



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday, 16 December 2009 at 7.00 pm

PRESENT: Councillors Kansagra (Chair), Powney (Vice-Chair), Anwar, Baker, Cummins, Hashmi, Jackson, R Moher, HM Patel and Thomas

ALSO PRESENT: Councillor Muhammed Butt, Councillor Irwin Van Colle, Councillor Ann John OBE, Councillor Bertha Joseph, Councillor Paul Lorber, Councillor Carol Shaw and Councillor Harbhajan Singh

Apologies for absence were received from Hirani

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

All members declared that they had received correspondence from the applicants for 22 Wembley Park Drive (Ref. 09/3143) and 979-981 Harrow Road (Ref. 09/3376)

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 25 November 2009 be approved as an accurate record of the meeting subject to the following amendments;

add "Councillor Sneddon" to the list of those also in attendance.

Page 1 penultimate paragraph delete "existing structure" and replace with "the structure that existed before the applicant bought the property"

Page 2 first sentence of the fourth paragraph delete all after "noise" and insert "from the lightwell".

Item 7: The Committee noted that during consideration of the application for 557 Kenton Road an objector consistently interrupted the meeting which resulted in an adjournment for 5 minutes.

3. **1 Dudden Hill Parade, Dudden Hill Lane, London, NW10 1BY (Ref. 09/3050)**

Change of use of ground floor to cafe/restaurant to (use class A3) and erection of single-storey rear extension to rear of building

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

In response to comments made by objectors to and supporters of the proposal during the site visit, the Head of Area Planning Steve Weeks stated that the Council took seriously compliance with conditions and where appropriate took enforcement action to address any breach of condition. He added that although

visits by the Local Safer Neighbourhood Team and Environmental Health had confirmed that there were people on the premises in the evenings, there was no definitive evidence that continuous use of the cafe was in operation. In continuation, he stated that in order to ensure that the operation did not have a significant detrimental impact on amenity of neighbouring residents whilst being in keeping with the character and appearance of the premises, condition 4 about the extract flue had been amended as set out in the tabled supplementary information. This was additional to the acceptance in principle by the owner of the flat above that the extract flue could be attached to the rear wall. The Head of Area Planning also drew members' attention to the recommended hours of operation and the standard 3 year implementation period of the proposal.

Ms Lila Hammond Chair of Dudden Hill Lane and Southview Avenue Residents' Association in objection to the application stated that the location was inappropriate. She added that with controlled parking in force from 8.30am till 6.30pm, no stopping signs and double yellow lines in Dudden Hill Lane, parking, congestion and access were already issues of serious concern for existing residents and emergency vehicles. She pointed out the dangers involved for motorists and pedestrians as they tried to exit into and egress from Dudden Hill Lane, a busy road which was close to the nearby Northview Primary school. Ms Hammond continued that the situation would be aggravated by additional parking demand which would result from customer parking.

Ms Isabella Biernacka an objector raised concerns about the proposal on grounds of loss of privacy, noise nuisance from music and television and loss of residential amenity. She continued that the operation of the cafe was having a direct detrimental impact on her son who was studying for his GCSE examination. Ms Biernacka alleged that the applicant had been known to threaten residents who complained about the impact of the cafe.

Mr Hadier the applicant stated that following the closure of the cafe for over 3 months he had addressed all complaints and concerns from the local residents and the Council. He challenged the claim that the proposal would lead to an increase in the level of crime in the area. Mr Hadier confirmed his full acceptance of the conditions recommended by officers for the grant of planning permission.

During discussion, members noted that following past refusals the applicant had addressed issues about opening hours and the extractor system. However there were outstanding issues of concern in relation to location, traffic, parking and noise nuisance which had not been addressed by the applicant. Councillor Thomas suggested approval with effective monitoring of the application to ensure compliance with all conditions

Prior to voting, the Head of Area Planning stated that although the applicant had operated an unauthorised business in this location for the past 12 months, the amended proposal was in accordance with the relevant policies and subject to conditions as amended, the detrimental impact on neighbouring residents would be significantly reduced. He assured the Committee that in order to alleviate the concerns of local residents the Council would investigate any reported breach of condition and if necessary would take suitable enforcement action to ensure that

there was no detrimental impact on the residential amenity of neighbouring residents.

Members felt however that significant harm would result from the operation which could not be controlled by conditions and were therefore minded to refuse the application contrary to the officer's recommendation for approval for the following reasons; the proposed cafe would be likely to have severe impact on residential amenities by reason of noise and disturbance from customers' vehicles, parking and access problems in the area.

In accordance with the provisions of the Planning Code of Practice, voting on the Officers' recommendation for approval was recorded as follows:-

FOR:	None	(0)
AGAINST:	Councillors Kansagra, Powney, Anwar, Baker, Cummins, Hashmi, Jackson and HM Patel	(8)
ABSTENTIONS:	Councillors R Moher and Thomas	(2)

DECISION: Planning permission refused.

4. 1 Kenyngton Place, Harrow, HA3 0DW (Ref. 09/3116)

Demolition of existing detached garage and erection of two-storey side extension, part single-storey, part two-storey rear extension and attached garage to dwellinghouse, and associated landscaping.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Planning Manager informed the Committee that the applicant had submitted revised plans showing internalised garage lobby and revised tree position in the front garden. The plan numbers had therefore been updated as set out in the tabled supplementary information.

DECISION: Planning permission granted subject to conditions.

5. GREENHOUSE GARDEN CENTRE, Birchen Grove, London, NW9 8RY (Ref. 09/3220)

Outline planning permission for the erection of 71 dwellings with amenity open space (matters to be determined: access) (as accompanied by Planning Statement and Design and Access Statement prepared by Malcolm Scott Consultants Ltd; "Transport Assessment" prepared by i-Transport; "Phase 1 Environmental Assessment" prepared by WSP; "Assessment of Implications in Welsh Harp/Brent Reservoir SSSI and Site of Metropolitan Importance for Nature

Conservation" and "Extended Phase 1 Habitat Survey" prepared by WYG Environment; "Flood Risk Assessment and Drainage Proposals" prepared by Simon Jones-Parry; and "Energy Statement" prepared by Cole Thompson Anders Architects)

OFFICER RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary information, the Head of Area Planning Steve Weeks drew members' attention to the list of additional objections received from the following; Brian Coleman (London Assembly Member for Barnet & Camden), Councillor Dunwell (Queensbury Ward), Preston Amenities Protection Association (PAPA) and the British Waterways Board. The objections included the following: negative impact of the proposal on local residents and infrastructure of the Welsh Harp area, loss of valuable Metropolitan Open Land (MOL), traffic congestion in and around the junction of Birchen Grove and Blackbird Hill particularly on Wembley Event days. He also drew members' attention to the list of objections from Brent School Without Walls which had been restated in the tabled supplementary.

The Head of Area Planning then clarified the reasons for recommending an amendment to reason 1 for refusal as set out in the tabled supplementary to reflect the intentions of The London Plan policy 3D.9. He also recommended an additional reason for refusal as set out in the supplementary report to reflect the lack of a signed legal agreement between the applicant and the Council.

Councillor Navin Shah (Harrow Council and Assembly Member) in welcoming the recommendation for refusal stated that the application which constituted an unacceptable form of development on Metropolitan Open Land (MOL) failed to comply with The London Plan policies. Being in close proximity to a Site of Specific Special interest, the proposal would adversely impact on the wildlife and the quality of life of local residents. Councillor Shah considered the quality of the development to be of substandard nature which he added would fail to provide adequate garden space and thus adversely affect the residential amenity for future occupiers of the development.

In accordance with the provisions of the Planning Code of Practice, Councillor Singh, a ward member stated that he had been approached by local residents in connection with this application. Councillor Singh started by saying that the site of the proposed development being located on MOL would be in breach of UDP and LDF policies particularly in an area such as Brent which was deficient in public open and green spaces. The proposal would endanger a variety of wildlife and breeding birds in an area which was listed as a site of special scientific interest by the Nature Conservancy Council. Councillor Singh added that the development would have a detrimental impact on the residents of Birchen Grove and adjoining roads in terms of increased traffic (as they tried to exit from and egress into Birchen Grove), noise and pollution.

In accordance with the provisions of the Planning Code of Practice, Councillor John, declared that she was a local resident and although not approached by residents, she had received a correspondence from the applicant

in connection with this application. Councillor John endorsed the reasons put forward by the previous speakers and additionally expressed her full support for the officer's recommendation for refusal.

In accordance with the provisions of the Planning Code of Practice, Councillor Lorber, Leader of the Council stated that he had been approached by local residents in connection with this application. In endorsing the officer's recommendation for refusal, a view which he said was also supported by the Mayor of London and the Greater London Assembly, Councillor Lorber reiterated the need to protect the MOL which would send a strong message to local residents about the high value that the Council placed on its MOL.

In accordance with the provisions of the Planning Code of Practice, Councillor Van Colle, Lead member for Environment Planning & Culture stated that he had been approached by local residents and the applicant in connection with this application. Councillor Van Colle also endorsed the recommendation for refusal adding that the application to build on MOL was misconceived, in his view, and contrary to Brent's LDF policies to preserve the MOL as well as to encourage the current use of the site.

In response to Councillor Powney's enquiry on the officer's opinion on traffic management, the Head of Highways and Transportation Phil Rankmore stated that the pattern of use of vehicles alone could not be a valid reason for refusal. He advised that members would need to show a level of connectivity of walking and cycling and an intensive use of vehicles. He also confirmed that the revised layout showed adequate turning arrangements for coaches in terms of access to and from the site.

In his closing remarks, the Chair endorsed the sentiments expressed by the objectors both at the meeting and during consultation particularly the comments submitted by the London Wildlife Trust which summed up the detrimental impact of the proposed development.

DECISION: Planning permission refused.

6. Ark Academy, Forty Avenue, Wembley, HA9 9JR (Ref. 09/3267)

Details required to be submitted in respect of the following conditions:

- 11 (design of sports hall and grounds to ensure access for all);
- 12 (details of proposed bird & bat roosting boxes);
- 14 (details of coach turning & parking provision);
- 17 (details of external lighting); and,
- 20 (details of floodlighting for all-weather pitch)

of planning permission reference 08/2842, granted on 4 June 2009, for new school academy at Forty Avenue HA9 9JR

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and an informative.

The Head of Area Planning Steve Weeks updated the Committee that revised details had been submitted showing additional lighting details which officers had reviewed and found acceptable. As the revised details discharged condition 1 which sought additional lighting he recommended its removal. In respect of condition 2 which required the submission of a management plan for the car park he stated that Transportation Officers had reviewed the proposed swept path analysis for coach turning and advised that parking space 41 should also be included in this management plan to ensure that coaches can turn easily and safely within the site. Accordingly he recommended that condition 2 be amended to reflect that. The Head of Area Planning continued that the revised lighting schedule and combined light spill drawings would improve the safety of the car park entrance and the conditions for wildlife within the site without significantly altering light spill outside. The Head of Area Planning drew members' attention to additional objections raised by Barnhill Residents' Association and officers' responses to them as set out in the supplementary information.

Mr John Woods Chair of Barnhill Residents' Association in objecting to the application stated that condition 2 had not adequately addressed the issues raised by Campbell Reith (an independent consultant engaged by the Residents Association) on coach parking and impacts of the proposed lighting on residential amenity and wildlife at the site. Mr Woods also highlighted concerns about visibility and detrimental impact of the proposal on highway safety.

In accordance with the provisions of the Planning Code of Practice, Councillor Van Colle, a ward member stated that he had been approached by local residents in connection with this application. Councillor Van Colle stated that although he welcomed the report, he felt that coach manoeuvrability would impact on children and other road users who were likely to relocate to Barnhill Road, thus causing parking displacement. He enquired about the timing of the floodlighting for the all-weather sports pitch and whether this would allow for exiting so that there were no slippages

In responding to the above, the Head of Area Planning stated that the management plan for coach parking would provide an arrangement for releasing parking bays for coach arrivals. He also drew members' attention to condition 3 that addressed the operation of the lighting.

In the discussion that ensued, Councillor Cummins observed that light spills in other sports pitches had not generated complaints from local residents and that the management plan would address any likely problem with coaches. The Chair suggested a 3 year temporary permission to enable a review of the traffic scheme in 3 years. In response, the Head of Area Planning outlined the difficulties in justifying the grant of a temporary consent for a scheme which required a significant amount of investment.

DECISION: Planning permission granted subject to conditions.

7. 16B College Parade, Salusbury Road London NW6 6RN (Ref. 09/3064)

Erection of a mansard roof extension to second floor flat.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Planning Manager Andy bates informed the Committee that the owners of 7 College Mansions raised a further objection to the proposal but this did not raise any further issues to those already outlined.

As Mr Fisher who had given notice to speak in objection was not in attendance, the applicant stated that she did not wish to address the Committee as she endorsed the recommendations.

DECISION: Planning permission granted subject to conditions.

8. 95 Chatsworth Road, London, NW2 4BH (Ref. 09/3384)

Demolition of attached garage and erection of a single and two storey side extension to dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and an informative.

DECISION: Planning permission granted subject to conditions.

9. 2A Brondesbury Road, London, NW6 6AS (Ref. 09/3391)

Erection of first-floor rear extension to create a one-bedroom flat (revised scheme from application 09/1624) (car-free development)

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 Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

In reference to the request for clarification on the arrangements for refuse storage the Planning Manager Andy Bates informed members that under condition 3, the applicant was required to submit the layout of the entrance to the unit on Brondesbury Road to demonstrate refuse storage. As this condition required that refuse storage would not be to the rear where the commercial units appeared to store their refuse, there would be no conflict with the neighbouring Addison Court regarding ownership and access. In respect of the siting, he stated that according to the floor plan of the extension, there would be no encroachment and that the end of the extension would in excess of 10m away from the neighbour's window. The Planning Manager suggested an additional condition that there should be no

access from the new unit onto the green roof and that the area must not be used for the sitting out of residents. In the interest of privacy of neighbouring and future occupiers and to ensure that details required would achieve a satisfactory development, he recommended an amendment to conditions 2 and 3 respectively.

Mr Leon Mills an objector questioned the need for the proposed development part of which wall he said would encroach upon his property without prior consultation. Mr Mills pointed out that there was no access for refuse collections trucks and as there were no rights of access other than to Addison Court, refuse storage to the rear of Kilburn High Road would not be acceptable. He also claimed that the design and access statement for the proposed development was incorrect.

During members' discussion, Councillor R Moher expressed a view that as lack of access rights could be negotiated it was not sufficient to refuse the application for this reason. Councillor Cummins felt that the proposal would constitute an over-development of the property and enquired as to how access would be gained to the roof and how officers intended to enforce the condition on refuse arrangements. Councillor Jackson added that the proposal would lead to loss of light and significantly affect the quality of life of other residents. Councillor Anwar asked about measures that could be put in place to minimise the resulting impact of the proposed development including overlooking and loss of privacy.

In responding to the above, the Planning Manager stated that condition 4 made it clear to the applicant to ensure that the green roof was of a solid structure thus making it possible for the emergency services to gain access when required. He added that with sufficient space to accommodate the needs of the studio flat, he did not think that the proposal would affect the quality of life of other residents. He also added that a condition could be imposed to prevent any loss of light and loss of privacy. In conclusion he submitted that the proposal complied with Policies contained in Brent's UDP 2004 as well as Supplementary Planning Guidance 17: Design Guide for New Development and Supplementary Planning Document.

DECISION: Planning permission granted subject to conditions as amended in conditions 2 and 3, an additional condition and 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.

10. Malorees Junior School, Christchurch Avenue, London, NW6 7PB (Ref. 09/3400)

Use of school hard surface play area for car boot sale each Saturday between 8am and 3pm (as per undated Management Plan reference GUR/9102B).

OFFICER RECOMMENDATION: Refuse planning permission.

The Planning Manager Andy Bates updated the Committee that he had received a petition of names and addresses of 30 supporters. He added that although the

Council acknowledged the potential community benefit of the boot sale in providing additional income for the school, the detrimental impacts on residential amenity and highway safety were considered unacceptable and contrary to adopted policy SH28 of the Unitary Development Plan 2004 for the reasons set out in the main report. He therefore reiterated the recommendation for refusal.

Mr Crosley an objector stated that although he had some sympathy with the school's need for extra funding, there was every need for the local residents to enjoy their residential amenities, free of noise nuisance from the car boot sale. He added that the car boot sale would lead to an increase in traffic and congestion and illegal parking on residents' driveways.

Mr Mark Barnett objected to the operation of the car boot sale on grounds of noise nuisance, additional parking to the detriment of residential amenities, pollution and litter. He claimed that the operators were organising shuttle bus services from Kilburn High Road to the car boot sale, an arrangement which he said could only worsen the impact on residential amenities.

Mr Simon Pollard, a Governor of Malorees Infants' School and a supporter of the application for a car boot sale stated that it would not create noise nuisance as claimed by some speakers. He added that despite the lack of consultation of the proposal with the Infants' school he felt it would be illegal to disallow the school from using its own site.

In accordance with the provisions of the Planning Code of Practice, Councillor Shaw, a ward member stated that she had been approached by local residents in connection with this application. Councillor Shaw claimed that local residents were not consulted on the application. She raised objections to the application on the grounds that it would lead to an obstruction to the entrance to the school, increase in traffic congestion and thus detrimental to highway safety and the safety of children. Councillor Shaw continued that the operation of the car boot sale which would be contrary to the UDP policy HS20 would materially alter the character of the area.

Mr Rainbow, Deputy Head of the school started by saying that the school had worked with all agencies within the Council to ensure that the car boot sale would be operated within acceptable guidelines. He informed the Committee that only 37 vehicles would be allowed into the school grounds and that 5 car attendants would be engaged to marshal traffic flow. He added that the above measures coupled with the fact that there were no residential dwellings close to the school, meant that the impact on residential amenities and traffic would not be significant as to a warrant refusal. Mr Rainbow continued that rubbish resulting from the car boot sale would be removed and taken to rubbish centres thus preventing litter in the school grounds and within the local area.

In the ensuing discussion, Councillor Hashmi noted the concerns expressed by the Council's Transportation Unit in the report including the detriment to highway safety particularly as the CPZ hours of operation were outside the times when the car boot sale took place. He noted whilst the operation would result in high on-street parking there was no management plan in place to eliminate the impact.

Councillor Thomas suggested a temporary permission for 6 months to enable officers to review the operation. Councillor Anwar added that as the operation of the car boot sale commenced very early on Saturday mornings, it would cause noise nuisance to the local residents and undermine their peace and quiet enjoyment of their weekends. In bringing the discussion to a close, the Chair commented that the car boot sale would create an undue disturbance to the amenities of neighbouring residents and endorsed the officer's reasons for recommending a refusal.

DECISION: Planning permission refused.

11. 147-153 High Street, London, NW10 4TR (Ref. 09/2240)

Outline application (matters included: access, appearance, layout and scale) for erection of a 4-/5-storey building (with basement) comprising 23 affordable flats (2 one-bedroom, 9 two-bedroom and 12 three-bedroom).

OFFICER RECOMMENDATION: Refuse planning permission.

In response to members' request made at the site visit and in reference to the tabled supplementary report, the Planning Manager Andy Bates clarified the dimensions of the proposed building both in terms of height (15metres) and the separation distance between habitable room windows and the rear elevation of properties in Rucklidge Avenue. He added that there was nothing in the application to suggest that flooding would be a particular issue. He however reiterated the recommendation for refusal.

Mr Ian Britton Chair of Rucklidge Avenue Residents' Association started by saying that whilst he welcomed the principle of development on the site, he considered that the design would create an adverse and colossal impact on local residents. He continued that the proposal, with an excessive height of 15m, would be out of character with the nearby sheltered accommodation, leading to loss of sunlight and daylight, over-looking and loss of privacy. Mr Britton added that the level of residential amenities for future residents of the proposed development would be significantly below acceptable standards.

Mrs Ellam also objected to the application on grounds of loss of daylight and sunlight, inappropriate design which did not respect the needs of the local residents. She added that with its excessive height which was close to other residential properties, the proposal would result in overlooking and loss of privacy.

In accordance with the provisions of the Planning Code of Practice, Councillor Joseph, a ward member stated that she had been approached by local residents in connection with this application. Councillor Joseph stated that by submitting an application higher than the scheme which was refused on appeal, the applicant was simply demonstrating arrogance. She objected on grounds of the proposal's over-dominant feature over Rucklidge Avenue resulting from its excessive height and width. Councillor Joseph added that this would lead to

overlooking, loss of privacy, loss of light and a detrimental impact on quality of life of the residents.

Mr R Brotherick the applicant's agent conceded that there were some anomalies within the application particularly in terms of its height and for those reasons he had advised his client to accept the refusal and consider re-submitting a revised scheme. He added that the application which sought to make efficient use of a brownfield site would provide 100% affordable housing and assist with the acute housing shortage within the Borough. In response to Councillor Anwar's suggestion for proper consultation prior to re-submission, Mr Brotherick stated that he had already advised his client along those lines.

During discussion Councillor Powney commented that the proposal would offer poor quality housing and design as it was flush with the facade of the High Street. He noted that there was no condition for a "car free development" in an area which was heavily parked. The Chair added that despite the housing shortage, there was every need for the scheme to comply with standards and policies in all respects.

DECISION: Planning permission refused.

12. 62 Station Grove, Wembley HA0 4AN (Ref. 09/2119)

Retention of ancillary outbuilding, with proposed internal alterations, in rear garden of dwellinghouse.

OFFICER RECOMMENDATION: Refuse the application for reason 1 only and invite the applicant to submit a revised planning application reducing the height of the outbuilding to 2.5 metres.

With reference to the tabled supplementary information, the Planning Manager Neil McClellan informed members that he had received additional information and revised plans from the applicant's agent proposing the removal of the internal partition and bathroom and toilet facilities. These in his view, would address the intensity of use of the building and its ancillary nature. He added that the agent also disagreed with the potential fall back situation, claiming that a building of the same height as the one built could be erected under permitted development closer to the neighbour's house. The Planning Manager continued that whilst it was true that a building of similar height could be erected under permitted rights, it would have to be set off all boundaries by 2 metres, so as to reduce significantly its impact on neighbouring amenity. Alternatively a building could be erected closer to the boundary but restricted to a height of 2.5 metres which would also significantly reduce its impact. In his view, the likely fall back situation would still be a significant improvement on the current situation.

The Planning Manager added that the fact that the adjoining neighbour had not objected to the retention of the outbuilding was no valid reason for not considering the impact of the proposal on the amenities of the neighbouring property. He continued that the applicant had agreed verbally to lower the height of the

outbuilding to 2.5 metres and put a flat roof on it. This together with the removal of the internal partitioning already agreed would be comparable to the likely fall back situation. He therefore recommended refusal of the application for reason 1 only but added that the applicant be invited to submit a revised planning application reducing the height of the outbuilding to 2.5 metres.

Mr I Sardar the applicant disagreed with the reason for refusal adding that with the size of his rear garden he could have built a larger structure under permitted development. In response to Councillor Anwar's request to the applicant to consider reducing the size of the outbuilding, Mr Sardar stated that he would rather consider a flat roof.

DECISION: Planning permission refused for reason 1 only and invited the applicant to submit a revised planning application reducing the height of the outbuilding to 2.5 metres.

13. 22 Wembley Park Drive, Wembley, HA9 8HA (Ref. 09/3143)

Retention of detached outbuilding in rear garden.

OFFICER RECOMMENDATION: Refuse planning permission.

This application was called in by Councillors Butt and Van Kalwala, ward members to be decided by Committee because the applicant had expressed a view that the reasons for refusal did not take into consideration the facts that were applicable to the application case and would therefore like the opportunity to address the committee and put forward his case.

The Planning Manager, Neil McClellan with reference to the tabled supplementary information informed the Committee that although the applicant had offered to reduce the height of the outbuilding and remove all internal partitioning toilet/bathroom but he had not confirmed to what degree he would be prepared to reduce the area of the outbuilding. He continued that whilst the possible reduction in height and removal of partitioning was noted, the retention of a building of this floor area (56 square metres) was considered excessive and could not be considered ancillary to the existing house. He drew the Committee's attention to an amended reason 1 by deleting reference to 64 Station Grove and replacing with "impact on neighbouring occupiers".

Mr John O'Dea an objector reiterated his objection that the outbuilding was constructed for an illegal use that was not ancillary to the use of the main dwelling.

In accordance with the provisions of the Planning Code of Practice, Councillor Butt, a ward member stated that he had been approached by the applicant in connection with this application. Councillor Butt informed the Committee that the alleged illegal use of the outbuilding which had a valid certificate of lawfulness commenced when the applicant was out of the country. Mindful of the need to regularise the use, the applicant had offered to comply with requirements and standards by a reduction in height and alterations to internal

partitions. Councillor Butt requested that the applicant be given an opportunity to carry out the alterations and amendments as sought by officers.

During discussions, Councillor Hashmi stated that the building was constructed by the applicant's late father and that the illegal use was carried out without the applicant's knowledge. He therefore submitted that as the applicant was prepared to ensure compliance, officers be authorised to negotiate for the reduction. In a similar vein, Councillor Anwar stated that note ought to be taken of the applicant's willingness to compromise with officers' requirements, alleging that in similar cases in the Neasden and Kingsbury areas, applicants had been given an opportunity to comply with requirements. He added that in his view the building had no detrimental impact on the neighbouring properties. Councillor Cummins added that as the objections appeared to be based on uses which did not involve the applicant, the Committee should consider granting planning permission and to authorise officers to monitor the use of the structure. The Chair added that the certificate of lawfulness of use for the outbuilding which was in existence in 2008 might have ceased as a result of the alleged illegal use however, the building should be allowed to remain. Councillor Thomas urged members to defer the application pending submission.

In responding to the above, the Planning Manager stated that when the certificate was granted it matched that which was built but as its use had changed, full planning permission was required. He added that according to Government regulations, the certificate was impact based and hence the requirement for a reduction from 3m to 2.5m. The Head of Area Planning Steve Weeks added that the excessive structure of 56 square metres within a suburban rear garden was the reason for serving an enforcement notice as the structure failed to comply with the certificate of lawfulness of use. He advised the applicant to consider reducing the footprint rather than just the height and internal layout. In response to Councillor Thomas' amendment for deferral, he submitted that the application ought to be determined as recommended, in view of the impending enforcement notice and that officers be authorised to negotiate with the applicant before the enforcement notice became effective.

The application was refused on the Chair's casting vote.

DECISION: Refused planning permission.

14. 979-981, Harrow Road, Wembley, HA0 (Ref. 09/3376)

Demolition of existing petrol station and erection of part 4-storey and part 2-storey building comprising 10 flats (6 x three-bedroom, 4 x two-bedroom) with 16 cycle spaces, 7 parking spaces, bin stores, associated landscaping and alterations to access from Harrow Road, and formation of new vehicle access from Thomas A Beckett Close (as amended by revised plans dated 03/12/09).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and the completion of a satisfactory Section 106 legal agreement and,

- (a) To authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.
- (b) If the legal agreement has not been entered into by the application's statutory expiry date of the 21st January 2010, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and
- (c) If the application is refused for the reason in (b) above to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that a satisfactory Section 106 has been entered into.

In reference to the tabled supplementary information, the Planning Manager Neil McClellan reported that he had received additional representations from local residents requesting more time to be allowed to enable them consider the changes relating to access. He added that officers had responded with a copy of the revised plans to local residents and a note explaining that re-consultation was not necessary as change to the plans was minor in nature and therefore inappropriate to delay the application. The Planning Manager continued that officers had confirmed to the residents of Thomas A Beckett Close (TABC) that as the access land had been adopted by the Council the only authorisation required for the crossover was from the Council's Highway department.

Mr J Laferty an objector stated that by placing more strain on existing infrastructure and local services without providing the required level of amenity space, the proposed development would constitute an over-development of the site. He continued that due to its height, massing, unsatisfactory design and appearance the proposal would fail to make a significant contribution to the character of the area. Mr Laferty added that the impact of the proposed development including parking and congestion levels had not been addressed. He also added that height of the flats would result in loss of light and loss of privacy to the residents in TABC.

In accordance with the provisions of the Planning Code of Practice, Councillor Lorber, a ward member and Leader of the Council stated that he had been approached by the applicant and the residents in connection with this application. Councillor Lorber stated that whilst he welcomed the principle of development on the site, he did not think that the proposal addressed the needs of the residents particularly those on TABC. These included refuse arrangement, parking and congestion issues. He urged officers to meet with the applicant to negotiate a proper solution to those issues.

Mr Peter Smith the applicant's architect submitted that the proposed development was in accordance with the London Plan and the Council's Unitary Development Plan (UDP). He continued that with lowered height and a reduced number of dwelling units demand for parking would be reduced. Mr Smith informed the Committee that the siting of the refuse/recycling storage area within 10m of Harrow Road accorded with refuse arrangement requirements, and fire access requirements. He added that by confining vehicular access to the site at one point along Harrow Road, the proposal would reduce access points to a London distributor road. He also drew members' attention to the Section 106 legal agreement which the scheme provided. In response to the Chair's enquiry as to why the applicant did not implement the consented scheme, Mr Smith stated that the type of units was changed in order to comply with higher standards of houses in multiple occupation (HMO).

DECISION: Planning permission granted subject to conditions and the completion of a satisfactory Section 106 legal agreement and,

- (a) To authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.
- (b) If the legal agreement has not been entered into by the application's statutory expiry date of the 21st January 2010, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and
- (c) If the application is refused for the reason in (b) above to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that a satisfactory Section 106 has been entered into.

15. Preston Park JMI School, College Road, Wembley, HA9 8RJ (Ref. 09/3210)

Erection of a single-storey detached building to provide a children's centre (use class D1) at Preston Park Primary School, as amended.

OFFICER RECOMMENDATION: Grant Planning Permission, subject to the submission of a flood risk assessment that the Environment Agency does not object to and;

(b) If within a reasonable period the Environment Agency is not satisfied with the Flood Risk Assessment, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and

(c) if the application is withdrawn or refused because of a unsatisfactory Flood Risk Assessment, to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that the Environment Agency has been satisfied.

The Planning Manager, Neil McClellan informed the Committee that the applicant had submitted revised drawings that reduced the overall footprint of the building and consequently reduced the impact on the amenities of neighbouring properties and represented a satisfactory relationship in compliance with local planning policies. He drew members' attention to the submitted revised travel plan, an amendment to condition 6 and to the condition on flood risk assessment (FRA) as set out in the tabled supplementary information.

DECISION: Planning Permission granted, subject to the submission of a flood risk assessment that the Environment Agency does not object to and;

(b) If within a reasonable period the Environment Agency is not satisfied with the Flood Risk Assessment, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and

(c) if the application is withdrawn or refused because of a unsatisfactory Flood Risk Assessment, to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that the Environment Agency has been satisfied..

16. Land Adjacent to Kodak Court, Nightingale Avenue, Harrow (Ref. 09/2246)

Erection of a 4-storey building on land adjacent to Kodak Court, comprising 26 self-contained flats (11 one-bedroom, 13 two-bedroom, 2 three-bedroom) and communal garden; and the provision of access to the public footpath running alongside Northwick Park Golf Course via Northwick Close.

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. Any Other Urgent Business

Being the last meeting for the year 2009, the Chair extended festive greetings of Merry Christmas and a Happy New Year to all members and officers.

18. Date of next meeting

The next meeting will take place on Wednesday 13 January 2010 at 7.00pm. The site visits for that meeting will take place on the preceding Saturday 9 January 2010 at 9.30am when the coach leaves from Brent House.

The meeting ended at 10:50pm

S KANSAGRA
CHAIR