and business owners in addition to press and site notices. Delivery and servicing plan would be agreed in advance of occupation of the units or the operation of the market and would be secured as part of the section 106 legal agreement. In accordance with the scheme's viability assessment submitted in support of the application, no more than one affordable housing unit proposed could be reasonably delivered as part of the residential scheme. In the circumstances, it was appropriate to relax the 50% affordable housing unit requirement usual for such applications.

Chris Walker, Assistant Director of Planning and Development added that the Council consulted widely on its vision for Church End in drawing up measures to attract inward investment into the area. He continued that the London Development Framework (LDF) had site specific proposals for market site which included mixed, residential and market uses. He noted that the single affordable housing unit being offered was a departure from the norm. However the difficult current market conditions meant the viability of the scheme would suffer if the Council insisted on a higher figure. The Assistant Director confirmed that in officers' view, the right balance between affordable housing and viability had been struck.

DECISION:

Granted planning permission as recommended subject to amended conditions 9, 11 and 25, the removal of condition 7, and informatives.

**7. Units 1-6 Inc, 82 Chaplin Road, London, NW2 (Ref. 13/0574)**

PROPOSAL:

Retrospective application for redevelopment of building, including first floor extension, and increase in number of office units from 8 to 12, with installation of new front UPVC windows and 5 rooflights.

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.

With reference to the tabled supplementary report, Andy Bates, Area Planning Manager responded to the queries raised by members at the site visit regarding parking and access issues. He explained that as the development would be a "car free" scheme, occupiers would be unable to apply for business permits. In terms of the vehicular access way, he stated that since the proposed use would remain the same (B1 use) there were no grounds to impose any additional restrictions. He confirmed that there were no proposals to increase the height of the existing building. Andy Bates reiterated that there was a valid Enforcement Notice (E12/0692) relating to the site

Mr Asher an objector alleged that the house was in multiple-occupation (HMO) in flagrant breach of planning conditions. He emphasised his suspicion that the applicant's real motive was to increase residential use and lettings for the property through certificate of lawfulness of use. This raised additional concerns for waste management, noise nuisance and fire risk.

Andy Bates responded that the site which had been served with an enforcement notice was not appropriate for quality residential uses

DECISION: Planning permission granted as recommended.

**8. 39 & 41, Hillside, Stonebridge, London, NW10 8LY (Ref. 13/1250)**

PROPOSAL:

Construction of 47 new dwellings comprising 11 one-bedroom flats and 24 two-bedroom flats within a 7-storey building fronting Hillside with vehicular access from Shrewsbury Road (Site 22b) together with 3 one-bedroom flats and 9 two-bedroom flats within a 4 storey building fronting Shrewsbury and Johnson Roads (Site 24c), new road connecting Shrewsbury Road and Johnson Road and new access, on-street and off-street car parking, cycle storage, landscaping and ancillary development.

**RECOMMENDATION:** Grant planning permission subject to informatives, 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.

With reference to the tabled supplementary report, Andy Bates responded to queries raised by members at the site visit on the primary material for the proposed building within the Hillside frontage, the distances between the proposed buildings and existing homes and Stonebridge Adventure Playground and the Stonebridge School. He explained that although the proposed material (terracotta cladding) had been used successfully on some other buildings, the design approach could lend itself to a number of other materials that could be used successfully. Details of materials had been secured through condition (No. 5). Members heard that the distances between the windows of the proposed buildings and the windows of other homes were significantly in excess of the Council's minimum levels as set out within SPG 17, drawing attention to examples set out in the tabled supplementary report.

**DECISION:** Planning permission granted as recommended.

## **9. Appeals June 2013**

**RESOLVED:**

that the schedule of appeals for June 2013 be noted.

## **10. Any Other Urgent Business**

Chris Walker

Members were informed that this was the last meeting of Chris Walker, Assistant Director of Planning and Development as he was due to retire on 31 July 2013 after 33 years of continuous service with Brent Council. On behalf of the Committee, the Chair paid tribute to Chris Walker for his long service to Brent Council and wished him a long and happy retirement.

The meeting closed at 8.50 pm

K SHETH  
Chair