



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Wednesday, 15 December 2010 at 7.00 pm

PRESENT: Councillors RS Patel (Chair), Adeyeye, Cummins, Daly, Hashmi, Kataria, McLennan, Mistry, CJ Patel and Thomas

ALSO PRESENT: Councillor Mary Arnold, Councillor Muhammed Butt, Councillor Barry Cheese, Councillor James Denselow, Councillor Simon Green, Councillor Colum Moloney, Councillor Kana Naheerathan and Councillor Harshadbhai Patel

Apologies for absence were received from Sheth, Baker and Long

### 1. Declarations of personal and prejudicial interests

6. McNicholas House, Kingsbury Road (Ref 10/2390)

Councillor RS Patel declared a personal interest that he had visited the Shree Swaminarayan Temple as Mayor of Brent in 1990.

11. Storage Land next to 75 St Pauls Avenue NW2 (Ref. 10/2806)

Councillor Cummins declared a personal interest but did not take part in the discussion and voting.

17. Shree Saibaba Mandir Union Road (Ref. 10/2041)

Councillor RS Patel declared a prejudicial interest as a Governor of Pavitt Hall. Councillor RS Patel withdrew from the meeting room and took no part in the discussion or voting.

All members declared that they had received additional correspondence from the applicant. Additionally Councillor Hashmi declared that he had visited the temple in the past but did not discuss the application.

### 2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 24 November 2010 be approved as an accurate record of the meeting subject to the following amendments;

Page 8 paragraph 4 - replace "compromise" with "comprise".

Page 11 paragraph 3 – delete "Councillor Kataria requested a site visit. This was voted upon and declared carried" and insert "Councillor Kataria withdrew his request for a site visit".

**3. Former Blarney Stone PH, Blackbird Hill, London NW9 8RR (Ref. 10/2053)**

PROPOSAL: Proposed mixed-use redevelopment of the Blarney Stone Public House, Kingsbury, with the erection of two 3-storey houses and 34 flats in 3/4/5 storeys above a retail unit of 470m<sup>2</sup> and parking partly at basement level, with associated landscaping.

OFFICER RECOMMENDATION: Deferred to allow an opportunity to review the results of an updated Transport Assessment.

The application was reported to Committee under the provisions of Clause 24 of the Planning Code of Practice following the meeting of the Planning Committee on 2nd November 2010 where Members were 'minded to refuse' consent for the proposed mixed-use redevelopment of the Blarney Stone Public House. The report set out the reasons discussed the implications of the Committee's resolution and maintained the original recommendation to grant consent subject to the completion of a satisfactory section 106 agreement.

Steve Weeks Head of Area Planning informed the Committee that the applicant's Transport Consultant had advised that a problem with the traffic counting mechanism had led to discrepancies in the results which may affect the conclusions in the Supplementary Transport Assessment. In view of that he recommended that the application be deferred to allow an opportunity to review the results and provide an updated Transport Assessment.

DECISION: Deferred to allow an opportunity to review the results and provide an updated Transport Assessment.

**4. 139 Coles Green Road, London NW2 7HH (Ref. 10/2046)**

PROPOSAL: Erection of a single- and two-storey side extension, single-storey rear extension, erection of a rear dormer window and formation of vehicular access to rear garden of dwellinghouse to provide an additional off-street parking space (revised plans received 27/10/2010).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Rachel McConnell the Planning Manager reported that a revised plan submitted in response to amendments sought to the parking and landscaping proposals did not fully address officers' concerns. In order to overcome those, she recommended an amendment to condition 4 as set out in the tabled supplementary report to ensure a satisfactory appearance and setting for the proposed extension as well as to enhance the visual amenity of the area.

Mr William Cull an objector stated that the current application did not differ from the application that was refused on appeal. He reiterated his concerns on grounds of overshadowing, overlooking, loss of privacy detrimental impact on amenity that would result from parking to the rear of the garden. Mr Cull therefore requested

members to consider visiting the site in order to assess the planning impact of the proposed development.

Mrs O'Keefe speaking in a similar vein added that as the proposed development would result in the kitchen dining room situated adjacent to her living space, the extension would generate noise and disturbance. Mrs O'Keefe expressed suspicions that the extended property would be put to commercial use. She also requested members to visit the site in order to assess the impact of the development.

In responding to the issues raised by the objectors, Rachel McConnell stated that the application that was dismissed by the Inspector on appeal was larger than the current application. She added that only one off street parking would be lost and that some vegetation screening to the rear would be maintained to minimise overshadowing, overlooking and loss of privacy. She clarified that indicative drawings received did not show that the proposed extension would have a significant impact on the living conditions of No. 141 Coles Green Road and added that the two storey side extension complied with the guidance set out in the Supplementary Planning Guidance (SPG) 5.

Councillor Daly then proposed an amendment to the recommendation for a site visit in order to assess the impact of the development. This was put to the vote and declared carried.

DECISION: Deferred for a site visit in order to assess its impact.

**5. 33 Manor Close, London NW9 9HD (Ref. 10/2490)**

PROPOSAL: Installation of vehicular access and formation of hardstanding to front of dwellinghouse (Article 4 direction).

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

DECISION: Planning permission granted subject to conditions and informatives.

**6. McNicholas House Kingsbury Road & 159 Townsend Lane, London NW9 (Ref. 10/2390)**

PROPOSAL: Redevelopment of McNicholas House for mixed use to provide a temple building (Use Class D1); multi functional community facility (Use Class D2); the retention and refurbishment of part of existing office building to provide flexible accommodation for business (Class B1 Use); landscaped courtyard; alterations to the existing vehicular access point onto Townsend Lane and provision of surface parking for 91 cars.

OFFICER RECOMMENDATION: Grant planning permission subject to referral to the Mayor of London and the Secretary of State as a departure from the development plan and subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning, or other duly authorised person, to agree the exact terms thereof on advice from the Director of Legal and Procurement.

With reference to the tabled supplementary report Rachel McConnell the Area Planning Manager submitted responses to the issues raised by members at the site visit. She explained that spaces would be reserved for deliveries, refuse collection and coach parking as part of the requirement under the section 106 legal agreement and Travel Plan. In respect of refuse, she continued that a store for general and recyclable waste would be located in the multi-function hall building, adjacent to the reserved servicing area for weekly collection. Rachel McConnell clarified that the £100,000 contribution under the Section 106 legal agreement would become payable if less than 75% of a floor was occupied for a two-year period after six months of the floor being provided so as to maintain on-site employment function. She added that matters raised by a resident on Burgess Avenue against the proposal on the grounds that the temple would be out of character with the area, traffic congestion and disruption during the construction period had been addressed in the main report. In response to a member's enquiry, Rachel McConnell stated that Barnet Council had been contacted about the proposal but had raised no objections.

In welcoming the report members noted that there were no objectors present to address the Committee.

DECISION: Planning permission granted subject to conditions as amended in condition 10 and to referral to the Mayor of London and the Secretary of State as a departure from the development plan and subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning, or other duly authorised person, to agree the exact terms thereof on advice from the Director of Legal and Procurement.

**7. 63 & 63A Beverley Gardens, Wembley HA9 (Ref. 10/2266)**

PROPOSAL:

No. 63 Beverley Gardens

Rebuilding of ground and lower ground floor rear extension, raised terrace with steps down to garden level and alterations to garden level together with the removal of one front roof light to dwellinghouse

No. 63A Beverley Gardens

Rebuilding of new dwellinghouse next to No. 63 Beverley Gardens with ground and lower ground floor rear extensions, raised terrace with steps down to garden level and alterations to garden level together with rear dormer window and one front roof light and removal of shed in rear garden.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

In introducing the report Rachel McConnell, the Area Planning Manager stated that issues raised by additional letters of objection had been addressed in the main report. She added that as the property was within a residential area, no further units were proposed above the previous approved scheme. Construction noise was covered by environmental health legislation. In respect of the timescales for completion she reported that the works would commence at the beginning of March 2011 and scheduled for completion by July 2011. She then drew members' attention to amendments to conditions 1, 5 and 6 together with reasons as set out in the tabled supplementary report.

Mr John Parker an objector from Barnhill Residents Association raised the following issues;

- the property would be out of keeping with the character of the streetscene
- the resulting terracing effect would make it appear as a block of flats
- removal of one roof light would not assist in enhancing the streetscene
- the re-built properties would be used houses in multiple occupation
- demand for parking and the consequent congestion would increase.

***In accordance with the Planning Code of Practice, Councillor Choudry*** ward member stated that he had not been approached in connection with the application. Councillor Choudry expressed a view that if planning permission was granted the use of the properties would change to multiple occupation, with resultant parking problems in an area that was situated adjacent to a Conservation Area.

In responding to the claims about possible use as multiple occupation the Head of Area Planning stated that any such changes would require prior planning permission and that unauthorised changes would be pursued leading to enforcement action.

DECISION: Planning permission granted subject to conditions as amended in conditions 1, 5 and 6.

**8. 18 Oxenpark Avenue, Wembley HA9 9SZ (Ref. 10/2582)**

PROPOSAL: Erection of part single-, part two-storey side extension and single-storey rear extension to dwellinghouse with associated hard and soft landscaping to front garden.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Mr Michael Dale in objecting to the proposed development stated that the size and scale of the proposal would constitute an overdevelopment of the site with

consequent detrimental effect on the character of the area. He added that the extension of the property to a 6 bedroom house would generate additional traffic and noise nuisance particularly during construction. Mr Dale alleged that the applicant's motive was not to enhance the area but rather to make a financial gain.

In responding to the claims, Neil McClellan, the Area Planning Manager stated that there was no policy basis for refusal on the grounds stated by the objector as the application complied with the Council's guidance and policies. He added that the remainder of the issues raised by the objector had been adequately addressed in the remarks section of the main report.

DECISION: Planning permission granted subject to conditions.

**9. 74 Harvist Road, London NW6 6HL (Ref. 10/2542)**

PROPOSAL: Erection of single-storey extension to side of dwellinghouse.

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

DECISION: Planning permission granted subject to conditions and informatives.

**10. 117 Victoria Road, London NW6 6TD (Ref. 10/2536)**

PROPOSAL: Erection of single-storey side extension to outrigger and installation of sliding/folding doors to rear elevation of dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Andy Bates, the Area Planning Manager drew members' attention to an amendment to condition 4 as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions as amended in condition 4.

**11. Storage Land next to 75 St Pauls Avenue London NW2 5TG (Ref. 10/2806)**

PROPOSAL: Retention of hoarding to the rear of the site and the erection of heras style fencing on the front boundary.

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

Ann Marie Glen an objector from Willesden Garage informed the Committee that the current application did not differ from the one that was previously recommended for refusal. She re-stated her objections that the proposal would constitute a hazard to pedestrian safety and as a haven for criminality and anti-social behaviour, it would compromise security in the area. Miss Glen added that the proposal would adversely affect the economic viability of the garage particularly within the present economic climate.

Mr Peter Hale raised objections on the grounds that a higher wooden hoarding as proposed would create a secluded alleyway with all its associated problems including criminal activities and anti-social behaviour. He reiterated the concerns expressed by the previous objector that the proposal would compromise safety and privacy, causing inconvenience to residents and the garage. Mr Hale suggested a “see-through” and transparent structure rather than a wooden structure.

Steve Weeks, Head of Area Planning responded that it was not inappropriate for the applicant to secure the site as proposed and that concerns about the potential impact on trade or separate business interests were not issues for this Committee.

Members noted the concerns and the explanations by the Head of Area Planning but voted by a majority to refuse the application contrary to officers' recommendation for the following statement of reasons;

“The hoardings, by reason of their siting, height, forward projection, poor quality materials and method of construction are an unsightly addition to the site, and would have a detrimental impact on the appearance of the surrounding streetscene, and the outlook of adjoining occupiers, contrary to policies BE2 and BE7 of London Borough of Brent's Unitary Development Plan 2004”.

At the request of the Head of Area Planning, members confirmed that they were likely to support open mesh fencing to all boundaries.

DECISION: The hoardings, by reason of their siting, height, forward projection, poor quality materials and method of construction are an unsightly addition to the site, and would have a detrimental impact on the appearance of the surrounding streetscene, and the outlook of adjoining occupiers, contrary to policies BE2 and BE7 of London Borough of Brent's Unitary Development Plan 2004.

## **12. 66 Wrentham Avenue, London NW10 3HG (Ref. 10/2484)**

PROPOSAL: Change of use from House in Multiple Occupation (HMO) (Sui Generis) to two self-contained flats (1x 2-bedroom and 1x 3-bedroom), removal of side door and two side windows and formation of three new side windows and rear door, installation of replacement windows and formation of landscaping to front and rear gardens.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

**13. Islamia School Centre, 129 Salusbury Road, London NW6 6PE (Ref. 10/2389)**

PROPOSAL: Erection of a part two-storey and part three-storey primary school building with a playground at roof level.

OFFICER RECOMMENDATION: Grant planning permission subject to 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 and procurement.

With reference to the tabled supplementary report, Andy Bates the Area Planning Manager responded to a number of concerns expressed by members during the site visit.

**Design and Scale**

A more modest redevelopment of the existing site as suggested by some residents would be unlikely to provide sufficient capacity for the relocation of the pupils currently taught at Winkworth Hall back to the main school site whilst also providing essential modern school facilities in an accessible (DDA compliant) and highly sustainable (BREEAM 'Excellent') building.

**Railings**

It was considered that the railings will be just one of many measures used to secure the school and that amending the design may lessen the attractiveness of the proposed boundary treatment.

**Overshadowing & Amenities**

As the proposed building would be located to the north of the Vicarage it could not interfere with direct sunlight and cause overshadowing to the Vicarage.

**Property Prices**

The impact of the proposed development on property prices was not considered a material planning consideration.

**Transport Issues**

An in principle agreement had been reached, whereby a contribution of £10,000 towards highway infrastructure improvements would be secured on material start which would be used by the Council to plant street trees, reinstate the redundant vehicular crossover and relocate the existing bus cage along Salusbury Road. In addition, the applicants had agreed to incorporate a £20,000 penalty clause into the proposed Travel Plan which would be paid should the school fail to meet the targets set in the Travel Plan.

**Admissions Criteria**

The Council's Admissions Officer had confirmed that a catchment area criterion would be applied to school applications from September 2011 giving priority to



those pupils applying from residences within the south of the Borough (south of the North Circular Road). Whilst this catchment area would not affect existing school pupils, it would over the course of time increase the proportion of the pupils that live locally to the school thus reducing the need to travel to the school by car and rendering unnecessary the suggestion to provide bus services.

The Council's Transportation Unit had confirmed that the current number of staff parking permits issued to the school would not be increased as future travel arrangements and measures set out in the Travel Plan were expected to work.

#### Consultation

Having inspected the responses it was not considered that there had been any deliberate attempt to significantly alter the reported public response to the application. Andy Bates clarified that the majority of the letters of support received came in the form of a standard letter where the main text was replicated but were signed and addressed individually by the sender. He added that both in terms of use and size, it was not considered that statutory consultation with Sport England was required as part of the application.

#### Site Plan

Andy Bates also drew members' attention to a revised site plan appended to the Supplementary Report which superseded the original site plan attached to the main Committee Report and an amendment to condition 6 as set out in the supplementary report.

Mr Bittu Kaulser objected to the proposed development for the following reasons;

- i) The consultation undertaken for the application was not legitimate and therefore the application was invalid.
- ii) The transport impact of the application had not been adequately assessed by the officers.
- iii) The school's admission policy did not give any preference or guarantees for local children to be admitted to the school

Mr James Hope raised the following objections on behalf of Queens Park Area Residents Association (QPARA);

- i) The consultation undertaken was inadequate for a proposal which would have far reaching implications for the local residents.
- ii) The scale and height of the proposed development would encroach on the residential amenities and would constitute an overdevelopment of the site.
- iii) Traffic surveys for the application were inadequate as they failed to assess the full impact of the proposed development.
- iv) The proposed development would result in 21 car parking spaces for staff without compensatory provision.

Mr Hope emphasised the need for the school and the local community to work in harmony to re-examine the application and achieve a satisfactory solution.

***In accordance with the provisions of the Planning Code of Practice,*** Councillor Green ward member stated that he had been approached. Councillor Green, whilst welcoming the proposed development felt that the consultation with interested parties and local residents were flawed adding that neither he as a ward member or QPARA were consulted. He continued that the scale and design of the proposal would adversely impact on the character of the area.

***In accordance with the provisions of the Planning Code of Practice,*** Councillor Denselow ward member stated that he had been approached. Councillor Denselow in welcoming the proposal stated that it would provide education for the children and assist addressing the shortage of school places. He continued that although there was a need for the traffic implications to be scrutinised through constant monitoring, he was confident that the Travel Plan and the section 106 legal agreement would minimise any likely traffic impact.

***In accordance with the provisions of the Planning Code of Practice,*** Councillor Arnold Lead Member for Children and Families stated that she had not been approached. Councillor Arnold stated that currently the Authority was failing in its duty as the Local Education Authority to provide adequate school places and therefore an application for expansion ought to be welcomed. She added that the admission criteria that would be in place as from September 2011 and would be monitored by the School Admission Forum would ensure that local children can gain admission to the school. In reference to claims about inadequate consultation, Councillor Arnold stated that in addition to sending out several letters and newsletters, the Council organised open days and public meetings including Area Consultative Forum at which residents were invited to express their views.

Mrs Annalia Saba a parent governor of the school speaking in support of the application stated that it would address the lack of school places and proper facilities at the school. She continued that the traffic and road safety issues that had been raised by some of the objectors were not unique to the school and that the Travel Plan and the Section 106 legal agreement would minimise any likely impact.

Julia Barfield the applicant's architect stated that extensive consultation with all interested parties had been taking place since July 2010. She added that consultations had taken place at the local libraries, Brent website, Queen's Park Open Day and Area Consultative Committee meetings. She continued that the scheme was revised as a result of comments made during the consultation period, leading to the design of a building that was fit for the 21<sup>st</sup> century as an educational establishment. Julia Barfield explained that that the design of the proposal was relatively modest so as to ensure that any likely impact including residential amenities and noise would be minimised.

In the ensuing discussion, Councillor Kataria enquired about measures put in place in response to criticisms about the school's admission criteria. In a similar vein Councillor McLennan sought a clarification on the admission criteria. Councillor Adeyeye asked about facilities for disabled persons. Councillor Mistry also sought a clarification on the consultation that had taken place with interested parties in connection with the application. Councillor Hashmi emphasised the need for a workable Travel Plan however he expressed his support for the scheme. Councillor Thomas requested the Head of Area Planning to clarify the advice received from Legal Services and Highways and Transportation Services.

In responding to the above, the Head of Area Planning stated that he had received detailed input from Legal Services, Highways and Transportation and Children & Families in relation to the application as well as the question of a potential judicial review. He reiterated the nature and extent of consultation as explained by the applicant's architect in addition to the statutory consultation undertaken by Planning Services. He reported that the school's admission criteria would give priority to Brent residents and invited a representative from Children & Families department to confirm that. Steve Weeks drew Members' attention to the Travel Plan and the resulting penalty clauses as a means of addressing any highways issues that may arise. Andy Bates the Area Planning Manager added that the proposed scheme which would comply with the requirements of Disability Discrimination Act (DDA) 2005 would offer improved facilities for the disabled in contrast to the existing building which fell short of the DDA requirements. He also added that the changes that resulted from the updated plan were not significant as to warrant re-consultation.

Raj Parmar (Head of School Admissions) confirmed that the school operated a catchment area policy within Brent boundaries and whilst priority was given to children of Muslim faith, the new admission criteria would take into account catchment area, faith and sibling connection with priority being given to Brent residents.

DECISION: Planning permission granted subject to conditions as amended in condition 6 and 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 and Procurement.

#### **14. King Edward VII Park, Park Lane Wembley HA9 7RX (Ref. 10/2740)**

PROPOSAL: Erection of a Multi-Use Games Area to be located in the centre of the Park, with an approximately 3-metre-high surrounding fence and provision of 3 cycle stands.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Neil McClellan drew members' attention to an amendment to condition 4 as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions as amended in condition 4.

**15. Preston Manor High School, Carlton Avenue East, Wembley HA9 8NA (Ref. 10/2738)**

PROPOSAL: Erection of a temporary primary school in the grounds of Preston Manor High School, to be accessed from Ashley Gardens, comprising a single-storey modular building incorporating two classrooms, assembly hall, staff room, medical area and ancillary office and storage space, as amended

OFFICER RECOMMENDATION: Grant Planning Permission, subject to a s106 legal agreement, or 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 Director of Regeneration and Major Projects, or other duly authorised person, to refuse planning permission.

***In accordance with the provisions of the Planning Code of Practice*** Councillor HB Patel stated that he had been approached by devotees and trustees of the temple. Councillor Patel in support of his objections drew members' attention to the list of objections set out in the main report adding that there was no need for an additional classroom and therefore this application. He continued that as there were 4 local schools in the area all with spare capacity this application would constitute an inappropriate development.

Carmen Coffey, School Admissions Children & Families responded that all local schools in the area were full to capacity forcing other local children to travel to neighbouring schools in Kenton and Kingsbury for school places. In her view the proposal would provide additional school places for local children living in the HA9 area.

In responding to concerns expressed by Councillor Kataria on parking and inadequate turning room, Neil McClellan drew members' attention to condition 8 which sought to address that by requiring additional details on layout. He referred members to a paper circulated at the meeting setting out the objections by a resident. Neil McClellan also drew members' attention to amendments to condition 5 and the removal of condition 4 as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions as amended in condition 5, the removal of condition 4 and to a s106 legal agreement, or 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 Director of Regeneration and Major Projects, or other duly authorised person, to refuse planning permission.

**16. Park Lane Primary School, Park Lane, Wembley, HA9 7RY**

PROPOSAL: Erection of a part 1, part 2 and part 3 storey rear extension, extension to existing basement and erection to decking area to Park Lane side of school.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Neil McClellan the Area Planning Manager informed the Committee that the applicant had submitted revised drawings, visualisations and supporting documents which amended the extension and moved it further from the boundary with the gardens of Princes Court properties. He added that the applicants had also incorporated screening along the edge of the external stairs to address concerns regarding overlooking, whilst the raised platform and platform lift had been sited adjacent to the garage.

He clarified in response to members' request at the site visit that the proposed development would result in an increase of 115 places at Park Lane Primary School, from 305 to 420 and would assist in addressing the projected shortfall in school places. He then drew members' attention to an amendment to condition 8 and an additional condition 10 as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions as amended in condition 8 and an additional condition 10.

**17. Shree Saibaba Mandir, Union Road, Wembley HA0 4AU**

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

OFFICER RECOMMENDATION: Refuse planning permission.

Neil McClellan the Area Planning Manager in responding to issues raised at the site visit stated that a condition restricting the number of people able use the outside area to the rear could be difficult in terms of control as well as defining activities which would not also contribute to potential nuisance. In respect of the extension (9.9m from the original rear wall), he felt that its size would have a significant detrimental impact on the amenities of the adjacent property, 22 Union Road in terms of light and outlook. The Area Planning Manager continued that the applicant had not responded to requests for a management plan to address the parking situation in a way which would not adversely affect neighbouring residential properties. He therefore reiterated the recommendation for refusal.

Mr H Chhatwal reiterated his objections on grounds of noise nuisance, inadequate traffic control measures despite the existing control parking zone (CPZ) provisions in the area. He added that the applicant had not provided a management plan

which could address the resulting traffic and parking problems. In response to an enquiry by Councillor Kataria about the noise levels, Mr Chhatwal stated that although he had observed a slight reduction in the level of noise in the last couple of weeks it (the level on noise) had been consistently high in the past.

Mr Darsham Nagi Chair of Board of Trustees stated that the temple was determined to work closely with the residents and the Council to address any likely impact from the proposed change of use and apologised for any inconvenience caused to them in the past. He added that as part of the management plan, there would be several volunteers on hand to ensure that any likely impact was kept to a minimum. In respect of the perceived parking problems Mr Nagi continued that most of the devotees would park in Ealing Road car park, shop in the area and then would walk to the temple, thus minimising parking problems in Union Road. In response to members' questions Mr Nagi stated that the trustees were misled into believing that they needed to apply for a planning permission although there was a D1 use for the premises. He added that officers had not responded to the management plan he has proposed and that the parking problems in the area could not be attributed to the temple only. In terms of the noise nuisance Mr Nagi stated that the attempt by the trustees of the temple attempt to install double glazed windows was discouraged by officers.

Mr AS Kassim the applicant's agent clarified that the rear extension would not project beyond 4.3m which was smaller than the property next door (in excess of 5m). He continued that any likely impact from the rear of the property could be controlled by the imposition of conditions. Mr Kassim added that the premises had had a D2 use for the last 5 years without any problems being caused to the local residents.

***In accordance with the provisions of the Planning Code of Practice*** Councillor HB Patel stated that he had been approached by devotees and trustees of the temple. Councillor Patel stated that the existing D1 use had not created problems for the local residents and that any noise nuisance that could result could be controlled by conditions. He continued that the detrimental impact referred to by some of the objectors was a cumulative effect of 3 places of worship in the area and the nearby shopping centre. He added that he was aware that a management plan had been submitted by the trustees.

***In accordance with the provisions of the Planning Code of Practice*** Councillor Butt stated that he had been approached by devotees and trustees of the temple. Councillor Butt stated that in his view the parking problems could not be attributed to the temple only but recognised that its activities could cause significant problems in terms of the free flow of traffic and the safety of pedestrians as well as impacts on nearby residents. Councillor Butt urged members to defer the application for a site visit in order to assess the impact of the proposed change of use on the area.

In response to issues raised, Neil McClellan clarified that the current use required an application for change of use and that the applicant had made a series of inquiries in regards to measures for addressing the traffic problems which was found to be inadequate given the intensity of use. He informed the Committee that

there was a demonstrable need for a robust and an acceptable management plan to support the application. He continued that the distance from the window (3m) did not comply with the Supplementary Planning Guidelines (SPG). Steve Weeks, Head of Area Planning outlined the main differences between this application and the application for McNicholas building (item 6) in terms of scale, management plan and the intense commercial activities in Ealing Road compared to that part of Kingsbury Road.

Members discussed the application during which the general consensus was for a deferral of the application for further negotiations between the applicant and the Council. This was put to the vote and declared carried by a majority.

DECISION: Deferred to allow further negotiations between the officers and the applicant.

***Note: Councillor RS Patel Chair declared a prejudicial interest left the meeting room and took no part in the discussion and voting in this item. Councillor Thomas chaired the meeting for this item only.***

#### **18. Planning Appeals - November 2010**

RESOLVED:-

That the appeals for November 2010 be noted.

#### **19. Any Other Urgent Business**

None raised at this meeting.

The meeting ended at 11.25pm

RS PATEL  
Chair

Note:

At 10:30pm the Committee decided to dis-apply the guillotine procedure in order to enable members to consider all applications on the agenda.