

MINUTES OF THE PLANNING COMMITTEE
Wednesday, 28th March 2007 at 7.00 pm

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

Apologies for absence were received on behalf of Councillor Anwar.

Councillors Arnold, Butt, Dunn, Jackson and John also attended the meeting.

1. Declarations of Personal and Prejudicial Interests

None.

2. Minutes of Previous Meeting held on 7th March 2007

RESOLVED:-

that the minutes of the meeting held on 7th March 2007 be received and approved as an accurate record. Councillor Dunwell asked that his dissent against the consultation process on application 06/3621 be recorded.

3. 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	06/3559	58A Larch Road, London, NW2 6SE
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Erection of rear dormer window and installation of 2 front rooflights to dwellinghouse (revised description).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

1/02	07/0004	76 Valley Drive, London, NW9 9NS
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Erection of 2 storey side and single storey rear extension to dwellinghouse

In reference to the objections raised to the application, the Planning Manager (Northern Area) informed the Committee that as the proposed first floor windows would be fixed and with obscure glass, any resulting loss of privacy would be minimal. He added that the Council's Tree Officer had confirmed that the hawthorn tree at the rear garden should not be affected by the proposed development which complied with the Council's Supplementary Planning Guidance Note 5 (SPG5).

Mrs Dillinger objected to the application on the grounds that the proposed two windows to the side of the property were unnecessary and excessive in size and would significantly obstruct her views and intrude on her privacy. She claimed that part of the proposed development would be on her land.

Mr Makrani the applicant stated that the application was a resubmission of a previous application that had been approved by the Committee. He added that the proposal which complied with the Council's Supplementary Planning Guidance Note 5 (SPG5) would not have adverse impact on adjoining properties.

Members noted that although the proposed extension could be built over the existing garage, the exact boundary line was a civil rather than a planning issue.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

1/03 06/3668 40 Greystone Gardens, Harrow, HA3 0EG

Erection of two-storey side extension, part single-storey part two storey rear extension to dwellinghouse, and erection of single-storey outbuilding in rear garden (as amended)

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Planning Manager (Northern Area) stated that as the property was situated within a Conservation Area with an Article 4 Direction, concerns were raised about the removal of the chimney and trees at the site. In light of these, the applicant had submitted revised plans and in order to ensure that the applicant complied, he recommended additional conditions 5, 6 and 7 as set out in the supplementary information circulated at the meeting.

DECISION: Planning permission granted subject to conditions to include additional conditions 5, 6 and 7.

1/04 06/3267 254 & 256, Woodcock Hill, Harrow, HA3 0PH

Outline planning application for demolition of 2 dwellinghouses and erection residential block building with associated car-parking and landscaping matters to be determined siting and means of 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 Environment and Culture to agree the exact terms thereof on the advice from the Borough Solicitor.

In reference to the concerns raised by residents during the site visit about the impact of the development on their water pressure and the possible impact of a basement on the water table, the Planning Manager submitted that it was the responsibility of Thames Water Authority to ensure that the statutory minimum water pressure was supplied and maintained to all properties. He added that building regulations would require that any basement area created beneath the water table was designed and serviced to the appropriate standard. He then drew the Committee's attention to suggested amendments to conditions 1 and 8 as set out in the supplementary information.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and conditions as amended in conditions 1, 8 and 11 and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on the advice from the Borough Solicitor.

1/05 07/0198 19A Larch Road, London, NW2 6SG

Alterations to and retention of single storey rear extension to flat
(revised description 13.03.2007)

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Planning Manager (Northern Area) clarified that the revised plans confirmed that the proposed extension would be 3 metres high and 2.5 metres deep with no parapet wall. These would comply with the guidelines within SPG5. The Head of Area Planning added that in view of the enforcement action against the extension he would not recommend that a further period for compliance be given but that the onus should be on the owner to carry out the works urgently.

Ms Barongo objected to the extension on grounds of its height and depth of 4.99 metres and 2.5 metres respectively. She sought assurances from the Committee that the applicant would be required to reduce the height to 3 metres.

Mr Vekaria, the applicant's agent confirmed that the revised plans and in particular the height of the extension which had been reduced to 3 metres complied with the guidelines within SPG5. Additionally, the revisions would address the concerns expressed by the objector.

DECISION: Planning permission granted subject to conditions.

1/06 07/0090 Tonky Gorilla, 539-541 Kingsbury Road, London, NW9 9EG

Change of use from Use Class A3 (restaurant) to mixed-use A3
and A4 (restaurant and bar)

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning advised the Committee that the application had been withdrawn from the agenda to enable additional consultation to be undertaken.

DECISION: Withdrawn to enable additional consultation to be undertaken.

1/07 07/0188 17 Vista Way, Harrow, HA3 0SP

Part demolition of garage, erection of single-storey side extension and side and two rear roof lights to dwellinghouse (as amended).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

SOUTHERN AREA

2/01 07/0202 Elm Tree, 124-126 High Street, London, NW10 4SP

Demolition of existing building and erection of one 4-storey block to front and one 3-storey block to rear, consisting of 169m² A3 (Restaurants & Cafes) floorspace and 12 flats: front block comprises A3 floorspace at ground-floor level and 6 x 2-bedroom flats at first-, second- and third-floor level; rear block comprises 6 x 1-bedroom flats at ground, first- and second-floor level, with provision of bin-store and cycle-stand for 12 cycles at ground-floor level.

OFFICER RECOMMENDATION: Refuse planning permission.

The Head of Area Planning drew the Committee's attention to additional reasons for refusal as set out in the supplementary information circulated at the meeting.

DECISION: Planning permission refused with additional reasons 8 and 9.

2/02 06/2993 Land N/T 35, Chamberlayne Road, London, NW10

Erection of 8-storey and 5-storey building, comprising 44 residential units (consisting of 11 x one-bedroom flats, 21 x two-bedroom flats, 5 x three-bedroom flats and 7 x four-bedroom flats) and 684m² of non-residential retail floorspace at ground-floor level, with provision of 25 car-parking spaces (including 2 disabled bays) and 46 bike-parking spaces at basement level, refuse store and electrical substation ("CAR-FREE" DEVELOPMENT), as accompanied by Transport Statement (October 2006), Environmental Noise Assessment (1 October 2006), Design Statement (October 2006), Sunlight & Daylight Report (October 2006) and additional Sunlight & Daylight Report (letter dated 15 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 and Culture to agree the exact terms thereof on the advice from the Borough Solicitor.

In reference to the supplementary information circulated at the meeting, the Planning Manager (Southern Area) stated that most of the issues raised by Councillor John in connection with this application had been addressed in the main report. The application site was not within a conservation area, the nearest conservation area of Queens Park Estate being 100 metres (in Brent) and 75 metres away (in the City of Westminster). He added that the listed buildings in Fifth Avenue within the Westminster area were located some 375 metres away from the application site. He drew the Committee's attention to the amendments to the Heads of Terms of the s106 agreement and other conditions on the advice of the Borough Solicitor, which were set out in the supplementary information.

Ms Julie Power objected to the proposed development on the following grounds;

- i) the proposed building of 8 storeys would be excessively high within an area surrounded by Victorian houses.
- ii) the proposed copper gold colour of the front of the building would be out of keeping with the streetscene.
- iii) the modern design of the building would be out of character with the houses in the area.
- iv) the proposal would generate additional traffic congestion in the area despite being a "car free" development.
- v) Westminster City Council had expressed objections to the development.

In response to a Member's question, Ms Power stated that the local residents' preference would be for a traditional build with neutral colours.

The applicant Mr Sorbuland stated that the proposed development had been endorsed by the South Kilburn New Deal for Communities (NDC) following consultations with them. He added that the development would provide a unique piece of contemporary architecture in this part of London and on a site identified in the South Kilburn SPD as an opportunity for a "landmark" building. The design, form, materials and height of the development which would provide affordable housing would set an appropriate standard of architecture within the South Kilburn area.

In response to Members' questions the applicant submitted that the copper gold colour would dull down and stabilise after 2 months. He added that he had no problem in altering the colour, if Members wished. He referred to examples of similar residential buildings in the Abbey Road area which had not received adverse comments and which had not had problems with its maintenance.

In accordance with the Planning Code of Practice, Councillor John stated that she had not been approached. She considered that the proposed development would be inappropriate and out of character within the area in particular with the nearby two storey grade 2 listed buildings in the City of Westminster part of the

South Kilburn area. Councillor John added that the area needed affordable not expensive luxury housing and that the fact that development was to be "car free" was of no comfort to local residents in that the likely owners of these flats would seek to park their cars in the surrounding streets, thus causing traffic congestion.

Members discussed the application during which much of the debate revolved around the colour cladding of the building and whether it would be expedient to impose a condition requiring the applicant to consult on it with residents. The legal representative advised against this approach. In noting the advice, Members agreed that the choice of colour scheme be delegated to officers.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement as amended in the Heads of Terms and in conditions 3, 10, 11 and 12 and a further condition requiring the colour of the building to be approved and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on the advice from the Borough Solicitor.

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 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on the advice from the Borough Solicitor.

This application was deferred from the meeting on 13th February 2007 at the request of Councillor Dunwell, endorsed by Councillor Cummins, to enable additional consultation to take place with the Town Centre Manager, Metropolitan Police Crime Prevention Officer and to allow matters relating to access through the site, including the issue of proposed mobile stalls, to be clarified.

The Head of Area Planning reported that ward members felt the local residents had not had an opportunity to give their input as their involvement in the revised scheme had been limited. In view of that, he requested members to indicate whether they wished to defer the application to enable local residents to be consulted. The local ward members (3) endorsed this approach. Members discussed this after which they decided to defer the application to enable the

ward members to organise a consultation meeting with the police, applicants, residents, Crime Prevention Officer and the Town Centre Manager and provide a feedback to Committee at its meeting in May.

DECISION: Deferred to enable the ward members to organise a consultation meeting with the police, applicants, residents, Crime Prevention Officer and the Town Centre Manager and feedback to Committee.

2/04 06/3646 73 Bryan Avenue, London, NW10 2AS

Formation of vehicular crossover and hardstanding to provide one car-parking space in front garden of ground-floor maisonette (as amended)

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Members expressed a view that the Director of Transportation be asked to put a hold on applications for crossovers until after the conclusion of the consultations on the CPZ was known.

DECISION: Planning permission granted subject to conditions.

WESTERN AREA

3/01 07/0644 CAR PARK R/O 492-500 HIGH ROAD, Elm Road, Wembley, HA9

Installation of public toilet.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

3/02 07/0643 PUBLIC CONVENIENCE & CLEANSING DEPOT, Ecclestone Court, Wembley, HA9

Installation of public toilet.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

3/03 07/0641 VACANT LAND R/O 13, NEELD PARADE, Wembley Hill Road, Wembley, HA9

Installation of public toilet.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

3/04 07/0642 Grassed Area at Junction with Oakington Manor Drive, Harrow Road, Wembley, HA0

Installation of public toilet

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

3/05 06/3103 39 Elmstead Avenue, Wembley, HA9 8NS

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

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

In order to prevent future water damage to the side extension the Head of Area Planning suggested an informative advising the applicant that a suitable guttering treatment to the adjacent garage roof at number 43 Elmstead Avenue was required.

Mrs G Dupin objected to the proposed development on the grounds that it would overshadow her property and due to the restricted gap between her property and the applicant's, there could be maintenance problems. She made reference to possible use of the house once extended for multiple-occupation which would put undue pressure on the sewerage system and devalue her property.

The Committee considered that the application complied with the Council's policies and guidance and that potential devaluation was not an issue for the Committee. The Head of Area Planning advised the objector that planning permission would be required if there was evidence that more than six persons were living at the property but not as a single household.

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

3/06 06/3631 Land Surrounding Wembley Stadium, Engineers Way, Wembley, HA9

The erection of a part 11-storey and part 14-storey building with two-level basement, comprising 336 residential units (45 x studio flats, 115 x one-bedroom flats, 162 x two-bedroom flats, 14 x three-bedroom flats), all of which are for private accommodation. In addition, the application proposes 2101sqm of D2 leisure, 3682sqm of retail floorspace, basement parking for 272 cars (10% of which are disabled bays), 336 cycle-parking spaces, 10 electrical car-charging spaces, 10 motorcycle-parking spaces, 15 visitor car-parking spaces, 29 visitor cycle bays, and associated communal landscaping, located on the corner of Wembley Park Boulevard, Engineers Way and Olympic Way forming part of the Quintain Stage 1 permission (ref: 03/3200).

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 and Culture to agree the exact terms thereof on the advice from the Borough Solicitor and the deletion of the words “14(noise attenuation measures)” from the description of the development.

In reference to the supplementary information, the Head of Area Planning drew the Committee’s attention to the concerns expressed by Wembley National Stadium Limited (WNSL) that the noise attenuation conditions on this plot would result in the National Stadium being unable to operate to its full potential given the close proximity of residential units. He also drew their attention to concerns made by Pinset Masons, the legal representatives for WNSL about noise attenuation, noise acoustics and the proposed height of the development and a request from Sport England for a deferral pending consideration of the phasing implications for the Stadium.

In response, the Head of Area Planning advised that the applicants had now withdrawn the submission under Condition 14 covering noise attenuation measures. He was advised that there was no in principle reason why the required standards could not be achieved but that further information was required to support this. With respect to the concern about the height of the development, he stated that the scheme was in compliance with the Parameter Plan 7. It was also within the parameters of the Stage 1 Environmental Statement with regard to daylight and sunlight, wind and townscape assessments. He added that as the approval of plot WO1 and the re-orientation of the Wembley Arena were consistent with the phasing plans, he would not recommend a deferral on those grounds. He also added that the relevant Secure by Design principles contained in the scheme satisfied Policy BE5 in relation to urban clarity and safety and SPG10 in relation to community safety. In respect of the query raised by Councillor Long about television services and satellite dishes, he recommended a further condition as set out in the supplementary information, in the interest of visual amenity.

Mr J Tollast a representative for Quintain speaking in support of application 06/3631 (plot WO3) submitted that the scheme was wholly consistent with the parameters established at the outline stage. He added that the needs of the residents in respect of access, amenity and secure by design had been incorporated into the scheme and that a fortnightly meeting to progress this was being held with Council officers.

Mr Nigel Hawkey speaking on application reference 06/3630 (plot WO4) stated that the scheme was in compliance with the stage 1 approval and would provide facility for the wider community including retail opportunities. He added that residential access to the landscaped courtyard and sustainability requirements had been addressed.

In response to Councillor Dunwell’s query on the Primary Care Trust ‘s (PCT’s) degree of certainty on the provision of a medical facility, Mr Hawkey stated that the PCT had given an assurance on their commitment which was dependent on external funding, although he had not seen the the PCT’s spending plans.

The legal adviser reiterated the Chair's view that members should focus on the application before them including health provisions and if there were significant and/or material changes to the application as approved, it would come back to committee.

In accordance with the Planning Code of Practice, Councillor Butt a ward member stated that he had not been approached. He submitted that the development would assist with the regeneration of the area by providing residential and retail opportunities. With respect to the health facility he urged that the Council should work in partnership with the PCT to ensure its availability.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and the deletion of the words "14 (noise attenuation measures from the description of the development and a further condition and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on the advice from the Borough Solicitor.

3/07 06/3630 Land Surrounding Wembley Stadium, Empire Way, Wembley,

The erection of an 8 storey building arranged around a central courtyard with basement comprising of 232 residential units (16 x studio flats, 80 x one bedroom flats, 116 x two bedroom flats, 20 x three bedroom flats). Of these residential units, 16 x studio, 24 x one bedroom and 48 x two bedroom are for private accommodation; 36 x one bedroom and 41 x two bedroom are for intermediate accommodation; and 20 x one bedroom, 27 x two bedroom and 20 x three bedroom are for social rented accommodation. In addition, the building is proposed to contain 618sqm of local needs floorspace, 2800sqm of designer outlet retail floorspace, 1469sqm of D1 community floorspace in the form of a Primary Care Health Centre (PCHC), residential basement parking for 116 cars with access from Lakeside Way, PCHC parking for 24 cars with access from Stadium Way, 232 cycle parking spaces, and landscaping works, on the corner of Lakeside Way and Empire Way (site of the former Wembley Conference Centre) forming part of the Quintain Stage 1 permission (ref: 03/3200).

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 and Culture to agree the exact terms thereof on the advice from the Borough Solicitor.
See above for preamble.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and the deletion of the words "14(noise attenuation measures from the description of the development and a further condition and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on the advice from the Borough Solicitor.

3/08 06/3438 All Buildings at Wembley Centre For Health & Care, Chaplin Road, Wembley, HA0 4UZ

Erection of second, third and fourth floor extension to Health Care Building with lift extension that extends to the fifth floor level.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions with amendments to conditions 5 and 6.

3/09 07/0158 29-31, Brook Avenue, Wembley, HA9 8PH

Demolition of existing 3 x 2-storey houses on the site and erection of part 3-storey and 4-storey building (including lower ground level) with front and rear dormer windows and balconies to provide 13 self-contained flats (comprising ten 2-bedroom flats and three 3-bedroom flats) with formation of new vehicular and pedestrian access, provision of 4 car-parking spaces (including 2 disabled parking bays), refuse-storage and landscaping to the front, cycle store for 13 cycles at lower ground level, rear amenity space and associated works, involving retention of the existing chimney between No. 28 and 29 Brook Avenue, and works undertaken to support it and make good this elevation, the former party wall (as accompanied by Planning Statement CL10836/01, January 2007, produced by Nathaniel Litchfield and Partners, Design and Access Statement F250/DS001, Revision: 0, January 2007, produced by Arc 7 Design, and Sustainable Development Checklist) (as amended by revised plans and information received on 08/03/2007 and 09/03/2007)

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

The Head of Area Planning informed Members that following the applicant's submission of flood level data, the Environment Agency had withdrawn their objections to the scheme subject to a condition regarding the finished floor level of the lower ground floor and an informative on any proposed works or structures within eight metres of the bank top of the Wealdstone main river, as set out in the supplementary. He also drew the Committee's attention to amendments to the Heads of Terms of the s106 agreement including sustainability measures as set out in the supplementary information.

In responding to Councillor Dunwell's suggestion for an increase in on-site car parking spaces, Mr Gurtler, the agent stated that the revised submitted plans for 4 car parking spaces would overcome the objections raised by Transportation as it would provide a total of 13 spaces on and off street parking spaces.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement, an informative and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on the advice from the Borough Solicitor.

3/10 05/3651 Alperton Estates, Minavil House, 2-6 Rosemont Road, Wembley, HA0 4EL

Outline Planning Permission for demolition of the existing building and erection of a two-storey building, consisting of a Lidl supermarket with 1,451m² of retail floor space and 1,100m² of first-floor office space (B1), with provision for 91 car-parking spaces and associated landscaping.

OFFICER RECOMMENDATION: Refuse planning permission based on the information available.

DECISION: The application would have been refused based on the information available.

5. Planning Appeals

Members were requested to note the list of planning appeals for January and February 2007. The Head of Area Planning reported that efforts were being made to increase further the success rate of the appeals submitted from the current level of 60%. In reference to the appeals for telecommunication masts, he emphasised the need for the Committee to strengthen the grounds for refusal if the spate of appeals allowed were to be avoided.

RESOLVED:-

that the list of planning appeals for January and February 2007 be noted.

6. Date of Next Meeting

It was noted that the next meeting of the Planning Committee would take place on Tuesday, 24th April 2007 and that the site visit would take place on the preceding Saturday, 21st April 2007 at 9.30 am from Brent House.

The meeting ended at 9.55 pm.

S KANSAGRA
Chair

Note:

The meeting was adjourned at 9.20 pm for 5 minutes

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