



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday, 25th November, 2009 at 7.00 pm

PRESENT: Councillors Kansagra (Chair), Anwar, Baker, Cummins, Hashmi, Hirani, Jackson, Long, R Moher and HM Patel

ALSO PRESENT: Councillor Robert Dunwell

Apologies for absence were received from Powney and Thomas

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

None.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 4 November 2009 be approved as an accurate record of the meeting.

3. **Brilliant Kids, 8 Station Terrace, London NW10 5RT (Ref 09/2176)**

09/2176 Variation of condition 3 of full planning permission 06/0712, granted 29/06/2006, for change of use from Use Class A1 (retail) to mixed-use A1 and A3 (retail & cafe), to allow operating hours on Monday to Saturday 0800 to 2300 and Sunday 1000 to 2230 (as per e-mail, dated 27th October 2009, from Chalkline Architectural Services).

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

With reference to the supplementary information tabled at the meeting the Planning Manager Neil McClellan reported that the applicant had stated his intention to apply for a retrospective planning permission for the single storey structure which he erected without planning permission. In order to secure this, he suggested that an additional informative be attached to any consent reminding the applicant of the need to resolve the issue of the existing structure and that failure to do so could result in the Council considering taking enforcement action. He pointed out that although not part of the current planning application, the applicant had been made aware of the need to resolve the issue of the existing structure by ensuring that the impact on the neighbouring property would be reasonable.

Mr Harvey an objector started by saying that there were no restaurant in the area which was situated next to a residential property and therefore experienced the

problems he faced. These included disturbance and noise nuisance to his bedroom due to inadequate sound proofing and the movement of staff to and from the restaurant until 11.00pm. Mr Harvey added that the applicant was likely to disrespect planning conditions imposed thus resulting in breaches of planning conditions.

Mr Stewart Freeman an objector informed the Committee that in a survey he had privately conducted of 8 late night establishments in the Chamberlayne Road area, he did find any restaurant that was situated next to a residential property. He therefore submitted that the location was inappropriate.

Mr Fitzgibbon, the applicant's agent started by saying that the application was for a small bistro restaurant without amplified music and although not a requirement, the applicant had agreed to install acoustic boarding in order to further minimise noise impact. He continued that as the bedroom of the neighbouring property was to the rear of the property, the operation of the restaurant would not adversely impact on the amenity of the neighbour. He added that the applicant had agreed that prior to its occupation he would re-configure the shop.

During question time, Councillor R Moher enquired about the level of noise that could be created whilst staff collected items to and from the restaurant via the lightwell. Councillor Anwar asked about the significance of the door in the garden area and the likely seating capacity. In responding to the above, the agent stated that the lightwell would be used as a cold storage area and accessed from the main restaurant area so as to prevent adverse impact on other residents. He clarified that the door leading from the restaurant in the rear garden was already in existence before the applicant took over the property. He confirmed that the seating capacity would not exceed 30. Mr Fitzgibbon confirmed that he had not conducted noise assessment for the application. In response to members' general concerns about the rear door and possible noise and disturbance, Mr Fitzgibbon stated that the applicant intended to install sound insulation in excess of the level required and that he would be willing to discuss members' concerns on the door.

DECISION: Planning permission granted subject to conditions and informatives.

4. 18 Park View Road, London NW10 1AE (Ref. 09/2130)

09/2130 Proposed first-floor front extension to dwellinghouse (as amended by plans received 19/10/2009).

OFFICER RECOMMENDATION: Refuse planning permission

With reference to the tabled supplementary, the Head of Area Planning Steve Weeks clarified the following issues following members' site visit. In respect of the status of the building regulations application regarding the height, Steve Weeks reported that although amended plans had been received, the Council's Building Control Officer had advised that the Building Regulations issue could not be concluded until the planning issues had been resolved. He reported the architect's

confirmation that the eaves and guttering would be constructed within the 2.3m boundary of the site. Steve Weeks confirmed that the proposed first floor front wall had not been constructed but that the first floor flank wall had been partially constructed. He continued that an enforcement investigation was opened however no action was taken as a full planning application was submitted one week after the complaint was received.

The applicant Mr Boota referred members to a pack of documents in support of his application which he had sent to all members. He sought amendments to the original approved plan for the set back at first floor of 2.5metres. He added that the 2.5m set back would restrict the available headroom leading up to the staircase to the loft area. Mr Boota drew members' attention to various precedents within the Borough particularly the property at No. 21 Park View which had been set back only 1.9m and which were included in his pack. Mr Boota urged members to agree a set back of 1.9m similar to the property at No. 21 Park View Road.

DECISION: Planning permission refused.

**5. School Main Building, St Margaret Clitherow JMI School, Quanton Street
London NW10 0BG (Ref. 09/222)**

09/2222 Demolition of existing school and erection of new single-storey school building with 12 parking spaces, refuse storage and habitat area/vegetable garden to front, hardsurfaced playground to side, seating and play areas to rear and associated landscaping.

OFFICER RECOMMENDATION: Grant Planning permission granted subject to conditions as amended in conditions 3 and 9, the completion of a satisfactory Section 106 and authorised the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the Section 106 agreement had not been entered into by 9 December 2009 but if the application was refused for this reason, 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 was either identical to the current one, or in his opinion was not materially different, provided that a Section 106 agreement in the terms set out in the agreement had been entered into.

The Head of Area Planning Steve Weeks drew members' attention to the revised details, amendments to condition 3 and the Section 106 agreement as set out in the tabled supplementary.

DECISION: Planning permission granted subject to conditions as amended in conditions 3 and 9, the completion of a satisfactory Section 106 and authorised the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the Section 106 agreement had not been entered into by 9 December 2009 but if the application was refused for this reason, 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 was either identical to the current one, or in his opinion was not materially different, provided that a Section 106 agreement in the terms set out in the agreement had been entered into.

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

09/3267 Details pursuant to condition 11 (design for access), 12 (bird & bat boxes), 14 (coach turning & parking details), 17 (external lighting), and 20 (pitch lighting) of deemed (Reg4 Council other department) reference 08/2842 dated 4 June 2009 for new school academy.

OFFICER RECOMMENDATION: Defer to the next meeting for re-consultation with the residents and to allow officers to report on any subsequent representations. The Head of Area Planning, Steve Weeks informed members that he had received several letters which raised concern that the consultation letter sent out in respect of this application, on the 21st of October, was not clear enough in conveying the purpose of this application. In recognition of that officers sent out a follow-up letter which sought to clarify the previous letter and provided an additional opportunity to make a representation on the application. With that in mind, he recommended a deferral to enable residents to make additional representations and to allow officers to report to the next meeting

DECISION: Deferred to the next meeting for re-consultation with the residents and to allow officers to report on any subsequent representations.

7. 557 Kenton Road, Harrow Middlesex HA3 9RS (Ref. 09/2091)

09/2091 Erection of single-storey and two-storey side and rear extension to religious institution, formation of basement with lightwell to rear and associated landscaping (as accompanied by Apar Smith Planning Design & Access Statement ref. CA/2349A and Three Counties Flood Risk Assessment dated 19/08/2009).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions including an additional condition on a management plan, amendment in conditions 12 and 13 and the deletion of condition 14.

In reference to the tabled supplementary, the Planning Manager, Neil McClellan submitted that the application would allow the Council to impose a degree of control on the frequency and size of the activities and functions that would take

place at the centre. He added that in conjunction with its management, a travel plan would be produced to ensure that the visitors to the centre were made aware of their responsibility for considerate parking, were advised about alternative means of transport and alternative places to park, thus reducing the impact on Kinross Close.

He continued that whilst conditions regarding hours of use and the number of people attending were difficult to enforce, their imposition would regularise and improve the existing situation. Members noted that refusal of the proposed extensions was unlikely to result in the closure of the temple and even it did, another community use could move in as the existing D1 use remained lawful. He reiterated that this proposal would afford the Council a measure of control where none currently existed. He added that there was no evidence that crime would increase as a result of the extension and that issues about flood risk had been addressed within the report. The Planning Manager continued that although no loss of privacy would result from the works proposed, he recommended an additional condition to provide screen planting along the boundary with No. 555 Kenton Road.

At the start of his presentation, Mr Malik an objector referred to a petition of 20 signatures from the residents of Kinross Close on the following grounds;

- (i) Visitors to the religious centre would continue to park their vehicles in Kinross Close leading to congestion in the quiet cul-de-sac and likely to give rise to access problems for emergency vehicles to the detriment of the safety of residents.
- (ii) The increase in the number of vehicles into and out of Kinross Close would lead to an increase in carbon emission, thus causing health and safety problems for the local residents
- (iii) The continued use of 557 Kenton Road for religious purposes would alter and cause harm to the residential character of Kinross Close, resulting in the loss property values.

Mr N Mehta the applicant's agent and a member of the family that donated the building for religious use started by saying that the centre would provide educational and spiritual discourse and meditation without creating nuisance to the local residents. He added that the proposed improvements would enable the centre to fulfil its spiritual objectives without attracting masses of people. He continued that measures to control parking and congestion issues including the use of stewards and the implementation of an agreed travel plan would be in place.

In response to members' questions Mr Mehta submitted that at any time the expected visitors would be between 10 and 15 and that the maximum number after the extensions had been completed would be between 30 and 50. He continued that most of the visitors would be arriving in shared cars and were likely to use the 5 car parking spaces available, although a few may park their vehicles in Kinross Close. He added that the use of 3 stewards before and after each

service and adherence to a travel plan would minimise any resulting impact. Mr Mehta also confirmed that the building had been in use for religious purposes for the past 11 years.

In the discussion that followed, Councillor Jackson expressed a view that the grant of planning permission would enable the Council to exert control over the use and operation of the religious centre. Councillor Anwar stated that despite the conditions and a travel plan, the traffic impact on the residents of Kinross Close would be unbearable.

Steve Weeks stated that officers were aware of the significant existing problems but felt that the proposed travel and management plans and the imposition of conditions would, on balance, enable the Council to exercise control over the use of the building. In his summary, the Chair drew members' attention to similar precedents in the Borough, the proposed travel and management plan and the existing parking restrictions on Kenton Road. He noted that the Council's Traffic Unit had not raised objections to the proposal.

DECISION: Planning permission granted subject to conditions including an additional condition on a management plan, amendment in conditions 12 and 13 and the deletion of condition 14.

8. New Horizons Development Office, Saxon Road, Wembley, Middlesex HA09 9TP (Ref. 09/3273)

09/3273 Erection of a terrace of 2 two-storey, three-bedroom dwellinghouses and a two-bedroom bungalow with garden space and refuse-storage area to front and garden space to rear of proposed dwellings (as accompanied by Design & Access Statement prepared by Katherine Hughes Associates), subject to a Deed of Agreement dated xx/xx/xxxx under Section 106 of the Town and Country Planning Act 1990, as amended.

OFFICER RECOMMENDATION: Grant consent in principle subject to the completion of a satisfactory Section 106 or other legal agreement (to be entered into simultaneously with the transfer of the site to Metropolitan Housing Trust, if members see fit) and request that Members delegate authority to the Director of Environment and Culture, or duly authorised person, to agree the exact terms thereof on advice from the Borough Solicitor; but if the agreement has not been entered into within a time to be agreed, to refuse permission but delegate authority to the Head of Area Planning to grant permission in respect of a further application which is either identical to the current one or, in his opinion, not materially different, provided that a Section 106 agreement containing the above terms has been entered into.

Steve Weeks started by saying that the chair of the local tenants Association had expressed support for the last phase of development and the need for housing rather than open space which could have potential anti-social behaviour problems. He then addressed the following new objections which had been raised:

- *proposal contrary to local and regional policies*

In respect of these objections which primarily related to the design quality of the proposal and the need to maintain the character of the area, Steve Weeks drew members' attention to the officers' comments within the remarks section of the main report on the design. These explained how the scheme had been articulated adequately to ensure it would appear as an interesting feature within the streetscene and would be in keeping with the character of the area.

- *loss of open corner which is a feature of the area*

Steve weeks submitted that whilst the proposal site was narrower and more constrained site than 1 The Leadings, the applicants had made significant amendments to the scheme to address the concerns raised previously at the committee meeting.

- *Nuisance during construction works*

He explained that the applicants would be required to comply with building control regulations including environmental health regulations so as to minimise noise, smell, dust and traffic to the site.

- *Opportunities for crime arising from a development*

There was no evidence to suggest that crime rates would rise as a result of this proposed development

- *loss of open space and shortage of allotments in the area*

He informed members that the site which was previously used for car parking did not form part of the estate redevelopment. In response to the objectors' request for use of the land for allotment or open space he stated that a new park was proposed within the Chalkhill Estate redevelopment to improve open space provision in the area. He added that despite a borough wide demand for allotment plots and the constraints of the size and layout of the site, there was no planning policy reason to prevent an allotment use or to refuse an alternative housing use.

Title deeds/Restrictive Covenants

These were not planning matters and therefore could not be taken into consideration as part of the assessment of the application

Mr Vinod Patel chair of the local residents' association in objecting to the proposed development stated that the narrowness of the land would not be adequate to ensure a satisfactory relationship between the proposed development and existing residential properties. He also objected to the proposed development on grounds of overlooking, loss of light, noise nuisance and loss of privacy and urged members to release the plot of land for allotment use in order to address the deficiency of allotment land in the area.

Ms Zarina Khalid on behalf of the applicant, Metropolitan Housing Trust (MHT) informed the Committee that the proposal was part of the Chalkhill estate Masterplan. She added that the development which would provide a much needed housing accommodation had been designed to complement with the existing properties in the area and complied with the Council's Supplementary

Planning Guidelines. She continued that the Council's Highways and Transportation had not raised objections to the scheme and that there were no parking issues involved.

In accordance with the provisions of the Planning Code of Practice, Councillor Dunwell stated that he wished to speak as a Councillor who was not a member of the Committee (which the Chair agreed to) and stated that he had been approached by the local residents who objected to the scheme. Councillor Dunwell referred to his list of objections as set out in the supplementary information which included loss of light, privacy and outlook, detrimental impact on parking and the character of the area. He continued that there was no evidence that the site was ever earmarked for housing as part of the Chalkhill Masterplan development. He requested members to note both the deficiency of allotment provision in the Chalkhill and immediate area and the relevant part of the Council's Unitary Development Plan policy (the UDP) that encouraged the development of sites for allotment use.

In the discussion that followed, Councillor Anwar expressed a view that the proposed 2-storey building would constitute an over-development of the site and suggested a bungalow as the best use of the land. He added that as the area was already heavily parked, the proposed development would not be able to absorb the resulting increase in parking demand. In his summation, the Chair drew members' attention to the fact that the proposal failed the guidance outlined in Supplementary Planning Guidance Note 17 (SPG17) in terms of privacy with properties in the area. He added that as the proposal also failed to comply with a 45-degree line, it would have a detrimental impact on the bottom 2 metres of the rear garden of the properties on the Chalklands.

Prior to voting, Steve Weeks responded that the proposed development would provide an appropriately designed building on this awkward and constrained site. He added that the scheme had been substantially reduced both in terms of height and proposed unit numbers and adequate levels of outlook and light maintained to the surrounding neighbouring properties. Steve Weeks submitted that on balance, the scheme which had addressed the concerns previously raised at the Planning Committee was not considered to be an overdevelopment of the site. He continued that in addition to providing social rented housing to help meet the pressing need for affordable family accommodation in the borough, the proposal complied with the Council's parking and servicing standards and that the applicants had agreed to a Section 106 agreement, providing a range of benefits.

Members were minded to refuse to grant planning consent contrary to the officers' recommendation on grounds of over-development of the site and failure to comply with the SPG17. Voting on the substantive recommendation for approval was recorded as follows;

FOR: Councillors Cummins, Jackson, Long and R Moher (4)

AGAINST: Councillors Kansagra, Anwar, Baker, Hashmi and HM Patel (5)

ABSTENTION: Councillor Hirani (1)

DECISION: Refused planning permission.

9. 4 Tracey Avenue, London NW2 4AT (Ref. 09/2177)

09/2177 Erection of first-floor rear extensions, increase in height of existing roof, installation of two rear dormer windows and two front rooflights, two flank rooflights facing No. 3 Tracey Avenue and one flank rooflight facing No. 5 Tracey Avenue to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

In reference to the tabled supplementary, Steve Weeks clarified the separation distances of the application site and 8 Henson Avenue and added that as the distances exceeded the minimum guidance outlined in SPG17, adequate levels of privacy would be maintained. He continued that the applicant had agreed to landscape to the rear of the boundary with No. 5 Tracey Avenue and in order to ensure that the appearance and setting for the proposed development enhanced the visual amenity of the locality he recommended an additional condition 6 as set out in the tabled supplementary. Steve Weeks then referred to additional letters of objection and stated that although the proposal would continue the projection out towards the rear garden thus resulting in some loss of light, it was not considered to be significant enough to warrant refusal. He addressed the concerns on the garage and its relationship with the proposed extension and also drew members' attention to the reasons as to why it was not considered appropriate to refuse the proposal on design grounds

Mr Derek Murrell an objector stated that the proposed development was likely to give rise to loss of light and outlook as well as overlooking to adjacent properties and their gardens. He therefore requested members to ask the applicant to ensure a sufficient set back in the interest of privacy.

Mr Derek Wax objected to the proposed development on the following grounds that it would overlook adjoining properties leading to loss of privacy and residential amenities. He added that the proposal, with an unacceptable increase in size and bulk would constitute an overdevelopment of the site with dominant features. Mr Wax added that the development would put pressure on parking, access and create a precedent for similar undesirable developments in the area.

Mr Brill, the applicant's agent stated that the proposal which would remain in use as a single family dwelling would maintain distances far in excess of the SPG requirements as explained by the Head of Area Planning. He submitted that with reduced overlooking from the site, the proposal would not impact on the residential amenities of the area.

At the start of members' discussion Councillor R Moher expressed a view that the proposal which would be overwhelming in size would constitute an over

development of the site. The Chair added that the application complied with planning guidelines and as far as 8 Henson Road was concerned it would have no impact, however it would have some adverse impact on 5 Tracey Avenue. Members were minded to refuse the application contrary to the officer's recommendation for approval for the following reasons; size of the building; its impact on No. 5 Tracey Avenue and the scale of the development.

Voting on the substantive recommendation for approval was recorded as follows;

FOR: Councillor Hirani (1)

AGAINST: Councillors Anwar, Cummins, Jackson, R Moher and HM Patel (5)

ABSTENTION: Councillors Kansagra, Baker, Hashmi and Long (4)

DECISION: Planning permission refused.

10. 17 Waltham Drive, Edgware Middlesex HA8 5PG (Ref. 09/2181)

09/2181 Erection of a part single and part two storey side and rear extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

11. 103A-D Malvern Road, London NW6 (Ref. 09/2153)

09/2153 Proposed installation of wheelchair lift (including railings) and new raised steps to stairs at front of building.

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

Mrs Jennifer Barnard an objector noted that the application would involve the removal of a bedroom in order to facilitate the proposal. Although she welcomed the application, she objected to it on the grounds that there already existed a number of suitable properties in the area and therefore the removal of one of the bedrooms was unnecessary and a waste of resources. She also alleged that there were structural problems in the house which resulted from poor construction.

DECISION: Planning permission granted subject to conditions and informatives.

12. Learie Constantine Open Space, Villiers Road London NW2 5QA (Ref. 09/3161)

09/3161 Creation of a public park with installation of children's play equipment, sand pit, seating, associated landscaping and installation of mesh fence, brick wall and wooden board fence to perimeter of site.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning Steve Weeks in responding to comments by Councillor Sneddon stated that the proposed fencing of 2.4m in height and management of the public park including locking up from dusk to 8.00am would assist with the antisocial behaviour. He continued that improved design and management, which were both lacking previously, were proposed to work together to prevent antisocial behaviour.

DECISION: Planning permission granted subject to conditions.

13. 70 Donnington Road, London NW10 3QU (Ref. 09/3100)

09/3100 Erection part two-storey, part single storey rear extension, two rear dormer windows, new front porch and installation of two front and one side rooflights to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

14. 31 Pasture Road, Wembley HA0 3JB (Ref. 09/2019)

09/2019 Replacement of existing timber-framed windows with UPVC-framed windows to dwellinghouse (Article 4 Direction).

OFFICER RECOMMENDATION: Refuse planning permission.

The Planning Manager Neil McClellan informed the Committee that although the applicant had submitted revised details of the existing front windows to the dwellinghouse, they were not considered to be a good match to the original windows and as such would fail to preserve or enhance the character and appearance of the Sudbury Court Conservation Area.

Mr Patel the applicant indicated his willingness to submit further details to match the original windows and preserve the character of the Conservation Area. Members however decided to defer the application for a site visit.

DECISION: Deferred for a site visit.

15. 10 Littleton Crescent, Harrow, Middlesex HA1 3SX (Ref. 09/3179)

09/3179 Erection of a two-storey side extension and single-storey rear extension to the dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning Steve Weeks reported that he had received further comments from Sudbury Court Residents' Association reiterating their initial concerns and addressed in the main report..

DECISION: Planning permission granted subject to conditions.

16. 111 Swinderby Road, Wembley, Middlesex HA0 4SE (Ref. 09/3191)

09/3191 First floor side extension to dwellinghouse.

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

DECISION: Planning permission granted subject to conditions and informatives.

17. Tamil Community Centre, 253 East Lane, Wembley HA0 3NN (Ref. 09/1719)

09/1719 Erection of single-storey rear extension and first-floor side and rear extensions to drop-in day centre (as amended by revised plans dated 12/11/2009).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions as amended in condition 8 and additional conditions 9, 10 and 11.

The Planning Manager Neil McClellan clarified that the primary use of the centre remained as a day centre. With reference to the tabled supplementary, he also clarified the hours of use and in responding to concerns expressed by an objector at the site visit, the Planning Manager stated that this application would give the Council an opportunity to exercise a control over the hours of use with times limited to 10pm through a condition. He continued that the proposed extensions would not result in a significant change in the pattern of attendance to the premises or the nature of use and therefore would not result in a significant increase in traffic. He drew members' attention to an amendment in condition 8 and the imposition of additional conditions 9, 10 and 11 as set out in the tabled supplementary.

DECISION: Planning permission granted subject to conditions as amended in condition 8 and the additional 9, 10 and 11.

18. Any Other Urgent Business

None.

19. Date of next meeting

It was noted that the next meeting would take place on **Thursday 10 December 2009 at 7.00pm**. As that meeting would consider reports on planning policies, there would be no prior site visits on the preceding Saturday.

The meeting ended at 10:10pm

S KANSAGRA
CHAIR