



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday, 18 August 2010 at 7.00 pm

PRESENT: Councillors RS Patel (Chair), Sheth (Vice-Chair), Adeyeye, Cummins, Daly, Hashmi, Kataria, Long, McLennan and CJ Patel

ALSO PRESENT: Councillor Muhammed Butt, Councillor Patricia Harrison, Councillor Roxanne Mashari, Councillor Kana Naheerathan and Councillor Harshadbhai Patel

Apologies for absence were received from Baker.

1. Declarations of personal and prejudicial interests

Item 14. 17 Denis Avenue, Wembley HA9 8AZ (Ref. 10/1317)

Councillor Cummins declared that he knew the applicant's uncle and indicated that he would not take part in the discussion or voting on this item.

2. Minutes of the previous meeting - 20 July 2010

RESOLVED:-

that the minutes of the previous meeting held on 20 July 2010 be approved as an accurate record of the meeting subject the following amendments;

Councillor Naheerathan be shown as alternating for Councillor Daly.
Councillor Long declared an interest in the application for 61 Exeter Road.
Item 7 last paragraph, add "Trust" after "Dollis Hill House".

3. 22 Wembley Park Drive, Wembley, HA9 8HA (Ref: 10/0054)

Retrospective application for a single-storey outbuilding and proposed reduction in height to outbuilding in rear garden of dwellinghouse.

OFFICER RECOMMENDATION: Refuse planning permission.

This application was reported to Planning Committee under the provisions of Clause 24 of the Planning Code of Practice following the members' decision at the last meeting of the Planning Committee on 20th July 2010 of 'minded to grant' retrospective consent for the outbuilding located in the rear garden of 22 Wembley Park Drive, contrary to officers' recommendation that planning permission be refused. This report discussed the implications of the committee's resolution, maintained the original recommendation to refuse, but set out the planning

conditions that should be attached if members decided to grant planning permission.

In setting out the context of the recommendation for refusal the Area Planning Manager Neil McClellan compared this outbuilding to similar ones that had been refused adding that of the 24 similar developments refused so far this year, 11 were retrospective. He added that the average size of outbuildings refused was less than 35 square metres which was far less in size to the outbuilding at 22 Wembley Park Drive which had an area of 58 square metres.

Mr John O'Dea (Senior) in objecting to the application contended that as an enforcement for its demolition had been served with demolition order, planning permission could not be granted as in his view the outbuilding had ceased to exist. He continued that the property was still being used as a house in multiple occupation (HMO) and that its use continued to give rise to noise, disruption and excessive rubbish in the street. Mr O'Dea (Junior) echoed similar sentiments.

Mr Dignesh Patel the applicant submitted that the outbuilding had been granted certificate of lawfulness of use and that the subsequent misuse was carried out by a previous tenant at the property whilst he was away in India during his father's funeral. He continued that since returning, he had taken steps to ensure that the use of the outbuilding was incidental to the main property by removing the kitchen, toilet and shower facilities as well as reduced the height of the outbuilding as required by Planning Services. Mr Patel added that as the outbuilding was about 30 metres away from the nearest property, it did not give rise to noise and harm to the neighbours.

In accordance with the provisions of the Planning Code of Practice, Councillor Butt, ward member stated that he had been approached by the applicant. Councillor Butt stated that the unauthorised use of the property was carried out by a previous tenant whilst the applicant was away in India. As the applicant had since taken steps to ensure that the use of the outbuilding was incidental to the main property, it would be inappropriate for officers to pursue the enforcement notice. He added that as the applicant was willing to accept conditions for the grant of retrospective planning permission, it would be unreasonable to require him to reduce the footprint.

In response to the issues raised and questions from members, the Chief Planner stated that the enforcement notice was served on the property for the unauthorised use as an HMO and for the outbuilding. Although a certificate of lawfulness had been issued for an outbuilding at the site, the building constructed was designed for use as a separate dwelling and was clearly unlawful. He added that in order to regularise the situation either the building needed to be demolished, or an application submitted that reduced its overall footprint to approx 35 square metres.

Members voted by a majority to endorse officers' recommendation for refusal for reasons stated in the main report.

In accordance with the provisions of the Planning Code of Practice voting on the recommendation for refusal was recorded as follows:

FOR: Councillors Adeyeye, Cummins, Daly, Long and McLennan (5)

AGAINST: Councillors RS Patel, Seth, Hashmi and CJ Patel (4)

ABSTENTION: Councillor Kataria (1)

DECISION: Planning permission refused.

4. Telesensory, 1 & 2 Watling Gate, Edgware, Kingsbury, London, NW9 6NB (Ref: 10/1373)

Change of use from office (Use Class B1) to an adult learning centre (Use Class D1).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Mr Daryl Green in objecting to the proposed change of use stated that it would compromise security, health and safety. In his view, the proposed change of use would be inappropriate for the site.

Mr Kamlesh Ramani the applicant stated that the use of the site was in accordance with the Council's Unitary Development Policy (UDP) policy EMP17 which permitted redundant office buildings for appropriate alternative uses. In addressing other issues raised by local residents Mr Ramani stated that the 10 car parking spaces and 10 cycle spaces provided both of which could be increased if required, was above the Council's maximum standards. He added that the use of the car park would prevent dumping of cars and improve residential amenities. He continued that adequate provision had been made for disabled people with most facilities located on the ground floor of the building. He also added that the educational use of the building would be compatible with other businesses in the area without compromising their security and detriment to their amenities.

DECISION: Planning permission granted subject to conditions as amended in condition 5.

5. 36 Queens Walk, London, NW9 8ER (Ref: 10/0835)

Change of use of property from a single dwellinghouse (Use Class C3) to an educational facility (Use Class D1).

OFFICER RECOMMENDATION: Refuse planning permission.

The Area Planning Manager Rachel McConnell informed the Committee that the proposed change of use to educational facility would result in the loss of a small purpose-built single family dwellinghouse, contrary to policies H8 and CF11 (b) of the Brent Unitary Development Plan 2004 and policy CP21 of the Brent Core Strategy 2010. In addition, the proposal would intensify the use of the property and would result in a detrimental impact on residential amenity through the use of the building itself, activities in the garden and vehicle movements to and from the site. She therefore reiterated the recommendation for refusal.

In accordance with the provisions of the Planning Code of Practice, Councillor Mashari, ward member stated that she had been approached by the objectors to the proposed change of use. Councillor Mashari stated that Queens Walk was a residential area of unique character where the proposed change of use would be unsuitable through intensification of use, noise and disruption to the residents. She referred to a 97 signature petition from the residents outlining their concerns as set out in the main report.

Ms Karen May the applicant stated that the proposed change of use would provide support and development for up to nine young adults (16-25yr old) with profound and multiple learning disabilities and up to four full-time equivalent (FE) staff. It would operate six days a week, between 09.00-17.00 hours Monday to Friday, 10.00-16.00 hours Saturday, 48 weeks of the year. She added that not all pupils would be on site at all times as off-site lessons such as trips to shops would account for about 50% with the remaining 50% of the lessons being in the community. The rear garden of the house would be used for relaxation and gardening lessons and that none of the activities would be particularly noisy. She continued that the total maximum vehicular movements per day would not exceed eight and that the proposal would not result in significant off-street and/or illegal parking and nuisance to neighbouring occupants or detrimental impact of pedestrian and highway safety.

In responding some of the issues raised, the Area Planning Manager reiterated that the intensity of the proposed change of use and four members of staff would result in a significant impact particularly on adjoining occupants. During discussions, Councillor Long indicated her support for the application subject to appropriate conditions.

DECISION: Planning permission refused.

6. Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT (Ref: 10/1727)

Erection of two-storey community facility (Use Class D1) comprising Intergenerational Centre and ancillary office space, with external play area & multi-use games area (MUGA pitch) with associated hard and soft landscaping, cycle, buggy and refuse stores and 3 designated parking bays on land adjacent to Stag Lane Pupil Referral Unit (with main entrance fronting Stag Lane) as amended by plans received 04/08/10

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Northern Area Planning Manager informed the Committee that the application was part of the Phase 3 tranche of Sure Start Children's Centres and would complete the Council's statutory duty to provide a Children's Centre for the whole borough. She continued that three dedicated parking spaces were provided and that conditions were proposed which required the submission, approval of and adherence to a Travel Plan so as to control to an acceptable level, the number of staff and visitors accessing the site by private vehicles. The Area Planning Manager drew members' attention to some typographical errors which had been corrected in the tabled supplementary, a summary of the applicant's potential

sustainability performance of the building and revised plans that amended the colour of the proposed cladding. In view of the above, she amended conditions 2 and 15 as set out in the tabled supplementary.

Mr John Evans on behalf of Roe Green Village Residents' Association objected to the proposal on the grounds of the impact the lack of parking would have on Roe Green village in terms of overspill parking. He added that the proposal which lacked architectural merit was inappropriate for the site. Mr Evans urged members to defer the application to enable them to re-examine the revised plans submitted by the applicant.

In accordance with the provisions of the Planning Code of Practice, Councillor Naheerathan, ward member stated that he had been approached by the objectors to the proposed development. Councillor Naheerathan requested a deferral on the grounds that the consultation was flawed.

Denise Burke Interim Head of Integrated & Extended Services (Children & Families Department) stated that a deferral of the application would mean that funds required for the project would be lost if not spent by March 2011. She outlined some of the benefits of the proposed centre and emphasised that it would not be used as a child care facility. In respect of residents' concerns on parking overspill, she stated that additional car parking spaces would be made available at Kingsbury High School site and the Pupil Referral Unit in Stag Lane.

The Chief Planner advised against a deferral adding that whilst the difficulty generally in consulting in August due to the holiday period was acknowledged, members needed to adhere to the decision making timescales of statutory planning process.

DECISION: Planning permission granted subject to conditions as amended in conditions 2 and 15.

7. 25 Rowdon Avenue, London, NW10 2AJ (Ref: 10/1638)

Erection of rear single and two storey extensions and a loft conversion incorporating rooflights to front and both sides of the roof

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager Rachel McConnell reported that the adjoining residents at No. 23 had re-confirmed their concerns on the depth of the single storey element of the proposal. She clarified that the depth of the extension at 4.2m and the distance from habitable room meant that the extension should not cause undue harm to amenity and that any resulting impact would be a minimal and within acceptable limits. With reference to the tabled supplementary report, she drew members' attention to an amendment to condition 4.

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

8. 158 Doyle Gardens, London, NW10 3SS (Ref: 10/1386)

Demolition of existing rear extension and erection of new single storey rear extension, single-storey side extension and installation of balustrade at first floor level

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

9. 17 The Quadrant, Kilburn Lane, North Kensington, London, W10 4AL (Ref: 10/1116)

Erection of single storey rear extension, replacement of existing shop front and conversion of ground floor to self-contained flat.

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 but to refuse the application if the section 106 agreement has not been entered into and if the application is 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 is either identical to the current one or in his opinion is not materially different, provided that a section 106 agreement in the terms set out above is entered into.

DECISION: Planning permission granted subject to conditions 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 but to refuse the application if the section 106 agreement has not been entered into and if the application is 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 is either identical to the current one or in his opinion is not materially different, provided that a section 106 agreement in the terms set out above is entered into.

10. 19 Dobree Avenue, London, NW10 2AD (Ref: 10/1374)

Erection of two-storey side extension, one rear dormer window and 2 front, one side and two rear rooflights to the dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Mr John Carter on behalf of the resident at No. 21 objected to the proposed development on grounds of its size which he considered was excessive and would result ruin the area as an Area of Distinctive Residential Character (ADRC). He

added that the proposal which had not identified and addressed the impact on daylighting would result in loss of privacy to the landing of the adjoining resident.

The Area Planning Manager Neil McClellan clarified that the application had been assessed against the guidelines in SPG5 and was considered to be compliant. He added that as the impact on lighting was not to a habitable area, it was not considered significant as to warrant a refusal for that reason.

DECISION: Planning permission granted subject to conditions.

11. 123 Chambers Lane, London, NW10 2RP (Ref: 10/1615)

Erection of a single storey detached outbuilding in rear garden of flat.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

12. Ground Floor Flat, 98 Willesden Lane, Kilburn, London, NW6 7TA (Ref: 10/1314)

Retention of first floor extension to maisonette.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the supplementary report, the Area Planning Manager drew members' attention to representations from one of the objectors through Councillors Arnold and Powney claiming that inadequate period had been allowed between the consultation period and the date of the meeting. He clarified that letters notifying the objectors of the Committee agenda were sent on 10th August 2010 and that the amount of notice given for any planning application was carried out in accordance with the Town & Country Planning (General Development Procedures) Order and the Council's own guidance set out in Supplementary Planning Guidance 2. He added that the consultation process for this and other applications complied with those orders.

DECISION: Planning permission granted subject to conditions.

13. 5B Torbay Road, London, NW6 7DX (Ref: 10/1514)

Addition of rear dormer window and 1 front rooflight to first-floor flat.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Chief Planner confirmed that 3 letters were received as a result of the consultation exercise and that the occupier of 19 Calcott Road to the rear of the site had written to clarify his areas of concern.

DECISION: Planning permission granted subject to conditions.

14. 17 Dennis Avenue, Wembley, HA9 8AZ (Ref: 10/1317)

Conversion of property from a house in multiple occupation (HMO) and 9 self-contained studio flats to 10 self-contained flats, replacement of integral garage door with a new window, installation of 2 front rooflights and provision of 5 off-street parking spaces and refuse storage area to front garden.

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 conditions 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.

Note: Councillor Cummins having declared an interest in this application, withdrew from the meeting room and took no part in the voting or discussion of the application.

15. 29, 30 & 31 Brook Avenue, Wembley, HA9 8PH (Ref: 10/1467)

Demolition of 3 existing dwellinghouses and erection of a part 4-, part 6- and part 7-storey building, comprising 35 flats with private balconies (17 one-bedroom, 14 two-bedroom, 4 three-bedroom), erection of a children's play area to rear, 4 off-street disabled parking spaces to front and associated landscaping to site. Refuse

OFFICER RECOMMENDATION: Refuse planning permission.

The Area Planning Manager Neil McClellan, with reference to the tabled supplementary report drew members' attention to revised plans submitted by the applicant that sought to overcome the reasons for refusal and his responses to them. He however added that as the Highways Engineer had accepted the revised frontage layout refusal reason 3 was no longer applicable and subject to that he reiterated the recommendation for refusal.

DECISION: Planning permission refused.

16. 112 Carlton Avenue West, Wembley, HA0 3QX (Ref: 10/1012)

Demolition of an existing detached side garage and erection of part single and two-storey side and rear extension, installation of rear dormer window, two rear rooflights with associated soft and hard landscaped area to provide 1 off-street car parking space (as amended by revised plans received on 30/06/2010).

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

DECISION: Planning permission granted subject to conditions and informatives.

17. 1-14 INC, Juniper Close, Wembley, HA9 6NY (Ref: 10/1362)

Erection of a 3-storey terrace comprising 15 x 3-bedroom dwellinghouses with associated landscaping, car parking and infrastructure.

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, Neil McClellan addressed a number of issues which Members raised during the site visit. These related to how the S106 contribution towards public open space within the area would be spent, details of the Registered Social Landlord (RSL), the safety of the shared surface for pedestrians without a designated footpath, parking provision for the site and overlooking. In reiterating the recommendation for approval he drew members' attention to amendments in conditions 3 and 6, and additional conditions 9, 10, 11, 12, 13, 14 and 15 as set out in the tabled supplementary report.

In responding to Members' queries the Area Planning Manager stated that any amenity space deficiency would be ameliorated by the additional £20,000 and that a specific condition had been imposed covering sustainability and drainage issues. The Chief Planner clarified that residents would not be allowed to apply for parking permits on event days and that dedicated parking spaces for wheel chair users was included in the scheme. He added that due to site constraints, the proposed development was not as suitable for larger family housing units.

DECISION: Planning permission granted subject to conditions attention to amendments in conditions as amended in conditions 3 and 6, the inclusion of additional conditions 9, 10, 11, 12, 13, 14 and 15 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.

18. SPECIAL ITEM

Members considered this report which dealt with the extensive planning and enforcement history of the extensions to 19 Brook Avenue, Wembley HA9 8PH together with and an update on the current enforcement position. The report was

deferred from consideration at the meeting on 16th March, 2010 for a site visit to enable members to assess the development and objections raised to it and again on 14th April, 2010 following the site visit pending the outcome of an Inspection by the Council's Building Control department.

Mr Mohammad Al-Thiri an objector circulated copies of an independent surveyor's report which he had commissioned to support his claims that despite the works carried out by the applicant, water penetration to the adjoining resident at No. 18 continued and that overhanging was still a major issue. In addition to the detrimental impact on residential amenities, the development was likely to set a precedent for similar undesirable developments.

Ms Paula Saunders in objection expressed similar sentiments adding that the overhang left insufficient width for maintenance resulting in dampness and raising issues of health and safety. She continued that in her view, the officers' report had failed to address the pertinent issues to which the development had given rise.

In accordance with the provisions of the Planning Code of Practice, Councillor HB Patel, ward member stated that he had been approached by the objectors to the development. Councillor HB Patel stated that the applicant had not properly followed the planning regulations and in urging members to seriously consider the independent surveyor's report, he requested either a deferral or refusal of the application.

In accordance with the provisions of the Planning Code of Practice, Councillor Harrison, ward member stated that she had been approached by the objectors to the development. Councillor Harrison echoed sentiments similar to those expressed by Councillor HB Patel.

In responding to the issues raised, the Area Planning Manager submitted the following;

- Minor variations in distance between the properties were not considered a significant variation from the approved plans.
- It was impossible to tell whether the gutter as currently installed was overhanging the boundary or not.
- The Building Control Officer's conclusion was that the gutter and its relationship with the tiles were no longer grounds to suggest contraventions of the building regulations.
- The residents had been advised that the Council's policies normally permitted the conversion of garages provided the front garden area was sufficiently landscaped and designed to accommodate parking for two vehicles.
- The majority of the front garden had been paved over with the exception of a small area of grass under permitted development.
- Planning Enforcement Officers had confirmed that the property was not in use as a House in Multiple Occupation.

In conclusion the Area Planning Manager submitted that the extension and dormer had been built in accordance with the planning permission and were not in breach of planning control. He continued that the gutter was satisfactory and similar to that found on other properties within the street and that the property was being used for their lawful purpose as a single family dwelling. He therefore recommended members to endorse this report and agree that no further planning

enforcement action should be taken at the premises in respect of these particular extensions or its use.

RESOLVED:-

- (i) To note that the part single-storey, part two-storey extension to side and rear of dwellinghouse is considered to have been re-built in accordance with planning permission 99/2269.
- (ii) To note that the dormer window has been built under permitted development and does not require planning permission
- (iii) Agreed that no further planning enforcement action be taken in respect of the above extensions

19. Any Other Urgent Business

At this meeting there were none.

20. Planning Appeals

The Chief Planner gave an overview of the planning appeals made including enforcement appeals and their outcomes.

RESOLVED:-

That the appeals for March to July 2010 be noted.

The meeting ended at 10.00pm

COUNCILLOR RS PATEL
CHAIR

Note: At 8.20pm the meeting was adjourned for 10 minutes.