

MINUTES OF THE PLANNING COMMITTEE
Wednesday, 21st September 2005 at 7.00 pm

PRESENT: Councillor Cribbin (Chair), Councillor Harrod (Vice Chair) and Councillors Allie, Freeson, Kabir (alternate for J Long), Kansagra, McGovern, Sayers and Singh.

Apologies of absence were received from Councillor J Long.

Councillor Wharton also attended the meeting.

1. Declarations of Personal and Prejudicial Interests

None

2. Requests for Site Visits

None

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 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	APPLICATION AND PROPOSED DEVELOPMENT
	(1)	(2)
	ITEMS DEFERRED FROM LAST MEETING	
0/01	04/3526	38 Eton Avenue, Wembley, HA0 3AX
		Erection of hipped roof over most of existing rear extension and side dormer window extension and installation of one front and one rear roof light to bungalow

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

The South Area Planning Manager advised Members that this application had been deferred from the previous meeting of the 24th August 2005.

Mrs N Gantra objected to the application on the grounds of loss of light and privacy, the potential reduction in the value of her property and that the proposed design would significantly alter the character of the applicant's property.

In accordance with the Planning Code of Practice, Councillor Wharton confirmed that he had been approached by objectors in respect of this application. Councillor Wharton stated that he had been informed by Mrs Gantra that there had been damage to the fence bordering the site from her property during works and he requested that a condition be attached that no building materials be laid against the fence.

In reply to the issues raised, the Head of Area Planning advised Members that such a condition would be difficult to enforce and was beyond the remit of planning regulations. He added that it was unlikely that building materials would be laid against the fence in future as works were to be carried out to the applicant's roof. Nevertheless, he advised Members that Planning Services would pass on Councillor Wharton's request on behalf of Mrs Gantra.

DECISION: Planning permission granted subject to conditions

0/02 04/3399 The Salusbury Foodstore, 56 Salusbury Road, NW6 6NN

Change of use from retail (A1) to mixed retail (A1), restaurant/café (A3) and take-away (A5) use, with erection of single-storey rear extension and ventilation ducting to side of building (as accompanied by "Land Use Survey: Salusbury Road, Primary Shopping Frontage")

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions and informatives

The South Area Planning Manager drew Members' attention to an amendment to condition 7, an additional condition 8 and additional comments as set out in the supplementary report that was circulated at the meeting.

During debate, Councillor Sayers expressed concern about chairs and tables cluttering the forecourt and public footway. Councillor Freeson commented that this problem was more of an issue at other sites along Salusbury Road. Councillor Kabir enquired if there were any guidelines that specified how much of the public footway could be used and she added that attaching a condition with regard to this would be an effective way of resolving this issue. Councillor Kansagra suggested that a condition be attached stating that no tables or chairs be permitted on the public footway.

In reply, the South Area Planning Manager advised Members that whilst use of the forecourt for tables and chairs would be permissible, any use of the public footway would require permission from the Transportation Unit. The Head of Area Planning gave further clarification by stating that the applicant understood that the area being discussed was part of the forecourt area and that the Transportation Unit were unlikely to object to a minor infringement of the public footway in this instance.

Members agreed that an additional condition be attached that there be no encroachment upon the public footway without the consent of the Transportation Unit.

Councillor Allie was not present for this item and therefore did not take part in any discussion or vote on this application.

DECISION: Planning permission granted subject to conditions, informatives, an amendment to condition 7 and an additional condition 8 as set out in the supplementary report and a further condition that there be no encroachment of the public footpath bordering the private forecourt without the consent of the Transportation Unit

NORTHERN AREA

1/01 05/1041 55 Oxgate Gardens, NW2 6EA

Erection of two-storey rear extension, installation of side dormer window and one rear roof light to dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

The North Area Planning Manager drew Members' attention to an amendment to condition 4 as set out in the supplementary report that was circulated at the meeting.

DECISION: Planning permission granted subject to conditions and an amendment to condition 4 as set out in the supplementary report

1/02 05/1045 53 Oxgate Gardens, London, NW2 6EA

Erection of two-storey rear extension to dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

The North Area Planning Manager drew Members' attention to corrections to the plans as set out in the supplementary report that was circulated at the meeting.

Mr Yves Guillemot objected to the application on the grounds of loss of light, in particular to his rear garden and requested that there be a re-assessment of daylight loss to his property with regard to the proposals. He also felt that the application could increase the risk of subsidence to surrounding properties and he requested that a subsidence assessment also be undertaken.

In reply to Mr Guillemot's queries, the North Area Planning Manager advised Members that as the proposals were to extend the property in line with Mr Guillemot's, that the loss of light would be limited. Members also heard that

subsidence was not a planning issue and therefore would have no bearing in consideration of this application.

DECISION: Planning permission granted subject to conditions

1/03 05/1421 Electricity Sub-station rear of 19 Bouverie Gardens, Harrow, HA3

Installation of 2 sector antennae at 11.7-13.4m on existing tower, 2 associated equipment cabinets, 1 meter cabinet and 1 wall mounted feeder gantry

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

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

Mr Anthony Field, in objecting to the application, indicated that he had not been invited to the site visit. He expressed concern about the possible health implications of the application, especially in view of the site's proximity to Mount Stewart Junior School. Mr Field felt that any possible health and safety issues should be of prime concern and therefore asked that the application be rejected.

Councillor Freeson enquired why Mr Field had identified this application as unacceptable compared to other applications of this type. In reply, Mr Field stated that he understood that the applicant had already had a previous application rejected, and although a different type of mast was now proposed, he claimed it was too new for there to be conclusive proof that it was safe.

In reply to the issues raised by Mr Field, the North Area Planning Manager apologised for any misunderstanding concerning the site visit. He advised Members that the latest application proposed a smaller number of antennae and with regard to health issues he stressed that the applicant had met the guidelines set by the International Commission of Non-Ionising Radiation Protection (ICNIRP), in accordance with Government requirements. The Head of Area Planning added that the health assessment had indicated that concerns of this nature need not undergo any further consideration.

During debate, Councillor Freeson enquired if the ICNIRP informed the residents of the results of their assessment and whether any investigation could be undertaken regarding the functions of ICNIRP. Councillor Harrod enquired if Environmental Health could be asked to monitor the site, considering its proximity to the school. Councillor Kabir indicated her support for Councillor Harrod's suggestion and asked if the Government were responsible for any subsequent monitoring of the site. Councillor Sayers enquired about the distance between the antennae and the school.

In reply to these comments, the Head of Area Planning advised Members that their concerns could be passed on to Environmental Health, although he could not guarantee that Environmental Health would monitor the site on a regular basis. He added that information could be obtained from ICNIRP regarding how sites are assessed and a report could go before a future Planning Committee (Policy) meeting.

The North Area Planning Manager confirmed that 1 antennae was 75 metres, and the other 135 metres, from the school building.

DECISION: Planning permission granted subject to conditions

1/04 05/2050 5 Oxenpark Avenue, Wembley, HA9 9SY

Erection of rear dormer window and two roof lights to each of the side roof planes of the dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

DECISION: Planning permission granted subject to conditions

1/05 05/1616 2 Greenhill, Wembley, HA9 9HF

Outline planning application for erection of a two-storey, detached, three-bedroom house with integral garage at rear of dwellinghouse

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

The North Area Planning Manager drew Members' attention to amendments to conditions 2, 9, 11, 12 and 13 and to comments regarding the cedar tree as set out in the supplementary report that was circulated at the meeting.

Mr Leech, in objecting to the application, expressed concern about the loss of light for the immediate neighbours, the impact on parking spaces and the possible demise of the cedar tree on site. Mr Leech circulated photographs in support of his assertion that the already limited parking spaces would be under greater pressure if the application was approved.

In reply to a query from Councillor Harrod, Mr Leech suggested that the applicant may have sought planning permission in order to increase the value of the land with a view to future sale of the land.

In reply to the issues raised by Mr Leech, the North Area Planning Manager advised Members that the proposed building was 10 metres from the adjacent site boundary and therefore was within planning guidelines. With regard to the cedar tree, he reiterated the comments made in the supplementary report

stating that it was considered that the tree could survive if the development went ahead.

During debate, Councillor Freeson queried the consultation process, in light of the claims made by residents in the report and supplementary report. He also enquired whether the application, if approved, would damage the roots of the cedar tree. Councillor Allie also queried the consultation process for this application. Councillor Kansagra felt that it would be appropriate that this application be deferred to consider the implications of the elevations in more detail.

In reply to the issues raised, the North Area Planning Manager advised Members that the adjacent residents were consulted and re-consulted concerning the revised plans and their comments duly noted. He stated that whenever revised plans were submitted, it was common practice that they would be made available for viewing in one-stop shops and he confirmed that the revised plans had also been sent to adjacent residents for this application.

The Head of Area Planning confirmed that the Landscape Officer had indicated that the revised plans accurately plotted the location of the cedar tree in relation to the distance between it and the proposed building and that he was therefore satisfied that the application did not present a risk to the tree's roots. He also confirmed that the outline application, if approved, would determine the position of the proposed building and therefore have implications for the upper floors, adding that there was scope in which to control the size and location of the windows.

Councillor Kansagra moved that the application be deferred so that the applicant supply details concerning the elevations and proposed positioning of the windows. This motion was put to the vote and declared carried.

DECISION: Application deferred

1/06 05/2201 197 Anson Road, NW2 4AU

Part demolition of existing dwellinghouse and erection of new 3-bedroom dwellinghouse on Anson Road frontage, formation of new access road and erection of five 2-bedroom (plus study) dwellinghouses with associated parking and service areas on land at rear of 197 Anson Road

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

The North Area Planning Manager drew Members' attention to additional comments and amendments to conditions 9, 11, 12 and 13 as set out in the supplementary report that was circulated at the meeting.

Mr L Vekaria, the applicant's agent, stated that a Section 106 Agreement was currently being negotiated between the applicant and the Council.

During debate, Councillor Sayers commented that access to the site was poor and he felt that there was insufficient amenity space. Councillor Kansagra enquired about the timescale with regard to formalising and legalising the Section 106 Agreement.

In reply to the queries raised, the North Area Planning Manager advised Members that the proposed amenity space was well in excess of the Council's minimum requirements. The Head of Area Planning advised Members that the formalising and legalising of the Section 106 Agreement was a streamlined process and he anticipated that agreement would be reached promptly.

The Head of Area Planning agreed to Councillor Freeson's request that the 5 properties be written to expressing concern about the condition of a track in the vicinity of the area.

DECISION: Planning permission granted subject to conditions, informatives, amendments to conditions 9, 11, 12 and 13 as set out in the supplementary report and a Section 106 Agreement

1/07 05/1743 1-11 Cairnfield Court, Cairnfield Avenue, NW2

Construction of rooftop (4th floor) extension comprising two new flats in addition to the existing block of eleven

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

At this point, Councillor Allie left the meeting and therefore took no part in discussion or voting on the remainder of the applications.

The North Area Planning Manager advised Members of a correction to the report, stating that there was no provision for off-street parking. He also confirmed that amended plans had been submitted, an objection had been withdrawn by a resident and that further landscaping would be sought.

DECISION: Planning permission granted subject to conditions

SOUTHERN AREA

2/01 05/1223 Land next to 59 Longstone Avenue, NW10

Erection of a new child day care centre

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions and referral to the Government Office for London

The Head of Area Planning advised Members that this application offered an improvement to the original scheme.

During debate, Councillor Freeson expressed surprise that there appeared to be no evidence of co-operation with the nursery adjacent to the site. He commented on the desirability of a joint approach between the appropriate departments to identify suitable sites for applications of this type and enquired who owned the land on the site.

In reply to Councillor Freeson's comments, the South Area Planning Manager advised Members that a number of sites had been considered before deciding that this site was most suitable for this application. The Head of Area Planning confirmed that the Council owned the land on the site.

DECISION: Planning permission granted subject to conditions

WESTERN AREA

3/01 05/1886 23 Norval Road, Wembley, HA0 3TD

Erection of single storey side and rear extension to dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

The West Area Planning Manager drew Members' attention to additional comments as set out in the supplementary report that was circulated at the meeting.

Mr Wilkie objected to the application on the grounds of the proposals being out of character for the area, especially considering the site was in a conservation area and he felt that there should be restrictions concerning the building materials to be used. He also suggested that there would be a loss of light to his property in respect of the proposed rear elevation.

In reply to Mr Wilkie's comments, the West Area Planning Manager advised Members that revised plans for the rear elevation were due to be submitted and he offered to inform neighbours of these revised plans.

During debate, Councillor Kansagra enquired why the 1st floor plans had been deleted. Councillor Freeson enquired if the design of the application could be closely monitored.

In reply to these queries, the Head of Area Planning confirmed that the applicant had withdrawn plans for the 1st floor and that the scale of the scheme had been reduced.

In light of Mr Wilkie's and Councillor Freeson's comments, Members agreed that an additional condition be attached that residents be consulted concerning the proposed building materials to be used.

DECISION: Planning permission granted subject to conditions, an additional condition as set out in the supplementary report and a further condition that residents be consulted concerning the proposed building materials to be used

3/02 05/2051 110 Paxford Road, Wembley, HA0 3RH

Erection of first floor and two-storey side extension, single and two-storey rear extension with steps to rear garden, rear dormer window extension and installation of one rear roof light to dwellinghouse (as amended by revised plans and letter received on 01/09/05 and fax received on 06/09/05)

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

DECISION: Planning permission granted subject to conditions and an informative

SPECIAL ITEM

5/01 Wasps Clubhouse and adjacent land, Repton Avenue, Wembley

OFFICER RECOMMENDATION:

- (i) note the position in respect of planning conditions and outstanding S106 requirements associated with planning permission ref 98/1344 of 27/07/99; and
- (ii) agree the principle of enforcement action in respect of more building works and use of the premises as detailed in section 3.6(iii) and (v) of the report as well as outstanding requirements of the Section 106 agreement if satisfactory commitments are not received from new owners

The Head of Area Planning introduced this item and explained the background and history to this site. Members heard that there were a number of concerns regarding the future of the clubhouse and the Section 106 Agreement that had been agreed with previous owners Wasps Rugby Football Club. It was hoped that the new owners, the Lohana Trust, would fulfil the requirements of the Section 106 Agreement and the required building works. However, the Head of Area Planning asked that Members consider the request to permit enforcement action should the current owners not meet these requirements. The Head of Area Planning also drew Members' attention to amendments and additional comments as set out in the supplementary report that was circulated at the meeting.

In accordance with the Planning Code of Practice, Councillor Wharton confirmed that he had not been approached by the owners or other interested parties with regard to this site. Speaking as Ward Councillor for this site, Councillor Wharton felt that the current owners had not shown due

acknowledgement of the Council's requirements for this site, particularly with regard to the Section 106 Agreement which he believed should be enforced. He acknowledged that access problems provided complications in developing this site but felt that the interests of the site would be best served by taking back into Council ownership.

During debate, Councillor Singh enquired why no legal action could be taken against the previous owners.

In response to Councillors Wharton and Singh's comments, the Head of Area Planning advised Members that liability for planning matters rested with the site and therefore only the current owners would be responsible for such matters. He explained that the Council could take legal action to ensure the current owners undertook the necessary building arrangements and Section 106 Agreements, or take steps to reclaim the site.

Councillor Freeson moved that an additional recommendation be included that a report, including contributions from the relevant departments, investigate the possibility of bringing the Wasps Clubhouse and adjacent land under the control of Brent Council or an organisation on its behalf be considered by a future meeting of the Executive. This motion was put to the vote and declared carried.

DECISION:

- (i) note that the position in respect of planning conditions and outstanding S106 requirements associated with planning permission ref 98/1344 of 27/07/99 be noted;
- (ii) that the principle of enforcement action in respect of more building works and use of the premises as detailed in section 3.6(iii) and (v) of the report as well as outstanding requirements of the Section 106 agreement if satisfactory commitments are not received from new owners be agreed; and
- (iii) that a report including contributions from the relevant departments investigating the possibility of bringing the Wasps Clubhouse and adjacent land under the control of Brent Council or an organisation on its behalf be considered by a future meeting of the Executive

8. **Any Other Urgent Business**

None

9. **Date of Next Meeting**

It was noted that the next scheduled meeting of the Committee to consider planning applications would take place on Tuesday, 11th October 2005 and that the site visit for this meeting would take place

on Saturday, 8th October 2005 at 9.30 am when the coach leaves from Brent House.

The meeting ended at 9.10 pm

M CRIBBIN
Chair

Mins2005'06/Council/planning/pln21sk