



## Supplementary - Planning Committee

**Wednesday 19 June 2013 at 7.00 pm**

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

### Membership:

#### Members

Councillors:

Ketan Sheth (Chair)  
John (Vice-Chair)  
Aden  
Baker  
Cummins  
Hashmi  
Kabir  
Kataria  
CJ Patel  
Powney  
Singh

#### first alternates

Councillors:

R Moher  
Van Kalwala  
J Moher  
Kansagra  
Ms Shaw  
Cheese  
Oladapo  
Long  
Hopkins  
Gladbaum  
Hossain

#### second alternates

Councillors:

Adeyeye  
Ogunro  
Moloney  
HB Patel  
Sneddon  
Beck  
Powney  
Naheerathan  
Lorber  
Harrison  
Mashari

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**The press and public are welcome to attend this meeting**

**Members' briefing will take place at 5.30pm in Committee Room 4**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

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12. Supplementary report		1 - 6

# Agenda Item 12

## Agenda Item 03

### Supplementary Information

### Planning Committee on 19 June, 2013

Case No.

13/0794

Location	10 Rushout Avenue, Harrow, HA3 0AR
Description	Demolition of detached garage and erection of a detached four storey, four bedroom dwellinghouse including basement level, relocation of the vehicular crossover, formation of 1 off street parking space and associated landscaping in accordance with revised plans received 05/06/2013

#### Agenda Page Number(s): 15 to 26

Further representations have been received from the Council's Transportation Department who advise the existing crossover should be retained; this will allow for the retention of the street tree and trees to the south eastern boundary of the site.

It is therefore recommended that Condition 6 (re-instatement of a redundant crossover), Condition 9 (landscaping) and Condition 12 (cycle parking) are deleted and replaced with one revised, comprehensive condition as follows:

*Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the front garden of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-*

- (a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained, in particular the tree in the south-east corner of the site adjacent to the boundary with No. 12 Rushout Avenue;*
- (b) proposed means of enclosure (e.g. walls, fences) indicating materials and heights to include the boundary of No. 10 Rushout Avenue;*
- (c) screen planting along the west, east and south boundary to include the boundary with the garden of No. 10 Rushout Avenue;*
- (d) areas of hard landscape works including permeable paving and proposed materials including samples where necessary;*
- (e) details of the proposed arrangements for the maintenance of the landscape works;*
- (f) details of the proposed rear shed to accommodate the two cycle spaces, including materials, plans and elevations;*
- (g) the retention of the existing crossover to be maintained to the north of the site boundary with the existing street tree to be retained.*

*Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.*

*Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.*

**Recommendation:** Remains approval subject to revised conditions and the satisfactory completion of a S106 legal agreement.

## Agenda Item 04

## Supplementary Information

Planning Committee on 19 June, 2013

Case No.

13/1055

Location 117 Preston Hill, Harrow, HA3 9SN  
 Description Demolition of detached garage and erection of a detached bungalow with one street parking space, and construction of new vehicular access and provision of 2 car parking spaces for No. 117 Preston Hill (revised description)

**Agenda Page Number: 27****Members Site Visit**

Following on from the site visit members have sought clarification on the following:

*What is happening to the lamppost on the frontage adjacent to the existing garage?*

This lamppost will be retained and will not be affected by this application. The lamppost is located next to the existing crossover that serves the garage for No. 117 Preston Hill. This crossover will be retained and used by the bungalow to accommodate one off street parking space.

*Is the tree in the frontage of No. 117 Preston Hill being retained?*

Full details of landscaping within the frontage of both the main house at No. 117 Preston Hill and the new bungalow are recommended to be conditioned as part of any forthcoming planning consent. The tree that is located within the frontage of No. 117 Preston Hill is a considerable distance away from the proposed bungalow, and will therefore not need to be removed as a result of the bungalow being constructed within the application site.

*What is the status of outbuilding with a large flue located in the neighbouring garden at No. 119 Preston Hill?*

There is no large outbuilding within the application site. The outbuilding with the large flue is located within the neighbouring garden at No. 119 Preston Hill. As set out in the *Remarks* section of the Planning Committee report, an enforcement investigation was carried out in relation to the outbuilding and new boiler flue (LPA Ref: E/06/0803) where it was concluded that a breach of planning had not occurred. The enforcement case was closed on 2 September 2009.

**Recommendation:** Remains Approval subject to the completion of a satisfactory Section 106 Agreement

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## Agenda Item 05

## Supplementary Information

Planning Committee on 19 June, 2013

Case No.

13/0891

Location 1A-C, 3 & 5A-D INC, Deerhurst Road & Shree Swaminarayan Temple, 220-222 Willesden Lane, Willesden, London, NW2  
 Description The erection of a rear extension to the temple, the demolition of 1, 3, 5 Deerhurst Road and the erection of 14 care home units, 6 elderly and visitor accommodation units, and 14 self contained flats and two storey basement parking area with associated landscaping to the site

**Agenda Page Number: 39**

Members visited this site on 15 June 2013

Highways .

On Monday 17 June 2013, applicants submitted further information regarding Travel Plans and other Highway matters. This additional information does deal with certain relatively minor points namely:

- Car parking space "127", has now been re-orientated in order to be usable.
- All ramp gradients have now been specified as 1:10, which is also acceptable.

However, Officers consider that key, fundamental issues remain that justify the recommendation for refusal. These are:

- The results of a parking survey dated 16<sup>th</sup> June 2013 (Sunday after the site visit) revealed the impact of the existing use is very significant in terms of on-street car parking in the residential streets. Any additional development would worsen an already bad situation.
- The applicants have suggested the parking allocation be arranged via condition and have indicated that up to 21 car spaces may be allocated to the various residential, care home and sheltered housing uses. Officers are not of the view the matter can be addressed by condition. The matter of the number of parking spaces is a fundamental issue that requires resolution as part of a full assessment of the development as a whole. A condition cannot be enforced.
- The applicant has failed to relate the Travel Plan to baseline data and continues to refer to "possible targets" being set. This is not an approach that can be accepted.
- Changes between ramped and level sections in the proposed two storey basement remain unclear.

As a result of this additional information, reason for refusal 11 needs to be amended so as to read:

*The proposed basement car park, by virtue of the insufficient vertical clearance height within the structure will have a detrimental impact on vehicular access to the facility contrary to Policy TRN22 of the UDP-2004. In the absence of details of gradients for some of the ramps within the car park, the proposed basement also fails to provide safe access for vehicles and pedestrians contrary to Policies TRN10 and TRN14 of the adopted Brent UDP 2004.*

During the Members site visit, mention was made of unsafe parking having a detrimental impact on the London Cycle Network (LCN). For Members information the LCN has been superseded by the Cycle Superhighways Scheme (2009-2010). Though none of these run through Brent, a system of "quietways" will link to the Superhighways. Regardless of what the initiative might be called Highway Safety is an issue here and is discussed in the report.

#### Consultation: \_

Two further objectors have been received and raise no new concerns.

Environmental Health Officers have raised concern over matters relating to Contaminated Land, Basement Car Park Ventilation, Sound Insulation and Air Quality. In the event of a resubmission or an appeal, Officers are satisfied these matters could be addressed by way of conditions.

#### Other Matters

During Members visit mention was made that in dismissing an appeal for a new house at the rear of No.66 Chatsworth Road (house at junction with Deerpark Road), the Secretary of State placed significant value on the character of the area. For clarity, the Inspector stated that:

*"The appeal site lies within a well-established residential area that is characterised by substantial detached and semi-detached dwellings with generous mature gardens giving the area an attractive appearance and character. Corner plots with trees contribute to the quality of the area".*

Although every case is, of course, determined on its own particular merits, the views of the Inspector do tend to support the Officer assessment in this current application.

Officers are of the view that reasons for refusal 1 and 7 should be combined to read as:

*The proposed development, by reason of the design, overall size, siting, bulk, density, height, mass, scale, dominance of buildings across the site, proximity to side/rear boundaries and its prominence on the street would constitute an unacceptable form of development detracting from the character of the locality and relating poorly to surrounding forms of development. The proposal would thus result in a development that is to the detriment of the visual character and appearance of this area. Page 3 constitutes an overdevelopment within this constrained plot. As a result, the proposal would be contrary to policies BE2, BE9, H15 and H12 of the adopted Brent Unitary*

*Development Plan 2004.*

The applicant has provided an amended submission showing lifts to the residential scheme. The amendments do not change your Officers recommendation.

**Recommendation: Remains Refusal, subject to amendments to reason 11 and the amalgamation of reasons 1 and 7.**

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## Agenda Item 07

### Supplementary Information

**Planning Committee on 19 June, 2013**

Case No.

13/0471

Location	Land rear of 12-14 St Andrews Avenue, St Andrews Avenue, Wembley
Description	Erection of three two-storey terraced dwelling houses on land at the rear of 12-14 St. Andrews Avenue

#### Agenda Page Number: 65

Members visited the site on the 15 June 2013 and were met on site by a number of objectors and the agent. The site was viewed from the rear gardens of 12-14 St Andrews Avenue and from Lothian Close.

#### Consultation

At least one objector claimed that not everyone in Lothian Close had been consulted on the application. 44 consultation letters were sent out to local residents 11.04.2013 including all properties in Lothian Close.

#### Ownership

Following concerns raised by residents over the ownership of the roadway in Lothian Close members requested clarification on this issue. The applicant has always been aware that Lothian Close is un-adopted highway but appears to have been unaware that not all the highway was owned by Network Housing Association. A land registry check has confirmed that part of the road surface at the end of Lothian Close is owned by the owners of 19 Lothian Close and is in fact the parking space for this property. The proposed 'Grampian' condition is therefore requiring details of all agreements and works required to provide access to the site cannot be complied without as this would result in the displacing of number 19's car parking space. It is not apparent where this parking space could be re-provided within the current proposal.

#### Notice

It is a requirement prior to making a planning application that the applicant or their representative serve notice on all those with a freehold- or leasehold interest in the land. As the site boundary includes an area of grass at the end of Lothian Close not owned by the applicant they were required to serve notice on the owner of that land (Network Housing Association). Notice has not been served, instead the applicant has signed Certificate D which states that they have been unable to obtain details of the owner and have therefore advertised the proposal in the local press. However Certificate D can only be used where all reasonable steps have been taken to find out the names and addresses of everyone with a freehold interest or leasehold interest with at least 7 years left to run on any part of the land to which this application relates, but has been unable to do so. Since it was possible matter to undertake a land registry check to determine these interests it is not considered reasonable for the applicant to claim that all reasonable steps have been undertaken to establish the identity of the owners. The correct notices have therefore not been served. Furthermore Network Housing Association has contacted the case officer to express concern at the failure to serve notice.

#### Conclusion

The application should be deferred to allow the correct notices to be served and for the scheme to be redesigned in order to accommodate the re-provision of any existing parking spaces that would be displaced should agreement be reached with the relevant land owners.

**Recommendation: Change recommendation from approval to deferral for the reasons set out above.**

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## Agenda Item 08

**Supplementary Information****Planning Committee on 19 June, 2013****Case No.**

13/0166

Location 128 Windermere Avenue, Wembley, HA9 8RB  
 Description Change of use of mini cab office (Sui Generis) to Islamic Culture and Education Community Centre (Use Class D1) (**Please note this is a re-submission following withdrawal of previous application Ref: 12/1667**).

**Agenda Page Number: 76-90**

Members visited the site on 15 June 2013. A large number of supporters and objectors were present.

Many issues raised on site are covered in the main report so are not discussed again here.

Additional Issues raised:-

It was expressed by an objector that given officers are only proposing a one year temporary permission the applicant is unlikely to commit to the expenditure required by conditions requiring the replacement of the shop front and security shutters, a new boundary fence to the rear and improvements to the rear service yard.

**Response:-**

These improvement works are covered through condition 3 (shopfront works), condition 7 (removal of all existing redundant signage), condition 12 (rear service yard) and 14 (replacement boundary fencing). It is not considered that these works would be particularly onerous to comply with. The most significant work would be to the shop front, however this could be just the removal of the existing solid shutters and the installation of a new shopfront display behind the existing shopfront. The applicants have agreed to these conditions. The Council has powers to pursue enforcement action should the use continue without these conditions being complied with.

Additional representations received:-

Since the site visit four additional objections have been received. Three are from addresses on Nathans Road which is on the northern side of the railway with access to Windermere Avenue provided via the pedestrian underpass to the rear of the application site.

**Objectors have expressed dissatisfaction that they were not included in the initial consultation exercise.****Response:-**

Widespread consultation was carried on this application, a total of 215 letters were sent to local residents. This consultation did not extend as far as properties on Nathans Road. In any event the closest of these addresses is approximately 370m away from site, sited towards the southern end of Nathans Road. Given this level of separation and the fact that a railway line divides the two sites Officer's do not consider that it was necessary to extend the consultation this far.

The Sudbury Court Residents Association, who represent residents of the Sudbury Court Estate and surrounding roads were consulted on the application and have responded.

**What guarantees will be given that, if granted the premises will not be used as a mosque?****Response:-**

The main 'remarks' section of the Committee report sets out the range of uses that would be permitted, in the event of permission being granted. There is to be an element of religious activity, with five short (15-30 minute) prayer sessions each day excluding Friday lunchtime. Projected visitor numbers provided by the applicant indicate a low level of use during these times.

The busier Friday lunchtime prayer session, known as Zohar is excluded as a proposed activity.

The applicants have agreed to a condition (number 4) specifying no Friday lunchtime prayer. Alternative arrangements have been made and Friday prayer is now being carried out at a community centre at May Lane, The Mall. To control that no Friday lunchtime prayer is carried out at the premises in the future a restrictive condition is recommended - *see condition 4*.

Aside from the above the following are also raised in these representations;-

1. The proposed use is inappropriate in this local shopping parade, and will to the detriment of the parade.
2. The use will result in further parking problems and will cause traffic congestion in the local area.
3. The premises will not be used by local people.
4. There is no reason why specific faith groups should have specialist centres such as this where they can get advice on welfare or social issues, when such advice can be gained from Council One-Stop-Shops.

**Recommendation: Remains approval**

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