

MINUTES OF THE PLANNING COMMITTEE
Tuesday, 30th November 2004 at 7.00 pm

PRESENT: Councillor Cribbin (Chair) and Councillors Chavda, Freeson, Kansagra, McGovern, H M Patel, R S Patel (alternate for Harrod), Sengupta, Singh and Steel.

Apologies for absence were received from Councillor Harrod.

Councillors Fiegel and Rands also attended the meeting.

1. Declarations of Personal and Prejudicial Interests

Councillor R S Patel asked whether he should declare a personal interest in the application relating to 7 Mount Stewart Avenue, Harrow, HA3 0JZ because the applicant had sought advice from him regarding the application. He confirmed that he had simply referred the enquiry on to officers. On that basis and on the advice from the Borough Solicitor, it was agreed that this did not amount to a personal interest so he took part in the discussion and voted on this application.

2. Requests for Site Visits

None.

3. Minutes of Previous Meeting

RESOLVED:-

that the minutes of the meeting held on 11th November 2004 be agreed as a true and accurate record.

4. Planning Applications

RESOLVED:-

that the Committee's decisions/observations on the following applications for planning permission under the Town and Country Planning Act 1990 (as amended), as set out in the decisions below, be adopted. The full description of the proposed development, conditions for approval, the reasons for imposing them and the grounds for refusal are contained in the Report from the Director of Planning and in the supplementary information circulated at the meeting.

ITEM NO	APPLICATION NO	APPLICATION AND PROPOSED DEVELOPMENT
--------------------	---------------------------	---

NORTHERN AREA

1/01	04/2319	Flat 1, 97 Dartmouth Road, NW2 4ER Erection of single storey rear and part side extension to dwellinghouse
------	---------	---

OFFICER RECOMMENDATION: Grant planning permission subject to conditions

Decision: Planning permission granted subject to conditions

1/02	04/2744	131-135, Kenton Timber & Builders Merchant, 133 Kenton Road, Harrow, HA3 0AZ Erection of part 3-, 4-, 5- and 6- storey building, including 17 No residential units, consisting of 6 No 1-bedroom flats and 11 No 2-bedroom flats, retail unit(s) and car parking
------	---------	---

OFFICER RECOMMENDATION: Grant planning permission subject to conditions, informatives and a Section 106 agreement

The Northern Area Planning Manager drew Members' attention to the supplementary report circulated at the meeting which set out the responses to the issues raised during the site visit. He also advised the Committee of an amendment to conditions 5, 9 and 10, the deletion of condition 12 and an amendment to the Section 106 agreement as set out in the supplementary report. In addition, he advised Members of an additional recommendation for an affordable housing requirement to be included in the Section 106 agreement, the exact terms of which were to be agreed between applicant and officers.

In accordance with the Planning Code of Practice, Councillor Rands confirmed that he had been approached by local residents with regard to the application. He outlined his reasons for objecting to the application, stating that the proposed design and height of the development were out of character and scale for the area. He felt that the applicant's plans to include yellow brick would make the site even more conspicuous. He expressed concern over sewage arrangements and asked whether the Emergency Services had been consulted about site access. He felt that frontal site access only would be insufficient as many residents would be located to the rear of the site. He questioned whether parking requirements would be met, suggesting that Transportation would want to prevent on-site parking at a later date, thus putting pressure on existing parking spaces in the area. He drew Members' attention to the mention of a 'car-free' agreement in the report as suggested by Transportation Unit, commenting that he regarded this to be contradictory

to the proposals. He concluded by stating that the objections raised by residents, the London Borough of Harrow and Network Rail amounted to substantial grounds for refusal.

In accordance with the Planning Code of Practice, Councillor Fiegel confirmed that he had been approached by local residents with regard to this application. He acknowledged the need for affordable housing but felt that the proposals were out of character with the area. He felt that it was important that the architectural uniformity of the area was retained and added that the planned improvements to Kenton station would have an affect on the proposed development.

In reply to the comments made by Councillors Fiegel and Rands, the Northern Area Planning Manager advised Members that the applicant's proposals were of a modern design and that the Council's Unitary Development Policy (UDP) encouraged such development in areas considered suitable. He stated that it was important to take into account the neighbourhood renewal and regeneration considerations in relation to this particular application. He confirmed that the proposed height was between only 1 to 2 storeys higher than much of the surrounding buildings on Kenton Road, that the parking standards had been met and that Thames Water had indicated no objection to the sewage arrangements. He felt that access to the site was suitable and would be sufficient for the Emergency Services. With regard to architectural uniformity, he explained that there was a variety of designs and styles in the area.

During debate, Councillor Steel stated that the application would exacerbate the traffic problems caused by congestion and speeding in Kenton Road and access to this road via Churchill Avenue. He agreed with Councillors Fiegel and Rands' comments concerning the design and appearance of the proposed site.

Councillor Kansagra felt that the application failed to meet a number of UDP objectives and commented that the site's location on the brow of a hill would add to the building's prominence. He stated that the objections received from the London Borough of Harrow and residents were for sound reasons and requested that the application be refused or deferred.

Councillor Freeson commented that it was not always necessary that new buildings be of the same height as the existing buildings surrounding it. He stated that he had observed 3 different architectural styles near the site and that in his view it was preferable to locate taller buildings on a brow of a hill to represent a landmark site. He felt that the site would have been better located over the railway bridge as opposed to beside it. He suggested that closer attention should be given to the textures to be used in the building's construction.

Councillor Sengupta enquired as to the Planning Service's reply to the London Borough of Harrow's objection to the application.

Councillor Chavda queried whether the allocated 12 parking spaces would be sufficient considering the proposals included 17 residential units.

In reply to the queries raised, the Northern Area Planning Manager advised Members that the London Borough of Harrow objected to the application on the grounds of size and height.

The Head of Area Planning acknowledged that nearby roads suffered from congestion, but advised Members that the Director of Transportation had concluded that the development would not lead to an unacceptable increase in traffic. With regard to parking, he confirmed that parking controls would be part of the Section 106 agreement and would be applied should a Controlled Parking Scheme be introduced. He added that the site's location on a brow of a hill was suitable for such a development and that its modern design was of the type that was encouraged. With regard to comments concerning texture, he stated that the applicant would be discouraged from using light or bland colours.

DECISION: Planning permission granted subject to conditions, informatives, amendments to conditions 5, 9 and 10, deletion of condition 12 and a Section 106 agreement as amended in the supplementary report and an addition to the Section 106 agreement to include a Head of Term for affordable housing to be agreed by officers.

1/03 04/2059 Presbytery, 527-529 Kenton Road, Harrow, HA3 0UL

Erection of two rear dormer windows, first floor rear extension and conversion of property into 5 two-bed and 1 one-bed flats (as amended by plans received on 10/11/04)

OFFICER RECOMMENDATION: Grant planning permission subject to conditions

The Northern Area Planning Manager drew Members' attention to amendments to Conditions 4, 5, 6 and 7 as set out in the supplementary report circulated at the meeting.

Decision: Planning permission granted subject to conditions, an informative and amendments to conditions 4, 5, 6 and 7 as set out in the supplementary report.

1/04 04/2930 129 Dollis Hill Avenue, NW2 6RB

Erection of a two-storey side and single storey rear extension to the dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives

Decision: Planning permission granted subject to conditions and informatives

1/05 04/2530 37 Mount Stewart Avenue, Harrow, HA3 0JZ

Erection of two-storey side and single storey rear extension to dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission subject to conditions

The Northern Area Planning Manager drew Members' attention to replies to queries raised on the site visit and to an amendment to condition 3 as set out in the supplementary report circulated at the meeting.

Mr Frankl, in objecting to the application, stated that as the site was in a conservation area, every effort should be made to retain its 1930s mock tudor design. He maintained that the proposals were out of character with the surrounding area, was unnecessarily protruding and he added that the site's corner location exacerbated the conspicuousness of the proposed design.

Mr David Atlass of the PAPA Residents' Association reiterated the previous objector's assertion that the application was not suitable for a conservation area and in particular objected to the proposed 2 storey side extension. He felt that the roof bay was an important aspect of the building and expressed disappointment that this would be lost if the application was approved. He stated that the proposed site wall was insensitive considering the site's corner location and was contradictory to design guidelines. He also enquired whether the applicant had agreed to a first floor side oriel window on the first floor as recommended in condition 3 of the supplementary report.

In reply to the objections raised, the Northern Area Planning Manager acknowledged the significance of the site's location in a conservation area, however he advised Members that changes to the design of buildings in these areas was permissible. With regard to the site's corner location, he explained that the recommendations had made every effort to ensure that the elevations were light in appearance. He confirmed that the applicant had agreed to install a first floor side oriel window on the first floor during the site visit.

In reply to a query from Councillor Kansagra, the Northern Area Planning Manager confirmed that a number of sites with 2 storey side extensions existed in conservation areas. In reply to Councillor Freeson's query, the Northern Area Planning Manager confirmed that the applicant's agreement to install a first floor side oriel window during the site visit had been made a condition. The Head of Area Planning added that the applicant's architect had also agreed in principle to undertake this.

Decision: Planning permission granted subject to conditions and an amendment to condition 3 as set out in the supplementary report.

1/06 04/2222 Playground, Hoveden Road, NW2

Erection of boundary walls to Mapesbury Dell public open space

OFFICER RECOMMENDATION: Grant planning permission subject to conditions

The Northern Area Planning Manager drew Members' attention to the deletion of condition 2, an amendment to condition 3 and additional conditions 5 and 6 as set out in the supplementary report circulated at the meeting.

In reply to a query from Councillor Freeson, the Head of Area Planning confirmed that the design plans for the gates had been amended to include a lower height of 2.4 metres with railings above.

Decision: Planning permission granted subject to conditions and deletion of condition 2, amendment to condition 3 and additional conditions 5 and 6 as set out in the supplementary report.

SOUTHERN AREA

2/01 04/2796 Rear of 9 Nicoll Road, Car Park rear of 14 High Street, NW10

Outline application for demolition of the existing car repair garage and warehouses and construction of three-storey block of flats

OFFICER RECOMMENDATION: Refuse planning permission

The Southern Area Planning Manager drew Members' attention to additional plans from the applicants as set out in the supplementary report circulated at the meeting. He advised Members that it was considered that the new information did not provide sufficient support for the application to address or alter any of the reasons for refusal.

Councillor Singh commented that he felt the site was unsuitable for an application of this type.

The Head of Area Planning confirmed that there was on-going discussion with the applicant concerning the details of the application.

Decision: Planning permission refused

2/02 04/2804 Ryans Diner, Favourites Chicken & Ribs, 73-75 Kilburn High Road, NW6 5HY

Erection of five-storey rear and roof extension, extending ground floor restaurant and creating 14 self-contained flats

OFFICER RECOMMENDATION: Refuse planning permission

The Southern Area Planning Manager confirmed that the application had been officially withdrawn by the applicant.

Decision: Application withdrawn. The Committee indicated that it would have been minded to refuse the application had it not been withdrawn by the applicant.

2/03 04/2864 47-49 (odd) Willesden Lane, NW6

Erection of basement and ground floor rear extension, rear roof alterations, new shopfront and change of use of No 47 from shop (A1) to restaurant (A3)

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and an informative

The Southern Area Planning Manager drew Members' attention to an additional condition 10 and additional informative 2 as set out in the supplementary report circulated at the meeting.

Decision: Planning permission granted subject to conditions, an informative and an additional condition 10 and additional informative 2 as set out in the supplementary report.

2/04 04/2504 189 Willesden Lane, NW6 7YN

Demolition of existing dwellinghouse, erection of a proposed four-storey block of flats, consisting of 3 No one-bedroom flats, 4 No two-bedroom flats to front of property and 2 No three-storey town houses to rear of property

OFFICER RECOMMENDATION: Grant planning permission

Before consideration of this application began, Members agreed that because the applications for 2/04 and 2/05 in the agenda were from the same applicant and for the same site, that both these applications be considered together.

The Southern Area Planning Manager drew Members' attention to the amended reasons for refusal for both applications as set out in the supplementary report circulated at the meeting.

Ms Caroline Apcar spoke in support of both 2/04 and 2/05 applications in the agenda. She felt that one of the reasons set out in the report for refusing, that the proposals would be prejudicial to the re-development of 191 Willesden Lane, was not valid as there currently no confirmed plans for that site. She stated that she was also unaware that any such plans existed for 191 Willesden Lane in the UDP. With regard to the view that the proposals would artificially divide the site thus removing any requirement to provide affordable housing, she asserted that there had always been 2 separate sites with different uses. She suggested that a Section 106 agreement could be agreed regarding land use. She explained that application 2/04 was of modern design and only 3 metres higher than the existing site, and application 2/05 was of traditional design and only 8 metres higher and she circulated photographs to Members to illustrate this statement. She concluded by expressing her surprise that the application was being recommended for refusal as she felt that it met the UDP's objective of encouraging redevelopment.

In reply to the comments made by Ms Apcar, the Head of Area Planning confirmed that the application could be viewed as artificially dividing the site, but stressed that this was not a criticism of the applicant. He advised Members that developing each plot separately would be a less effective use of land and that it would be more difficult to ensure integration with the street scene. He therefore advised Members that it was preferable in principle to consider the sites together and that considerable discussion would be required with the applicant and other site owner before a view could be reached that this was not possible. He reiterated the view that the application was prejudicial to the potential development and form of both sites as set out in the report.

During debate, Councillor Freeson enquired as to whether the future use of 191 Willesden Lane would have been a factor in this application if it was not Council owned. Councillor Steel enquired as to whether proof was required that the applicant had artificially sub-divided the site in order to avoid the requirement of providing affordable housing and whether it was possible to include affordable housing as a condition if it had been recommended for approval.

In reply to Councillor Freeson's query, the Head of Area Planning advised Members that the Council's ownership of 191 Willesden Lane was not a factor in consideration of this application but had enabled initial confirmation of joint development interests. He added that in the event of a similar situation involving non-Council ownership of a neighbouring site, that there would be every effort to encourage an agreement between the applicant and adjoining owner.

In reply to Councillor Steel's query, the Borough Solicitor advised Members that as a matter of principle it would in some circumstances be appropriate to consider whether or not a particular site had been artificially sub-divided in order to avoid the requirement for affordable housing. .

Decision: Planning permission refused

2/05 04/2793 189 Willesden Lane, NW6 7YN

Demolition of existing dwellinghouse, erection of a proposed four-storey block of flats, consisting of 3 No one-bedroom flats, 4 No two-bedroom flats to front of property and 2 No three-storey town houses to rear of property

OFFICER RECOMMENDATION: Refuse planning permission

Decision: Planning permission refuse

2/06 04/2711 The White Hart, Church Road, NW10 9NR

Redevelopment of The White Hart Hotel and adjacent car park incorporating the erection of a two-storey building and a part 3-, 4- and 6-storey building comprising an indoor retail market, 65 residential apartments and car parking at basement

OFFICER RECOMMENDATION: Refuse planning permission

The Southern Area Planning Manager advised Members that because the applicant had appealed against non-determination of the application within an 8 week period that a decision on planning permission could not be made at the meeting. He stated that the Committee could inform the Planning Inspectorate of its decision had it been possible to make one. He referred Members to an additional reason for refusing the application as set out in the supplementary report circulated at the meeting.

During debate, Councillor Freeson outlined 4 reasons he felt were grounds for refusal, including:

- (a) The loss of community facilities;
- (b) The loss of a Victorian era public house that he felt every effort should be made to preserve;
- (c) Suspicion that the application would have a far reaching impact in the long term on a historical area;
- (d) The loss of the local market

Councillor Kanasgra suggested that this application should be considered concurrently with a duplicate application submitted by the applicant. Councillor Steel queried as to why this application was recommended for refusal as he felt the proposals would be an improvement to that which currently existed on this site.

In reply to some of the issues raised, the Head of Area Planning confirmed that the applicant had included proposals to re-provide facilities for the market

which would be covered but consist of a smaller area than that occupied by the existing market.

Decision: Planning permission would have been refused had the application been able to be determined.

WESTERN AREA

3/01 04/2824 63 Paxford Road, Wembley, HA0 3RJ

Demolition of existing detached side garage and shed and erection of part single storey and two-storey side extension, first floor rear extension, single storey rear extension, rear dormer window extension and erection of detached outbuilding in rear garden of dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and an informative

The Western Area Planning Manager drew Members' attention to the submission by the applicant of revisions to the proposed design as set out in the supplementary report circulated at the meeting.

Decision: Planning permission granted subject to conditions and an informative

3/02 04/3042 Buxlow Preparatory School, 5-6 Castleton Gardens, Wembley, HA9 7QJ

Erection of first floor rear extension to create additional office in school building

OFFICER RECOMMENDATION: Grant planning permission subject to conditions

Decision: Planning permission granted subject to conditions

3/03 04/0992 2 Audrey Gardens, Wembley, HA0 3TG

Two-storey side extension. First floor rear extension and ground floor rear extension to dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission subject to conditions

The Western Area Planning Manager drew Members' attention to the supplementary report circulated at the meeting which set out the responses to the issues raised during the site visit.

Decision: Planning permission granted subject to conditions

3/04 04/1693 4 College Road, Wembley, HA9 8RL

Erection of side and rear dormer window extensions and front rooflight to dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and an informative

Decision: Planning permission granted subject to conditions and an informative

3/05 04/3095 Ithell Court, 18 Crawford Avenue, Wembley, HA0 2HT

Erection of two 2-metre high poles to top of roof of block of flats, one supporting 2 satellite dishes and one supporting 2 telecommunications aerials

OFFICER RECOMMENDATION: Grant planning permission subject to conditions

Decision: Planning permission granted subject to conditions and an additional condition 3 as set out in the supplementary report

6. Information Bulletin

Members were requested to note the information reports in the information bulletin circulated prior to the date of the meeting.

The Head of Area Planning drew Members' attention to 2 Appeal Decisions, references APP/T5150/A/04/1142922 and APP/T5150/04/1144729 in the report relating S78 and enforcement appeals. He commented that the Planning Inspectors' decisions to uphold the appeals in both cases had been surprising, especially as both applications had received a number of strong objections. He asked that Members note the views that could be taken by inspectors in order to balance the views that action should always be taken in cases where there were objections.

During debate, Councillors Kansagra and Singh both expressed their dismay at the Planning Inspector's decision in the appeal decisions referred to. Councillor McGovern enquired as to whether the Planning Inspector's decisions in the 2 cases highlighted would affect officers' recommendations for similar applications in future.

In reply to Councillor McGovern's query, the Head of Area Planning confirmed that the Planning Inspector's decisions would not deter

officers from making similar recommendations for other applications of this type. However, he felt that it was beneficial to alert Members to the some of the decisions that could be made on planning applications that went to the appeal stage. He advised Members that Brent had issued more enforcements than any other London Borough this year.

RESOLVED:-

that the following be noted:-

- (i) Planning appeals received – 1st – 31st October 2004
- (ii) Enforcement appeals received – 1st – 31st October 2004
- (iii) Planning appeal decisions – 1st – 31st October 2004
- (iv) Enforcement appeal decisions – 1st – 31st October 2004
- (v) Enforcement Selected appeal decisions – 1st – 31st October 2004

7. Any Other Urgent Business

None.

8. Date of Next Meeting

It was noted that the next scheduled meeting of the Committee to consider planning applications only would take place on Wednesday, 12th January 2005 at 7.00 pm and that the site visits would take place on the preceding Saturday, 8th January 2005 at 9.30 am.

The meeting ended at 8.55 pm.

M CRIBBIN
Chair

Mins2004/05/Council/planning/pln30nj