

MINUTES OF THE PLANNING COMMITTEE
Tuesday, 5th September 2006 at 7.00 pm

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

Councillors Allie, J Moher and Shaw also attended the meeting.

Apologies for absence were received for Councillors. J Long and H M Patel.

1. Declarations of Personal and Prejudicial Interests

17A – C Chatsworth Road London NW2

Councillor Dunwell declared a personal interest as a Director of Brent Housing Partnership, vacated the meeting room and took no part in the discussion or voting on this application.

2. Minutes of Previous Meeting held on 15th August 2006

RESOLVED:-

that the minutes of the meeting held on 15th August 2006 be received and approved as an accurate record.

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 NO	APPLICATION NO	APPLICATION AND PROPOSED DEVELOPMENT
	(1)	(2)

APPLICATIONS DEFERRED FROM THE LAST MEETING

0/01 06/1365 240 Chamberlayne Road, London, NW10 3LN

Erection of two storey side and single storey rear extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant Planning permission subject to conditions.

Meg Hirani the Planning Manager (South Team) declared a personal interest in this application as he knew the applicant and took no part in the discussion. Councillor Hashmi declared that he had received a letter from the applicant but advised him to refer the matter to the Leader of the Council.

DECISION: Planning permission granted subject to conditions as amended in condition 3.

NORTHERN AREA

1/01 06/1991 37 Slough Lane, London, NW9 8YB

Erection of 2-storey side extension to dwellinghouse (as amended by drawings received 18/08/2006).

OFFICER RECOMMENDATION: Grant Planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

1/02 06/1398 7-8 Elmwood Crescent, London, NW9 0NL

Demolition of existing building and construction of new 2-storey building for use as a mental-health rehabilitation unit comprising 11 units of accommodation.

OFFICER RECOMMENDATION: Refuse planning permission.

The Planning Manager (North Area) stated that a suggestion by Councillor R Moher that permission previously granted for this application should be revoked was not a viable option as it would be costly and the Council would need to adequately justify it to the satisfaction of the Secretary of State. Although he did not share the view expressed by some residents about over-concentration of such facilities in the area and claims about poor management of existing facilities, the Planning Manager recommended refusal of the application for the reasons set out in the report.

Mr Vekaria representing the objectors stated that the proposed use would be detrimental to residential amenities and inappropriate in Elmwood Crescent, a quiet cul-de-sac.

In accordance with the Planning Code of Practice, Councillor J Moher a ward member stated that he had been approached by objectors to the application. He submitted that as there were 2 other similar facilities in the area, the scheme would constitute an over-concentration. In endorsing the officer's recommendation for refusal, he noted that as the applicant had submitted similar applications for this site in the past without ever attending the meeting to clarify issues for the Committee, the Committee should give a clear signal to the applicant that it was not minded to approve such an application for this area.

DECISION: Planning permission refused.

1/03 06/1844 Honeypot Ph, Honeypot Lane, Stanmore, HA7 1EF

Erection of single-storey and 2-storey rear extension and single-storey side extension to both sides of property and formation of hardstanding and landscaping with ancillary car-parking.

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Planning Manager (North Area) referred to additional objections received which raised concerns about sound insulation, management plan, noise, hours of operation and self closing doors. These issues had been addressed by the imposition of conditions 4, 6, 7 and 13 respectively as amended in the supplementary information.

DECISION: Planning permission granted subject to conditions as amended in conditions 6 & 13, the completion of a satisfactory Section 106 or other legal agreement Planning permission granted subject to conditions.

1/04 06/1341 33 Shakespeare Drive, Harrow, HA3 9TS

Erection of side extension and front porch and front bay extensions and retention of rear extension to dwellinghouse.

OFFICER RECOMMENDATION: Refuse planning permission.

The Planning Manager (North Area) informed the Committee that the Council's Building regulations had confirmed that the applicant should have sought permission for the replacement of the roof. He added that the time limit for enforcing a failure to comply (1 year) had expired and amended the first reason for refusal as suggested by Legal Services and as set out in the supplementary.

Mrs O'Sullivan in objecting to the application said that the rear extension was not only detrimental to her visual amenities it was also excessively high and would cause obstruction to her sunlight. She alleged that some of her neighbours were misled by the applicant into signing a petition in support of the colour scheme.

The Committee discussed the application during which an amendment by Councillor Dunwell to delete "obtrusive appearance" in the second reason for refusal was voted upon and declared lost.

DECISION: Planning permission refused for the amended reason set out in the supplementary information circulated at the meeting.

1/05 06/0594 Doctors Surgery, 301A Kingsbury Road, London, NW9 9PE

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

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

This application was deferred at the meeting in July in order to clear uncertainties about the Council's land between the application site address and the pavement of Slough Lane. The Planning Manager (North Area) informed the Committee that the Director of Transportation had reconfirmed that the Council would not require the land for road improvements in the short term. In addition the applicant had agreed that the use of the premises as a nursery would cease if the Council required the land. He added that a restriction on the number of children to 34 with flexible start/finish times would be sufficient to keep car parking demand for the nursery to a peak of four cars on most days. If demand exceeded four spaces, the s106 contribution of £5,000 from the applicant could be used to install measures such as bollards to ensure on-street parking did not cause obstruction or hazard. Measures would also be put in place through the Travel Plan to ensure that parents would stagger their drop off/pick up times, limit the length of their stay and to further ensure that vehicles did not park in locations that would block the adjacent highway and/or pavement.

Mrs Helena Tobias in objection stated that the use of the premises as a nursery for children would be an inappropriate use within this locality of high traffic density which would be aggravated by 2 nearby primary schools. She added that the applicant's intention to take the children across Kingsbury Road, a busy distributor road, would be dangerous for the children. She therefore urged the Committee to refuse the application.

In response to Councillor R Moher's questions, Mrs N Halai the applicant said that in order to minimise clashes with school traffic in the area, the first session would start at 08.00 hours so as to stagger dropping/pick up. Councillor Cummins submitted that there would need to be a gap between the end of the first and the start of the second session to avoid an over concentration of vehicles. He expressed concerns about the impact of exhaust fumes on the children from 2 busy roads to the play area. The applicant replied that the children would remain mostly indoors, spending half hour in that playground.

During debate Members of the Committee were minded to refuse the application contrary to officers' recommendation, expressing a view that the applicant had not properly addressed the impact of local traffic on the proposed change of use. They also disagreed with the officer's traffic assessment adding that the use would considerably worsen traffic at the junction and add to the potential danger to the nursery school children.

In responding to this, the Head of Area Planning submitted that the officer's recommendation for approval was partly based on the advice from the Director of Transportation as set out in the report. He added that Members needed to give clear reasons for refusal including the nature of the problems that were foreseen. The legal officer advised that bearing in mind the Travel Plan as a condition for the grant of permission Members would need to have a clear understanding of

the basis to refuse the application and needed to consider whether a further report on these issues was necessary.

The Committee was minded to refuse the application for change of use to day nursery contrary to officers' recommendation and submitted the following statements of reasons; "the traffic generation and movements associated with the proposed nursery would be likely to cause significant parking, congestion and safety problems associated with the access arrangements, their proximity to the traffic light controlled junction, the impact on existing parking and traffic related to St Robert Southwell and Kingsbury Green Primary schools and to the reduction in parking capacity associated with the residential development at the former Green Man public house.

DECISION: Minded to refuse contrary to officer's recommendation.

SOUTHERN AREA

2/01 06/1887 758 & 760, Harrow Road, London, NW10

Demolition of the existing building and erection of a 4-storey building comprising Use Class A1 (retail) and B1 (office), with associated car-parking, on the ground floor, and 14 self-contained flats (Use Class C3) on the 1st, 2nd and 3rd floors).

OFFICER RECOMMENDATION: Refuse planning permission.

The Head of Area Planning updated the Committee that since the report was published the applicant had withdrawn the application.

DECISION: The application would have been refused on the information available had it not been withdrawn.

2/02 06/1912 0 Peel Precinct, London, NW6

Relocation of the Metal Cube for Granville Public Art Project from its current site at the western end of Princess Road to within Peel Precinct (to the north of the Sir Robert Peel public house).

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

DECISION: Temporary planning permission granted for 1 year subject to conditions.

2/03 06/1840 Salusbury Pub and Dining Room, 50-52 Salusbury Road, London, NW6 6NN

Variation of condition 4 of full planning permission reference 85/0059, in relation to no. 50 Salusbury Road, and variation of condition 6 of full planning permission reference 85/1387, in relation to no. 52 Salusbury Road, to extend the opening hours of the Salusbury Pub, 50-52 Salusbury Road, to 11pm Sunday -

Thursday and midnight Friday – Saturday.

OFFICER RECOMMENDATION: Grant Planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions and the removal of condition 2.

2/04 06/2040 Willesden Sports Centre Stadium, Donnington Road, London, NW10 3QX

Retention of 8 floodlight columns to the external 400 metre running track.

OFFICER RECOMMENDATION: Grant Planning permission subject to conditions.

The Planning Manager (South Area) referred to additional objections received from residents as set out in the supplementary information adding that most of the issues raised had been covered in his report. He clarified that extensive consultation was carried out involving residents in Donnington Road, All Souls Avenue and ward Councillors. In addition, the proposal was advertised in the local press and a total of 4 site notices were posted in various positions on All Souls Avenue and Donnington Road.

He added that the lights could be lowered by approximately 1.5m which would still meet the required lux levels, as requested by Councillor Shaw. However, the lights were currently some 80m away from properties in All Souls Avenue and at least 40m away from properties in Donnington Road and over those distances, a reduction in height of 1.5m was unlikely to be visually noticeable. Given the distances from the actual properties he recommended that the size and position of the lights as currently proposed was accepted. However, once the lights were in operation and if it was considered that they caused a statutory nuisance then there was provision under Environmental Health legislation for the matter to be investigated and action to be taken. In order to ensure that the proposed development did not prejudice the enjoyment by neighbouring occupiers of their properties, he recommended a further condition that the floodlights shall not be in operation except between the hours of 0700 hours and 2200 hours.

Ms Diana Quay objecting on behalf of the residents of All Souls Avenue stated that the residents had not been consulted about the application which in her view would cause noise nuisance in the neighbourhood. She expressed concerns about security, possible intrusion from lighting and enquired whether there were measures in place against the use of amplified sound.

Ms Kathy Gibbons speaking in similar vein submitted that as her garden backed on to the tracks, the impact of the lighting to her property would be severe. She alleged that she had not been consulted about the application.

In accordance with the Planning Code of Practice, Councillor Shaw, a ward Member stated that she had been approached by the residents. She submitted that the lighting which had been raised by 1.3 metres without consultation with the residents would have an adverse impact adversely on especially those in All

Souls Avenue. She expressed concerns about crime and security, inadequate provisions for car parking and lack of landscaping. She urged the Committee to either defer the application or to require the applicant to lower the lighting so as not to be intrusive to the neighbouring residents.

The Head of Area Planning clarified that prior to its re-development, the site contained 12 floodlight columns around the running track and all weather pitch at a height of 20 metres. The new columns were reduced to 8, with the units on the four corners not being replaced, all at a height of 20 metres. The 4 columns on the opposite side had been re-sited so that they were now in a position which was approximately 1.3m higher than the previous position. This decision had been taken by the contractor who was responsible for delivering an agreed standard of lighting and had presumed that the changes did not need planning permission. Following residents and Members concern the situation had been checked and a planning application submitted. He added that the increased height of the relocated columns when viewed from the perspective of surrounding houses would not be sufficient in itself to warrant a refusal.

During debate, an amendment by Councillor Dunwell to add a further condition limiting spill light intensity to 2 lux (moonlight level) at the boundary with residential properties was declared carried. This was additional to the condition recommended by officers on the hours of use. Councillor Cummins requested that copies of the light spill diagram which the Committee had previously requested be sent to all Members of the Committee.

DECISION: Planning permission granted subject to conditions as amended on light intensity to 2 lux and in the supplementary information on hours of use of lighting.

2/05 06/1954 17A-C, Chatsworth Road, London, NW2

Replacement of existing windows with double glazed white powder coated aluminium windows. Pattern, glazing bars and appearance to match in all cases. Opening patterns (including D/H sash) to match existing on front elevation.

OFFICER RECOMMENDATION: Grant Planning permission subject to conditions.

The Planning Manager (South Area) informed the Committee that on the advice of the Borough Solicitor, condition 2 had been removed.

Mr Ryan Dolan in objecting to the development stated that the current windows were perfectly in keeping with the Victorian character of the houses in the area and that the replacement would serve to detract from the Victorian character. He added that all residents objected to the replacement which would result in a mismatch of windows in the streetscene. Mr Dolan drew attention to certain inaccuracies in the officer's report to support his objections.

Members took note of these and decided to refuse the application, contrary to officers' recommendation. They submitted the following statement of reasons for refusal; "The proposed replacement windows, by reason of their design, detailing and material are unsympathetically related to the original windows of the

dwellinghouse, and therefore would lead to the detriment of the visual amenity of the existing property and general streetscene, and as such would be contrary to policies BE2, BE9, BE12 and B29 of Brent Council's Unitary Development Plan (Adopted 2004)

DECISION: Planning permission refused.

WESTERN AREA

3/01 06/1718 29 & Land R/O 1-31 odd, Vivian Avenue, Wembley, HA9 6RQ

Demolition of 29 Vivian Avenue and Wembley Hill sports and social club building and erection of a single-storey sports and social club building and a part two- and three-storey building containing 34 two-bedroom and 38 one-bedroom, sheltered elderly housing units and guest suite and ancillary accommodation, provision of vehicular access to Vivian Avenue and pedestrian access to footpath to south, 23 car-parking spaces and landscaping.

OFFICER RECOMMENDATION: Refuse planning permission.

The Assistant Planning Manager in reference to the supplementary information circulated at the meeting gave an extensive presentation clarifying the reasons for recommending refusal of the application.

Dr M Patel objected to the proposed development on the following grounds;

- The development would not be in keeping with the character of the area.
- It would lead to loss of privacy to existing residents.
- It would result in a loss of light into neighbouring occupiers' homes and gardens.
- Demolition of 29 Vivian Avenue would be detrimental to the streetscene.
- As the proposed level of parking was inadequate, the development would lead to further road congestion and on-street parking problems.
- It would result in a loss of much needed sports facilities in the area.
- It would result in loss of tree along Vivian Avenue.
- The development would impact on the ecology and local wildlife.

Dr Patel added that there was a covenant on this piece of land which restricted its use to sports and social club and forbade its redevelopment for residential properties. He alleged that the trustees had not only closed membership of the sports and social club but also deliberately allowed neglected the land to become overgrown and unusable to assist with this application for redevelopment. Dr Patel urged the Committee to refuse the application.

Mr Bob Connolly expressed concerns about the redevelopment on the grounds that it would be an over-development of a small plot of open space land. It would also lead to overlooking and loss of privacy to the immediate properties. He submitted that the proposal which would be out of character would raise serious traffic issues including obstruction to emergency and local authority vehicles.

Mr Ronald Herbert whose rear garden formed a boundary to the site supported the proposed redevelopment as it would address the current state of the land as a wasteland that was breeding foxes and vermin

Mrs Barbara Spiegelhalter speaking on behalf of the applicant submitted that the club had not been able to obtain comprehensive insurance cover in view of the state of the building particularly, the roof which required extensive repairs. She added that the redevelopment which would result in a modern clubhouse would rekindle local interest in sports and social activities.

In response to Committee Members' questions, Mrs Spiegelhalter said that on advice from her developer she had not considered a smaller scale scheme. She added that the offer from the local residents for £100 each and their labour to clear up the site would not be sufficient to address the issues facing the trustees including lack of comprehensive insurance, adding that current public liability insurance which they held was not adequate.

In accordance with the Planning Code of Practice, Councillor Allie said he was speaking on behalf of Councillor Corcoran a local Councillor, and that he had not been approached. He urged the Committee to endorse officers' recommendation for refusal for the reasons set out in the report and in order to preserve the quality of life for the residents.

In accordance with the Planning Code of Practice, Councillor Butt a local Councillor said that he had been approached. Councillor Butt echoed the sentiments expressed by Councillor Allie and urged the Committee to take note of the sentiments expressed by the local residents.

In responding to some of the issues raised, the Head of Area Planning submitted that the application failed to comply with the Council's guidelines and policies as set out in the report. In response to Councillor Thomas' request that the maximum number of units permissible on the site should be specified in the Local Development Framework (LDF) the Head of Area Planning said that the development of the LDF was currently in progress and until it was concluded, the Council would rely on its Unitary Development Plan (UDP) policies. He clarified that Councillor Dunwell's amendment seeking the maximum parking appropriate was already referred to in reason 8 for refusal.

DECISION: Planning permission refused.

3/02 06/1004 Billfields Food, 3 Liberty Centre, Mount Pleasant, Wembley, HA0
1TX
Proposed installation of extractor system, with duct raising above
existing roof line of premises

OFFICER RECOMMENDATION: Grant Planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

3/03 06/1007 74 Elmstead Avenue, Wembley, HA9 8NY

Demolition of an existing attached side garage and erection of part single and two storey side and rear extension, front porch and rear dormer window extension and installation of 1 rear and 2 front rooflights to dwellinghouse.

OFFICER RECOMMENDATION: Grant Planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

3/04 06/1560 Chesterfield House, 9 Park Lane, Wembley, HA9 7RH

Renewal of full planning permission 00/1872 dated 04/07/2001 for demolition of existing building and erection of part 11-storey and part 17-storey building, comprising retail/restaurant use on ground and first floors fronting the High Road and on the ground floor fronting Park Lane, and remaining accommodation as Class B1 offices, with basement parking for 28 cars, cycle store/plant, rooftop plant and vehicular access and servicing from Park Lane (under Section 73 of the Town and Country (Planning) Act 1990 (as amended) and accompanied by Supporting Report (dated 31st May 2006); Sustainability Strategy (dated August 2006) and Energy Strategy (dated 2 August 2006) and revised by letter dated 11 August 2006).

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Assistant Planning Manager referred to the supplementary information circulated at the meeting that set out a number of minor amendments to the list of conditions and an additional condition on details of 1.8 metre high fence. He added that following Legal Services advice, both applications would be referred to the Office of the London Mayor to ascertain whether the Mayor wished to direct refusal of both applications.

DECISION: Planning permission granted subject to conditions as amended and a referral to the Mayor to ascertain whether he wishes to direct refusal of the application.

3/05 06/1864 Chesterfield House, 9 Park Lane, Wembley, HA9 7RH

Demolition of existing building and erection of part 11-storey and part 17-storey building, comprising retail/restaurant use on ground and first floors fronting the High Road and on the ground floor

fronting Park Lane, and remaining accommodation as Class B1 offices with basement parking for 28 cars, cycle store/plant, rooftop plant and vehicular access and servicing from Park Lane

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Assistant Planning Manager referred to the supplementary information circulated at the meeting that set out a number of minor amendments to the list of conditions and an additional condition on details of 1.8 metre high fence. He added that following Legal Services advice, both applications would be referred to the Office of the London Mayor to ascertain whether the mayor wished to direct refusal of both applications.

DECISION: Planning permission granted subject to conditions as amended and a referral to the Mayor to ascertain whether he wishes to direct refusal of the application.

3/06 05/1323 183, 183A & Car Park R/O 183, Ealing Road, Wembley, HA0

Erection of two buildings: one 3-, 5- and 6-storey block comprising a ground-floor commercial unit and 22 self-contained flats above, one 4-storey block comprising 15 self-contained flats for the purposes of both affordable and private housing, and widening of existing vehicle and pedestrian access.

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Assistant Planning Manager clarified the relationship between the scheme previously approved for the site and the proposed scheme. He added that the application complied with the Council's SPG17 in terms of enclosure, outlook and overshadowing. He added that the entire ground floor of the proposed development would be for A1 retail use. He referred to the advice from Legal Services that due to an overlap, conditions 8 and 9 should be merged as set out in the supplementary report circulated at the meeting.

DECISION: Planning permission granted subject to conditions as amended in conditions 8 & 9, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

6. **Date of Next Meeting**

It was noted that the next meeting of the Planning Committee would take place on Thursday, 5th October 2006 and would consider policy issues only.

The meeting ended at 10.10 pm.

Note: At 8.25pm the meeting was adjourned for 10 minutes.

S KANSAGRA
Chair

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