

MINUTES OF THE PLANNING COMMITTEE
Wednesday, 1st March 2006 at 7.00 pm

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

Councillor Lyon also attended the meeting.

An apology for absence was received from Councillor Allie.

1. Declarations of Personal and Prejudicial Interests

Councillor Sayers declared a personal interest in the application for 6 Howard Road, London NW2 6DR, item number 1/03 which he felt could be perceived as prejudicial. He took part in the discussion but did not vote on the application.

Councillor Singh declared a personal interest (School Governor) in the application for Woodfield School, London NW9 7LY, item number 1/05, which he felt could be perceived as prejudicial. He therefore did not take part in any discussion or vote on this application.

2. Minutes of Previous Meeting – 1st February 2006

RESOLVED:-

that the minutes of the meeting held on 1st February 2006 be received and approved as an accurate record.

3. Requests for Site Visits

None at this meeting.

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 decision column 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)
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NORTHERN AREA

1/01	05/3512	2A Hillview Avenue, Harrow, HA3 0UR Demolition of existing garage and erection of front porch, and single and two-storey side and rear extension to dwellinghouse (as amended by plans received on 27/01/06)
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OFFICER RECOMMENDATION: Grant planning permission, subject to conditions and an informative

The North Area Planning Manager drew Members' attention to the supplementary information circulated at the meeting that set out amended conditions 2, 4 and 5 and the removal of condition.

DECISION: Planning permission granted subject to conditions as amended in conditions 2, 4, 5 and the removal of condition 6.

1/02	06/0006	46 Beverley Gardens, Wembley, HA9 9QZ Erection of 2-storey side, single storey rear extension and outbuilding at rear of dwellinghouse
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OFFICER RECOMMENDATION: Grant planning permission, subject to conditions and an informative

The North Area Planning Manager drew Members' attention to the supplementary information circulated at the meeting that amended conditions 5, 6, 7 and 8 together with reasons. He corrected a typing error in condition No 1 to state "three" instead of "five" years.

DECISION: Planning permission granted subject to conditions as amended in conditions 1, 5, 6, 7 & 8.

1/03	05/2935	6 Howard Road NW2 6DR Certificate of lawfulness for existing conversion into 3 self-contained flats
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OFFICER RECOMMENDATION: Grant Certificate of Lawfulness, subject to conditions

The North Area Planning Manager stated that the additional statement received from the applicant supported the claim that the property had kitchen and bathroom facilities on all three floors when he purchased the property. He referred to evidence from building firms and a subsidence report in May 1993 that further supported the applicant's claim. In addition, the local real estate agents' advertisement for the sale of the property in 2004 referred to it as an unmodernised property divided into three self contained spacious flats with kitchens, bathrooms, bedrooms and reception rooms on all three floors. Additional statements from the applicant and his solicitors confirmed the presence of kitchens and bathrooms and individual gas meters on all three floors. On the balance of probability, and with the advice of Legal Services, he felt that the applicant had submitted sufficient evidence to warrant a recommendation for approval. In reference to the Council tax records and the gas supply meter, he stated that these were not conclusive proof that the property was used as a single family dwelling site.

Councillor Sayers disputed the claim that the property had been divided into three flats since 1993. He added that the evidence submitted by the applicant and his solicitors could not be relied on as the conversion was carried out in 2005. He urged Members to be minded to refuse the application for certificate of lawfulness for the existing conversion into three self-contained flats.

During debate, Councillor Kansagra expressed the view that the submission submitted by the applicant and his solicitors was not sufficient for the grant of the certificate and in his opinion the application should fall as the property had not been in use as 3 self contained flats for the past four years.

The Council's legal representative advised that on the balance of probability, the property had been used as three self-contained flats for more than four years. He referred to the subsidence report, the estate agents' literature for the sale of the property which was described as three self-contained flats and the locksmith's invoice in September 1998 following the break-in, which indicated a degree of self-containment. He advised Members to be minded to approve the application in line with officers' recommendations.

NB: Councillor Sayers declared a personal interest in this application and although took part in the discussion, did not take part in the voting. Councillor Kansagra asked that his dissent against the grant of planning permission for this application be recorded.

DECISION: Certificate of Lawfulness granted, subject to a condition granted

1/04 05/3106 156 Beverley Drive, Edgware, HA8 5ND

Change of use of dwellinghouse to osteopathic clinic and dwellinghouse

OFFICER RECOMMENDATION: Grant one year temporary planning permission, subject to conditions

The North Area Planning Manager stated that the application for the change of use of the dwelling to osteopathic clinic and dwellinghouse was being recommended for one year only, personal to the applicant. He added that subject to the recommended conditions restricting the use to the applicant, control of hours of use and the numbers of patients allowed at the premises at any one time, it was considered that the application would not harm the amenities of neighbouring residents or the residential character of the area. Furthermore, the application was being recommended for one year only to enable officers to monitor the change of use.

Mr Navin Jesani objected to the proposed change of use on the grounds that it would exacerbate the parking problems within the area which started with the introduction of the parking permit scheme in the Queensbury area. He alleged that the applicant was already running a clinic in Evelyn Avenue and had advertised the practice at 156 Beverley Drive on his website in advance of the grant of planning permission.

Mr Robert Dunwell, speaking in support of the application, said that in the interests of residential amenity, the Committee should be minded to add a further condition that no undue disturbance affecting the amenities of neighbouring occupiers associated either directly or indirectly with the treatment or persons connected with the treatment shall be permitted. He added that should the applicant fail to comply with the conditions recommended then the authority could take an enforcement action against the applicant.

Mr Arjani, speaking in support of his application, said that the conditions recommended by officers for the grant of temporary planning permission would ensure that no harm would be caused to the residents. He added that only one patient would be seen at any one time during day time and that he would make available the use of his own driveway for visiting patients thereby preventing any direct impact and obstruction to the free flow of traffic in the area. In response to Members' questions, Mr Arjani said that he had advertised the practice on his website although he had not seen any patient at the application site address. He added that he expected to see between three to four patients per day on week days which was likely to rise at its peak to about 18 patients at 30-minute intervals. He also added that only emergency cases would be dealt with during the weekend.

DECISION: One year temporary planning permission granted subject to conditions and personal to the applicant.

1/05	06/0143	School Main Building, Woodfield School, Wood Lane, NW9 7LY
		Erection of 2-storey extension comprising ground floor 6 th form unit and first floor mental health resource for the school's educational use and relocation of car parking area and associated landscaping buffer zone to adjoining properties (as accompanied by architects' report 1A dated 17/01/06)

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

The North Area Planning Manager stated that the Council's Transportation Unit had confirmed that the submitted travel plan was approved by the Council in August 2005 and, as it was currently in place, there was no need for a condition requiring the school to submit a travel plan. He drew attention to amendments to conditions 9 and 10 on external lighting and the use of the new building respectively adding that these were to minimize any undue impact to the neighbouring residents and safeguard their amenities.

Mr L Watson stated that although most of the residents were in support of the application, they had expressed concern about the proximity of the proposed building to their rear gardens and the proposed buffer zone. He requested that the school should put in place a management plan and a further consultation be carried out about the buffer zone which in its present form could not be properly landscaped.

Mrs Desi Collins, the head teacher, stated that the proposal would enable the school to accommodate pupils of 11 to 19 years of age. She added that according to a recent Ofsted inspection report, the school provided excellent education but its accommodation, which included the use of portakabins, was found to be unsatisfactory. She added that the proposal would address this aspect of the Ofsted report, enhance basic education and restrict the number of children who were likely to opt for schools out of Brent borough. The proposed building would include a lift service for disabled access and for the daily visiting professionals to the school.

In response to Members' questions, Mrs Collins stated that the school had always supported the wishes of the residents and listened to their concerns. She added that there were no plans at this stage to extend the school day.

During debate, Councillor Freeson expressed a view that condition No 10 in its present form was negative and requested officers to re-word it. The Head of Area Planning noted that the use of the proposed building was subject to the agreement of a management plan.

DECISION: Planning permission granted subject to informatives and conditions as amended in conditions 9 and 10

1/06 05/3126 80 Park Avenue North, NW10 1JY

Erection of two-storey side extension to dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

The North Area Planning Manager stated that following comments from the Council's Legal Services unit, he recommended the re-wording of condition 4 to ensure that no windows or glazed doors other than that shown on the approved plans shall be constructed in the flank wall of the building as extended, without prior written consent of the local planning authority. He added that the Council's enforcement team was pursuing the complaint that the house was being used for multiple occupation and if proven, a planning contravention notice would be served.

Mr H Patel, speaking in objection to the application, stated that his main concern was the obstruction of light to his kitchen and bathroom. He added that the use of the property as a house in multiple occupation was generating excessive noise levels and parking problems. He urged Members to be minded to refuse the application.

DECISION: Planning permission granted subject to conditions as amended in condition 4.

SOUTHERN AREA

2/01 05/3522 57A Harvist Road NW6 6EX

Retention and alteration of detached single storey outbuilding in rear garden as amended by plans received on 06/02/06

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

DECISION: Planning permission granted subject to conditions as amended in condition 1.

2/02 05/3693 Doyle Nursery School, College Road, NW10 5PG

Erection of a part 2-storey, part 3-storey building to provide 7 x 1 bedroom flats and 7 x 2 bedroom flats (a total of 14 units) with 12 parking spaces and 5 Sheffield type cycle stands within the basement involving the demolition of the existing nursery building and the relocation of the electricity sub-station "Car free Development" (as accompanied by photographs, Sustainable Development checklist and Design Statement and as revised by plans received on 20/02/06)

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

The South Area Planning Manager drew Members' attention to the contents of the supplementary information that set out a query raised by Councillor Freeson about ownership of the site, its zoning and whether the site was relevant to the UDP review. He added that the responses as set out in the supplementary information had been sent to Councillor Freeson. He drew Members' attention to amendments in conditions 4, 8 and 10 and the deletion of condition 11 as set out in the report together with reasons.

DECISION: Planning permission granted subject to conditions, informatives and a Section 106 agreement as amended in conditions 4, 8,10 and the deletion of condition 11.

2/03 05/3227 Church End Redevelopment, Church End and Roundwood Estates, Church End, NW10

Revised proposal for part of phase 4B of the Resiform Estate Redevelopment: erection of a 4-storey block of flats, to include 30 one-bedroom flats for the elderly, and associated landscaping

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

The South Area Planning Manager stated that this application was for minor alterations to a building previously approved in order to provide a different mix of units and to increase the provision by three one-bedroom flats. The proposal complied with the requirements of the UDP and SPG 17 and officers considered its appearance and overall scale to be acceptable. In response to Members' questions, he added that this was not the final phase of the development. He added that following the completion of phase 4, phase 5 (subject to planning permission) would commence when all residents had been decanted and the expected date of completion was likely to be around 2008.

DECISION: Planning permission granted subject to conditions.

2/04 05/3523 Church Road Car Park rear of 189-203 Church Road NW10

Change of use of car park to open-air market on Wednesdays and Saturdays

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

The South Area Planning Manager referred Members to the supplementary information circulated at the meeting that set out officers' responses to Councillor Lyon's enquiry about the condition on controlling amplified music. He added that the Borough Solicitor had suggested a proposed condition on amplified music as set out in the supplementary information in respect of condition No 2 and an additional condition on the setting up of the market.

In accordance with the provisions of the Planning Code of Practice, Councillor Lyon stated that he had been approached by the market stall holders. He spoke in support of the application for use of the site as a market but expressed concern about the ban on advertising or amplified music as there was a stall holder selling CDs of various kinds of music in the market. He expressed a view that a planning condition prohibiting any amplified music would be excessive and would not make it feasible for that particular stall holder to run his music stall.

In responding to the concerns raised by Councillor Lyon, the Planning Manager referred Members to a replacement condition 2 suggested by the Borough Solicitor on audible music in the market in order to safeguard the amenities of the adjoining occupiers and an additional condition on the setting up of the market.

DECISION: One year temporary planning permission granted subject to conditions as amended in condition 2 and an additional condition on setting up times.

WESTERN AREA

3/01 05/3423 115 East Lane, Wembley, HA9 7PB

Retention, modification and completion of single storey detached garage in rear garden of dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

DECISION: Planning permission granted subject to conditions

3/02 05/3212 15 Bovingdon Avenue, Wembley, HA9 6DH

Erection of part single storey and two-storey side and rear extension to dwellinghouse (as amended by revised plans received on 19/01/06 and 20/01/06)

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

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

3/03 05/3052 Second Floor, Gormley House, Waxlow Road, NW10 7NU

Change of use of remainder of second floor of industrial premises to extend approved vocational and enterprise educational training centre on this floor

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions.

DECISION: Planning permission granted subject to conditions.

6. Planning Appeals

Members were requested to note the information reports in the information bulletins circulated at the meeting.

RESOLVED:-

that the following be noted:-

(a) **December 2005**

- (i) Planning appeals received – 1st – 31st December 2005
- (ii) Enforcement appeals received – 1st – 31st December 2005
- (iii) Planning appeal decisions – 1st – 31st December 2005
- (iv) Enforcement appeal decisions – 1st – 31st December 2005
- (v) Selected planning appeal decisions list – 1st – 31st December 2005
- (vi) Copies of selected appeal decisions – 1st to 31st December 2005

(b) **January 2006**

- (i) Planning appeals received – 1st – 31st January 2006
- (ii) Enforcement appeals received – 1st – 31st January 2006
- (iii) Planning appeal decisions – 1st – 31st January 2006
- (iv) Enforcement appeal decisions – 1st – 31st January 2006
- (v) Selected planning appeal decisions list – 1st – 31st January 2006
- (vi) Copies of selected appeal decisions – 1st – 31st January 2006

7. **Date of Next Meeting**

The next meeting of the Committee which will consider planning policy issues only will take place on Wednesday, 15th March 2006 at 7.00 pm. The next meeting of the Committee which will consider planning applications will take place on Wednesday, 29th March 2006 at 7.00 pm. The site visit for the meeting will take place on the preceding Saturday, 25th March 2006 at 9.30 am when the coach leaves from Brent House.

8. **Any Other Urgent Business**

None

The meeting ended at 8.35 pm

M CRIBBIN
Chair

Mins2005'06/Council/planning/pln01mar06