



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 16 October 2013 at 7.00 pm

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

ALSO PRESENT: Councillor Barry Cheese

Apologies for absence were received from Councillors Baker and CJ Patel.

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

Land next to Harrod Court, Stag Lane, London NW9

Councillor John declared that one of the applicants was her general practitioner (GP) who had contacted her by email.

Councillor Kabir declared that she was a ward member for Queensbury and a governor of Village School.

152 Olive Road, Cricklewood NW2

Councillor Hashmi declared that he has been an active member of Friends of Cricklewood Library for a considerable number of years.

2. **Minutes of the previous meetings**

RESOLVED:-

that the minutes of the previous meetings held on 4 September 2013 and 18 September 2013 be approved as accurate record of the meetings.

3. **Sea Cadet Corps Building Welsh Harp & Sea Rangers Caprice Welsh Harp, Birchen Grove, London, NW9 8SA (Ref. 13/1219)**

PROPOSAL:

Refurbishment of existing boat station to include new gravelled work area at the rear and installation of new spiral staircase to the front, removal of 3 portacabins and erection of a 2 storey extension with a monopitch roof

RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary report, Rachel McConnell, Area Planning Manager clarified the relationship of the proposal to the neighbouring buildings to the north and the height of the proposal compared to BTYC building to the south. Members heard that the depth of the neighbouring building was similar

to the existing Sea Cadets Corp building and that the bulk of the BTYC building, being predominantly single storey, was significantly less. Rachel McConnell then referred to additional letters of support and the applicant's submission of "Visual Assessment" which sought to challenge officers' view about the harm to the openness of the Metropolitan Open Land (MOL) and added that the submission did not change the recommendation for refusal

Giles Rowing, a Sea Cadet speaking in support of the proposed development stated that the Welsh Harp had the only sailing base in the area however, the current facilities required modernisation before the present portakabins became unusable. He continued that the extra classrooms spaces that would be provided would be most helpful for training and that the proposal would fit in well with the current surrounding area without causing harm to the environment.

In accordance with the provisions of the Planning Code of Practice, Councillor Cheese who also called in the application to Committee stated that he had been approached by Councillor Hopkins about the application. Councillor Cheese informed members that the Sea Cadet buildings which had been in existence since 1959 did not offer modern facilities for the cadets. He added that the provision of extra classroom spaces would address current problems associated with the old buildings without leading to intensification. Councillor Cheese continued that in his view the proposal would not be out of keeping with the surrounding buildings and urged members to be minded to grant planning permission.

Mr Martin Cole, the applicant submitted that the application would replace outdated buildings, provide accommodation and much needed training to the cadets within the current footprint. He referred to the visual assessment statement which he added showed comprehensively that the proposal could be considered acceptable on the basis that the extension would not be harmful to the openness of the Metropolitan Open Land (MOL). Martin Cole continued that the proposal which would be in keeping with surrounding buildings would enable boating training sessions to be offered to local schools.

In response to members' enquiries, Martin Cole stated that if members were minded to grant planning permission he would agree to additional conditions requiring boating training sessions to local schools and he would ensure that the grounds to the rear of the building were cleared. He continued that the height of the proposed building which would be significantly lower than the University of London buildings would enable the Sea Cadet Corp to replace current old buildings with a modern equivalent which was vital to boating training in good structured facilities. Members heard from Martin Cole that if the building was not replaced it was likely that the facility would be closed down this winter

Rachel McConnell in response to a Member's request to clarify matters relating to the building line stated that the applicant's further submission was received too late to allow officers adequate time for its assessment against measurements taken from the submitted plans and OS plans. She advised that the measurements were different to those set out in the supplementary report however given that Members had viewed the site they had a clear understanding of the relationship

with the neighbouring buildings. Stephen Weeks, Head of Area Planning, added that it was scope for the applicant to reduce the rear 2-storey part of the proposal as it was considered that this element raised most concern in of the MOL.

In the discussion that followed, Members confirmed they were minded to grant planning permission contrary to officers' recommendation for refusal and deferred the application to the next meeting as they considered that the level of harm as a result of the extension would not be so significant as to unacceptably effect the openness of the MOL and that any impact would be outweighed by the benefits of the scheme. Members advised that any approval should be subject to the applicant providing boat training to local schools and clearance of rubbish from the area of land to the side and rear of the existing building.

DECISION: Deferred to next meeting as minded to grant planning permission. Agreed statement on impact on MOL and noted suggested conditions relating to clearing up of the grounds and offering boat training for local schools..

Voting on the substantive recommendation for refusal which was declared lost was recorded as follows:

FOR: None. (0)

AGAINST: Councillors John, Aden, Brown, Cummins, Hashmi, Kabir, Kataria, Powney and Singh (9)

ABSTENTION: Councillor Sheth (1)

4. Front Car Park, McNicholas House, Kingsbury Road, London, NW9 8XE (Ref.13/2055)

PROPOSAL:

Temporary change of use of ground floor office (Use Class B1) of approved temple and mixed use building (LPA Ref: 10/2390 for a new build temple / multi-function hall / refurbished office space) to a place of worship (Use Class D1) for up to 400 visitors for a period of 6 months. Hours of use are proposed between 1700 - 2030hrs on Saturdays and 1600 - 2030hrs on Sundays with use of 76 car parking spaces and 6 disabled parking spaces.

RECOMMENDATION: Grant a 6-month temporary planning permission subject to conditions.

In response to a member's enquiry, Rachel McConnell, Area Planning Manager clarified that the permission would be temporary for 6 months only and unless a further application was submitted, the use would be discontinued.

DECISION: Temporary planning permission for 6 months granted as recommended.

5. 179 Anson Road, London, NW2 4AS (Ref. 13/2269)

PROPOSAL:

Erection of a detached ground and subterranean storey single bedroom dwelling house with fully accessible accommodation and associated hard and soft landscaping

RECOMMENDATION: Refuse planning permission.

Rachel McConnell, Area Planning Manager, with reference to the tabled supplementary clarified the amendments made by the applicant since the previously refused scheme including to the siting, design and further details of wheelchair turning space. She continued that the proposed basement would be served by a lightwell to the front of the property providing approximately 4 sqm of usable patio space. In terms of outlook, the lightwell would be 2m deep when viewed from the physio room and 3m deep from bedroom (not taking into account of steps). She advised that, as set out in the Committee Report, the proposal is not considered to provide a good quality of accommodation. Members heard that the proposed house would be 1.9m higher than the proposed front boundary treatment and thus the proposal would be readily visible from the street scene. Rachel McConnell then referred to the examples at 54 Wrottesley Road/Furness Road NW10 and 40-42 Okehampton Road/Dundonald Road NW10 submitted by the applicant to demonstrate that precedents existed. In response, the Area Planning Manager, outlined the response as set out in the Supplementary Report, concluding that the examples provided did not alter the recommendation for refusal.

Mr Chris Lipka, objected to the application stated for the following reasons;

- The subterranean part of the proposal would be too close to the building line and would cause subsidence which would give rise to repairs to damaged buildings.
- The proposal was considered to offer a cramped form of development with inappropriate design.
- The proposal would set an precedent for other undesirable developments in the area in future.
- Barratt Homes were offering wheelchair accessible flats for sale which could satisfy the needs and preferences of the applicant.

In response to a Member's questions, Mr Lipka reiterated his concerns on subsidence which he added could over time cause a material change to the character of the area. He reconfirmed that his concerns also related to the design of the proposal which he considered to be out of character.

Ms Lara Masters, the applicant, stated that due to her medical condition which may result in paralysis, she required an accessible property to meet her needs. She advised that the supply of such accommodation was inadequate. She referred to the conversion of a property on the opposite side of Anson Road which had taken approximately six years to be appropriately converted for a wheelchair. She added that her proposal would be an appropriate development, offering quality accommodation for her needs with ample lighting and acceptable outlook without adverse impact on neighbouring properties. Ms Masters added that under the

Equality Act 2010, Brent Council was required to take reasonable steps to avoid any disadvantage to her through severe lack of inclusive housing in the borough. She said that granting consent for the proposed dwelling would facilitate the needs of current and future disabled residents as well as helping to meet the targets of accessible, sustainable, affordable and varied housing. In urging members for approval, Ms Masters added that if Members endorsed the recommendation for refusal, she would be forced to live in inappropriate accommodation or be ostracised from the area.

In response to Members' questions, Ms Masters stated that the Council was obliged under the Equality Act 2010 to show greater flexibility and allow her to carry out the development which would satisfy her needs. She confirmed that she had had the use of wheelchair accessible lift for several years in her home but this is no longer operational. Ms Masters continued that the proposed development would not constitute a cramped form of accommodation, was fully compliant with policy and its outlook would be similar to the example she provided in Okehampton Road. In her view officers had mis-calculated the amenity space of her proposal.

In response to Members' questions, officers clarified that a personal permission would generally only be considered in cases where it related to a use rather than physical works given the difficulties in requiring a development to be reverted back to its original state when it was no longer required. The Area Planning Manager continued that whilst the personal needs of the disabled applicant were understood, they were not considered to outweigh the harm which would be caused to the character of the area through the development of this back garden for a new dwelling that would fail to comply with planning policy.

In response to Ms Masters comments that the Council had failed to consider the Equality Act 2010, the legal representative advised that the application should be considered against the provisions of the statutory development plan, associated guidance and other material considerations. He advised that whilst consideration must be given to the personal needs of the applicant, the Equality Act 2010 did not state that these personal need would override all other considerations.

DECISION: Refused planning permission as recommended.

6. Land next to Harrod Court, Stag Lane, London, NW9 (Ref.13/2103)

PROPOSAL:

A hybrid planning application for full planning permission for the erection of a three storey building with a pitched roof to accommodate 11 affordable residential units for shared ownership (5 x 1-bed, 5 x 2-bed and 1 x 3-bed) with associated car parking, cycle storage, landscaping and amenity space; and outline planning permission for the erection of a medical centre of approximately 1,256sqm, including a pharmacy of approximately 90sqm, together with associated car parking.

RECOMMENDATION:

- (a) Grant planning permission with amended condition as set out in the supplementary report, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report and referral to the Mayor, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning

Rachel McConnell, Area Planning Manager informed Members that the proposed development would provide good standard of accommodation and would have an acceptable relationship with adjoining buildings and the adjacent school. She advised that the application was not required to be referred to the Mayor as stated in the main report. In relation to the Mayor's Community Infrastructure Levy (CIL), she clarified that the applicant can apply for affordable housing relief subject to meeting the eligibility requirements. The Area Planning Manager continued that the Council's Tree Officer had reviewed the revised tree report and had confirmed that both the Arboricultural Impact Assessment and Tree Protection Plan were suitable and as such the information on tree protection plan was no longer required to be re-submitted as part of condition 25. She therefore drew members' attention to an amended condition 25 as set out in the tabled supplementary report.

Mr Seb Malde Chair Grove Park Residents' Association and the local Patients' Participation Group speaking in support of the application stated that due to an increase in population as a result of several major developments in the area, there was a need for planning permission to be granted for the hybrid application which would provide a medical centre and affordable housing.

Mark Connell, the applicant's agent, stated that funding had been secured from the Greater London Authority (GLA) for the proposal which would deliver a much needed affordable housing and a medical centre. He added that the proposal, which had the support of the local residents, would incorporate a high quality design which would blend in with the local environment. He continued that in terms of density, quality of materials and lifetime homes, the proposal would exceed planning requirements. In clarifying the significance of the hybrid application, Mark Connell stated that Network Housing had submitted full details of their scheme for affordable housing given the tight timeframe as a result of funding. He advised that although full details of the GP surgery were yet to be submitted, the outline consent has been agreed with the practice and the full details under consideration

DECISION:

- (b) Resolved to grant planning permission with amended condition as set out in the supplementary report, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report and referral to the Mayor, or
- (c) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan,

Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

7. 152 Olive Road, London, NW2 6UY (Ref.13/2196)

PROPOSAL

Demolition of former Cricklewood Library building and erection of a five storey building including basement comprising 10 No. residential units (2 x1-bed, 6 x 2-bed, 2 x 3-bed) and 157m² of D1 (multi-functional community) floorspace.

RECOMMENDATION: Refuse planning permission.

Stephen Weeks, Head of Area Planning updated members that since the publication of the report, the applicant had withdrawn the application. He however sought Members' endorsement in principle of the recommendation for refusal of the application had it not been withdrawn.

Members voted by a majority to endorse the recommendation for refusal of the application on the information available, had it not been withdrawn by the applicant.

DECISION

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

8. 3 Burnt Oak Broadway, Edgware, HA8 5LD (Ref.13/2062)

PROPOSAL:

(a) Variation of Condition 2 (development in accordance with plans) to allow a minor material amendment to planning permission 11/0403 dated 32 June 2011 for Demolition of existing building and erection of a seven-storey mixed use building comprising 76 flats (23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units), 925m² of commercial floorspace (Use Class A1 and A2), with 75 parking spaces, first floor rear communal roof terrace and associated landscaping (as amended by plans received on 19 April 2011), subject to a Deed of Agreement dated 03/06/2011 under Section 106 of the Town and Country Planning Act 1990, as amended. The amendments include:

- Revision to internal layouts of flats;
- Revisions to ground floor/mezzanine level car parking layout including
- to separate retail loading bays from residential car parking;
- Increase height of building by 0.8 metres;
- Changes to residential entrances and stair cores;
- Residential refuse stores re-located to Burnt Oak Broadway frontage;
- Alterations to layout and locations of communal gardens

(b) Variation of Condition 19 (landscaping) to change submission date to within 6 months of construction to planning permission 11/0403 dated 32 June 2011.

RECOMMENDATION:

Grant planning permission subject to conditions and informatives.

Councillor Kabir hoped that by granting planning permission, the increased activity would help ensure that the service road was improved so as to reduce and prevent the incidence of fly tipping in the area.

DECISION

Granted planning permission as recommended.

9. Joy House, 69-85 Rucklidge Avenue, London, NW10 4QA (Ref.13/1888)

PROPOSAL:

Renewal of planning permission reference 08/0593, dated 27/05/2008, for change of use from offices (Use Class B1) to 49-bedroom (116-bed) hostel for the homeless, including the erection of an entrance canopy, installation of front boundary railings, access door for disabled and construction of a bicycle store and subject to a Deed of Agreement dated 27th May 2008 under Section 106 of the Town and Country Planning Act 1990, as amended.

RECOMMENDATION:

Grant planning permission subject to conditions and informatives as set out in the supplementary report.

Andy Bates, Area Planning Manager with reference to the tabled supplementary report informed members that The Rucklidge Avenue Residents' Association (RARA) had submitted that they did not object to the two year extension of the use and would also welcome the inclusion of condition 2, requiring signage to be erected at the pedestrian access gate informing people that the main entrance is off the High Street. In response to a query raised by RARA on Section 106 contributions Andy Bates clarified that since the adoption of Brent Community Infrastructure Levy (CIL) it was not possible for the Council to seek financial contributions to public realm improvements through s106. He added that temporary permissions were exempt from CIL. Members heard that Section 106 contributions had already been secured under previous applications for a temporary use in the building and that the contributions had been earmarked for additional tree planting within the locality of the site.

Mr Ian Britton, Chair of RARA speaking to the application requested the following:

- i) An additional condition be attached to the planning consent requiring signage to be erected at the pedestrian access gate informing people that the main entrance is off the High Street.
- ii) Enquired as to the reasons why the Section 106 funding could not be spent in Rucklidge Avenue.
- iii) That the consent granted should be for a temporary period of up to 5 years.

He continued that whilst the availability of Section 106 funding was welcome, there was no space in Rucklidge Avenue for tree planting. Mr Britton therefore suggested that the funds be utilised to improve parking arrangements at the Park Parade end and the local Cricket Park.

In response to a Member's question about the condition on the signage, Stephen Weeks, Head of Area Planning advised that it should be pursued with the applicants as an outstanding matter as soon as possible rather than adding a further time period for compliance.

DECISION

Granted planning permission as recommended.

10. BRITISH LEGION HALL, 1 Albert Road & 5 Albert Road, London, NW6 5DT (Ref.13/1978)

PROPOSAL:

Approval of reserved matters relating to access, appearance, landscaping, layout and scale of outline planning permission reference 12/1516. Application 12/1516, dated 30/08/2012 for demolition of existing structures on site and erection of new mixed use development comprising of 144 residential units and 480m² of commercial floorspace (Use Class A1/A3/A4) and subject to a Deed of Agreement under Section 106 of the Town and Country Planning Act 1990, as amended or equivalent

RECOMMENDATION

Grant planning permission subject to additional conditions as set out in the supplementary report.

Andy Bates, Area Planning Manager updated members that a formal response received from High Speed 2 (HS2) confirmed that although they had no objections to the proposed development, they requested that certain conditions be attached to the decision to ensure that there was no impact on the safeguarded route of HS2 which would be in a bored tunnel at this location. He then drew members' attention to the additional conditions as set out in the tabled supplementary report which sought to address the issues they raised.

DECISION

Granted planning permission as recommended.

11. Planning Appeals - September 2013

RESOLVED:

that the appeals for September 2013 be noted.

12. Date of next meeting

It was noted that the next meeting would take place on Wednesday 13 November 2013

13. Any Other Urgent Business

None.

The meeting closed at 8.45 pm

K SHETH
Chair