

MINUTES OF THE PLANNING COMMITTEE
Tuesday, 13th February 2007 at 7.00 pm

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

Apologies for absence were received on behalf of Councillors Anwar and R Moher.

Councillors Dunn and Mistry also attended the meeting.

1. Declarations of Personal and Prejudicial Interests

None specific.

2. Minutes of Previous Meeting held on 23rd January 2007

RESOLVED:-

that the minutes of the meeting held on 23rd January 2007 be received and approved as an accurate record.

3. Requests for Site Visits

None at the start of the 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 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)

NORTHERN AREA

1/01	06/3595	Sayer Moore & Co, 236 Neasden Lane, London, NW10 0AA
		Change of use to take away (use class A5).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Planning Manager (Northern Area) stated that although the proposed takeaway would result in two hot food takeaways and a public house adjacent to each other, the centre would maintain over 60% of units for retail uses. As the site was located within a CPZ zone on a busy main road within a town centre where noise levels were invariably higher, the proposed change of use would not significantly increase the amount of parking or noise associated with the premises. In respect of the concerns expressed about the stopping of vehicles to use the facility, he drew attention to the medium sized public car park in that part of Neasden Lane, on-street parking bays and CPZ provisions which would address those concerns.

Mr Mohammed Shabir circulated a copy of a petition on behalf of residents and traders in the area expressing their objections to the proposed change of use. He submitted that the area which was within a CPZ zone was already saturated with four similar takeaway facilities, some of which were owned by the same applicant. Mr Shabir requested the Committee to defer the application for a site visit to enable all members to assess its impact.

In responding to the issues raised, the Planning Manager submitted that the proposed use would comply with the Council's policies for the location of such uses in terms of its parking and servicing requirements and was considered appropriate subject to conditions. Member's noted that competition between traders was not a planning issue and that the applicant had not stated the type and business name of the takeaway facility.

DECISION: Planning permission granted subject to conditions

1/02 06/2796 GXI House, 301A Kingsbury Road, London, NW9 9PE

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

OFFICER RECOMMENDATION: Refuse planning permission.

DECISION: Planning permission refused.

1/03 06/3635 32 Langton Road, London, NW2 6QA

Erection of boundary wall and 2-storey rear extension

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Planning Manager drew Members' attention to comments from Councillor Leaman on behalf of the adjoining occupier who objected to the proposed development and his responses, as set out in the supplementary information circulated at the meeting

DECISION: Planning permission granted subject to conditions.

1/04 06/3398 John Billam Youth Sports Centre, Woodcock Hill, Harrow, HA3
Variation of condition 7 (relating to hours of use) of full planning

permission 06/1337 dated 28/7/2006 which amended conditions 11 and 12 of planning permissions no. 02/2671 and 03/2865 (limiting the attendance of community premises enlarged by the 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 conditions

In his introduction, the Planning Manager (Northern Area) stated that the planning permission granted in 2006 sought to reduce for the first time, disruption to residential amenity by the imposition of conditions including restrictions on the hours of use and a management plan. The current application for a variation of condition 7 sought to extend the opening hours from 0800 – 2300 hours on Fridays and Saturdays to 08.00 - 00.30 hours (next day) on the following periods;

- Christmas celebrations on the Friday and Saturday in the weekend immediately prior to Christmas (25th December);
- New Year's Eve celebration;
- Valentine's Day celebrations on the Friday and Saturday in the weekend immediately prior to St. Valentine's Day (14th February);
- Divali celebrations on the Friday and Saturday in the weekend immediately prior to Divali;
- Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine day festival.
- On the Saturday falling in a Bank Holiday weekend.

Although he appreciated that the late opening hours could impact on the nearby residents especially those living in Silverholme Close, the Planning Manager submitted that a careful balance needed to be struck between the interests of the residents and that of the hirers of the hall for celebrations on those days. In his view, subject to conditions as set out in the report, the management plan and travel plan, planning permission to extend the hours of operation was not unreasonable. He added however that, in order to ensure effective monitoring and control of the impact on residents, the late night uses should initially be limited to a twelve month consent.

Mr John Crotty, speaking on behalf of the residents in Silverholme Close said that the current use of the premises which was causing noise nuisance to the residents would be exacerbated by the extension of opening hours. The problem was made more acute with vehicular noise from the users of the hall particularly when events ended in the early hours of the morning. This interrupted the quiet enjoyment and the quality of life for the residents mostly retired persons.

In responding to a member's question on monitoring procedures, the Planning Manager stated that the operation of the hall would be in accordance with the management plan and the conditions set out in the report. In endorsing the officer's recommendation, the Chair requested the applicant to publicise widely among the residents, the contact telephone number of the person to contact when the extended opening hours adversely affected the residents.

DECISION: Planning permission granted subject to conditions.

1/05 06/3016 47 Mora Road, London, NW2 6SL

Erection of single storey rear extension to self contained ground floor flat

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

1/06 06/3492 20 Fairfields Close, London, NW9 0PH

Retention of garage and single-storey rear extension to dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission subject to conditions

The Planning Manager (Northern Area) said that the combined volume of the extension built towards the end of 2006 without planning permission and the garage approved in 2002 exceeded 70 cubic metres and as such was not considered a permitted development. Following an investigation by the Planning Enforcement team of the breach of planning control and the submission of amended plans, the extension was now being considered as a full planning application. He referred to the Supplementary Planning Guidance Note 5 (SPG5) which was used as a measure for which all extensions should seek to comply and instances where material planning considerations could justify a departure, provided they complied with the relevant Brent UDP policies. He clarified that the extension, at 500mm above the maximum height suggested under the SPG5 was considered a justifiable departure in this instance because of level differences and the separation to the unattached neighbour. In order to ensure the privacy of the adjoining occupiers, a condition had been imposed requiring the applicant to replace the window, currently glazed in clear glass, with an obscure glass within 3 months of the date of decision.

Mr C Forde an objector at No 21 Fairfields Close stated that the development which was excessive in height and depth had caused him loss of privacy and outlook through the flank wall window. He urged members to visit the site in order to assess its adverse impact.

Mr Brennan the applicant submitted that the current application complied with the Council's standards and policies in particular SPG5. He added that the principal objection by his neighbour stemmed from a fence dispute rather than the extension.

The Planning Manager added by way of clarification that conditions imposed for the grant of planning permission required the development to be carried out in accordance with the plans including materials, texture, design and obscure glazed window to the western flank within 3 months.

DECISION: Planning permission granted subject to conditions

SOUTHERN AREA

2/01 06/3380 Willesden Ambulance Station,
164 Harlesden Road, London, NW10 3SN

Outline application for demolition of existing building, construction of 3 storey block forming 12 flats, with associated parking, new vehicular crossover (matters to be determined: design, landscaping and external appearance) (as accompanied by photographs, Design Statement dated November 2006 and Sustainability Development Checklist dated 22 November 2006)

OFFICER RECOMMENDATION: Refuse planning permission.

The Planning Manager stated that although this was an outline application, there were substantial sustainable deficiencies in respect of material selection, recycling facilities and renewable options nor indication of how these would be implemented or incorporated. These would be harmful to the aims and objectives of the Council in seeking to ensure that new development and land uses achieved sustainable development. He therefore submitted this as a further reason for refusal.

DECISION: Planning permission refused with an additional reason for failing to demonstrate the principles of sustainable development.

2/02 06/3358 387-389 Chapter Road, London, NW2 5NG

Erection of 4-storey building (Block E) consisting of 12 self-contained residential units, comprising 5 x 1-bedroom flats, 6 x 2-bedroom flats and 1 x 3-bedroom flat, incorporating associated landscaping, bin and bicycle storage (as accompanied by Design & Access Statement - November 2006, Ground Investigation report - December 2004, and e-mail from agent, dated 2 February 2007)

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 Environment & Culture to agree the exact terms thereof on advice from the Borough Solicitor.

The Planning Manager (Southern Area) updated Members on the overall figure for the s106 agreement which he had corrected to £66,300. He clarified that the overall figure of £84,900 was based on the requirement of £59,400 towards education facilities which was based on a mix of units which had now been superseded. The correct figure for education provision should be £40,800 and hence the overall figure should now be £66,300. He drew attention to the amendments to condition 11, as set out in the supplementary information circulated at the meeting, on the advice of the Borough Solicitor.

Miss Gemma Hopkins objected to the proposed development on the grounds that it would constitute an over-development of the site and would be out of keeping with the character of the Chapter Road area. Whilst appreciating the "car free" nature of the development she expressed the view that the residents could own cars, thus adding to the existing problems of traffic congestion and parking in the area.

Mr S Alexander the architect submitted that the applicant had made significant changes to the application which complied with the Council's policies and standards on order to minimise any likely adverse impact that may result. These included landscaping to improve the streetscene, motor cycle parking and full acoustic test in addition to the s106 contribution.

In the discussions that followed, Councillor Dunwell expressed concerns about lack of amenity space and impact on parking facilities. Councillor Singh Vice Chair added that due to insufficient amenity provisions, the development would constitute an over-development of the site. He also added that despite being a "car free" development, the occupiers could put additional pressure on parking facilities in the Chapter Road area especially after the hours of operation of controlled parking (CPZ). Councillor J Long noted that the site could benefit from general improvement and with that in mind moved an amendment for any surplus funds from the s106 agreement to be used for the development of the site. This was put to the vote and carried. Councillor Dunwell also moved an amendment that the provision of motor cycle parking be added to the conditions which was put to the vote and lost.

The Head of Area Planning clarified that the minimum standards for amenity space had been met with no significant shortfall. In his view a refusal on those grounds could not be sustained on appeal.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 as amended (in the level of contribution and condition 11) or other legal agreement and delegate authority to the Director of Environment & Culture to agree the exact terms thereof on advice from the Borough Solicitor and that any surplus funds be used to develop the site.

2/03 06/3094 119-123 Kilburn High Road, Kilburn Square Market & 92-118, Kilburn Square, London, NW6 6PS

Demolition of existing market structures, first-floor office units, second-floor roof structures and bridge over, erection of 3-storey side extension, single-storey front extension with new shopfronts, 3-storey and single-storey side extension with 6 rooflights, formation of 14 self-contained flats at first-floor and second-floor level, provision of waste and recycling store, new lift and new pedestrian access, refurbishment of existing ground-floor retail and provision of replacement market structures, 2-storey side extension to 121-123 Kilburn High Road, new shopfront, hard landscaping with new walkway entrance structure, market sign, lamp standards, and tree planting (as accompanied by "Planning Submission Report" and "PPG24 Noise Assessment").

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 as amended (s38/278, public access, conditions 18, 22 and 23) or other legal agreement and delegate authority to the Director of Environment & Culture to agree the exact terms thereof on advice from the Borough Solicitor

In reference to the supplementary information circulated at the meeting, the Planning Manager (Southern Area) stated that in respect of the two large trees to the rear, the Council's Tree Officer advised that the trees could be retained subject to preservation orders which would be achieved by condition 21. As regards crime prevention, he drew attention to conditions 7 which sought further details of CCTV and 24 hour security arrangements and 23 which sought the layout of the market to be agreed between the applicants, the Council and the Police prior to the commencement of any work on the site. In respect of the future of existing traders the Planning Manager reported that the applicant's tentative arrangement would involve temporary decanting of the larger traders into void units and the smaller ones into the large corner unit (Allied Irish Bank) in order to minimise disruption. He outlined the overall width of the right of way and added that it would be protected through the s106 agreement and further strengthened, on the advice of the Borough Solicitor, by entering into a section 38/278 agreement to increase in width the footway along Kilburn High Road. The Planning Manager also drew attention to amendments conditions 18, 22 and 23 and the deletion of conditions 6 and 9 as set out in the supplementary information circulated at the meeting.

Mrs Margaret Stoll in objecting to the application expressed concerns about restriction of the right of way to the tower block and the possible increase in crime levels due to poor lighting. She added that the tree trunk would extend about 3 metres and overhang by about 10 metres into the market itself. In response to Members' questions, Mrs Stoll submitted that the applicant's consultation with residents was spasmodic and that all residents were using the square.

Mr Al Forsyth Chair of Brondesbury Residents and Tenants (BRAT) and Kilburn and Brondesbury Area Residents' Group (KABARAG) speaking in a similar vein claimed that 10 out of 33 drawings submitted by the applicant were inaccurate and unclear. He stated that the proposal would take away the right of way of residents in particular the elderly, disabled and young mothers with pushchairs to access Kilburn Square. Mr Forsyth also raised objection to the proposal on grounds of loss of trees on the Kilburn High Road frontage, adverse impact on the Brondesbury Road approach and problems for refuse collection.

Mr John Allan the applicant's architect said that no changes were proposed below ground which would effect the growing environment of the trees. He added that as the development would be 'gated' it would provide an opportunity for increased security and that the applicant would be happy to continue dialogue with the Metropolitan Police Crime Prevention Design Adviser (CPDA) and the Town Centre Manager about further security measures. Mr Allan also added that the concerns for which the previous application was dismissed on appeal had been addressed to achieve a scheme for which officers were recommending approval subject to a s106 agreement. He added that his client had not seen the revisions and amendments to which the Planning Manager referred.

In response to Members' questions, Mr Allan submitted the following; the applicant had spent considerable resources as part of the consultation with residents on crime issues. He was aware of the implications of condition 23 for the grant of planning permission. In respect of the operating times of the car park, Mr Allan stated that there was no managerial relationship between the market and the car park. He confirmed that the proposal would be a single phase building operation and that the centre stalls would be temporary.

In accordance with the Planning Code of Practice, Councillor Dunn, a ward member stated that he had been approached by the applicant and the objectors. He said that as the area was considered to be a principal crime hot spot in London, the permanent structure of the market with poor lighting would only add to the crime problems, concerns that had been expressed also by the CPDA and the Town Centre Manager. He requested that the structure should design out crime and that the layout of the market should be addressed before the grant of planning permission. He added that the right of way ought to be retained with improved lighting in order to maintain safe access to the residential tower. Councillor Dunn also stated that as part of the conditions, there should be no sales of alcohol and the hours of operation of the market which should be restricted to daytime only should be regularly inspected to ensure compliance.

In responding to some of the issues raised, the Planning Manager confirmed the Tree Officer's advice that with the benefit of preservation orders, the trees would be protected. He added that following his meeting with the CPDA in respect of security arrangements, a condition had been imposed for 24 hour security and the installation of a CCTV camera. He undertook to continue dialogue with the applicant on the layout of the market for which a condition could be imposed if required.

In the discussions that followed, Councillor Dunwell expressed a view that the right of way to the residential block of flats and the doctor's surgery should be maintained but that the temporary market stalls should be deleted. He also expressed doubts about security measures and the sufficiency of condition 23 on the layout and requested deferral of the application until those matters had been put resolved. Councillor Cummins endorsed the deferral on grounds of inadequate consultation with residents, traders, Town Centre Manager and the CPDA, unresolved issues on security and inaccurate drawings. The Chair stated that although he was not against the principle of the development, he was of the view that issues raised by Members including security, the right of way and access to flats and the clinic had not been adequately addressed. Members voted by a majority to defer the application in order that consultation issues on security and layout of the stalls could be addressed.

DECISION: Deferred for consultation with the Metropolitan Police Crime Prevention Design Advisor particularly in relation to the proposed market area and to resolve the issue relating to the mobile stalls in the centre of the proposed pedestrian access to Kilburn Square.

WESTERN AREA

3/01 06/3304 979-981 Harrow Road, Wembley, HA0

Demolition of existing petrol station and erection of two-, three- and four-storey residential block consisting of 14 self-contained flats comprising 7 x one-bedroom flats and 7 x two-bedroom flats, provision of communal roof terrace with 1.8m obscure-glass screen and 1.1m balustrade at second-floor level, 9 car-parking spaces including one disabled parking bay, refuse and recycling store, cycle store, communal amenity space to ground-floor rear, revised vehicular access to front, erection of 2.0m timber fencing to boundary and hard and soft landscaping to site (accompanied by Design & Access Statement dated November 2006)

OFFICER RECOMMENDATION: Refuse planning permission with an amendment to reason 1.

The Head of Area Planning drew attention to the amendment to reason 1 for refusal as set out in the supplementary information circulated at the meeting. He added that whilst the redevelopment of this site for residential flats may be acceptable in principle there were a number of issues including amenity and privacy which needed to be addressed for the proposal to comply with SPG17. He added that had the application been acceptable, Section 106 developer contributions which would include provision towards such matters as sustainability, public transport improvements, education and landscaping and to provide the necessary mitigation measures for the proposed development would have been applicable. While the applicant may accept these in principle, the inability to define them in an associated legal agreement required an additional reason for refusal of the application.

Mr G Simpson the applicant stated that he had undertaken extensive consultation with the officers in submitting a design for a development on a hitherto contaminated brownfield site that complied with the Council's SPG17. In his view, the proposal would provide sufficient amenity space and parking and without problems with overlooking.

DECISION: Planning permission refused with an amendment to reason 1 and authority delegated to the Head of Area Planning to make further amendments to reasons 2 and 7 if he sees fit.

3/02 06/3060 Unit 3, 255C Water Road, Wembley, HA0 1JW

Re-roofing of building including extension to raise eaves height of warehouse Grant planning permission

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

3/03 06/3509 52 Bridgewater Road, Wembley, HA0 1AJ

Retention of existing front porch

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning submitted that the construction of the porch of the size and scale proposed would not cause significant harm to the adjoining property or the street scene. Although the proposal had resulted in an enclosed structure which projected forward by 400mm beyond the front door of No. 54 Bridgewater Road, it would not result in unreasonable detriment to the adjoining property. He added any encroachment over a property boundary would be a private matter rather than an issue for Planning Committee.

Mrs E Joseph in objecting to the application stated that the front porch was an unacceptable form of development which was too close to her front door and thus caused her loss of light, loss of sense of address for her entrance and loss of space. She requested a site visit.

Mr Patel the applicant said that he followed the rules and regulations in erecting the front porch which he built for safety reasons, although he had difficulty in getting the most up to date version of the rules and regulations from Planning Services. Members queried how he felt that he had followed the appropriate guidance if he had not seen the current version of the policy. The Head of Area Planning confirmed that these were available free from the One Stop Shop, by post and were downloadable from the website.

He added that some similar porches had been built under permitted development rights and that the current open character of the entrances could be changed without planning control. Having noted the comments and the photographs circulated from the planning file, Members did not think it would be expedient to have a site visit as requested by the objector and Councillor Cummins.

DECISION: Planning permission granted subject to conditions.

5. **Date of Next Meeting**

It was noted that the next meeting of the Planning Committee would take place on Wednesday, 7th March 2007 and the site visit would take place the preceding Saturday, 3rd March 2007 at 9.30 am when the coach leaves from Brent House.

The meeting ended at 9.35 pm.

S KANSAGRA
Chair

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