

MINUTES OF THE PLANNING COMMITTEE
Wednesday, 26th April 2006 at 7.00 pm

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

Apologies for absence were received from Councillors H M Patel and Sayers.

1. Declarations of Personal and Prejudicial Interests

None at this meeting.

2. Minutes of Previous Meeting – 29th March 2006

RESOLVED:-

that the minutes of the meeting held on 29th March 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	APPLICATION AND PROPOSED DEVELOPMENT
	(1)	(2)

NORTHERN AREA

1/01	05/3685	81 Lindsay Drive, Harrow, HA3 0TQ
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Conversion of attic to two bedrooms and bathroom with the installation of 5 rooflights and remodelling of 1st floor with rear extension and installation of disabled lift

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

The North Area Planning Manager stated that of the five rooflights to the first floor, two were proposed on the front elevation, one on the flank and two on the crown of the roof. In order to ensure a satisfactory development which would not prejudice the amenity of the locality, he recommended a further condition No 4 requiring that the proposed rooflights shall be installed so that they were set flush with the roof plane and not to protrude above it.

DECISION: Planning permission granted subject to conditions and an additional condition 4 on the proposed rooflights.

1/02 05/3443 215 Edgware Road, NW9 6LP

Change of use of premises to restaurant (A3)

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

The North Area Planning Manager drew Members' attention to amended conditions 3 and 4 as set out in the supplementary information circulated at the meeting. He also added that in order to ensure similar operational hours with the restaurant at No 185 Edgware Road, he recommended an additional condition 6 on the opening hours to the public for the consumption or sale of food and for ancillary purposes as set out in the supplementary information circulated at the meeting.

DECISION: Planning permission granted subject to conditions as amended in condition 3, 4 and an additional condition 6 on opening hours.

1/03 05/3102 Garages rear of Mountaire Court, Highfield Avenue, NW9

Demolition of existing garages and erection of 2 two-storey detached dwellinghouses with associated landscaping and car parking

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

The North Area Planning Manager referred Members to issues raised by the objectors as set out in the supplementary report circulated at the meeting. In order to address these issues, he recommended an additional condition 4 on details including samples of materials, details proposed for lighting along the access way, arrangements for temporary storage of dustbins prior to collection and the arrangements for the allocation of parking spaces, to be submitted prior to commencement of any work on site. He added that a fire hydrant would be installed so as to fully comply with fire access requirements in Supplementary Planning Guidance note 13. He noted that the limited volume of traffic generated was unlikely to result in a significant of vehicles using the single car access point. In respect of additional queries raised by Members in respect of the rear garden of 49 Fairfield Crescent, he stated that planning permission to retain the structure was granted in 1992 and that the play house on the boundary in the rear garden of 25 Hillside would be investigated to ascertain if the structure was immune from enforcement action in which case some form of screening or planting would be required as part of condition No 5.

Mr Clive Busby stated that the proposed development would cause serious parking problems for the 11 residents who would be required to share the 9 car parking spaces available. He also expressed concerns about overhanging trees, the brick wall and ownership of the property and maintenance issues. In response to Members' questions, Mr Busby stated that the access to the site was via a narrow alleyway which would compromise pedestrian and residents' safety and also pose access problems for emergency vehicles.

Mr Brian Sheridan stated that the proposal would enhance the area as currently the buildings were in a dilapidated condition and that the resident at No 1 The Retreat, who would be most affected by the development, had expressed his support for the application. He endorsed officers' recommendation for approval, subject to conditions as set out in the main and supplementary reports. In response to Members' questions, Mr Sheridan stated that a small area had been set aside for dustbin storage and that low level lighting would be used to ensure that residential amenities were not adversely affected. He added that parking provisions would be allocated as part of the title to the properties and that access arrangements would be shared between vehicles and pedestrians.

During debate, Members expressed divided opinions about this application. Councillor Kansagra expressed concerns about the loss of domestic garages and the width of the access which he added would pose a danger to both drivers and pedestrians. Councillor Freeson stated that the site was currently an environmental slum and that it was misleading to infer that there would be a constant flow of traffic and pedestrians in the access point to the development site.

In responding to some of the issues raised, the Planning Manager stated that the current application for two houses was an improvement upon the previously refused application for four houses. He added that the proposed houses would be of traditional build to blend in with and retain the residential character of the area. He also added that ownership was not a planning issue and that speed humps would be erected at the point of entry to reduce the speed of vehicles entering and exiting from The Retreat.

DECISION: Planning permission granted subject to conditions as amended in condition 4 on additional details to be submitted.

SOUTHERN AREA

2/01 06/0182 357-363 (odd) Kilburn High Road, NW6 7QB

Demolition of existing building and erection of four-storey building to include 3 retail units on ground floor and 5 self-contained flats on 1st, 2nd and 3rd floors (as accompanied by Design Statement [January 2005], Noise and Vibration Assessment [December 2005] and Network Rail letters dated 18/01/06 and 11/04/06).
"Car Free Development"

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

The Head of Area Planning stated that representatives of the Kilburn Partnership including the Town Centre Manager and the Borough of Camden were consulted about this application but had received no objections from them. On the issue of site access route and safeguarding the future station access, he clarified that the access points would be kept locked as Network Rail wanted to safeguard future operational access and there would be safety and security concerns if it was left open or unlocked. On the layout of the retail units, he advised that the applicants had indicated that the proposed size and number of retail units were viable and appropriate to the shopping area. In respect of the status of the current tenants, he advised that this was not a matter that could be considered in a planning application but that Network Rail had accepted that the leaseholders had protection under the Landlord and Tenant Act. On the request to defer the application until after the tenants had met with Network Rail on 4th May, he emphasised the importance of determining the proposal on its own planning merits adding that the issue of the landlord/tenant relationship was not a matter for this Committee.

Mr Selmani stated that the vibration level which was quite high and thus constituted a danger to residents had not been properly examined. In response to Members' questions Mr Selmani stated that in view of the vibration levels he would still object to the development even if it was for office use.

Mr Stephen Mills stated that no other parties had raised objections to the application and that negotiations with tenants would continue. He added that the scheme constituted an overall benefit and that the methodology of the vibration assessment used was no different from any other assessment used by Network Rail. In response to Members' questions, Mr Mills stated that the residents had been consulted although consultation was a matter for the Council and not Network Rail. He added that the scale of this application would not warrant a public consultation as it did not constitute a major application within Network Rail's portfolio.

During debate, Councillor Freeson expressed general concerns about developments that had no direct relevance to users of the station and urged that an approach should be made to Network Rail encouraging them to integrate any future developments they propose to carry out with station redevelopments. Councillor Kansagra moved a deferral of the application on the grounds that no consultation with residents had been carried out by Network Rail.

The Head of Area Planning re-iterated his advice on the relevance of planning grounds to the decision making but suggested that officers could make an approach to Network Rail along the lines suggested by Councillor Freeson. Prior to voting, the legal adviser informed Members that the application had to be considered on its merits and a refusal based on the future adverse effect on residents' amenity caused by future redevelopment of the station could only be justified if details of such a proposed redevelopment were available. He added that Network Rail was not obliged to undertake consultation with residents although the Council did of course have to carry out consultation on the application.

DECISION: Planning permission granted subject to conditions, an informative and a Section 106 agreement. The Committee requested that an approach be made to Network Rail as proposed by Councillor Freeson.

2/02 06/0629 44 Sidmouth Road, NW2 5HJ

Demolition of existing dwelling and erection of a 3- and 4-storey block of 10 self-contained flats, with new vehicle and pedestrian access and provision of 5 parking spaces (accompanied by Urban Design Statement [March 2006] and Sustainability Report [05/04/06])

OFFICER RECOMMENDATION: Refuse planning permission

The Committee was informed that the applicants had withdrawn the application by fax received on 24th April 2006.

DECISION: The Committee would have been minded to refuse this application had it not been withdrawn.

2/03 06/0461 1B-11B (inc) and 1C, 2C, 1D, 9-11 The Avenue, NW6

Demolition of existing buildings and erection of a 4-storey building with basement comprising 14 self-contained flats

OFFICER RECOMMENDATION: Refuse planning permission

The Committee was informed that the applicants had withdrawn the application earlier in the afternoon.

DECISION: The Committee would have been minded to refuse this application, on the information available, had it not been withdrawn.

2/04 06/0315 203 High Street, NW10 4TE

Change of use from retail use to restaurant

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

DECISION: Planning permission granted subject to conditions and an additional condition 8.

WESTERN AREA

3/01 06/0474 591 Harrow Road, Wembley, HA0 2EF

Outline application for demolition of existing building and erection of 4-storey building comprising 8 one-bedroom, self-contained flats and provision of 2 frontage car parking spaces (matters for determination: siting, design and means of access)

OFFICER RECOMMENDATION: Refuse planning permission
The Committee was informed that the applicants had withdrawn the application nearer to the date of the meeting

DECISION: The Committee would have been minded to refuse this application had it not been withdrawn.

3/02 06/0516 Gratton Guest House, 147 Wembley Hill Road, Wembley, HA9 8DU

Demolition of existing building and erection of two attached, three-storey, six-bedroom houses with bin storage area and steps on Wembley Hill Road frontage and communal parking area adjacent to rear of Park Lane properties, with access off Wembley Hill Road (as accompanied by letter dated 15/02/06)

OFFICER RECOMMENDATION: Refuse planning permission

The Assistant West Area Planning Manager stated that a further letter of objection received noted that Wembley Hill Road was extremely busy with traffic, a situation that had been exacerbated with the re-opening of the Wembley Arena. Concerns were also expressed over additional traffic congestion that would result following the opening of the Wembley National Stadium. The objector also expressed concern over possible overlooking of neighbouring properties irrespective of the TPO trees, adding that the site was inappropriate for people with learning disabilities.

Mr Gerard Bushby stated that sufficient amenity space had been provided within this development which would not require new accesses to be formed in relation to the scheme and levels of parking. He added that the application was being made under use class C3 as a care home and that all requirements for the registration of care homes had been complied with. Mr Bushby urged Members to be minded to approve the application contrary to officers' recommendation.

In responding to this, the Assistant Manager stated that the amenity space for a hotel was totally different from that required for two large houses proposed. He added that the layout and access arrangements to the open areas provided inappropriate amenity space for the proposed use of the properties.

DECISION: Planning permission refused

3/03 06/0107 18 Sudbury Hill Close, Wembley, HA0 2QR

Erection of two-storey building comprising of two one-bedroom flats and formation of 2 car parking spaces on land to side of 18 Sudbury Hill Close

OFFICER RECOMMENDATION: : Grant planning permission, subject to conditions

DECISION: Planning permission granted subject to conditions as amended in conditions 5 and 6.

3/04 06/0152 19 Pebworth Road, Harrow, HA1 3UD

Demolition of an existing side garage and erection of part single storey and two-storey side and rear extension, installation of rear dormer window and 1 side rooflight, and formation of hardstanding and landscaping at front of dwellinghouse (as amended by revised plans received on 07/04/06)

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

The Assistant Planning Manager stated that a fax received from No 21 Pebworth Road confirmed that they had seen the revised plans and noted that the proposed side garage at the application site would be set away one metre from the side wall of their house and would prefer to see a condition attached to the permission to this effect. He confirmed that condition 2 covered this issue and no further additional condition was required.

Mr H A Shah, in objecting to the application, requested that the garage be set back so as not to affect daylight to his hallway.

In responding to this, the Assistant Planning Manager stated that as the impact on the objector's daylight would be to the hallway rather than a habitable room it was not considered significant to warrant a reason to refuse the application. He added that the space to the side of the property was limited and that the first floor set back of 2.5 metres accorded with the supplementary planning guidance note 5.

DECISION: Planning permission granted subject to conditions.

3/05 06/0541 593A-D Harrow Road, Wembley, HA0

Outline application for demolition of existing building and erection of 4-storey building comprising 12 self-contained flats and provision of 4 frontage car parking spaces (matters for determination: siting, design and means of access)

OFFICER RECOMMENDATION: Refuse planning permission

The Committee was informed that the applicants had withdrawn the application nearer to the date of the meeting

DECISION: The Committee would have been minded to refuse this application had it not been withdrawn.

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:-

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

7. **Any Other Urgent Business**

- (i) Delegation of Authority

The Head of Area Planning informed the Committee that it was becoming common practice among agents and applicants for major applications to communicate the withdrawal of their applications recommended for refusal, after the agenda had been prepared and sometimes on the day of the Committee meeting. This practice resulted in a waste of officer time in preparing the report and was having a detrimental impact on the performance targets. It also resulted in confusion and wasted time for third parties and could create difficulties in planning the preparation of the agenda and the subsequent meeting. He suggested and members agreed that in order to improve the management of the Planning Committee process and the delivery of Government performance targets, the Borough Solicitor be advised that the Committee seek the amendment of the appropriate Standing Order to extend the power to determine major developments that are recommended for refusal to appropriate officers

- (ii) Retirement of Councillors Cribbin and Harrod

Members paid generous tributes to Councillors Cribbin and Harrod (the Chair and Vice-Chair) of the Committee who would retire from the Council as they would not be standing as candidates at the forthcoming Local Elections in May 2006. In reciprocating the sentiments expressed, both Councillors expressed their appreciation to Planning Officers and Legal & Democratic Services for their helpful advice and support.

8. **Date of Next Meeting**

The date of the next meeting of the Committee will be confirmed at the Council Meeting on 22nd May 2006.

The meeting ended at 8.45 pm.

M CRIBBIN
Chair

Mins2005'06/Council/planning/pln26Apr06