



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 13 November 2013 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), Brown (alternate for CJ Patel), Aden, Baker, Cummins, Hashmi, Kabir, Kataria, Ogunro (alternate for John), Powney and Singh

ALSO PRESENT: Councillor Barry Cheese, Councillor Mary Daly, Councillor Paul Lorber and Councillor Harshadbhai Patel

Apologies for absence were received from Councillor John and Councillor CJ Patel

1. **Declarations of personal and prejudicial interests**
2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 16 October 2013 be approved as an accurate record of the meeting.

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.

This application was deferred at the last meeting when members were minded to grant planning permission contrary to officers' recommendation for refusal. Rachel McConnell, Area Planning Manager in her introduction maintained the original recommendation for refusal for reasons set out in the report as it was considered that, on balance, the proposal would have a harmful impact on the openness of the Metropolitan Open Land (MOL). She continued that officers did not consider that 'very special circumstances' existed which would outweigh the harm to the openness of the MOL by reason of its inappropriateness. Rachel McConnell however drew members' attention to the list of conditions as set out in the main report, should members wish to re-confirm their decision to grant planning permission.

Mr Martin Coles, the applicant stated that the application would replace an outdated and old building which would allow a separation of male and female facilities in an overnight accommodation. He added that the proposal would have a beneficial impact on local schools by making available a comprehensive training programme. Mr Coles informed members' that a comprehensive statement had

been submitted with the application to demonstrate its justification and accordance with planning policy without impacting on the MOL.

In accordance with the provisions of the Planning Code of Practice, Councillor Cheese stated that he had been approached by the applicant and sea cadets in connection with the application. He stated that following his visit to the site he came to a conclusion that in its current form, the building was not up to standard. Councillor Cheese added that the applicant would accept the reasonable conditions recommended by officers for the grant of planning permission.

In re-affirming their decision to grant planning permission, members voted on the recommendation for refusal which was recorded as follows:

FOR:	Councillor Baker	(1)
AGAINST:	Councillors Sheth, Ogunro, Aden, Cummins, Hashmi, Kabir, Kataria, Powney and Singh	(9)
ABSTENTION:	Brown	(1)

DECISION: Granted planning permission subject to conditions.

4. Garages R/O 129-145, 145A & Land R/O 151-157 (Chanin Mews), Melrose Avenue, London, NW2 4LY (Ref. 13/1474)

PROPOSAL:

Variation of Condition 2 (development in accordance with plans) of application 11/2414 granted on 27 September 2012 for erection of five x two-storey dwelling houses with basements comprising two x four-bed semi-detached houses and three x four-bed terraced houses, eight car-parking spaces, provision of bin store and bicycle stands, with associated hard and soft landscaping and means of enclosure to allow the following minor material amendments:

- Revised car park layout to provide 10 car parking spaces (previously 8 car parking spaces);
- Details of ground levels to three x four-bed terraced houses and fencing to boundary with properties fronting Gay Close;
- Revised landscaping details.

RECOMMENDATION: Grant planning permission subject to conditions.

Rachel McConnell, Area Planning Manager updated members that following the publication of the report, an objection has been received from a resident at a property in Kenneth Crescent (no.22) expressing concerns regarding the development and mainly about the number and location of the trees. With reference to the tabled supplementary report she explained that the overall provision of trees on site was considered appropriate and that there was no requirement for larger trees to be planted on site. She also drew members' attention to a typographical error in the 'Conclusions' in the main report which

should have read as follows; 'the changes to the proposal are considered acceptable.'

Mr Martin Redston, an objector circulated copies of his plans and stated that whilst he had no problem with the principle of boundary landscaping he was concerned that the trees would not provide adequate screening. He continued that assurance had previously been given that 3 trees rather than 2 smaller trees would be planted adjacent to no. 6 Chanin Mews. Mr Redston added that the two birch trees which were planted to replace more mature trees on site had been relocated during construction period.

In responding to the issues raised, Rachel McConnell stated that the site was not adequate for three trees, hence the proposal for two trees. She added that the application would address landscaping details on the indicative plan. The trees proposed were in accordance with the advice of the Tree Protection Officer as the 2 x *ilex aquifolium* (holly) could grow to a height in excess of 3.5m and would be visible above the fence line from the neighbouring property. She explained that the trees were not required to reduce overlooking from the first floor windows in the development as there was no habitable room there.

DECISION: Planning permission granted as recommended.

5. THAMES WATER DEPOT AND TRAINING SH, 225 Harlesden Road, London, NW10 3SD (Ref. 13/2537)

PROPOSAL:

Demolition of existing industrial buildings and construction of 26 residential units comprising of 9 two-storey dwelling houses (3-bedroom), 1 part two/part three-storey dwelling house (3-bedroom) and 16 flats within a part two/part three-storey block (4x 1-bed, 10 x 2-bed and 2 x 3-bed) with associated access, parking, amenity space and landscaping.

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.

Andy Bates, Area Planning Manager in reference to the tabled supplementary report responded to queries raised at the site visit regarding visual amenity and the treatment of the main access route. He explained that the submitted plans indicated that the retained equipment would be screened by a timber fence along the site boundary. Whilst this was considered sufficient, in principle, to address concerns regarding the visual amenity and safety of the surrounding area, further details of the height and appearance would be agreed under condition 8 to ensure that these issues were suitably resolved. Andy Bates clarified that the access route would have a clearly marked 1.2m pavement area to one side for pedestrians and a speed table at the bottom of the ramp to ensure that traffic would move slowly on entering the site. In respect of the access road, surface material changes had been made in line with the pedestrian access to properties

to alert drivers entering the site to their presence. He then referred to the applicant's submitted revised plans indicating some minor amendments to the proposals which were required to ensure that the scheme complied with affordable housing guidelines and the Design and Access Statement which had been revised to reflect the changes. In reiterating the recommendation for approval, Andy Bates drew members' attention to amended conditions 7 and 8 as set out in the tabled supplementary report.

Ms Juliet Cooper in objecting to the proposal raised concerns on road safety due to the proximity of the site to the local hospital's car park and inadequate parking facilities in Harlesden Road which also had two bus routes. She referred to a shortage of school places in the area and enquired as to whether any provision had been made for additional demand for school places which could result from the development. In summary, Ms Cooper stated her objections as follows;

- (i) Road safety
- (ii) Loss of light
- (iii) Loss of privacy
- (iv) Unacceptable noise levels
- (v) Inadequate vehicular access within a built up area
- (vi) Inappropriate use of the site for affordable housing.

Ms Anya Bullick, objected to the proposed development on the following reasons;

- (i) Unacceptable increase in the number of vehicles and pedestrians on a dangerous road with resulting potential danger to vehicular and pedestrian safety
- (ii) Unacceptable increase in parking problems;
- (iii) A 3-storey building would constitute an over-development of the site, result in overlooking and detrimental impact on residential amenity

Ms Kelly Harris for the applicant stated that the proposed development which complied with policies and standards would provide affordable housing incorporating private amenity space and play space with appropriate screening. She added that as a result of an extensive traffic survey, twenty eight (28) car parking spaces had been provided in order to alleviate parking problems that may result. In addition, the applicant had taken measures which sought to address concerns on pedestrian safety, bulk, scale and layout of the development.

In response to members' questions, Ms Harris submitted that Notting Hill Housing Trust did not support gated development and that adequate amenity space would be provided throughout the development. She clarified that the traffic survey carried out showed that the development would not generate detrimental traffic levels. Members heard that the proposal complied with Brent guidelines on privacy and as it exceeded guidelines within Supplementary Planning Guidance 17 (SPG17) on minimum distances, light pollution would not result. In response to a member's question, Ms Harris confirmed that the rent would fall below 80% of market rent.

In response to some of the issues raised, Andy Bates advised that as the site was tight with bends in the access road, physical measures would be put in place to slow down vehicular movements and provided the conditions imposed were adhered, vehicular movements were expected to be low. He drew members' attention to the Section 278 legal agreement to reinforce the advice. He took note of members' request for an on-going discussion with the developer including measures to prevent vehicular conflicts to ensure pedestrian safety. Andy Bates also drew members' attention to the conditions recommended which addressed concerns on visibility, vehicular conflicts and lighting. He also took note of members' suggestion for additional access controls during construction period.

DECISION: Granted planning permission as recommended subject to additional access controls during construction period being secured by condition.

6. 1064-1068 Harrow Road, London, NW10 5NL (Ref. 13/1709)

PROPOSAL:

Demolition of existing single-storey building and erection of part 3 storey building with basement and roof space accommodation, comprising 7x1 bed and 2x2 bed flats with refuse and cycle storage facilities

RECOMMENDATION: Refuse planning permission.

Andy Bates, Area Planning Manager submitted the following responses to statements made by the applicant's agent at the site visit in relation to the access road, the relationship with neighbouring properties and other buildings with front dormers in the local area. The access way was outside of the red-line boundary for the site but would be required to provide access to the cycle and bin stores for the proposed development. He added that the Council could not condition the provision of storage facilities on land which was outside of the development site, despite the applicant Counsel's opinion. He continued that the proposal failed to comply with the Council's Guidelines set out in SPG17, adding that the existence of similar relationship did not justify the form of development proposed here. Andy Bates advised members that the predominant building type along this section of Harrow Road was three storey terraced perimeter block with either flat roofs or pitched roofs and that front dormer windows were not a predominant characteristic of the buildings. Members heard that the proposal to include front dormer windows as part of the development would mean that the building would not be in keeping with the predominant character of the surrounding street scene. Furthermore the proposed front dormers were of a size and scale which would dominate the roof plan, adding bulk to the roof plane and thus would detract from the character of the area. In reference to the tabled supplementary report, Andy Bates drew members' attention to the responses to matters referred to in the applicant's briefing note for Councillors on the following; Loss of Employment, Design, Impact on Neighbouring Occupiers, Residential Quality, Transport, Parking and Servicing and Community Infrastructure Levy (CIL).

Mr George Vadeskys, the applicant's agent stated that the removal of the MoT test station and associated environmental problems would improve highway safety and residential amenity. He continued that the offer for a basement office space within the proposal would compensate for any loss of employment in the area and improve the streetscene. Mr Vadeskys added that as only one resident expressed concern about the development the impact on residents would be negligible particularly as there would be no loss of light and outlook. He added that the proposal would blend with and improve the streetscene. He stated that the design and the residential quality of the proposal accorded with the London Plan and reflected demand for first time buyers. Members heard from Mr Vadeskys that as it would be "permit free" and would not present parking problems the Council's Head of Transportation had not expressed objection to the proposal.

In response to members' enquiries, Mr Vadeskys stated that the proposal would comply with policy EMP9 and by providing alternative uses, would provide benefit to a building which was currently in a poor state of repair. He added that the proposal would not constitute an over-development of the site and in his view struck the right balance.

The Area Planning Manager advised members that the applicant's offer for provision of employment uses on the ground floor was received too late to enable officers to undertake consultation and assessment. However, the provision of basement office accommodation in this location would not normally overcome the EMP9 policy concern. In commenting on the applicant's claim that the scheme accorded with the London Plan, Andy Bates stated that the application failed to comply with SPG17 in terms of outlook, overbearing, deficient residential quality and impact on residents.

DECISION: Refused planning permission as recommended.

7. First and Second Floor, 967 Harrow Road, Wembley, HA0 2SF (Ref. 12/2492)

PROPOSAL:

Erection of three storey extension and change of use for part of building to five residential flats, comprising 1 x 4 bedroom flat; 2 x 2 bedroom flats and 2 x 1 bedroom flats.

RECOMMENDATION: Grant planning permission subject to conditions

DECISION: Granted planning permission as recommended.

8. BARHAM PARK BRANCH LIBRARY and PARKS OFFICE, Harrow Road, Wembley, HA0 2HB (Ref. 13/2179)

PROPOSAL:

Change of use of parts of the Barham Park complex of buildings from Use Class D1 (library) and Sui Generis (parks office) to Artists Studios (Use Class B1) and the change of use from Sui Generis (parks office with some community use) to Use Class D1 (Community).

RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the tabled supplementary information, Neil McClellan, Area Planning Manager responded to queries raised by members at the site visit. He informed the Committee that the Council's Property Service had confirmed that there was a desire to let the 'card room' as a community café which would comprise a café with some scope for community access. However, this would require an application for a change of use and works would be required to bring it up to a usable standard. Given the size, this may involve splitting the room into two smaller spaces, thus allowing separate hireage.

The Lounge would be retained by the Trust, managed by the Council's Sports and Parks Service and let at typical local authority rates, thus generating income for the Trust. He confirmed that the Use Class D1 floorspace that was to remain within the Barham Park Complex would be under the control of the Council and Barham Park Trust.

The Planning Manager added that the draft lease to ACAVA set out that the facility must be open to the general public at least two open days per year, although the actual amount of engagement may be greater. He clarified that although the matter of Titus Barham bequest could not be considered within a planning application, the Council Property and Legal Services had not expressed any concerns that the lease to ACAVA would constitute a breach of the terms of the bequest.

In responding to residents' comments for flexible community access similar to that provided by the former library and the query about the validity of the review of the community space he submitted the following: the merits of Brent's Library Transformation Project was not being reconsidered as part of this application; details of the Barham Park Lounge and Vale Farm rooms were available on the Council's web site; the Community Facilities Assessment for the application was considered to be reasonably robust. Members heard that the Council's Property Service had submitted further information regarding additional Council owned facilities that they were looking to bring into community use including 280 square metres of new community floorspace through the renovation and change of use of existing buildings for general purpose community access.

Mr Phil Grant in objecting to the application stated that it failed to comply with planning policy CP23 of the LDF Core Strategy which presumed against the loss of community floor space for which there was an identified need, unless suitable mitigation could be provided. He added that consistency was required in applying policy CP23 as was the case in the Committee's consideration of the application for Kensal Rise and Cricklewood Libraries. Mr Grant continued that the Community Facilities Assessment for the application did not cover the needs and demands of Sudbury residents including the proposal for volunteer managed library services.

Mr Alton Bell, director of a local youth charity SWAY (Sudbury, Wembley and Alperton Youth) project and the founder of a community organisation, Pivot Point addressed the Committee. Mr Bell stated that his organisation in conjunction with five other local organisations made a bid to use the premises to offer services to young people such as counselling, mentoring and other person centred services to minimise crime and reduce the incidences of young people gravitating to gangs. In outlining the differences between his bid and that submitted by ACAVA, Mr Bell stated that his bid of £52,000 including maintenance costs was in excess of ACAVA's bid of £43,000. Furthermore, SWAY would work with local community groups in the building whereas ACAVA would instead rent out spaces.

In accordance with the provisions of the Planning Code of Practice, Councillor Daly, ward member stated that she had not been approached in connection with the application. Councillor Daly speaking in support of the application stated that the building needed to be maintained and that the application would ensure its preservation. The proposal would also encourage and create a sense of activity in the area and that the arts use would have local relevance.

In accordance with the provisions of the Planning Code of Practice, Councillor Lorber, ward member stated that he had been approached by local residents in connection with the application. Councillor Lorber alleged that there had been no public engagement and that having 29 artist studios would squeeze out and deny the rest of the community organisations, access to the building. He referred to Titus Barham's bequest that the building was to be used for the recreation of the public. He emphasised the need for local organisations to use the building as their base and the responsibility on the Council to offer protection under planning policy CP23. Councillor Lorber referred to drawings he had circulated at the meeting which showed various uses and spaces taken by ACAVA, leaving only a scant space available to the public. He clarified that only unit 2 of 178sq m. would be available for ad hoc letting to community groups whereas unit 7 would have no more than 6 months ad hoc letting.

In response to members' questions, Councillor Lorber explained that the following areas of the building should be excluded from the calculation of D1 use for the following reasons; the children's centre as it operated behind closed doors; the Vets as it was being used as a private members' club and was closed to the public; the Card Room as it had been closed for over six months. Having clarified the basis of his calculations, Councillor Lorber continued that the Community Facilities Assessment for the building did not cover the interests of all groups and that the application would constitute a substantial loss of community asset without affording protection under policy CP23, one of the chief reasons for officers' recommendation for refusal for the Kensal Rise Library application.

Richard Barrett, Operational Director and Property Adviser to Barham Park Trust Board stated that the application was for a change of a building which had been held on trust by the Council but had remained empty and neglected for considerable number of years. He added that ACAVA, selected by the Trust as a lessee, would ensure that the building was open to general public at least 2 days

per year. Members heard that the lease agreement which had been constructed in accordance with the Landlord and Tenancy Act would protect a wide range of uses for the building. Members heard that the lease agreement prevented any assignment or sub-letting and was contracted outside the Landlord and Tenant Act 1954. It would protect a wide range of uses for the building.

Discussions then turned on the status of the Barham Park Trust Board. The legal representative cautioned members against discussions about the terms of the lease to ACAVA, the terms and objects of the Barham Park Trust and the composition of the Trustees. These were not considerations that were material to the planning application and discussions should be limited to the use and development of the land.

Neil McClellan in responding to members' queries stated that the total area was 890 sqm and after the application had been approved would be reduced to 595 sq m. He clarified various uses as follows; Children's Centre -105 sqm; Veterans Club – 196 sqm; Card Room – 116 sqm. This would then leave a 178 sqm refurbished and available to let to the public. In comparison with Kensal Rise and Cricklewood Libraries, he stated that those applications were not supported by a robust Community Facilities Assessment that examined local demand for community facilities. Those library applications also did not provide spaces that could be flexibly used with two sizes of rooms that could be used independently (with separate independent access) or with a clear delivery mechanism. As such, he considered that the Barham Park proposals accorded with the LDF Core Strategy, the London Plan 2011 and the National Planning Policy Framework while those applications did not.

During member discussion, the general feeling was that the proposal would not allow sufficient general public accessible space for short term users to the building based on various uses and spaces as explained by officers. With that in view, most members were minded to refuse the application contrary to officers' recommendation for approval for the following stated reason: unacceptable loss of publically accessible community floor space within the building.

Prior to voting on the application, Stephen Weeks, Head of Area Planning reminded members that much of the building had been confirmed not to be D1 use via the Certificate of Lawfulness decision, that the space currently let to longer term occupiers was validly included in the overall amount of D1 floorspace and, while a local library facility was clearly acceptable in planning terms, there was no planning policy imperative to require one.

Voting on the recommendation for approval was recorded as follows;

FOR:	Councillor Sheth	(1)
AGAINST	Councillors Baker, Brown, Cummins, Hashmi, Kataria and Singh	(6)
ABSTENTION:	Councillors Ogunro, Aden and Kabir	(3)

DECISION: Refused planning permission on the grounds of the unacceptable loss of publically accessible community floor space.

Note: Councillor Powney was not present during consideration of the application and therefore could not take part in the voting.

9. Preston Manor High School, Carlton Avenue East, Wembley HA9 8NA (Ref. 13/1957)

PROPOSAL:

Retention of a temporary primary school in the grounds of Preston Manor High School, to be accessed from Ashley Gardens, comprising a single-storey modular building incorporating two classrooms, assembly hall, staff room, medical area and ancillary office and storage space.

RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the tabled supplementary report, Neil McClellan Area Planning Manager confirmed that the applicant (The Council's Property & Asset Department) had made a contribution of £25,000 as a requirement of the original temporary permission, towards pedestrian safety improvements as requested by Transportation. The works which included the installation of dropped kerbs and tactile paving at the existing traffic islands on either side of the staggered crossroad junction with Ashley Gardens and St. Augustine's Avenue and the installation of school warning signage on Preston Road had not yet been carried out. If planning permission was granted implementation of the works would be required.

In accordance with the provisions of the Planning Code of Practice, Councillor HB Patel, ward member stated that he had been approached by some residents in connection with the application. Councillor HB Patel stated that there was no need to build temporary classrooms on open spaces unless there was a clear need for them. He explained that in the academic year 2012/13, applications for places at the school were 151 less than in the previous year. Councillor HB Patel claimed that the school had breached planning conditions on boundary treatment, submission of its travel plan and hence health and safety.

DECISION: Planning permission granted as recommended.

10. 70A Dartmouth Road, London NW2 4HA

PROPOSAL:

Erection of single storey side and rear extension and basement to ground floor flat.

RECOMMENDATION:

Endorse the decision to grant planning permission for the development exercised under delegated powers prior to the expiry of consultation period.

Rachel McConnell, Area Planning Manager informed members that the application was being reported to members following approval of the application under delegated powers which was made 3 days prior to the prior to the expiry of the 21 day consultation period. The application was determined on 17 September 2013 and the statutory 21 day consultation expired on 20 September 2013. During the intervening period, four further representations were received that were not reviewed prior to the decision being made.

The purpose of reporting the application to the Planning Committee therefore was to allow for an impartial review of the decision by officers following the submission of additional representations to determine whether the Planning Committee would have in the circumstances granted planning permission, taking into consideration all representations received.

DECISION: Endorsed the grant of planning permission.

11. Appeals 1 - 31 October 2013

In response to a member's query about the pattern of outcomes, Stephen Weeks, Head of Area Planning stated that he would submit an overview report to the next meeting which would clarify the pattern of outcome of appeals.

RESOLVED:

that the appeals for 1 – 31 October 2013 be noted.

12. Any Other Urgent Business

None.

The meeting closed at 10.20 pm

K SHETH
Chair