



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE

Wednesday, 30 June 2010 at 7.00 pm

PRESENT: Councillors R Patel (Chair), Sheth (Vice-Chair), Adeyeye, Baker, Cummins, Daly, Hashmi, Hossain, Kataria and McLennan

ALSO PRESENT: Councillor Muhammed Butt, Councillor Barry Cheese, Councillor Bhagwanji Chohan, Councillor Kana Naheerathan and Councillor Carol Shaw

Apologies for absence were received from CJ Patel

### 1. Declarations of personal and prejudicial interests

6. 2 Scrubs Lane NW10 (Ref. 10/0585)  
Councillor Daly declared that she had been approached by a member of the public in connection with this application.
8. Storage Land next to 75 St Pauls Avenue (Ref. 10/0677)  
Councillor Cummins declared pecuniary interest as a member of the board of a subsidiary company of Genesis Housing Group. During consideration of the application he left the meeting room and therefore did not take part in the discussion or voting on this item.
- 18 22 Wembley Park Drive  
All members declared that they had received correspondence from the applicant.

### 2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 8 June 2010 be approved as an accurate record of the meeting subject to the following amendments;

Add "Councillors Kabir and Naheerathan" to the list of those also present.

Paragraph 4, page 4 in the 2<sup>nd</sup> sentence, delete "there may be a Controlled Parking Scheme in operation" and replace with "if CPZ was introduced in future it would probably involve changes for new residents who would then not be allowed to apply for parking permits".

Item 7 paragraph 4, add after "spaces" " , when the property would have five bedrooms".

Item 13, replace paragraph 4 with the following: "Councillor Kataria said he had been disappointed to note that in a large number of streets in Wembley Central, Neasden and Kingsbury, family homes had been converted into flats. He expressed pleasure that for this property the reverse applied. "

Item 15, page 12 correct the spelling of a member's name to "Adeyeye".

Add a footnote after the end of meeting as follows:

“At 10.30pm the meeting voted to disapply the guillotine procedure to enable members to consider all applications on the night”.

**3. Garages rear of 55 Mount Pleasant Road, Henley Road, London NW10 (Ref. 10/0932)**

Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area.

**OFFICER RECOMMENDATION:** Planning permission granted subject to conditions including an additional condition requiring details of mechanical ventilation, 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 advice from the Borough Solicitor.

With reference to the supplementary information Andy Bates, the Area Planning Manager stated that the principle that this site was acceptable for the erection of a dwellinghouse had been established by earlier appeals on the site, first in 2000, but more recently in 2008. In reference to the Planning Inspector's decision for 08/1976 he added that the effect of the proposal on the living conditions of neighbouring residents, in terms of outlook, privacy as well as noise and disturbance, would be acceptable. He informed the Committee that the issue of precedence was not usually a planning consideration, as each case was assessed on its own individual merits. The Planning Manager continued that the proposed basement would be used for utility/storage and that the quantity and quality of external amenity space in the current application with the useable outside space would now just exceed the Council's guidance.

The Planning Manager continued that in order to address concerns raised by some neighbours about the implications for extraction from bathroom and kitchen areas on adjoining residents an additional condition requiring details of mechanical ventilation as set out in the supplementary information tabled at the meeting was recommended. This condition would allow the Local Planning Authority to exercise proper control over the development and to safeguard the amenities of the adjoining occupiers.

Mr Martin West an objector considered that the proposal would constitute a cramped form of development and an over-development of the site which would be out of character with the surrounding area. He added that the detrimental impact of the proposal would be significant and was likely to set a precedent for similar undesirable developments in the area. Mr West urged members to refuse the application and that a decision on any future application for the re-development of the site should involve the local community.

Mr Sillis an objector stated that since the appeal decision for this application, there had been a fundamental change to national Planning Policy Statement 3 (PPS3)

which would directly affect the way the current application should be assessed. He expressed a view that the policy change had given Local Planning Authorities new powers to stop the re-development of land in built up areas such as private residential gardens.

Mr Mike Mills the applicant's agent stated that the principle of development and its suitability had been firmly established. He continued that the impact of the proposed development in terms of outlook and privacy was acceptable as it would make a positive contribution to the character of the locality. Mr Mills added that the design of the scheme had incorporated views expressed by the local residents during consultations, adding that the objection raised on grounds of precedence was not a valid one.

**In accordance with the provisions of the Planning Code of Practice, Councillor Shaw** a ward member stated that she had been approached by objectors to the application. Councillor Shaw objected to the proposed development on the grounds that it would constitute an intrusion into neighbours' gardens to the detriment of their amenities. She added that the excavations proposed within the application would destroy the mature trees in the area and that the proposal would set a precedent for future undesirable developments in the area.

**In accordance with the provisions of the Planning Code of Practice, Councillor Cheese** a ward member stated that he had been approached by objectors to the application. Councillor Cheese reiterated that the policy change to the development of back garden and brownfield sites to which the objector had referred meant that the site could no longer be re-developed.

The Head of Area Planning confirmed that copies of the recent policy change had been circulated to all Local Planning Authorities. However, the removal of residential gardens from the definition of 'brownfield' did not in itself indicate that officers' conclusions and recommendations were flawed. The change did not require the refusal of all applications but provided a basis for Local Planning Authorities to resist unacceptable developments. In this case, the specific design and impact issues had been considered in some detail by two Inspectors and, unless the Committee could identify how these issues could be considered differently, the previous assessments had some weight. He added that the issue of precedent was not absolute as each application was decided on its own merit

During discussion Councillor Kataria moved an amendment for deferral in light of the recent policy change pending a further report with input from the Borough Solicitor. This was put to the vote and declared lost. Members then voted on the substantive recommendation which was declared carried by a majority.

**DECISION:** Planning permission granted subject to conditions including an additional condition requiring details of mechanical ventilation, 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 advice from the Borough Solicitor.

**4. 15 Grenfell Gardens, Harrow, HA3 0QZ (Ref. 10/1066)**

Erection of a two-storey side extension, part two-storey/part single-storey rear extension, erection of a rear dormer window and insertion of rear rooflight to dwellinghouse (variation of planning permission ref: 09/1750).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The applicant Mrs Soneji decided to forgo her right to address the Committee as she was satisfied with the officer's recommendation for approval.

DECISION: Planning permission granted subject to conditions.

**5. 149 Chatsworth Road, London, NW2 5QT (Ref. 10/1000)**

Erection of a single and two storey rear extension, installation of a rear dormer window with juliette balcony, two front rooflights, 4 side rooflights, installation of new first floor side window, 2 ground floor side windows, installation of additional front door and conversion of extended dwellinghouse into 2 self-contained flats.

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 advice from the Borough Solicitor.

The Area Planning Manager, Andy Bates updated the Committee that since the report was published 2 additional representations had been received raising a number of points which had been sufficiently covered in the main report. He clarified that there was no objection in principle to the conversion into flats adding that the proposed conversion would include a family size dwelling unit of a 3 bed ground floor flat without being over-intense. He drew members' attention to a condition requiring a landscaping scheme as set out in the main report.

**In accordance with the provisions of the Planning Code of Practice, Councillor Shaw**, ward member stated that she had been approached by some objectors to the application. Councillor Shaw expressed a view that the pre-application advice had not been followed through hence, she felt that the scheme was ill-conceived and would constitute a cramped form of development. She criticised the layout, the lack of fire escape for flat B and questioned the need for ground floor balcony. Councillor Shaw continued that the proposal which in her view was contrary to Government policy to encourage family dwelling units would detrimentally impact on residential amenities through noise and disruption whilst the conversion was being carried out.

DECISION: Planning permission granted 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 advice from the Borough Solicitor.

**6. 2 Scrubs Lane, London, NW10 6RB (Ref 10/0585)**

Continued display of internally illuminated 7.5m x 5.0m advertisement hoarding on site of church on south of Harrow Road adjacent to existing petrol station and the installation of internally illuminated 6.0m x 3.0m hoarding at the junction of Harrow Road and Scrubs Lane.

OFFICER RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary information the Planning Manager Andy Bates outlined the details of the landscaping which were required through the original planning consent for the church but which the applicant had failed to provide. He continued that the proposed retention of Panel 1 and the erection of Panel 2 of the advertising hoardings which would be sited directly in front of the giraffe sculptures, granted planning permission in 1996, would conflict with adopted planning policy to improve the appearance of the street-scene, a requirement which was needed to balance the impact of a far larger building at this prominent corner location. In reference to the documents distributed by the applicant to members at the site visit the Area Planning Manager submitted that the proposed advertisements by reason of their size, scale and location, were considered to appear incongruous and over-dominant in the street-scene. They would be out of character, visually obtrusive to pedestrians and contrary to policy BE21. He added that the Council's Transportation Officers had advised that due to the location of the advertisement hoarding at major signalised junction it was likely to be distracting to drivers and therefore detrimental to highway and pedestrian safety. In conclusion, the Planning Manager stated that whilst he understood the financial benefits to the applicant (City Mission Church) the demerits of the advertisement hoardings including the size, location, being visually obtrusive in the streetscene, would detract from the character and appearance of the newly erected church and community building and cause conditions which would be prejudicial to public and highway safety.

The applicant Reverend Desmond Hall in support of the application submitted the following;

- The site had been used for advertisement hoardings for more than 20 years and that the panel which the Council had previously deemed unacceptable was twice the size of the hoarding for this application.
- Planning policies and supplementary planning guidance that applied in 2003 and against which planning permission was granted for the advertisement hoarding had not changed.
- He was not aware of any objection or vehicular accident as a result of the advertisement displays.
- The removal of the advertisement panel next to the petrol filling station would create greater harm to visual amenity.
- Panel 2 would be erected in line with the site boundary to form an integral part of the church building, thus enhancing the architectural quality of the Church

DECISION: Planning permission refused.

**7. 45 & 45A Torbay Road, London, NW6 7DX (Ref. 10/0502)**

Demolition of existing single-storey rear extension and erection of a new single-storey rear extension, single-storey side extension and conversion of two self-contained flats into a single family dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

**8. Storage Land next to 75, St Pauls Avenue, London, NW2 5TG (Ref. 10/0677)**

Redevelopment of the site to provide part 2, 3, 4 and part 6 storey building comprising 20 (5 one, 10 two and 5 three bed) affordable units and associated access, landscaping, car parking and cycle parking provision.

OFFICER RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary report, the Planning Manager, Andy Bates in response to members' concern about contaminated land on the site submitted that if the grant planning permission was to be recommended a condition would be attached requiring site investigation to determine the nature and extent of any contamination and a remediation report would also be sought. He then outlined the following 3 key issues to support the recommendation for refusal;

In view of the proximity of the land to the railway line the proposal for residential development would require a number of conditions including details of glazing, balcony screens and insulation works to mitigate and address issues of noise and vibration.

The relationship of the proposed development with the adjacent garage and the level of noise produced by the garage which members observed at the site visit would have a significant impact on the residential amenities. As this concern had not been satisfactorily addressed at this stage, he recommended an additional reason for refusal as set out in the tabled supplementary report.

He added that although a revised plan had been received which made amendments to the design, it was not significant in terms of design and failed to address the objections raised by Highways' officers. For this reason the Planning Manager amended reason 1 for refusal and also drew attention to the amendment to reason 2, as set out in the tabled supplementary report.

Miss Ann Marie Glynn an objector stated that the proposed residential development posed an inherent danger particularly to children using the nearby play area. She added that the proposal with unacceptable design, would conflict with the right of way of the garage and its users in particular the height of vehicles

that could use the garage. Miss Glynn added that the proposal failed to present a comprehensive development which could have included the present garage site.

Mr Dicks an objector circulated some photographs of the area to illustrate his objections. He stated that the site which was used as a petrol filling station suffered from a history of flooding through surface and rain water, matters of serious concern to local residents and which Thames Water Authority had been unable to resolve.

Mr Ben Thomas the applicant's agent stated the principle of land use in terms of height, massing and the building line along St Pauls Avenue and the mixed use of the site had been established. He added that the proposed development by providing affordable housing of high quality design which would complement the area, would assist in the regeneration of a brownfield site. Mr Thomas also drew members' attention to the provision of the Section 106 legal agreement for £40,000 and on behalf of the applicant, undertook to reach a deal with the garage owners on the right of way issue.

In responding to the issues raised, the Head of Area Planning, Steve Weeks advised that whilst the principle of a residential development and its general scale was accepted, the form of proposal would be significantly impacted upon by the Right of Access through the site and its impact on design, landscaping, residential environment and highway and pedestrian safety. He reiterated the recommendation for refusal with amended and additional reasons as set out in the tabled supplementary report.

DECISION: Planning permission refused with amended and additional reasons.

**9. 36 Kingswood Avenue, London, NW6 6LS (Ref. 10/0909)**

Erection of one front rooflight, one rear dormer window and rooflight and single storey side extension to dwelling-house.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

**10. 20 Talbot Road, Wembley, HA0 4UE (Ref. 10/0702)**

Conversion of dwellinghouse into 3 self-contained flats (2 x 1-bedroom and 1 x 2-bedroom), installation of new door to side of property, alterations to first-floor rear window, removal of existing crossover, formation of new landscaping to front and provision of private amenity space to rear.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

**11. 326 High Road, Wembley, HA9 6AZ (Ref. 10/0700)**

Change of use of premises to a cafe (Use Class A3) and installation of an extraction flue to rear.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives.

The Head of Area Planning drew members' attention to an amendment to condition 5 as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions as amended in condition 5 and informatives.

**12. 113 Sudbury Court Drive, Harrow, HA1 3SS (Ref. 10/0607)**

Demolition of an existing ground floor side and rear extension and front porch and erection of a new replacement ground floor side and part rear extension, first floor side and rear extension, new front porch, alterations to the front garden area to provide part soft landscaped and part hard standing area for 2 off-street car parking spaces and external alterations involving replacement of existing windows and door at ground floor east elevation of the dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

**13. 3 Kingswood Road, Wembley, HA9 8JR (Ref. 10/0586)**

Erection of a light-industrial building (Use Class B1c) comprising 3 smaller units, a loading/servicing area, 7 parking spaces, a cycle-storage area and associated landscaping.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives.

The Head of Area Planning drew members' attention to an amendment to informatives as set out in the tabled supplementary report.



DECISION: Planning permission granted subject to conditions and informatives.

**14. 91 Sudbury Court Drive, Harrow, HA1 3SS (Ref. 10/0854)**

Conversion of garage into habitable room and erection of single-storey rear, single-storey side and two-storey side and rear extension to dwellinghouse and alterations to frontage, as amended.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

**15. 16 The Broadway, Wembley, HA9 8JU (Ref.10/1031)**

Change of use from retail (Use Class A1) to cafe (Use Class A3), erection of bin and cycle store, roof-top flue, replacement lattice roller shutter and boundary fence to rear of premises.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the tabled supplementary information, the Area Planning Manager Neil McClellan reported that a petition with 22 signatures objecting to the proposed change of use had been received. He submitted the following responses to the issues raised in the petition;

- There were only 2 existing A3 uses in the parade, and a further A3 use was not considered to result in over concentration, noting that the Council's Transportation Department did not object to the proposal. He added that a condition had been recommended to secure the provision of a rear servicing bay so that any loading/unloading can be done without impeding the free flow of traffic on the adjoining highway.
- The application was for the use of the premises as a cafe/restaurant only and that the applicant had stated that there would no shisha smoking in the future. He drew members' attention to a number of conditions which would control the use and prevent anti-social behaviour including restricting the hours of use, prohibiting the use of the rear yard by customers, restricting the use of amplified music/sound and requiring the installation of a suitable kitchen extract system.
- The applicant would be liable to prosecution by the Council's Environmental Health Team if he continued to allow shisha to be smoked on the premises.

In reiterating the recommendation for approval subject to conditions and informatives, the Planning Manager drew members' attention to an amendment to condition 13 as set out in the tabled supplementary.

DECISION: Planning permission granted subject to conditions as amended in condition 13 and informatives.

**16. 10 Berkhamsted Avenue, Wembley, HA9 6DT (Ref. 09/3364)**

Demolition of existing detached garage and erection of a single storey detached bungalow with a basement in the rear garden of No. 10 Berkhamsted Avenue, HA9 6DT with associated landscaping and refuse/recycling bin storage area.

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 advice from the Borough Solicitor.

DECISION: Planning permission granted 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 advice from the Borough Solicitor.

**17. 2 & 2A Hannah Close, London NW10 (Ref. 09/2245)**

Proposed demolition of rear ancillary prefabricated office block, change of use from warehouse (Use Class B8) to materials-recovery facility (Sui Generis), installation of 2.5MW biomass combined heat & power plant with flue stack, installation of new vehicle access to front and rear elevations, 6 cooler tanks to the rear and 2 sprinkler tanks to front, erection of detached three-storey side building consisting of ground-floor workshop (Use Class B2) and first-floor & second-floor offices (Use Class B1), new hard and soft landscaping, parking provision, erection of security office to front, new pedestrian access from Great Central Way and associated works.

OFFICER RECOMMENDATION: Grant planning permission Planning permission granted subject to conditions as amended in conditions 4, 5 and 6, the completion of a satisfactory Section 106 with amended heads of terms or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

The Head of Area Planning drew members' attention to amendments to condition 4, 5 and 6 as set out in the tabled supplementary report and to the Section 106 heads of terms to include an additional contribution of £5,000 to upgrade the bus stop on Great Central Way.

DECISION: Planning permission granted subject to conditions as amended in conditions 4, 5 and 6, the completion of a satisfactory Section 106 with amended heads of terms or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

**18. 22 Wembley Park Drive, Wembley, HA9 8HA (Ref. 10/0054)**

Retrospective application for a single storey outbuilding and proposed reduction in height to outbuilding in rear garden of dwellinghouse.

OFFICER RECOMMENDATION: Refuse planning permission.

The Area Planning Manager, Neil McClellan provided a summary of the main issues as follows:

Although the applicant obtained a certificate of lawfulness in 2008 for the erection of a large outbuilding for use as a gymnasium and for storage, the building was actually built as a self contained dwelling. He drew members' attention to the amount of work that was carried out in order to prepare the outbuilding as dwelling unit together with the fact that the applicant was already letting the main house out as an unauthorised and unlicensed HMO (house in multiple occupation), to support officers' views on the application. It was noted that the enforcement action served on the property had resulted in the cessation of the use of the outbuilding as a dwelling unit and the use of the main dwelling as an HMO. He continued that the applicant's application for planning permission to retain the outbuilding for use as a gymnasium, had in the past been rejected by members rejected on the grounds that the outbuilding was too large. The Planning Manager reiterated the recommendation for refusal because even at a reduced height the outbuilding with a floor area of nearly 60 square metres was still considered excessive to be a domestic residential garden development.

Mr Dignesh Patel, the applicant stated that he had reduced the height of the building as requested by members at the last meeting and that he would not use the outbuilding as a separate dwelling unit. He added that under permitted development he was entitled to build up to 50% of his rear garden and confirmed that he had submitted evidence of similar large outbuildings in the area to officers. Mr Patel confirmed that he was away from the country (in India) when one of the tenants made the changes to the use of the outbuilding.

**In accordance with the provisions of the Planning Code of Practice, Councillor Butt** ward member stated that he had been approached by the applicant. Councillor Butt stated that the applicant had reduced the height and internal walls of the building and was willing to comply with officers' requirements including the terms of the enforcement notice. He continued that in addition to the applicant's undertaking, he (the applicant) had provided evidence that he was out of the country when the unauthorised works and use were carried out by a tenant.

In response to a member's request to comment on its size and height, the Head of Area Planning stated that the outbuilding was required to be incidental to the use of the main house and, where planning control existed, to have a reasonably sized footprint in relation to the garden and adjoining properties. Planning permission would not be supported on the basis of some technical maximum that may be buildable under 'permitted development'

Following a brief discussion, members voted on the amendment by Councillor Kataria for a site visit to enable Members to assess the outbuilding and its impact which was put to the vote and declared carried.

DECISION: Deferred for a site visit to enable members to assess the outbuilding and its impact.

**19. Any Other Urgent Business**

At this meeting there were none.

The meeting ended at 9.55pm

COUNCILLOR R PATEL  
CHAIR