

MINUTES OF THE PLANNING COMMITTEE
Wednesday, 2nd February 2005 at 7.00 pm

PRESENT: Councillor Cribbin (Chair), Councillor Harrod (Vice Chair) and Councillors Chavda, Freeson, Kansagra, McGovern, Singh and Steel.

Apologies for absence were received from Councillor Sengupta.

Councillors V Brown and Thompson also attended the meeting.

1. Declarations of Personal and Prejudicial Interests

None declared.

2. Requests for Site Visits

The Committee agreed to the Head of Area Planning's recommendation that the application for Kitchen & Household, 196, Ealing Road, Wembley, HA0 4QG, item 3/01, application reference 04/3377 be deferred for a site visit, as it was considered appropriate that this application be considered at the same meeting as an application from 194, Ealing Road.

3. 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 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 (1)	APPLICATION AND PROPOSED DEVELOPMENT (2)
NORTHERN AREA		
1/01	04/3576	59 Roe Lane, NW9 9BB Erection of detached outbuilding in rear garden area of dwellinghouse (Article 4 Direction)

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

The North Area Planning Manager drew Members' attention to an additional condition as set out in the supplementary report circulated at the meeting.

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

1/02 04/3534 Burnley Road Garages next to 93 Burnley Road, NW10

Demolition of existing garages and erection of a two-storey, three-bedroom, detached dwellinghouse with one car parking space, front and back landscaping and front bin store (as revised by plans received on 12/01/05)

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

The Vice Chair indicated his support for applications of this type. Councillor Freeson suggested that the site was suitable to accommodate a garden waste collecting facility.

The Head of Area Planning acknowledged Councillor Freeson's comments and stated that this facility could be accommodated providing that it was practically feasible.

DECISION: Planning permission granted, subject to conditions

1/03 04/1334 125 & 127 Chalkhill Road, Wembley, HA9

Erection of a second floor extension with side dormer window above existing first floor with external staircase and above existing ground floor of a building which is located at the rear of 125-127 Chalkhill Road

OFFICER RECOMMENDATION: Refuse planning permission

The North Area Planning Manager drew Members' attention to the amended reason 1 for refusal as set out in the supplementary report circulated at the meeting.

The applicant, Mr Paul Landon, asserted that the external staircase extension had already received planning permission, although it was yet to be built. He disagreed with the comments in the report concerning the condition of the trees, stating that in his view the trees were healthy and adding that any trees that died would be replaced.

In reply to Mr Landon's comments, the North Area Planning Manager confirmed that the proposed extension to the first floor exceeded the height extension that had been approved by the Planning Inspector on appeal and therefore due consideration be given to reason 2 for refusal as set out in the report. He understood that the external staircase extension had not received planning permission on appeal and that therefore reason 1 for refusal as amended in the supplementary report was valid.

The Head of Area Planning advised Members that verification concerning the planning status of the external staircase extension would be sought. Members confirmed that in the event of reason 1 for refusal subsequently being deleted, that reason 2 for refusal constitute sufficient ground to refuse the application.

DECISION: Planning permission refused

1/04 04/3715

Dacey, 289-293 Neasden Lane, NW10 1QR

Part change of use from existing public house (A3) to residential on the ground floor and change of use, extension and refurbishment of the disused snooker hall (D2) to restaurant (A3) and residential units comprising 14 units in total: 8 x 2-bedroom and 6 x 1-bedroom

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

Councillor Freeson commented that there had been a number of former public houses that had been converted to a different use and that the impact on local communities should be taken into consideration for such applications in the future.

DECISION: Planning permission granted, subject to conditions and a Section 106 Agreement

SOUTHERN AREA

2/01 04/3658

Hooper & Co Coachbuilders, Kimberley Road, NW6 7SG

Change of use of 10 live/work units to form 5 x commercial units (Class B1) at ground floor level (units A1, A2, B1, C1 and C2) and 3 x 2-bed flats at second floor level (units A8, B5 and B7) and 2 x 2-bed flats at third floor level (units A10 and B8) and the retention of the existing 19 live/work units (as clarified by plans received on 17/01/05)

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

The South Area Planning Manager informed Members that the applicant had experienced difficulty in letting live/work units and was therefore proposing a mixture of commercial only and residential only units, whilst retaining most live/work units. Approval was recommended as the proposals would increase the total employment floor space and therefore be in accordance with the Unitary Development Plan (UDP).

Mr O'Keefe, speaking on behalf of his daughter who lived on the site, objected to the application on the grounds of:

- (i) compromise to security;
- (ii) the extra traffic and potential damage to vehicles anticipated by the rise in delivery vans on site; and
- (iii) doubts that there was any proof that a change in use of some units would improve sales.

Mr Nick Fennell, the applicant's agent, informed Members that 17 of the live/work units had remained unsold since the site had opened because of the lack of demand for the use in this area of London, adding that he understood that there was difficulty in obtaining mortgages for this use. The changes in use proposed were due to the perceived demand for small commercial units and 2 bedroom units and he stated that the category of commercial use, B1, was compatible in sharing with residential use on this site. He concluded that the proposals would increase the chances of the building becoming fully occupied.

In answer to queries from Members, Mr Fennell advised the Committee that the intended commercial use would include offices for designers, architects and accountants and that live/work units had not sold well because the scheme was not attractive to this type of market. In reply to a query from a Member, he explained that he would need to consult with the developer concerning the offer of any assistance to existing residents who wished to be re-located on this site.

During debate, Councillor Freeson enquired about the proportion of residential and commercial property proposed. He acknowledged the developer's problems in selling live/work units, but he highlighted the successful re-development of the surrounding area and expressed reservation in changing the nature of a scheme that had only been approved 2 years ago and he indicated that the proposals should be resisted. Councillor Kansagra commented that the applicant should assist existing residents who wished to re-locate within the building and suggested that floors be split into specific uses. In reply to Councillor Kansagra's comments, the South Area Planning Manager advised that these were not issues that could be determined by this Committee.

In reply to the issues raised, the Head of Area Planning advised Members that the proportion of commercial and residential space proposed was approximately 50% each, and the slight net gain in employment use was in accordance with the UDP. The information obtained from sources had indicated that live/work units were difficult to sell in this area and he commented that it was understandable that the applicant wished to alter the uses to improve the marketability of the units. He recommended that as the commercial units proposed did not represent a significant change to the original proposals, that the application be approved.

DECISION: Planning permission granted, subject to conditions and an informative

2/02 04/3674

2A Belton Road, NW2 5PB

Partial demolition of existing building and erection of ground floor front, side and rear extensions in association with conversion of existing building into a 3-bedroom dwellinghouse, formation of 2 off-street car parking spaces and erection of detached store

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

DECISION: Planning permission granted, subject to conditions

2/03 04/3559

103-123 (odd) Kilburn High Road, Kilburn Square Garages and 92-118 (inc) Kilburn Square NW6

Partial demolition and refurbishment of existing building; extensions and alterations to 7 existing retail units; change of use of first floor retail to health club and serviced offices; construction of 69 flats (including 22 affordable units); re-siting of existing market and enclosure with permanent stalls; formation of cycle parking bays and ancillary works including new entrance, CCTV cameras and street furniture

OFFICER RECOMMENDATION: Refuse planning permission

The South Area Planning Manager drew Members' attention to an amendment to reason 3 for refusal as set out in the supplementary report circulated at the meeting.

Ms Margaret Stroll, in objecting to the application, requested that an additional reason for refusal be included stating that the current application did not meet the previous Planning Inspector's approval. She added that the application did not properly address security issues and that the high density of the proposals had caused residents concern.

Mr Al Forsyth, representing Kilburn and Brondesbury Residents' Association Group, stated that the grounds for refusal in the report had the support of local residents and he asked that Members consider a condition that any social housing would be provided off-site for any future applications. In reply to a query from Members, he asked that this condition be agreed at this meeting to ensure that it be included in any future applications for this site.

In accordance with the Planning Code of Practice, Councillor Thompson confirmed that he had been approached by local residents with regard to this application. He stressed that the application had received a large number of objections from a wide range of residents and because it was important that this development met the needs of the community, he supported the reasons for its refusal.

During debate, Councillor Freeson stated that he felt this site could be suitable for social housing and that this issue should be considered in any future decisions. He stressed the importance of the Supplementary Planning Guidance document for this application being taken into account before any subsequent decisions were taken. He also expressed some concern about the suitability of families being housed on this site and felt that some consideration should be taken regarding the appropriateness of this use once a final decision was to be made.

Councillor Kansagra agreed with the recommendation of refusal and added that he felt the proposed 7 storey development was too high and would lead to a loss of light.

In reply to the issues raised, the South Area Planning Manager drew Members' attention to objections received in the consultation in the report, stating that these covered the areas mentioned by Ms Stoll and he did not feel they required to be repeated as additional reasons for refusal. He acknowledged that the Planning Inspector had indicated that the proposals would lead to some loss of light, but not to the extent that it would provide a sufficient reason for refusal. He advised Members that social housing was usually provided on site for this type of application.

The Head of Area Planning advised Members that due consideration had been given to the issues raised during the consultation, but they did not constitute reasons in themselves to refuse the application. He stated that neither the Planning Inspector's report nor planning policy specified any type of housing on this site and that no strong reason could be given to refuse the application on grounds of loss of light or the high density of the proposals. Members heard that the Planning Inspector's points had been noted but were not sufficient reasons in themselves to refuse the application and that the application met the objectives of the planning policies. With regard to family housing, the Head of Area Planning advised Members that there were proposals for some 3 bedroom units and that the development was of sufficient size and scale for inclusion of this use.

Councillor Kansagra moved that an additional reason for refusal be included stating that the proposals would lead to a loss of light to the occupants of Kilburn Tower. This motion was put to the vote and declared lost.

DECISION: Planning permission refused

Councillor Steel was not present for the entire consideration of this item and therefore took no part in the discussion or voting of this application.

2/04 04/3607

Spectrum Videos, 208 High Road, NW10 2NX

Change of use from shop (A1) to take-away restaurant (A3) and installation of extract duct to side elevation of building

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

The South Area Planning Manager drew Members' attention to an amended plan relating to the installation of the extract ducting as set out in the supplementary report circulated at the meeting, following discussion with Environmental Health officers.

Ms Janet Lucitt announced that she was representing the views of local flat owners in opposing this application. She maintained that as an abundance of takeaways already existed in close proximity to the site, that this application would not contribute to enhancing the area. She expressed concern that the proposed extract ducting would present a risk to children's health because of smoke entering the communal area. In reply to a query from Members, Ms Lucitt felt that a site use such as a local supermarket, newsagent or shoe shop would be of more benefit to the area.

Mr Englishby, in objecting to the application, stated that a window opened directly in front of the proposed external ducting and expressed concern that the communal balcony area in Utopia House would be affected by smells as it was only 10 feet away. He anticipated that the proposed takeaway would contribute to drainage problems in the summer and he reiterated Ms Lucitt's view that the application would not benefit the area. In reply to a Member's comment that Environmental Officers had not objected to the proposed external ducting, he stated that he understood the officers had not had access to the communal area balcony which he had highlighted as a problem.

In answer to some of the issues raised, the South Area Planning Manager confirmed that the Environmental Officers had not had access to the communal balcony during a site visit. The Chair advised the objectors that this Committee could not endorse or encourage a specific use as it considered each application it received on its merits.

Councillor Freeson moved that the application be deferred in order that a site visit be undertaken to clarify the condition and positioning of the external duct. This motion was put to the vote and declared carried. Councillor Harrod moved that Environmental Officers be invited on the site visit in order that they have access to the communal area balcony in Utopia House. This motion was put to the vote and declared carried.

The Head of Area Planning advised that letters would be sent to both applicant and objectors confirming the site visit arrangements.

DECISION: Application deferred for site visit

WESTERN AREA

3/01 04/2925

142 Wembley Hill Road, Wembley, HA9 8EN

Demolition of existing bungalow and erection of 2-storey building with accommodation in roofspace containing 2 two-

bedroom self-contained flats and 2 two-bedroom maisonettes, formation of replacement vehicular access and 5 parking spaces to front of property

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

The West Area Planning Manager drew Members' attention to consultation issues concerning parking spaces as set out in the supplementary report circulated at the meeting.

DECISION: Planning permission granted, subject to conditions and an informative

3/02 04/3377 Kitchen & Household, 196 Ealing Road, Wembley, HA0 4QG

Removal of an existing unauthorised rear extension and erection of a new flat-roofed, single storey rear extension to provide a new storage area for a retail shop with provision for one off-street rear parking/servicing space and space for refuse bin storage (as amended by revised plans received on 30/12/04)

OFFICER RECOMMENDATION: Defer application for site visit.

The West Area Planning Manager drew Members' attention to officers' response to an additional letter of objection as set out in the supplementary report circulated at the meeting and the recommendation to defer for a site visit.

DECISION: Application deferred for site visit

3/03 04/3671 All Buildings & Playing Fields, Copland Community School, High Road, Wembley, HA9

Erection of ground floor infill extension to accommodate new offices adjacent to existing car park entrance on Cecil Avenue (as amended by agent's letters received 06/01/05 and 21/01/05)

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

DECISION: Planning permission granted, subject to conditions and an amendment to condition 3 as set out above

5. Information Bulletin

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

(a) **November 2004**

- (i) Planning appeals received – 1st – 30th November 2004
- (ii) Enforcement appeals received – 1st – 30th November 2004
- (iii) Planning appeal decisions – 1st – 30th November 2004
- (iv) Enforcement appeal decisions – 1st – 30th November 2004
- (v) Planning selected appeal decisions – 1st – 30th November 2004

The Head of Area Planning drew Members' attention to appeal decision APP/T5150/A/04/1143545, advising Members that the Planning Inspector had felt the application was not significantly out of character with the area and that the loss of the allotment would not be contrary to planning policy.

Councillor Kansagra commented that although he felt the loss of the allotment was acceptable, that the size and scale of the development was inappropriate. Councillor Freeson commented that although it was acknowledged that the allotment was no longer necessary, that this should not mean that no attempts be made to identify an alternative open space use.

The Vice Chair expressed surprise at the appeal decision APP/T5150/A/04/1140892, stating that he was concerned that the application would compromise driver safety along the North Circular Road. Councillor Singh commented that he was surprised by a number of the appeal decisions in the report.

(b) **December 2004**

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

RESOLVED:-

that the above be noted

6. **Kenneth Crescent Tree Preservation Order – Application for Consent to Fell (T3 and T4) Two Oak Trees – 44 Kenneth Crescent NW2 4PN**

In March 2000 the Director of Planning under delegated powers, made a tree preservation order in respect of four Oak trees located in the rear gardens of Kenneth Crescent. This action was taken in response to a request from a resident and because the trees were considered to have significant amenity value which should be protected. An application had now been submitted to remove two of the trees because they were causing structural damage to a house.

The Principle Landscape Designer advised Members that the risk of having to pay compensation in the event of the trees causing any damage to 44 Kenneth Crescent was too high to refuse this application.

Mr Douglas Reynolds objected to the application on the grounds of loss of wildlife and the detrimental effect on the area.

Mr James O'Hara reiterated Mr Reynold's comments that the application would have a negative impact on the local wildlife and suggested that a pruning of the trees would be sufficient to reduce the danger to 44 Kenneth Crescent. He expressed concern that the trees might be replaced by smaller trees.

During debate, Councillor Steel sought clarification that the insurance company who had made this application had agreed to undertaken any repairs should damage occur to 44 Kenneth Crescent after the trees had been felled. Councillor Harrod commented that although the preservation of trees was generally desirable, that in this instance it was appropriate that the tree preservation order be overruled in order to provide a solution to the problems being experienced. Councillor Freeson enquired whether radical root pruning could be considered as an option. Councillor McGovern enquired whether the trees would still need to be removed if underpinning of the building was carried out.

In reply to the issues raised, the Principal Landscape Designer confirmed that the insurance company would pay for any repairs to 44 Kenneth Crescent only once the trees had been felled. He advised Members that pruning only provided a temporary solution to this type of problem as the trees re-grew. The insurance company considered the felling of the trees as a permanent solution to the problem and he reiterated that the risk of having to pay compensation was too high should there be further damage to the 44 Kenneth Crescent if this application was refused. He advised Members that the insurance company did not take the view that the trees possessed no risk even if the building was underpinned.

RESOLVED:-

that consent be granted to remove T3 and T4, 2 oak trees, located in the rear garden of 44 Kenneth Crescent, subject to a condition that 2 trees of a size and species to be agreed with the Local Planning Authority be planted as replacements.

7. **Any Other Urgent Business**

None.

8. **Date of Next Meeting**

It was noted that the next scheduled meeting of the Committee would take place on Thursday, 3rd March 2005 at 7.00 pm and that the site visits for this meeting would take place on Saturday, 26th February 2005 at 9.30 am when the coach leaves from Brent House.

The meeting ended at 9.00 pm.

M CRIBBIN
Chair