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

PRESENT: Councillor Kansagra (Chair), Councillor Singh (Vice-Chair) and Councillors Cummins, Dunn (alternate for Hashmi), Dunwell, Hirani, J Long, R Moher and H M Patel.

Apologies for absence were received from Councillors Anwar and Hashmi

Councillors Arnold, Colwill and Steel also attended the meeting.

1. Declarations of Personal and Prejudicial Interests

19 and 19A Allington Road, W10 4AY (reference 06/0941) and 21 and 21A Allington Road, W10 4AY (reference 06/0935)

Councillor J Long declared a prejudicial interest in both these applications as a board member of the applicant, Brent Housing Parntership (BHP), and therefore vacated the meeting room and did not take part in discussion or voting on these applications.

2. Minutes of Previous Meeting – 28th June 2006

RESOLVED:-

that the minutes of the meeting held on 28th June 2006 be received and approved as an accurate record subject to the following addition:-

Page 6, last line, insert "Councillor Dunwell also felt that the Transportation Unit should consult with residents concerning the loss of the parking space."

3. Requests for Site Visits

None.

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 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 APPLICATION APPLICATION AND PROPOSED NO NO DEVELOPMENT

(1) (2)

NORTHERN AREA

1/01 06/1046¹

John Billam Youth Sports Centre, Woodcock Hill, Harrow, HA3 0PQ

Amendment to conditions 11 and 12 (Limiting the number of "peak" events in which between 150 and 350 persons can occupy the premises to 15 days per annum) and consequently to conditions no. 3 and 16, being conditions of planning permission reference 02/2671 and 03/2865 for erection of first-floor and single-storey rear extensions, internal and external modifications and change of use to include Use Class D1 (D2 Existing) (as revised 27/06/06)

OFFICER RECOMMENDATION: Grant planning permission, subject to amendments to conditions 3, 11, 12 and 16 and an informative

The North Area Planning Manager drew Members' attention to the supplementary information circulated at the meeting, in particular the information on the management plan. He stressed that although the Gujarati Arya Association (GAA) occupied the site, the Parks Service had indicated that the anti-social behaviour reported within the vicinity had not originated from the occupants. Members heard that it was intended that the sports facilities would be used by schools during term time and sports clubs during the evenings and weekends. Members were advised of an additional condition in the supplementary report stipulating that planning permission would be permitted for a limited period of 2 years.

Som Parmar (General Secretary of the GAA), speaking in support of the application, stated that the GAA was a charity organisation that bought benefits to the community, such as providing sports facilities and hosting fundraising activities. Mr Parmar urged that no further restrictions be placed on the application in terms of capacity and opening hours as this would harm its income and thus jeopardise its future. He also stated that the GAA would be willing to install noise limitation devices if necessary.

In reply to queries from Members, Mr Parmar confirmed that there were 95 parking spaces on site and on behalf of applicant he apologised for the breach of conditions that had resulted in the issuing of an Enforcement Notice. Mr Parmar confirmed that every effort would be made to ensure that condition 14 relating to noise would be adhered to and he claimed that a management plan and a green travel plan had been submitted.

In accordance with the provisions of the Code of Practice, Councillor Steel confirmed that he had not been approached by the applicant or any

¹ Amendment agreed at the Planning Committee meeting of 15/08/2006 to read as "06/1337".

interested party in respect of this application. Councillor Steel felt that the conditions placed on the applicant during the previous application were justified in order to prevent an undue impact in the surrounding area and he thought that increasing the building capacity to 350 persons unnecessary.

In accordance with the provisions of the Code of Practice, Councillor Colwill confirmed that he had been approached by residents in respect of this application. Councillor Colwill reaffirmed Councillor Steel's wish that the present conditions remain for the benefit of the local area, adding that he had received approximately 100 letters complaining about noise and anti-social behaviour, especially late at night, occurring within the vicinity of the site. He felt that additional consideration should be given to noise concerns in view of there being an Older People's Residence opposite the site and he expressed concern that there was the potential for noise breakout from the site during warm weather due to windows being left open.

In reply to the issues raised, the North Area Planning Manager explained that the current restrictions affected the use of the entire site. He felt that the proposed conditions and the management plan and the investment undertaken by the GAA for improvements would go a long way to address the concerns raised and stated that the recommendations were designed to strike a balance for the benefit of all parties concerned. The North Area Planning Manager confirmed that the hours of use for the building would be until 10.30pm Sunday to Thursday and until 11.00pm Friday and Saturday.

During debate, Councillor Singh felt that the proposed increase in capacity was not inappropriate, that there were sufficient parking spaces and stated that community centres of this scale had been approved in other residential areas where there were a larger number of dwellings within the vicinity. Councillors Cummins, Dunn² and Hirani felt that the application should not be considered until the management plan had been finalised. Councillor Cummins added that if this was not feasible, then there should be a condition that the applicant could not operate under the new conditions until the management plan was in place.

Councillor Dunwell sought confirmation as to whether the Planning Service had received the management plan and clarification with regard to amendments to the original proposals, the mention of a 150 person limit for the sports ground and changing rooms and to whether condition 14 assumed the site boundary to be 5 metres from the actual boundary. He also felt that the application submitted contained inaccuracies and had failed to mention that the applicant also owned land adjacent to the site. Councillor Dunwell felt that in view of the unique circumstances concerning this application, it should not be determined until the green travel plan and management plan had been approved by Members.

Councillor J Long commented that it was usual practice that the details of management plans to be delegated to officers and stressed the importance of

² Amendment agreed at the Planning Committee meeting of 15/08/2006 to insert "Dunwell".

ensuring that there was full use of the site's sports facilities at the earliest opportunity.

The Chair confirmed that it had not been the business of the Committee to consider management plans in the past, adding that any management plans were commonly subject to planning officers' approval. He also enquired whether any noise limitations would be set by Environmental Health.

In reply to the issues raised, the North Area Planning Manager confirmed that amendments to the application had been received by e-mail from the Head of Parks Service. He advised Members that the 150 person limit for the sports ground and changing rooms was 1 of 3 options mentioned in the report and that planning approval was usually conditional on an approved management plan where this was required of the applicant³. With regard to condition 14, the North Area Planning Manager confirmed that this referred to noise from the building itself and he stated that although Environmental Health had not been involved, the Planning Service could send them a submission in relation to noise issues.

The Head of Area Planning added that conditions relating to noise were added to give particular consideration to the properties along Silverholme Close.

DECISION: Planning permission granted, subject to amendments to conditions 3, 11, 12 and 16, an informative and an additional condition as set out in the supplementary information

1/02 05/2038 1 The Leadings, Wembley, HA9 9DT

Erection of three-storey block to provide four x one-bedroom and one x three-bedroom self-contained flats; provision of vehicular access to Chalkhill Road and layout of car-parking spaces and communal gardens.

OFFICER RECOMMENDATION: Refuse planning permission

The North Area Planning Manager drew Members' attention to the additional comments made in the supplementary information circulated at the meeting.

Mr Venilal Vaghela, Chair of the local Residents' Association, objected to the application on the grounds loss of trees, previous damage to mature trees on the site and damage by machinery on the adjacent footpath to Chalkhill Road. In reply to a query from the Chair, officers did not think that the proposals would have an adverse effect on traffic or parking spaces on the advice of the Director of Transportation.

³ Amendment agreed at the Planning Committee meeting of 15/08/2006 to insert "The North Area Planning Manager confirmed that a management plan had not been received from the applicant."

DECISION: Planning permission refused

1/03 06/1355 177 Valley Drive, London, NW9 9NT

Change of use from single family dwelling to care home for 6 patients suffering from autism

OFFICER RECOMMENDATION: Refuse planning permission

The North Area Planning Manager drew Members' attention to the supplementary information circulated at the meeting which confirmed that the applicant had given notice to withdraw their application.

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

1/04 06/0861 18 Beverley Gardens, Wembley, HA9 9QZ

Erection of 2-storey side and single-storey rear extension to dwellinghouse (as amended 29 June 2006)

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

DECISION: Planning permission granted, subject to conditions

1/05 06/0594 Doctors Surgery, 301A Kingsbury Road

Change of use from offices (Use Class B1) to day nursery (Use Class D1)

OFFICER RECOMMENDATION: Refuse planning permission

The North Area Planning Manager drew Members' attention to the supplementary information circulated at the meeting which confirmed that following further investigation, it had been established that an element of land to the east of the building was Council owned and that Transportation could not guarantee that there would be no works undertaken on this land in the short or long term that may significantly affect access to this site. The North Area Planning Manager therefore advised Members that the recommendation had been amended to refusal as there was no reasonable certainty that site access and parking layout could be maintained to Council standards.

In addition, the Head of Area Planning advised Members of the unusual circumstances concerning the application, stating that it would have been desirable if the applicant had sought details concerning the status of the land surrounding the building before proceeding with the application. Members noted that if approved, the applicant could be faced with the prospect of making high investments for short term use of the site.

Nina Halai, the applicant, explained that it was proposed that the land surrounding the building would be used for parking only, and that she had agreed to redesign the parking arrangements as recommended by the Transportation Unit. Mrs Halai added that she wished to obtain planning permission whilst there was potential to extend the site.

In reply to queries from Members, Mrs Halai believed that she had permission to lease the surrounding land from the Council and that children would be taken to the green space adjacent to the site in small groups. She explained that most parents would visit the site during normal working hours, although the site would be open throughout the day and up to 4 cars could be accommodated at any one time.

In accordance with the provisions of the Code of Practice, Councillor Colwill confirmed that he had been approached by the applicant in respect of this application. Councillor Colwill expressed regret that the status of the land surrounding the building had not been ascertained at an earlier stage, and he did not believe that there were any traffic reasons for needing the site improvements. He also felt that it would be beneficial for the application to be approved as there was a shortage of nursery places in the area.

During debate, Councillor Dunwell felt that the loss of parking spaces at the nearby Green Man Public House car park would impact upon parking spaces in the area. Councillor Singh suggested that due to the site's location near 2 intersections, that there could be traffic issues when a number of vehicles were visiting the centre simultaneously during peak hours. Councillor Dunn sought clarification on whether the arrangements for taking children to the green space adjacent to site would be subject to the Office for Standards in Education (OFSTED) standards. Councillor Cummins asked whether the Planning Service was in receipt of a letter confirming that the applicant could lease the surrounding land from the Council and whether commercial reasons were also being taken into consideration concerning the application.

In reply to the issues raised, the North Area Planning Manager confirmed that the Council had an agreement with the owners of the Green Man car park which allowed for public use however it was felt that the reduction to 20 spaces would not significantly affect parking spaces in the area. He also confirmed that the applicant would be subject to operating the site to OFSTED standards.

The Head of Area Planning confirmed that although the applicant would be able to lease the land from the Council, this right had not yet been exercised. He advised Members that the Council was legally entitled to have access to the land at short notice and that there was a reasonable possibility that Transportation would need access to this land in either the short or long term future. The Head of Area Planning stressed that the risk posed to the applicant in that potentially a high level of investment would be undertaken for only a short term use was a major consideration.

Councillor J Long moved that the application be deferred in order that the applicant be given time to further consider the options concerning the future of their application. This motion was put to the vote and declared CARRIED.

DECISION: Application deferred

SOUTHERN AREA

2/01 06/1290 School Main Building, St Mary Magdelen Roman Catholic School, Lincacre Road, London, NW2 5BB

Demolition of existing buildings and erection of single-storey and two-storey replacement school building, comprising two-storey main school building fronting Lechmere Road, new sports hall and creation of external play space areas, including all-weather pitch fronting Linacre Road (as accompanied by Travel Plan September 2005; Skylight & Sunlight Indicator Study 21 April 2006; Design Statement 21 April 2006) (as amended by plans received on 10 July 2006)

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

The Assistant South Area Planning Manager drew Members' attention to amendments to conditions 3, 4 6, 7 and 9 as set out in the supplementary information circulated at the meeting.

During debate, Councillor Dunwell enquired whether providing shade to the playground was a factor concerning the tree planting proposals. In rely, the Assistant South Area Panning Manager advised Members that light and shade aspects were important considerations for applications of this type and that there was scope for improvement in this area for this application.

DECISION: Planning permission granted, subject to conditions, an informative and amendments to conditions 3, 4, 6, 7 and 9 as set out in the supplementary information

2/02 06/0994 391-395 Chapter Road, London, NW2 5NG

Demolition of existing buildings and creation of 38 dwellings, comprising 3- and 5-storey building (block A-B) consisting of 28 self contained flats, 4-storey building (block C) consisting of 6 self-contained flats, 3-storey building (block D) containing healthcare premises on ground floor and 4 self-contained flats above, new electricity substation to rear of 24 Cooper Road, new vehicular access onto Cooper Road, new pedestrian access from Cooper Road to Chapter Road, provision of 4 car parking bays and provision of external bin stores (accompanied by Design Statement April 2006 and Ground Investigation Report April

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

The Assistant South Area Planning Manager drew Members' attention to additional conditions 15 and 16 as set out in the supplementary information circulated at the meeting.

Councillor Dunwell enquired about the possibility of including motorcycle spaces on site as part of the proposals. Councillor J Long asked that this suggestion be considered for other applications of this type.

In reply to these comments, the Assistant South Area Planning Manager stated that the application was subject to bicycle space provision. The Head of Area Planning advised Members that any provision for motorcycle spaces on this site would mean a corresponding loss of bicycle provision.

Councillor Dunwell moved that there be a condition added that the applicant provide motorcycle parking spaces. This motion was put to the vote and declared LOST.

DECISION: Planning permission granted, subject to conditions, a Section 106 Agreement and additional conditions 15 and 16 as set out in the supplementary information

2/03 06/0885 Ground Floor Flat, 45 Herbert Gardens, London, NW10 3BX

Erection of single storey rear extension to ground floor flat

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

DECISION: Planning permission granted, subject to conditions

2/04 06/1439 Doyle Nursery School, College Road, London, 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 14 parking spaces and 8 Sheffield-type cycle stands within the basement, involving the demolition of the existing nursery building and the relocation of the electricity substation (as accompanied by Sustainable Development Checklist and Design Statement)

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

The Assistant South Area Team Manager drew Members' attention to an amendment to condition 5 as set out in the supplementary information circulated at the meeting.

Councillor J Long moved that there be a condition attached that any application for parking permits from residents of this site be charged at least the 2nd vehicle permit holder rate as agreed by the Head of Terms of the Section 106 Agreement. The Head of Area Planning advised Members that the applicant specifically sought the removal of this restriction. This motion was put to the vote and declared CARRIED.

DECISION: Planning permission granted, subject to conditions, an informative, a Section 106 Agreement, an amendment to condition 5 as set out in the supplementary information and that any application for parking permits from residents of this site be charged at least the 2nd vehicle permit holder rate as agreed by the Head of Terms of the Section 106 Agreement

2/05 06/0779 69-71 Kilburn High Road, London, NW6 6HY

Proposed change of use from (Use Class A1) retail to (Use Class A2) betting shop

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

The Assistant South Area Planning Manager advised Members that it was being recommended that condition 3 be deleted as set out in the supplementary information circulated at the meeting.

In accordance with the provisions of the Code of Practice, Councillor Arnold confirmed that she had been approached by local residents in respect of this application. Councillor Arnold felt that consideration should be given to the number of betting offices currently operating in Kilburn High Road before determining this application. She asserted that the ground space for the betting shop would be greater than the floor space the shop currently occupied in the basement and therefore represented an overprovision of this type of use in the area. Councillor Arnold suggested there be a more coherent approach, working with the neighbouring London Borough of Camden in improving facilities along Kilburn High Road and she requested that the application be deferred in order to facilitate such an approach, or if the application be approved that the applicant make a Section 106 Agreement contribution.

Harris Kasuji, speaking on behalf of the applicant, asserted that the application met policy considerations and that the application would not increase the number of betting offices along Kilburn High Road. Mr Kasuji added that the proposed ground floor used would result in a number of improvements, including prevention of drug use on the building stairway.

In reply to queries from Members, Mr Kasuji explained that the applicant would work with the Police to prevent illegal activities occurring in or near the premises, improve staff security, display more signs and make arrangements to install closed circuit television cameras. Mr Kasuji confirmed that the premises had been the subject of a visit by the police's drug squad but that cooperation with the police would be increased.

During debate, Councillor Cummins suggested that there was likely to be more visitors to the applicant's shop as the application would be primarily for commercial considerations. Councillor Dunwell expressed his concern about the proliferation of betting establishments along Kilburn High Road and sought clarification as to whether the proposals would increase the total floor space of the shop. Councillor J Long enquired whether the applicant would continue to operate the betting shop in the basement area if the application was refused. Councillor Dunn felt that a larger section of Kilburn High Road, which would include a number of other betting establishments, should have been taken into account when considering this application and he suggested that the application be deferred.

In reply to the issues raised, the Assistant South Area Planning Manager advised Members that the applicant was not seeking to increase the number of betting establishments for this application as the proposals included moving the shop from the basement to the ground floor, and the applicant would continue to operate the betting shop from the basement if this application was refused. He felt that the shopping frontage met the approved standards and stated that betting establishments were not always a source of anti-social problems, adding that the police had not objected to this application. Members noted that the Planning Service regularly consulted with the London Borough of Camden concerning applications along Kilburn High Road and he confirmed that the ground floor space was no larger than that of the basement.

Councillor Dunn moved that the application be deferred in order that a larger section of Kilburn High Road be taken account of in considering this application. This motion was put to the vote and declared LOST.

DECISION: Planning permission granted, subject to conditions, an informative and deletion of condition 3 as set out in the supplementary information

2/06 06/0941 21 & 21 A, Allington Road, London, W10 4AY

Conversion of two self-contained flats to a single dwellinghouse, including replacement of all existing timber sash windows with aluminium framed sash windows to front and rear elevations, replacement of two existing front doors with single door and replacement of two window with doors at the rear of the dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

The Assistant South Area Planning Manager drew Members' attention to an additional condition as set out in the supplementary report and members agreed to consider the similar issues relating to application 06/0941.

Si Kilroe objected to this application and also 19 and 19A Allington Road below, on the grounds of increased noise, the loss of privacy and that the application was not in keeping with Supplementary Planning Guidance 17. Ms Kilroe added that if the application be approved, that there be a condition attached to address issues relating to noise.

Councillor Dunn sought clarification that noise issues had been addressed and asked whether the application met new build standards. In reply, the Head of Area Planning advised Members that while noise was a planning consideration, that issues relating to noise had been thoroughly investigated and he had been advised that surface treatment and existing party wall between the adjoining properties, would sufficiently address this issue in terms of the appropriate Building Regulations.

Councillor J Long declared a prejudicial interest in this application, left the room and did not take part in discussion or vote on this application.

Councillor Dunwell declared a prejudicial interest in this application as a board member of the applicant, BHP and therefore left the room and did not take part in discussion or vote on this application.

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

2/07 06/0935 19 & 19A, Allington Road, London, W10 4AY

Conversion of two self-contained flats to a single dwellinghouse, including replacement of all existing timber sash windows with aluminium-framed sash windows to front and rear elevations, replacement of two existing front doors with a single door and replacement of two windows with doors at the rear of the dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission, subject to conditions

The Assistant South Area Planning Manager drew Members' attention to an additional condition as set out in the supplementary report.

Councillor J Long declared a prejudicial interest in this application and therefore left the room and did not take part in discussion or vote on this application.

Councillor Dunwell declared a prejudicial interest in this application as a board member of the applicant, BHP and therefore left the room and did not take part in discussion or vote on this application.

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

WESTERN AREA

3/01 06/0643 114 & 118A Land R/O 114-118, Harrowdene Road, Wembley, HA0 2.JF

Outline application for demolition of 4 dwellings and 2 detached garages and redevelopment of the site for residential purposes at a density of 80 dwellings per hectare (with access off Harrowdene Road to be determined at this stage).

OFFICER RECOMMENDATION: Refuse planning permission

The Head of Area Planning confirmed that no additional observations had been made since the report had been published. He agreed to Councillor J Long's request that an assessment of the scope to protect existing tree on this site on this site be undertaken.

DECISION: Planning permission refused

3/02 06/0899 47 Sudbury Court Drive, Harrow, HA1 3ST

Erection of front porch, part single and two storey side extension, two storey rear extension, and installation of 1 front rooflight, 1 rear rooflight and 1 rooflight at either side of dwellinghouse.

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

The Head of Area Planning confirmed that there had been no change to the recommendation, conditions and the informative since the report had been published.

Lawrence Safir, in objecting to this application, stated that the construction of any outbuilding in the rear garden of the applicant's site could result in a detrimental visual impact and loss of light to his own property.

Councillors J Long and R Moher suggested that a site visit may be useful in order to investigate Mr Safir's objections further. In reply to this request, the Head of Area Planning advised Members that the construction of an outbuilding referred to by Mr Safir was not being proposed and therefore had no relevance in consideration of this application. He suggested an informative be added to advise the applicant.

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

5. **Planning Appeals**

Members were requested to note the list of planning and enforcement appeals for $1^{st} - 30^{th}$ June 2006.

RESOLVED:-

that the following list planning and enforcement appeals for 1^{st} – 31^{st} May 2006 be noted:-

- (i) Planning appeals received
- (ii) Enforcement appeals received.
- (iii) Planning appeal decisions.
- (iv) Enforcement appeal decisions.
- (v) Selected planning appeal decisions list.
- (vi) Selected enforcement appeal decisions list.
- (vii) Copies of selected appeal decisions.

6. Enforcement Planning Committee Report

The Head of Area Planning introduced an update on the enforcement actions taken between 1st April 2006 and 30th June 2006, during which 50 enforcement notices had been issued. Members noted that this was an increase of 15 from the same period last year. The Head of Area Planning advised Members that this year had been particularly busy in terms of enforcement action, and he confirmed that enforcement report updates would be regularly reported back to the Committee.

Councillor Cummins welcomed the enforcement actions undertaken and requested that future reports also list the ward in which each enforcement action was taken. Councillor Dunn sought clarification as to how the target for the total number of enforcement actions for this year was set.

In reply, the Head of Area Planning advised Members that the enforcement action target was set by the Council, and was not a Government initiative. The target that was set was considered manageable, although the Head of Area Planning stated that additional enforcement action would impact on staffing and resources. The Head of Area Planning added that the purpose of the report was to provide Members with an understanding of the degree of priority given to enforcement issues and of the general level of enforcement activity.

RESOLVED:-

that the report be on Planning Enforcement actions between 1st April to 30th June 2006 be noted and endorsed.

7. Date of Next Meeting

It was noted that the next meeting of the Planning Committee would take place on Tuesday, 15th August 2006 and the site visit would take place the preceding Saturday, 12th August 2006 at 9.30 am when the coach leaves from Brent House. The Chair confirmed that the premeeting for future Planning Committee meetings would begin at 6.15 pm.

The meeting ended at 10.10 pm.

S KANSAGRA Chair

Mins2006'07/Council/planning/pln26july06