



# **LONDON BOROUGH OF BRENT**

## **MINUTES OF THE PLANNING COMMITTEE Wednesday, 23 February 2011 at 7.00 pm**

PRESENT: Councillors RS Patel (Chair), Sheth (Vice-Chair), Adeyeye, Baker, Cummins, Daly, Hashmi, Kataria, McLennan, CJ Patel and Thomas

ALSO PRESENT: Councillor Muhammed Butt, Councillor Bhagwanji Chohan, Councillor Paul Lorber, Councillor Jayesh Mistry, Councillor Kana Naheerathan, Councillor Harshadbhai Patel and Councillor Carol Shaw

Apologies for absence were received from Councillor Long.

### **1. Declarations of personal and prejudicial interests**

1-16 Greencrest Place NW2 6HF.

Councillor Cummins declared a personal interest, withdrew from the meeting room and did not take part in the discussion or voting.

Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA.

Councillor Baker declared a personal interest, withdrew from the meeting room and did not take part in the discussion or voting.

### **2. Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 2 February 2011 be approved as an accurate record of the meeting.

### **3. 24 Briar Road, Harrow, Middlesex HA3 0DR (Ref 10/2678)**

PROPOSAL: Erection of a single storey rear extension, first floor side extension, installation of a rear dormer window and 2 side rooflights to dwellinghouse.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

### **4. 46 Ebrington Road, Harrow, Middlesex HA3 0LT (Ref 10/3141)**

PROPOSAL: Erection of roof extension to dwellinghouse comprising hipped roof with rear dormer window

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

**5. 1-16 inc. Greencrest Place, London NW2 6HF (Ref 10/3093)**

PROPOSAL: Demolition of 16 existing residential units and erection of an 8-storey building comprising 27 self-contained flats (8 x 1 bed, 14 x 2 bed, 5 x 3 bed) with private balconies, provision of 34 off-street parking spaces, 54 cycle storage spaces and associated landscaping to site.

RECOMMENDATION: Refuse planning permission with an additional reason.

Stephen Weeks, Head of Area Planning drew members' attention to the supplementary report which set out the advice by the Director of Legal and Procurement for amendments to the reasons for refusal. In view of the advice he recommended amendments to reasons 1 and 7 and added a further reason (8) as set out in the tabled supplementary report

Mrs Truman, Chair of Board of Directors of Neville and Dollis Hill Court objected to the proposed development on grounds of its excessive height which she felt would be out of character with the properties in the area. She considered that an increase from 16 to 27 flats would constitute an over-development of the site which would give rise to parking problems and traffic congestion. Mrs Truman also expressed her concerns at the lack of consultation by the applicants with local residents.

Mr Leigh Scheindlinger also raised objections on the following grounds;

- (a) Over-development of site which would result in over-population.
- (b) Excessive height of the proposed development.
- (c) Lack of privacy.
- (d) Inadequate parking spaces.

Mr Scheindlinger noted that the development would include one disabled person's ground floor flat but added that in view of the distance and the slope it would not be feasible for a disabled person to access the property without an additional electrical support.

Ms Kerry Branford the applicant's agent started by saying that the proposed development which had been designed to a high standard to improve the area would assist in meeting the Borough's housing shortage. She added that the development which would be set well back from the school and about 50 metres away from Dollis Hill Court would not dominate the streetscene. Ms Branford continued that there would be no loss of parking to the residents of Neville Court. In conclusion, she urged members to grant consent to what she considered to be a high quality sustainable development that would provide affordable housing for local residents.

DECISION: Refused planning permission with additional and amended reasons 1 and 7.

***Note: Councillor Cummins having declared a personal interest left the meeting room and took no part in the voting and discussion during consideration of this application.***

## **6. Flats 1C-D & 2C, 9 The Avenue, London NW6 (Ref 10/2789)**

PROPOSAL: Demolition of two storey building and erection of 4 storey building plus basement level, consisting of 9 self contained flats (4x 2-bedroom, 3 x 3-bedroom and 2x 4-bedroom), provision of 9 car parking spaces at basement level and associated landscaping.

RECOMMENDATION: Grant planning permission subject to conditions as amended in condition 2, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal & Procurement.

Andy Bates, Area Planning Manager submitted the following clarifications in response to queries raised at the site visit:

### Tree Protection

An Arboricultural Method Statement (AMS) had been submitted with the application setting out full details of proposals to ensure that the Holm Oak would be protected during the development of the site. The Tree Protection Officer's assessment was that the AMS would be sufficient to ensure that the development could be carried out without causing unreasonable harm to the health of the tree. This had been strengthened by condition 9 to ensure that the development would be carried out in strict accordance with the proposals contained in the submitted AMS.

### Drawings

The applicant had submitted revised plans to correct the discrepancy on drawing no. 09TA-101-E&P Rev A and in view of that he recommended that condition 2 be updated to refer to the revised plan (09TA-101-E&P Rev B).

### Character of the Area

Officers had appraised the design of the proposed building on its own individual merits and considered that the design of the proposed building would provide an appropriate, albeit modern, response to the context of the surrounding area. He added that the relationship of the proposed development and the existing property at No. 11 The Avenue was considered acceptable in design terms.

### Overdevelopment and impact on amenities

The planning permission would be subject to the applicant entering into a s106 agreement which would secure a contribution of £45,000 to be used towards mitigating the impact of the development on local amenities.

## Sustainability

Having carried out an assessment it was the view of Officers that through other sustainability measures, such as recycling materials from the demolished building, the proposed development would comply with the Council's normal sustainability standards. Compliance with the Council's sustainability requirements would be secured through a s106 legal agreement

Mr David Spero objected to the proposed development on the grounds that it would be out of character with the properties in the area, contrary to the Council's Unitary Development plan policies and standards on Areas of Distinctive Residential Character (ADRC) and Conservation Areas. Mr Spero claimed that the applicant's design and access statement were factually incorrect and added that the proposed development was likely to set a precedent for similar undesirable developments in the area in future.

Mr Robin Mills also an objector started by informing members that there was a petition signed by 51 residents objecting to the proposed development on grounds of loss of wildlife, loss of heritage and out of character with neighbouring properties in the area. Mr Mills added that with an increase in the density of population and car usage, the existing parking problems would get worse.

***In accordance with the provisions of the Planning Code of Practice Councillor Shaw***, ward member stated that she had been approached by objectors to the application. Councillor Shaw raised objections on the following grounds;

- (a) Loss of wildlife and oak tree in The Avenue
- (b) Unsympathetic development incorporating a design which would be contrary to the Council's UDP policies and standards and out of character with the area.
- (c) The associated increase in population would put an unacceptable pressure on parking and residential amenities including school places.
- (d) Access problems and restriction to delivery vehicles to The Avenue.
- (d) Unacceptable increase in noise nuisance as well as loss of privacy.

Councillor Shaw requested deferral in order to allow the Council to seek the views of local residents on how the Section 106 financial contribution of £45,000 could be spent locally.

In responding to the issues raised, the Head of Area Planning stated that whilst condition 9 would address concerns on tree protection, he requested that delegated authority be granted to him to agree the wording on control of the car park. He continued that the Council could not insist on traditional form of development on the site adding that in his view, the proposal was acceptable.

DECISION: Planning permission granted subject to conditions to include control of the car park and as amended in condition 2, to add or amend conditions relating to tree protection measures and restricting the use of on-site parking to the occupants, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal & Procurement.

## **7. Land between 10 & 11 Chambers Lane, London NW10**

PROPOSAL: Erection of two 2-storey dwellinghouses and associated landscaping.

RECOMMENDATION: Grant planning permission subject to conditions as amended in condition 5, the removal of condition 8 and an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or

If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

With reference to the tabled supplementary report, the Area Planning Manager Andy Bates explained the reasons for the amendment to condition 5 and the removal of condition 8.

DECISION: Planning permission granted subject to conditions as amended in condition 5, the removal of condition 8 and an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or

If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

## **8. Newfield Primary School & Newfield Nursery School, Longstone Avenue & Mission Dine Club, Fry Road NW10 (Ref 10/3052)**

PROPOSAL: Demolition of single storey building Mission Dine Community Centre and two temporary classrooms and the erection of a single and two storey extension to Newfield Primary school, creation of 2 external multi use games, 3 key stage play areas and associated hard and soft landscaping.

RECOMMENDATION: Defer consideration of the application to the next meeting to enable further consultation to take place and to allow the Mission Dine Club to formally comment on the application.

Stephen Weeks, Head of Area Planning, recommended that consideration of this application be deferred in order to allow the Mission Dine Club to formally comment on the planning application. He anticipated that the proposal would be considered at the Planning Committee meeting on 16 March 2011.

DECISION: Deferred consideration of the application to the next meeting to enable further consultation to take place and to allow the Mission Dine Club to formally comment on the application.

**9. Flats 1-11, Belvedere Hall, The Avenue, London NW6 (Ref 10/3022)**

PROPOSAL: Formation of vehicular crossover to existing forecourt area.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

**10. 16 Kingswood Avenue, Kondon NW6 6LG (Ref 10/3187)**

PROPOSAL: Replacement of all crittall windows with steel double glazed crittall windows; Replacement of garage door and installation of 1 front and 1 rear rooflight and 2 new windows to first floor rear of dwellinghouse.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

**11. 66A Salusbury Road, London NW6 6NR (Ref 10/3155)**

PROPOSAL: Alterations to roof and formation of roof terrace to rear, installation of 2 rooflights facing Salusbury Road and 1 to the rear.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

**12. Garages rear of 55 Mount Pleasant Road & Henley Road, London NW10 (Ref 10/3131)**

PROPOSAL: Variation of condition number 2 (plan numbers) to allow the following minor material amendments:

- Increase in size of basement area;
- Alteration to rooflight over bathroom from flat to domed.

to the scheme granted by full planning permission 10/0932 dated 13/07/10 for the 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 and subject to a Deed of Agreement dated 8th July 2010 under Section 106 of the Town and Country Planning Act 1990, as amended)

RECOMMENDATION: Grant planning permission subject to conditions and informatives regarding Party Wall Act.

Members noted that since the report was published there had been an additional letter of objection which did not raise any new objection. In order to allay objectors' concerns on future use Andy Bates, Area Planning Manager drew members' attention to condition 3 which restricted the use of the basement.

Mr Martin West in objecting to the application stated that the proposed dome rooflight would be obtrusive and affect the privacy of the neighbour's property through increased lighting. He added that there was no indication as to how the development could be carried out without trespassing the neighbouring properties and causing further damage. Mr West considered that the proposal was inconsiderate as it did not contain details of extraction, ventilation and adequate fire exits and unnecessary as there were several other gyms in the area.

Mr Maris Sillis an objector felt that the application for variation to enable the size of the basement to be increased was unnecessary as the original scheme was considered sufficient for the proposed development. He added that although the stated use of the basement would be for a gym and utility room, there was no certainty that it would not be used as a bedroom in the future resulting in a more cramped property. This prospect would give rise to safety concerns, traffic congestion and the whole development being out of character with its surroundings.

Mr Paul Baker, the applicant's agent stated that the application which complied with the Council's standards would provide an enlarged space for lobby and leisure activities but not for habitable use. He added that the outside form had not been altered and therefore the proposal would not have any impact on the streetscene. Mr Baker continued that details of ventilation, landscaping and

tree report had been submitted to the Council's Building Control for permission. In response to a member's query, Mr Baker stated that the proposed development would be nearer to the boundary than the original scheme that was granted. He added that the size of the basement had never been an issue with this or the application that was previously refused.

DECISION: Planning permission granted subject to conditions and informatives regarding Party Wall Act.

**13. 93, 93A, 94, 94A, 95, 96, 96A & 97 Ealing Road, Wembley, Middlesex HA0 (Ref 10/2942)**

PROPOSAL: Demolition of the existing buildings ( 93 to 97 Ealing Road,) and the construction of a 4-storey mixed-use development consisting of ground-floor and basement retail/ financial/ professional services/ restaurants (Use Classes A1, A2, A3,) offices (Use class B1) at first floor and 9 residential flats (Use Class C3,) on second and third floors, (four 2-bed units, four 1-bed units, one 3-bed unit,) with associated parking and landscaping.

RECOMMENDATION: Grant planning permission, subject to a s106 legal agreement as amended in the Heads of Terms (clause e), or

(b) If the applicant fails to demonstrate the ability to provide for the s106 terms and meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement prior to the application's statutory expiry date, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

Neil McClellan, Area Planning Manager informed members that the applicant had submitted additional sustainability information, further improvements to which could be achieved through the Section 106 legal agreement. He added that the applicant had also submitted drawings detailing the amendments agreed which had been agreed previously with him. In reference to the supplementary report Neil McClellan drew members' attention to an additional condition on external satellite, following consultation with the design officer.

DECISION:

(a) Planning permission granted subject to conditions, an additional condition on communal satellite dish and a s106 legal agreement, as amended in the Heads of Terms (clause e),or

(b) If the applicant fails to demonstrate the ability to provide for the s106 terms and meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement prior to the application's statutory expiry date, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.



**14. Preston Manor High School, Carlton Avenue East, Wembley HA9 8NA (Ref 10/3203)**

PROPOSAL: Erection of a one and two storey building to form a permanent primary school in the grounds of Preston Manor High School, with a new access between 109 & 111 Carlton Avenue East, comprising new classrooms, small and large halls, staff room, reception, kitchen and office space, with plant and photovoltaic panels, revised landscaping incorporating car park, a new Multi Use Games Area, (MUGA,) play areas, access paths, external amphitheatre and new trees

RECOMMENDATION: (a) Grant Planning Permission, subject to conditions as amended in conditions 2, 4, 6, 7, 8, 9, 11, 12, 15, 16, 18, 20 and 21, an additional condition on details of construction and surface treatment and a s106 legal agreement, or

(b) If within a reasonable period the applicant fails to demonstrate the ability to provide for the s106 terms and meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

Neil McClellan, the Area Planning Manager clarified the following issues raised at the site visit. He started by saying that the applicant's pre-application consultation with residents had advised that the school was initially envisaged as single-storey but that the statutory consultation had described the building as proposed. He continued that the highway capacity study carried out by consultants and agreed by the Council's Highways Engineer had confirmed that Carlton Avenue East was more suitable than Ashley Gardens. In respect of the locked vehicle barrier to deter fly tipping, he informed members that once the school was established, the barrier would be removed and with increased pedestrian activity and enhanced security measures such as CCTV the likelihood of fly tipping would be reduced. The Area Planning Manager added that concerns raised by residents on traffic and parking would in part be addressed through the applicant's proposed Travel Plan. In reporting on land contamination he stated that the Council's Environmental Health Officer (EHO) had confirmed that further testing had confirmed that the site was not contaminated and as such conditions were no longer required to address that. He referred to amendments to a number of conditions and an additional condition as set in the tabled supplementary report.

Mrs Monica Patel objecting on behalf of Elmstead Avenue Residents' Association raised the following issues;

- (i) Lack of adequate consultation with the residents of Elmstead Avenue.
- (ii) Members' visit to the site was not properly conducted.
- (iii) The proposed Travel Plan was flawed and failed to take account of extra 97 cars that would access the site.

- (iv) There was no budget provision from Highways Unit to address the poor state of the pavements in the area.
- (v) Contrary to the views expressed by the EHO, the site was contaminated
- (vi) A covenant existed that prevented additional building on the site.
- (vii) All 3 local schools; Preston Manor High, Wembley High, Preston Park Primary, Wembley Primary objected to the new primary school being built on the site.
- (viii) With several primary schools in the immediate area including Ark-Academy, the claim about lack of school places in the area was unfounded.

In conclusion, Mrs Patel considered that the proposal to be ill-thought out with no other acceptable alternative plan put forward. She therefore urged members to refuse the application.

Mr Patel an objector stated that the proposed school building would generate increased traffic including commuter parking in an area that was already suffering from lack of parking. The situation would be worsened by the existence of a nursery and a church close by. Mr Patel added that the proposal which would be out of character with the neighbourhood would obstruct access to his home with consequent adverse impact on his residential amenities.

***In accordance with the provisions of the Planning Code of Practice, Councillor HB Patel***, ward member, stated that he had been approached by the residents/objectors. Councillor HB Patel started by echoing the allegation about lack of consultation with residents. He considered as unfounded the claim by officers that the school was required to meet the need for additional school places as there were several other schools nearby including Mount Stewart, Chalkhill, Preston Park and Ark Academy Primary Schools. Councillor HB Patel also considered that the proposed Travel Plan was flawed as it would not be able to address the consequent traffic and parking problems. He added that the proposal would lead to loss of open space as the site was not surplus to requirements as reported.

Aileen Thomas, the applicant's agent stated that the impact of the proposal on local traffic would be temporary whilst the backlog of children from all areas of the Borough seeking school places were being cleared and that once this exercise was over, admission would be locally based, thus resulting in reduced school traffic. In addition the Travel Plan which would include car sharing, cycling, staggered opening times across both schools, walking buses and the review of other potential drop-off areas would reduce the congestion that could result.

Ms Carmen Coffey Head of Communication And Support Services (CASS) in clarifying the demographic issues and the need for school places stated that the rising birth rates coupled with movements into the area had resulted in demand for places in local schools outstripping supply. She added that majority of schools in Brent were full in all year groups including Wembley Infants School which had recently been expanded from 3 to 4 form entry (90 to 120 children), Ark Academy and Preston Park Primary and that currently there were about 64

children without school places. She also confirmed that admission to Preston Manor High was not based on feeder school system as there were other neighbouring schools (Kingsbury, Claremont and Wembley High Schools) which also considered applications from local pupils. In response to possible impact of the changes arising from housing assistance and housing benefits, Carmen Coffey stated that it would probably take about 12 to 18 months before the impact was felt and by then the pressure on school admission would have eased.

Stephen Weeks clarified the consultations undertaken which included letters to 320 residents, site and press notices, all of which complied with normal guidelines. In reiterating the recommendation the Head of Area Planning drew members' attention to the amended conditions as set out in the tabled supplementary report.

DECISION: (a) Planning permission granted subject to conditions as amended in conditions 2, 4, 6, 7, 8, 9, 11, 12, 15, 16, 18, 20 and 21, an additional condition regarding MUGA and on details of construction of access road and a s106 legal agreement, or

(b) If within a reasonable period the applicant fails to demonstrate the ability to provide for the s106 terms and meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

***Note: Councillor Baker declared personal interest in this application withdrew from the meeting room and took no part in the discussion or voting.***

**15. Shree Saibaba Mandir, Union Road, Wembley, HA0 4AU (Ref 10/2041)**

PROPOSAL: Retrospective application for change of use to a place of worship (Use Class D1), and proposed erection of a single-storey rear extension, a canopy to the side elevation and two front canopies of entrance doors.

RECOMMENDATION: Refuse planning permission.

Stephen Weeks informed the Committee that he had received a letter from the applicant's agents (ASK Planning) dated 20.02.2011 stating that the applicants had withdrawn the application. In view of the withdrawal he stated that members were no longer able to make a decision on the application.

DECISION: As application had been withdrawn no decision was taken.

**16. Planning Appeals January 2011**

Noted.

**17. Any Other Urgent Business**

None.

The meeting ended at 9:15pm

RS PATEL  
Chair