



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Tuesday, 16 March 2010 at 7.00 pm

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

ALSO PRESENT: Councillor Mary Arnold, Councillor John Detre, Councillor Anthony Dunn, Councillor Robert Dunwell and Councillor Carol Shaw

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

13. Palace of Arts & Palace of Industry (Ref. 09/2450)

All Councillors declared personal interests as members of the Council of the London Borough of Brent, the applicant.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 24 February 2010 be approved as an accurate record of the meeting.

3. **11 Sherborne Gardens, London, NW9 9TE (Ref. 09/3292)**

Erection of a single-storey and two-storey rear extension and first-floor side extension to the dwellinghouse and conversion of an attached garage into a habitable room, including replacement of the front garage door with a new window

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager Rachel McConnell informed the Committee that a copy of the amended drawings had been sent to the adjoining neighbour who still maintained that the proposal would lead to loss of light, a matter which she added had been adequately addressed in the main report.

Mr Bakrani the adjoining neighbour objected to the proposed development on grounds of significant loss of light to his adjoining property due to the height of the proposal and particularly the first floor side extension.

DECISION: Planning permission granted subject to conditions.

4. 37 Mount Stewart Avenue, Harrow, HA3 0JZ (Ref. 09/2439)

Retention of single and two storey side extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

5. 1-3, The Mall, Harrow, HA3 (Ref. 09/2650)

Demolition of existing buildings and erection of two 3-, 4- & 5-storey blocks totalling 143 dwellings, comprising 21 x one-bedroom flats, 23 x two-bedroom flats, 31 x three-bedroom flats, 11 x four-bedroom maisonettes, 2 x five-bedroom maisonettes (affordable) and 12 x one-bedroom flats & 43 x two-bedroom flats (private housing), with 26 surface and 80 basement car-parking spaces, amenity space, children's play area and bin stores.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

With reference to the tabled supplementary report, the Area Planning Manager Rachel McConnell drew members' attention to an amended description for the proposed development and clarified the queries raised by members at the site visit. She confirmed that the closest part of the proposed development to No 37 Moot Court would be about 18-19m which was within the Council's SPG17. She drew members' attention to additional objections to the scheme including those raised by Councillor Dunwell and officers' responses to them as set out in the tabled supplementary report. The Area Planning Manager also drew members' attention to the amendment suggested by the Borough Solicitor and an additional condition on Air Quality Assessment.

In accordance with the provisions of the Planning Code of Practice, Councillor Dunwell, an adjoining ward member stated that he had been approached by the residents. Councillor Dunwell objected to the proposed development on grounds of over-development of the site, significant overlooking and the lack of a transport assessment. The proposed development, in his view, would exacerbate the parking problems created in the area by the adjoining Jewish Free School (JFS).

Mr Alfred Munkenbeck the applicant's agent stated that the scheme which complied with SPG17 was an appropriate development in an area that was close to good public transport network.

In the discussion that followed, Councillor R Moher suggested a review of the nearby pedestrian crossing in Fryent Way to prevent traffic congestion around the Kingsbury Circle area. The Chair also suggested a review of the Section 106 legal agreement with JFS to ascertain their compliance. He also suggested a further condition that control parking zone (CPZ) permits should not be issued to the residents of this development. The legal representative advised against the suggestion to deny permits to residents as the area was currently not within a controlled parking zone.

Members discussed the possibility of a car club as a means of addressing the potential parking problems and the need to ensure the provision for disabled parking.

DECISION: Planning permission granted subject to amended description, conditions as amended in condition 10, additional condition on Air Quality Assessment, informatives, the completion of a satisfactory Section 106 or other legal agreement as amended in the Heads of Terms and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

6. 6 Prout Grove, London, NW10 1PT (Ref. 09/2622)

Erection of part single-storey, part two-storey rear extension and conversion of building into 4 flats (1 three-bedroom, 1 two-bedroom and 2 one-bedroom), with provision of cycle storage to rear, refuse storage to front and associated landscaping to site.

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

7. 8 Prout Grove, London, NW10 1PT (Ref. 09/2634)

Erection of part single storey, part two-storey rear extension and conversion of dwellinghouse into 4 flats (2 two-bedroom, 1 three-bedroom and 1 studio), with provision of cycle and bin storage and associated landscaping.

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

8. Caretakers House, Mount Stewart Infant School, Carlisle Gardens, Harrow, HA3 0JX (Ref. 09/3007)

Demolition of Caretakers House, Mount Stewart Infant School, Carlisle Gardens, Harrow, HA3 0JX.

OFFICER RECOMMENDATION: Grant Conservation Area Consent subject to conditions and referral to the Government Office for West Midlands.

Mr Adrian Levy objected to the proposed demolition on the grounds that there was no justification for the demolition at this stage until an associated planning application for a replacement building was also being considered. In urging members to defer the application, he added that there were no health and safety issues such as bats and rats in the existing building.

Mr Bill Kemp, Chair of Preston Amenities Protection Association (PAPA) echoed the views expressed by the objector and urged members to refuse the application.

In responding to the issues raised, the Head of Area Planning Steve Weeks stated that a scheme for a replacement building was currently being assessed by officers. He submitted that the demolition of the house and the landscaping of the site would make a positive contribution to the Mount Stewart Conservation Area. The Chair expressed a differing view that the proposal would not enhance the area.

DECISION: Conservation Area Consent granted subject to conditions and referral to the Government Office for West Midlands.

9. KK Builder, Unit B Tower Works, Tower Road, London, NW10 2HP (Ref. 10/0020)

Demolition of existing two-storey building and erection of 4-storey building comprising of office/storage space at basement level and ground floor level and 6 self-contained flats (6 x two-bedroom) at first, second and third floor level with associated roof garden and provision of refuse and cycle storage areas to front of proposed building.

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.

With reference to the tabled supplementary report, the Area Planning Manager Rachel McConnell clarified the relationship between the proposed building and the existing Brahma Kumaris University building located adjacent to the rear of the subject site. She also clarified that the contribution of £36,000 being sought from applicant under the Section 106 legal agreement would be used to mitigate against the likely impact of the proposed development on local transport, sports, open space and educational infrastructure. In reference to the disputed land, the Area Planning Manager added that issues relating to site ownership were outside the remit of the Committee and added that as the subject site had been revised to exclude the disputed land the latter site would not be required for the development.

In accordance with the provisions of the Planning Code of Practice, Councillor Jones, ward member stated that she had been approached by the applicant, residents and Brahma Kumaris University. Councillor Jones welcomed the “car free development” however she raised concerns on the following issues:

The excavation of a basement could harm the structural stability of nearby properties.

The proposed roof terrace would give rise to overlooking

The rear of the proposed building could harm privacy and natural light.

The balconies would not make a sufficient contribution to overall amenity space.

Concerned regarding the applicants assessment of the character of the surrounding area.

There were some inconsistencies in the Design and Access Statement.

Councillor Jones requested the Committee to ensure that the forecourt used by the garage was constantly cleaned up.

Mr Martin Evans the applicant’s agent stated that the application had been revised to overcome previous concerns on height, residential mix, roof terrace, elevational treatments and the siting of windows to the rear elevation. He added that the proposed development would provide mixed use, high quality accommodation with no detriment to the environment and amenities. Mr Evans confirmed that the applicant would clean the unsightly bins requested by Councillor Jones.

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.

10. Bowling Green Pavilions, Chatsworth Road, London, NW2 4BL (Ref. 10/0124)

Erection of a single-storey building for use as a nursery school (Use Class D1) and erection of pitched roof to existing clubhouse.

OFFICER RECOMMENDATION: Refuse planning permission

The Area Planning Manager, Neil McClellan informed members that the applicant had submitted two additional plans that sought to clarify the relationship between the proposed nursery building and the surrounding area particularly No 49 Chatsworth Road, the ground level and the projection of the roof. He continued that the height and proximity of the proposed building failed to comply with the guidance contained in Supplementary Planning Guidance 17 (SPG17) in that it would have an overbearing impact on the outlook and visual amenity of adjoining occupiers.

Mr Robert Middleton speaking in support stated that the application would, in addition to creating more nursery places in an area that was deficient in that provision, enable the Bowling Club to benefit from a new roof without which the Club would need to close down.

Mr Andy McMullan the applicant's agent stated that the application which sought to re-use a brownfield site would create additional nursery places in the area. He added that the existing land which had no recreational value would be landscaped subject to further details to be secured through a condition. Mr McMullan also indicated that the applicant would accept a further condition to control any consequent on-street parking. The agent did not welcome suggestions by the Chair on how to ensure compliance with SPG17 in future applications by considering building on the pavilion site and re-siting the nursery, as it would involve a major landscaping scheme without meeting the existing needs of the Bowling Club.

In accordance with the provisions of the Planning Code of Practice, Councillor Shaw, ward member stated that she had been approached by the applicant. Councillor Shaw stressed the urgent need for a nursery provision in the area, a view that was also supported by the Council's Early Learning Years' Officer and the local residents. She continued that the proposal which would involve a single storey building would not result in any significant impact on the adjoining neighbour. Councillor Shaw pointed out that the site was not part of the wildlife corridor and that the proposal would not result in loss of public open space.

In accordance with the provisions of the Planning Code of Practice, Councillor Arnold, an adjoining ward member and the Labour Group spokesperson for Children's and Families stated that she had been approached by the applicant. Councillor Arnold noted that there had been no objections from neighbours to the proposal as it involved a single storey building. She urged members to grant planning permission for the proposal which was situated in an area deficient in the provision of nursery school places, an outcome that in her view would also have beneficial effect for the Bowling Club.

In accordance with the provisions of the Planning Code of Practice, Councillor Dunn, an adjoining ward member stated that he had been approached by the applicant. Councillor Dunn also urged members to grant planning permission as it would have no significant impact on urban green spaces and adjoining neighbours.

During members' discussion, Councillor Cummins indicated his support for the application pointing out that the site which was not within the wildlife corridor was not a public open space. He noted that the neighbours had not raised any objection to the proposal which would involve a single storey building and would address the need for nursery places in the area. Councillors R Moher and Hashmi also indicated their support for similar reasons.

In responding to the views expressed by members, the Head of Area Planning Steve Weeks, cautioned members to give consideration to the status of the land, the significant size of the building (14 metres long), the overall differences of the garden and the guidance contained within SPG17. He indicated that there may be scope for a joint development on the site but that it would need amended scheme.

Members were minded to grant planning permission contrary to officers' recommendation for refusal for the following stated reasons: the proposal would not have a significant impact on wildlife corridor; it would address the need for nursery places in the area (and an exception should be made in the application of policies regarding effect on the adjoining property in order to assist in meeting this need) and it would not encroach on open space available to the public (since the land is privately owned) and in any event the improvement to the open space helped to offset this..

In accordance with the Planning Code of Practice, voting on the officers' recommendation was recorded as follows:

FOR: Councillors Kansagra, Powney and HM Patel (3)

AGAINST: Councillors Anwar, Baker, Cummins, Hashmi, Hirani, Jackson and R Moher (7)

ABSTENTIONS: Thomas (1)

DECISION: Minded to grant planning consent contrary to the officer's recommendation and deferred to the next meeting.

11. 27 Chevening Road, London, NW6 6DB (Ref. 10/0166)

The erection of a rear dormer window, chimney and a single storey side extension to existing rear outrigger to the rear elevation of the dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

12. 82 Chaplin Road, London, NW2 5PR (Ref. 09/2455)

Redevelopment of building, including extension to facing courtyard walls and reduction in number of office units from 8 to 6, with installation of new front UPVC windows and 5 rooflights.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning Steve Weeks informed the Committee that the applicant's agent had submitted a revised plan removing all windows to the flank wall facing rear gardens of Chaplin Road. This would ensure that the existing amenities of residents at Numbers 76 - 80 Chaplin Road would not be harmed by reason of overlooking. He added that the maximum height of the proposed development had been reduced from 7.0m to 6.2m which was the same as the original building. The Head of Area Planning drew members' attention to an amendment to condition 3 as set out in the tabled supplementary report.

In accordance with the provisions of the Planning Code of Practice, Councillor Jones, ward member stated that she had been approached by the residents. Councillor Jones welcomed the reduction of the height of the proposal which she felt would reduce overshadowing however she requested that an informative be added to ensure that there was a right of way to the vehicle access and that the contractor be required to sign up to the Considerate Contractors' Scheme.

In responding to the points raised by Councillor Jones, the Head of Area Planning stated that issues relating to right of way were a civil matter. He continued that condition 4 addressed the request for considerate construction.

DECISION: Planning permission granted subject to conditions.

13. Palace of Arts & Palace of Industry Site, Engineers Way, Wembley, HA9 0ES (Ref. 09/2450)

Erection of a part eight-storey and part ten-storey Brent Council Civic Centre building, comprising office space (Use Class B1), community and performance space (Use Class D1 and D2, including library, Registrars Office, Community Hall and Council Chamber), Use Class A1/A2/B1 floorspace at ground floor level, a cafe (Use Class A3), wedding garden and a winter garden area, with provision of 158 car-parking spaces, 250 bicycle-parking spaces and 32 motorcycle-parking spaces in basement, and associated landscaping to site.

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

The Area Planning Manager, Neil McClellan started by saying that the applicant had submitted revised drawings in response to CABE Design Review Panel and officers' enquiries on a number of areas including an "Energy & Sustainability Q&A" sheet details of which were set out in the tabled supplementary report. The responses were considered appropriate. In respect of members' enquiry about flood risk measures, he stated that although a number of measures to reduce flood risk had been incorporated, the Environment Agency had confirmed that as the site was below 1 hectare in size the statutory referral of the application to the Agency was not required. Members noted that the disabled parking proposed was in accordance with the Council's standards and was considered appropriate by the GLA/TfL. In respect of concerns about the location of fuel deliveries in Engineers Way, the Area Planning Manager submitted that this would be secured through the "Delivery and Servicing Management Plan" and recommended that an additional condition be added regarding the treatment of the footway/highway if fuel deliveries were required within the Engineers Way frontage. He then referred to a number of comments made by Wembley National Stadium Limited and officers' responses to them as set out in the tabled supplementary report. The Area Planning Manager also drew members' attention to a number of additional and amended conditions and the deletion of condition 21 as set out in the supplementary report.

Dr Sharah Ali objected to the proposed development on the grounds that the Council had not adequately consulted with all residents within the Borough. He added that the feasibility study into the project had never been placed in the public domain to enable residents of the Borough to ascertain the cost implications and whether there was widespread acceptance of a new Civic Centre for Brent. Dr Ali urged members to defer the application until the issues he had raised had been addressed.

Mr Gareth Daniel Chief Executive of Brent Council speaking on behalf of the applicant started by saying that the proposal was a culmination of eight years worth of work and numerous consultations including reports to the Council's Executive meetings which were open to the press and public. He continued that the proposed building had been designed in partnership with experts in the field with sustainability measures receiving a top priority. He also emphasised the beneficial impact of the proposal on the regeneration of Wembley. In endorsing the recommendation for approval, Gareth Daniel added that the proposal was an integral part of the Council's overall business plan to deliver better quality services by enabling the Council to vacate its inefficient buildings with considerable cost savings.

DECISION: Planning permission granted subject to conditions including an additional condition 27, as amended in conditions 10, 11 and 23, the removal of condition 21 and informatives..

14. Community Centre, Crystal House, 2 Agate Close, London, NW10 7FJ (Ref. 09/2645)

Change of use of the ground floor from a medical centre (Use Class D1) to mixed use retail (Use Class A1) or a medical centre (Use Class D1).

OFFICER RECOMMENDATION: Refuse planning permission.

The Head of Area Planning Steve Weeks informed the Committee about further comments received from objectors who were unable to attend to address the Committee but reiterated the depth of their opposition to the proposed change of use. He drew members' attention to a revised wording for reason 1 for refusal as set out in the tabled supplementary report.

DECISION: Planning permission refused with amended reason 1.

15. Chequers, Managers Flat and Store, 149 Ealing Road, Wembley, HA0 4BY (Ref. 09/3013)

Demolition of existing buildings and erection of a 3-, 4- and 5-storey building, comprising 2 commercial units (Use Classes A1, A2, A3 or A4) at ground-floor and ancillary basement level and 30 self-contained flats (one 1-bed, nineteen 2-beds and ten 3-bedroomed units,) at upper-floor levels, a car-free development with formation of new vehicular and pedestrian accesses, cycle and refuse stores to side and communal amenity space to rear.

OFFICER RECOMMENDATION: (a) To delegate authority to the Director of Planning to determine this planning application and to grant planning permission subject to the completion of a satisfactory Section 106 agreement on the heads of terms as set out below (or amended heads of terms as agreed by the Director of Environment and Culture or duly authorised person), the exact terms thereof agreed by the Director of Planning on advice from the Interim Borough Solicitor; but

(b) if the legal agreement has not been entered into by the application's statutory expiry date of 06/04/10, 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 or withdrawn 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, on advice from the Borough Solicitor.

DECISION: (a) Delegated authority to the Director of Planning to determine this planning application and to grant planning permission subject to the completion of a satisfactory Section 106 agreement on the heads of terms as set out below (or amended heads of terms as agreed by the Director of Environment and Culture or duly authorised person), the exact terms thereof agreed by the Director of Planning on advice from the Interim Borough Solicitor; but
(b) if the legal agreement has not been entered into by the application's statutory expiry date of 06/04/10, 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 or withdrawn 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, on advice from the Borough Solicitor.

16. 61-69 Lumen Road, East Lane Business Park, Wembley, HA9 7PX (Ref. 09/1201)

Removal of Condition 1 limiting the planning permission dated 24th January 2008 for use of the site to provide open storage (Ref: 07/3003) to a temporary period of 3 years; and variation of Condition 4 of the same permission, replacing controls over the specific uses of each sub plot with a general control over noise generated by all uses on the site.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

17. Elizabeth House, 341 High Road, Wembley HA9 6AQ (Ref. 09/2506)

Demolition of existing building and erection of a part 5- to 13-storey building with communal terraces, comprising a total of 115 flats (54 x one-bedroom, 46 x two-bedroom and 15 x three-bedroom) on upper floors, ground-floor commercial unit (Use Classes A1, A2, A3), basement parking and associated landscaping and amenity space.

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

The Area Planning Manager Neil McClellan informed the Committee that the applicant had submitted revised plans/documents to reflect changes made to the layout. He continued that the daylight/sunlight report submitted had demonstrated that the scheme was in compliance with BRE guidelines. With reference to the

supplementary report tabled at the meeting he drew members' attention to the list of additional conditions requested by the Council's Environmental Health Team in respect of site investigation works, controls over noise, vibration and emissions from extraction equipment, post completion noise testing and controls over demolition and construction works.

The Head of Area Planning highlighted the significance of the changes to the proposal in terms of improving the relationship and outlook for the proposed flats and the introduction of a range of landscaping to the frontage.

DECISION: Planning permission granted subject to conditions, additional conditions 23, 24, 25, 26, 27, 28, 29 as amended in conditions 6, 7 and 9, 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.

18. 19 Brook Avenue Wembley HA9 8PH

The Committee had before them a report that dealt with the extensive planning and enforcement history of the extensions to 19 Brook Avenue, Wembley, HA9 8PH and update members on the current enforcement position.

The Chair raised the background to the current report and queried whether Members would benefit from a site visit to understand the changes that had taken place and any outstanding matters. Members agreed to defer for a site visit.

RESOLVED:-

That the report on 19 Brook Avenue, Wembley HA9 8PH be deferred for a site visit to enable members to assess the development and objections raised to it.

19. Northwick Park Golf Club, Watford Road

The Committee gave consideration to a progress report that summarised the outstanding matters relating to Leisure Golf since the centre was opened. The report also addressed each of the principal unresolved planning matters individually, detailing the planning context and made recommendations for unresolved matters. With reference to the tabled supplementary report the Head of Area Planning drew members' attention to the list of concerns that had arisen since the golf centre was opened and gave an assurance that officers would continue to pursue the outstanding matters with Leisure Golf Limited.

Ms Gaynor Lloyd a local resident confirmed the breach of planning conditions including unauthorised uses of the conference rooms for weddings and excessive number of cars in the car park.

In accordance with the provisions of the Planning Code of Practice, Councillor Detre, a ward member stated that he had been approached by the residents. In welcoming the report, Councillor Detre urged members to give their support and encouragement to officers to resolve the issues outstanding and to take enforcement action within a reasonable period of time if the breaches continued.

Members welcomed the progress report and,

RESOLVED:-

That Officers should continue to pursue resolution of all the outstanding issues outlined in the report, and if they consider that Leisure Golf Limited were not addressing these properly, to proceed with such enforcement action as considered appropriate to secure compliance.

20. Any Other Urgent Business

Article 4 Directions

The Head of Area Planning informed members that Article 4 Directions had been agreed for Roe Green and Mapesbury Conservation Areas.

The meeting ended at 9.50pm

S KANSAGRA
CHAIR