



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 19 June 2013 at 7.00 pm

PRESENT: Councillor Ketan Sheth (Chair), Councillor John (Vice-Chair) and Councillors Aden, Cummins, Hashmi, Kansagra, Kataria, Oladapo, CJ Patel, Powney and Singh

Also present: Councillors Butt, Cheese, Colwill, Harrison, Hirani, Hossain, McLennan, HB Patel and Ms Shaw

Apologies for absence were received from Councillors Baker and Kabir

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

Item 5: 1A-C, 3 & 5A-D Deerhurst Road and Shree Swaminarayan Temple, 220-222 Willesden Lane, NW2 (Ref. 13/0891)

Councillor Cummins declared a personal interest, left the meeting room and took no part in the discussion or voting of this application.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 22 May 2013 be approved as an accurate record of the meeting.

3. **10 Rushout Avenue, Harrow, HA3 0AR (Ref. 13/0794)**

PROPOSAL:

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

RECOMMENDATION:

- (a) Grant Planning Permission, subject to revised conditions and informatives, the deletion of conditions 6, 9 and 12 and to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) 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.

Neil McClellan, Area Planning Manager informed the Committee that further representations received from the Council's Transportation Department had advised that the existing crossover should be retained. This would allow for the retention of the street tree and trees to the south eastern boundary of the site. He therefore recommended that Condition 6 (re-instatement of a redundant crossover), Condition 9 (landscaping) and Condition 12 (cycle parking) be deleted and replaced with one revised, comprehensive condition as set out in the tabled supplementary report.

DECISION: Planning permission granted as recommended.

4. 117 Preston Hill, Harrow, HA3 9SN (Ref 13/1055)

PROPOSAL:

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

RECOMMENDATION:

- (a) Grant Planning Permission, subject to conditions and informatives and an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) 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.

Andy Bates, Area Planning Manager, in reference to the tabled supplementary report clarified that the lamp post on the frontage adjacent to the existing garage would not be affected by the application. He added that as the tree to the frontage of the site which was considered to be some distance away from the proposed bungalow it would not be affected. Andy Bates continued that an enforcement investigation which was carried out in relation to the outbuilding and the new flue boiler at No. 119 concluded that a breach of planning had not occurred.

Ms Sishula Manku outlined the following reasons in objection to the proposal;

- i) Gross over-development of the site which was meant to be a single family dwelling but would become two dwelling units if approved.
- ii) Overlooking and lack of privacy to both sides of the site.
- iii) As the site was situated on a corner plot which was also a bus route, the proposal would generate an increased amount of traffic detrimental to both motorists and pedestrians
- iv) The proposal would detract from the streetscene of Preston Hill.

In accordance with the Planning Code of Practice, Councillor Colwill, ward member declared that he had been approached by local residents. Councillor Colwill stated that the application which was previously refused for over-development of the site would set a dangerous precedent for similar undesirable

developments in future. He added that as Preston Hill was a bus route, the proposal would lead to increased traffic with consequent detriment to traffic flow, pedestrian safety and personal injury accidents. Councillor Colwill continued that the proposed bungalow would not only destroy the unique character of Preston Hill but also lead to loss of views. The legal representative reminded Members that a right to a view was a non-material planning consideration and should therefore be disregarded.

In response to a member's suggestion on measures to prevent overlooking, Andy Bates drew members' attention to condition 6 which required the applicant to undertake landscaping and boundary treatment.

DECISION: Planning permission granted as recommended.

5. 1A-C, 3 & 5A-D INC, Deerhurst Road and Shree Swaminarayan Temple, 220-222 Willesden Lane, Willesden, London, NW2 (Ref. 13/0891)

PROPOSAL:

The erection of a rear extension to the temple, the demolition of 1, 3, 5 Deerhurst Road and the erection of 14 care home units, 6 elderly and visitor accommodation units, and 14 self-contained flats and two storey basement parking area with associated landscaping to the site.

RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary report Andy Bates, Area Planning Manager, informed members that the applicant had submitted further information relating to travel plans and other highway matters but which dealt with minor points only. He drew members' attention to the following outstanding key fundamental issues which remained unresolved;

- a) The significant impact of the existing use on on-street parking in residential streets which would be made worse by the proposal.
- b) The applicant's offer to allocate 21 car parking spaces to various uses; residential, care home and sheltered housing uses cannot be enforced through condition as it needs to be resolved as part of the assessment of the development as a whole.
- c) The applicant had failed to relate the Travel Plan to baseline data approach.
- d) Changes between ramped and level sections in the proposed two storey basement remained unclear.

Andy Bates reiterated the recommendation for refusal with amended reason 11 to take account of the key fundamental outstanding issues outlined above.

Mr John Mann, a local resident expressed concerns about the proposed development on the grounds of noise nuisance and a significant detrimental impact on the streetscene due to its size, height and siting. Mr Mann added that the proposal also conflicted with several provisions of the Council's Unitary Development Plan policies as set out in the officer's report.

Mr George Binney raised the following issues in objection to the proposal;

- (i) Back garden development of the size and massing proposed should not be allowed to be built on.
- (ii) The Council should encourage sustainable transport policy and discourage car usage
- (iii) The proposal would compromise the residential character of the area.

In response to members' questions, Mr Binney stated that the proposed development would be out of character with the existing residential area which was characterised by semi-detached and detached houses. He added that two levels of underground car parking would encourage car usage to the detriment of the residential amenities of the area. The legal representative interrupted that it would be inappropriate to ask questions mainly relating to the contents of the booklets tabled by the applicant as the speaker had not previously seen them.

Mr Vekaria, in support of the application, highlighted the community services and community engagement including charity walks undertaken by the Temple. He added that the proposal would provide affordable housing as well as further enhance the Temple's community activities in the borough.

In response to members' questions, Mr Vekaria stated that worshippers mostly drove to the Temple and that public transport was only used if worshippers considered it convenient. He added that the provision of the underground car park was intended to minimise on-street parking and that the affordable housing would not be exclusive to the Temple's worshippers. He also stated that the proposal would be set back adequately to prevent terracing effect.

In accordance with the provisions of the Planning Code of Practice, Councillor Hirani, Lead Member for Adults and Mental Health and member for an adjoining ward stated that he had been approached by worshippers of the Temple. He continued that the application was in response to the Temple's worshippers desire to provide residential accommodation as part of the Temple's community initiatives. He added that revisions had been made to the proposal with the dual purpose to mitigate concerns expressed by officers and reduce pressure on local parking facilities. Councillor Hirani added that the scheme accorded with the Borough's priorities in terms of providing sustainable help and empowering communities to take care of themselves. In response to the Chair's questions, Councillor Hirani compared the proposed footprint of the new building with the scope to extend the existing properties under permitted development rights.

In accordance with the provisions of the Planning Code of Practice, Councillor Shaw, ward member stated that she had been approached by the local residents. Councillor Shaw in urging members to endorse officers' recommendation for refusal expressed a view that the proposal would be contrary to local and national planning policies. She added that the worshippers of the Temple were creating traffic chaos and parking problems in the area in particular during the weekends, causing traffic noise nuisance and in some cases obstruction to emergency vehicles. Councillor Shaw continued that the creation of

underground car parking facility would cause flooding in the area and a detriment to the foundations of nearby buildings. Members heard that the size, height and bulk would lead to loss of light and privacy and would also destroy the residential character of the Willesden area including local infrastructure.

In accordance with the provisions of the Planning Code of Practice, Councillor Cheese, ward member stated that he had been approached by the local residents and worshippers of the Temple. With reference to the tabled supplementary report, Councillor Cheese stated that the dismissal of the appeal for 66 Chatsworth Road did not support the officers' recommendation as that application was different from the current application. In his view, the proposed development would not create congestion in the area. Councillor Cheese also referred to the community initiatives undertaken by the Temple to support his view that the application should be approved.

Mr Meg Hirani, the applicant's agent stated the following reasons in support;

- (i) The size, scale and massing of the proposed development had not been substantially increased.
- (ii) There were no major differences in the bulk and height of the development as to make it incongruous within the area.
- (iii) As the character of the area lack homogeneity, the proposal would add to the area's variety of character.
- (iv) With parking requirements reduced over the years, there would no major traffic and parking impact from the proposed development.
- (v) The proposal would provide a much needed specialist accommodation for the old age worshippers some of whom had been separated or divorced from their husbands.

In response to members' questions, Mr Hirani stated that there had been a marginal increase in height by only 1.2metres and that attempts to reduce the scheme would not make it financially viable, although he alluded to funding of the project through donations. He continued that the proposal had been set back and gaps between blocks had been maintained to ensure, in his view, the proposal complied with Supplementary Planning Guidance 17 (SPG17). Members heard that the car park would not be for the exclusive use of the worshippers. He added that the main uses of the proposed accommodation would be care homes, social and sheltered housing.

During members' contribution, some members highlighted the community initiatives of the Temple in their support for the application. Councillors Hashmi, Kansagra Oladapo and Singh took the view that the application should be deferred in order to take account of matters still outstanding as set out in the decision column (below). Councillor Kataria who advised that he had visited the temple stated that there were no tangible reasons for deferral and stated that in his view, the application ought to be approved. Councillors John and Powney urged refusal as recommended by the officers. In addition Councillor Hashmi expressed the view that he was having difficulty in trying to understand what the applicant was seeking to achieve and as a result should go back to the drawing board with matters.

Prior to voting, Andy Bates clarified that officers' maintained their concerns following earlier pre-application submissions. He continued that without any gaps between blocks A-C, the proposal would adversely impact on the character of the area. Whilst accepting the varied character of Willesden area, he stated that the examples provided by the applicant in the booklets tabled at the meeting were different in many respects from the proposed development. The Head of Area Planning, Steve Weeks added that the application did not propose a Section 106 legal agreement which re-inforced officers' concerns about the use of the residential accommodation. He continued that deferral would result in the application passing its statutory timetable and that it was essential that members were explicit in their reasons for deferring the application. The legal representative reconfirmed that members needed to focus on the planning merits of the application.

In moving an amendment for deferral, Councillor Kansagra submitted the following points to be considered by the applicant;

- (i) re-submit a scheme with reduced car parking and further details of allocation;
- (ii) reduced bulk and massing of the flats;
- (iii) revised stacking of the flats;
- (iv) clarity on the tenure of the accommodation and financial appraisal.

DECISION: Deferred to enable the applicant to re-submit a scheme with reduced car parking and further details of allocation, reduced bulk and massing of the flats, revised stacking of the flats, clarity on the tenure of the accommodation and financial appraisal.

Voting on the amendment was recorded as follows;

FOR: Councillors Aden, Hashmi, Kansagra, Oladapo and Singh (5)

AGAINST: Councillors Kataria, John and Powney (3)

Abstention: Councillor Sheth (1)

6. 24 Crawford Avenue, Wembley, HA0 2HT (Ref. 13/0575)

PROPOSAL:

Demolition of existing dwelling and detached structures and erection of a new detached dwellinghouse with associated hard and soft landscaping and new front boundary wall with gates.

RECOMMENDATION:

Grant planning permission, subject to a Section 106 or other legal agreement and delegate authority to the Head of Area Planning, or other duly authorised person, to agree the exact terms thereof on advice from the Director of Legal and Procurement.

DECISION: Planning permission granted as recommended.

7. Land rear of 12-14 St Andrews Avenue, St Andrews Avenue, Wembley (Ref.13/0471)

PROPOSAL:

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

RECOMMENDATION:

Deferred to enable the correct notices to be served and for the scheme to be re-designed.

With reference to the tabled supplementary report, Neil McClellan, Area Planning Manager clarified that the correct notices had not been served on all those with freehold or leasehold interest in the land, in particular, Network Housing Association which had expressed concern at this failure. In view of that, he recommended a deferral to allow the correct notices to be served and for the scheme to be redesigned in order to accommodate the re-provision of any existing parking spaces that would be displaced should agreement be reached with the relevant land owners.

DECISION: Deferred as recommended.

8. 128 Windermere Avenue, Wembley, HA9 8RB (Ref.13/0166)

PROPOSAL:

Change of use of mini cab office (Sui Generis) to Islamic Culture and Education Community Centre (Use Class D1) (Please note this is a re-submission following withdrawal of previous application Ref: 12/1667).

RECOMMENDATION: Grant one year temporary planning permission subject to conditions and informative.

In reference to the tabled supplementary report, Neil McClellan, Area Planning Manager referred to additional objections raised including the applicant's commitment to carry out the required works given that officers were recommending a one year temporary approval. In response to this he drew members' attention to conditions 3, 7, 12 and 14 which covered the required works adding that the most significant of the works would be the replacement of shutter to which the applicant had agreed. He continued that the Council had powers to pursue enforcement action should the use continue without the conditions being complied with.

In respect of additional representations on consultations and use of the building, the Area Planning Manager confirmed that about 215 consultation letters were sent to local residents including members of the Sudbury Court Residents' Association. As regards the use of the site, the Planning Manager stated that whilst there would be an element of religious activity with five short (15-30 minute)

prayer sessions each day, the busier Friday lunchtime prayers known as Zohar had been excluded as a proposed activity (condition 4 referred). He added that projected visitor numbers provided by the applicant indicated a low level of use during these times.

Mr Michael Rushe speaking on behalf of South Kenton and Preston Park Residents' Association informed the Committee that the applicant had submitted false and misleading information in support of the application. He added that the applicant had not submitted an appropriate travel plan and that the parking spaces indicated were lesser than the previous scheme for the site. He added that similar facilities for Islamic education centre existed elsewhere within the Borough. Mr Rushe urged members to refuse the application for the above reasons and to ensure that the reduced vacancy rate of the area was reversed in the interest of the viability of the local shops. In response to members' questions, Mr Rushe stated that according to the applicant's travel plan, visitors to the centre would come from as far as Hatch End and Northolt. He also stated that the application stated that the use class would be B1 which was also misleading.

Mr Vinod Shah, Vice Chair of Sudbury Court Residents' Association raised concerns about parking and added that despite Friday lunchtime prayers being moved elsewhere, there would still be problems with parking with about 90—100 people worshipping at the site.

In accordance with the Planning Code of Practice, Councillor HB Patel, ward member stated that he had been approached by residents. Councillor HB Patel objected to the proposed change of use for the following reasons;

- i) There was no local demand for the proposed use although use was forecast to increase over time.
- ii) Parking and environmental problems including traffic congestion were likely to result.
- iii) No proper travel management plan had been submitted by the applicant
The site was too small for the proposed change of use to Islamic Centre.
- iv) The proposed use would be out of character with the residential area.

In accordance with the Planning Code of Practice, Councillor Harrison, ward member stated that she had been approached by both supporters of and objectors to, the proposed change of use. Councillor Harrison expressed concerns about the purpose of the centre and added that the applicant needed to demonstrate to residents, the benefits of the proposal and its use.

Mr Kaleem Janjua, the applicant's agent stated that the application had been submitted in response to the need for local facilities including Islamic educational and religious prayers. He continued that the initial application which incorporated Friday afternoon prayers was withdrawn in response to residents' concerns. Mr Janjua added that the submitted travel plan sought to reduce noise pollution and traffic congestion and although no amplified sound would be in operation, adequate sound proofing materials would be used.

In response to members' questions, Mr Janjua confirmed that the site would have a capacity for 60 – 70 persons. He added that future planning permission would be sought for any other use including the tent. Mr Janjua considered a 1 one year temporary permission too short to ensure effective monitoring of the travel plan and to overcome any initial problem that may arise, expressing a preference for a three year temporary approval.

The legal representative advised that as misleading material facts had been submitted, the application was defective and in accordance with the provisions of the Town and Country Planning Act 1990, the Planning Authority could not determine it. He therefore recommended refusal. The Chair clarified that any decision to grant planning permission for a defective application could put the Council at too a high risk of its decision being judicially reviewed leading potentially to the permission being quashed in light of the circumstances to date.

DECISION: Refused planning permission on grounds of misleading material facts which rendered the application defective.

9. Planning appeals monitoring

Members received a report that provided additional analysis categorising reasons for refusal and recording whether the individual reasons were supported by the Planning Inspectorate. Members heard that the purpose of the analysis was to provide outcomes which would help evaluate how saved Unitary Development Plan (UDP) policies and Council's supplementary guidance (SPGs and SPDs) were currently being used in determining planning applications. It was noted that the report would also help to identify areas where Appeal Statements and/or Officer reports could be strengthened to further justify reasons for refusal.

RESOLVED:

that the appeals monitoring report be noted.

10. Planning Appeals May 2013

RESOLVED:

that the appeals for May 2013 be noted.

11. Any Other Urgent Business

None raised at this meeting.

12. Date of next meeting

It was noted that the next meeting would take place on Wednesday, 17 July 2013.

The meeting ended at 10:35pm

KETAN SHETH
Chair

Note: At 9:05pm, the meeting was adjourned for 5 minutes.