



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Wednesday, 13 October 2010 at 7.00 pm

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

ALSO PRESENT: Councillor Barry Cheese, Councillor Lesley Jones and Councillor Kana Naheerathan

Apologies for absence were received from Kataria

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

None at this meeting.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 15 September 2010 be approved as an accurate record of the meeting.

3. **14 Heber Road, London, NW2 6AA (Ref. 09/1616)**

Erection of single-storey detached outbuilding in garden of ground-floor flat (14b Heber Road) (as amended by plans received 16/11/2009 and 20/08/2010)

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

In introducing the report, the Area Team Manager Rachel McConnell stated the both proposed outbuilding and the existing shed were of a size commonly seen in residential areas and would cumulatively provide some 20sqm of storage space for a 2 bedroom flat. She added that the plans indicated that the proposed outbuilding would be used for storage however it could be used for other purposes such as a summer house which would also be considered incidental to the enjoyment of the residents of the ground floor flat. The Planning Manager continued that given the size and location of the proposed outbuilding 2m from the rear boundary, it was not envisaged that the building would damage the tree root structure or require significant works to the canopy which overhanged the site.

Members queried whether the building was self contained and if the use of the proposed outbuilding would be incidental to the main building. In the absence sufficient knowledge about the building, Councillor Cummins moved an amendment for refusal. This view was shared by Councillor Adeyeye.

In responding, the Head of Area Planning stated that the proposed use of the outbuilding was indicated to be incidental to the ground floor flat and drew members' attention to condition 4 as set out in the report and reiterated the recommendation after discussion with the Legal Services representative. Members however voted by a majority to refuse the application, contrary to the recommendation for approval.

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

FOR: Councillors Daly, Long and CJ Patel. (3)

AGAINST: Councillors RS Patel, Adeyeye, Baker, Cummins and Hashmi (5)

ABSTENTIONS: Councillors Seth and McLennan (2)

DECISION: Planning permission refused due to insufficient information regarding the internal layout of the ground-floor flat and its relationship with the first-floor flat to allow consideration of whether the outbuilding would be incidental to the enjoyment of residents of the ground-floor flat.

4. 88, 90 & 92 Draycott Avenue, Harrow, HA3 0BY (Ref. 10/1781)

Demolition of 3 detached dwellings, erection of 6 x 5-bedroom semi-detached dwellinghouses and 2 blocks of flats totalling 14 units to rear, comprising 2 x studio, 7 x 1-bedroom and 5 x 2-bedroom flats, with formation of new access road from Draycott Road, parking, cycle and refuse store and associated landscaping as accompanied by Design & Access Statement, Landscape Strategy Report, Affordable Housing Report & Toolkit, Arboricultural Report, Sustainability Checklist, Energy Strategy Revised and Sustainability Statement Revised.

OFFICER RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary report the Area Planning Manager drew members' attention to the list of objections by the Chair of Queensbury Area Residents (QARA) Group of Associations adding that most of them had been addressed in the main report. She clarified that the Head of Transportation did not consider transport assessment a necessity for a site of that size and that previous appeal decisions for substantially more homes had been considered acceptable in transport terms and internal access arrangements.

In re-affirming the recommendation for refusal, Rachel McConnell informed the Committee that as the information submitted by the applicant had failed to demonstrate that the proposed development would meet the relevant policy objectives for sustainable construction and energy provision, sustainability issues would be dealt with through a section 106 legal agreement. She added that the

toolkit submitted by the applicant had provided insufficient evidence to substantiate the applicant's claim that their proposal could not make any viable contribution towards the Borough's affordable housing needs. She continued that the offer of post completion financial appraisal was not acceptable.

Mr Robert Dunwell on behalf of QARA urged members to support the recommendation for refusal but suggested a further reason for refusal on grounds of satisfactory transport assessment.

The Area Planning Manager Rachel McConnell reiterated the recommendation for refusal for the reasons set out in the report.

DECISION: Planning permission refused.

5. 33 Northwick Circle, Harrow, HA3 0EE (Ref. 10/1601)

Rebuilding of side dormer window facing No. 32 Northwick Circle and installation of one rear roof light to dwellinghouse (revised description).

OFFICER RECOMMENDATION: Grant planning permission granted subject to conditions.

DECISION: Planning permission granted subject to conditions.

6. Alleyway rear of 12-30, Princes Avenue, London, NW9 9JB (Ref. 10/1979)

Installation of alleygate running behind land r/o 12-30 Princes Avenue NW9 and r/o 1 Tennyson Avenue 2 Milton Avenue.

OFFICER RECOMMENDATION: Defer the application to enable officers and the contractors to undertake a site survey.

The Head of Area Planning Steve Weeks recommended a deferral of this application to the next meeting to enable officers of the Planning and Environmental Health Units to attend the site with the contractors who would undertake the work and mark exactly where the gates could be positioned. This step would allow a site survey to be undertaken and a more accurate plan produced to ensure members have sufficient accurate information on which to base their decision. A further advantage was that a deferral would allow for a period of re-consultation during which objectors would be able to see where the posts would be, as marked on the ground.

DECISION: Planning permission deferred to enable officers and the contractors to undertake a site survey.

7. 69 Barn Hill, Wembley, HA9 9LL (Ref. 10/1941)

Demolition of existing garage and erection of two storey side extension with integral garage at ground floor, single storey rear extension, basement, rear dormer window and two rooflights (one to each flank roof slope) to dwellinghouse (as per revised plans received on 16th September 2010).

OFFICER RECOMMENDATION: Grant planning permission granted subject to conditions.

DECISION: Planning permission granted subject to conditions.

8. 41-43, Mallard Way, London, NW9 (Ref. 10/1995)

Variation of condition 2 (development to be carried out in accordance with all plans and supporting documents) to allow minor material amendments consisting of:

- Enlargement of lower ground floor footprint to match that of ground floor (as amended by revised plans received 15/09/10) to planning permission reference 08/3405 dated 21/10/09 for demolition of existing rear garage and erection of part two-storey and part two-and-a-half-storey detached dwelling in rear garden of 41 & 43 Mallard Way, NW9, with formation of new vehicular access from Alington Crescent, 2 off-street parking spaces, bin stores and associated landscaping.

OFFICER RECOMMENDATION: Grant planning permission granted subject to conditions.

Mr Mullen an objector urged members to refuse the application on grounds of its impact on scale and character of the original properties.

The Area Planning Manager Rachel McConnell reiterated the changes over the approved scheme and that a separate entrance was not proposed. In her view, the grounds for objection were not material or significant as to warrant a refusal.

DECISION: Planning permission granted subject to conditions.

9. 182 Carlton Vale, 58 & garages rear of 58, Peel Precinct, London, NW6 5RX (Ref. 10/1841)

Erection of a part 6- and part 8-storey building, comprising 50 self-contained affordable flats (15 x 1-bedroom, 19 x 2-bedroom, 12 x 3-bedroom, 4 x 4-bedroom) with 25 basement car-parking spaces and bicycle storage and associated landscaping on site of former Texaco petrol station and garages.

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.

The Area Planning Manager, Andy Bates corrected an error on the map on page 92 of the report adding that enlarged extent of the site area was shown on all documents submitted with the application. In recommending the application for approval he amended the standard contribution clause under S106 details to include 'including potential car club' after 'Sustainable Transport'.

DECISION: Planning permission granted subject to conditions and the completion of a satisfactory Section 106 or other legal agreement such agreement to incorporate reference to a City Car Club and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

10. 45 &45A Torbay Road, London, NW6 7DX (Ref. 10/1711)

Demolition of existing single-storey rear extension and erection of a new single-storey rear extension, single-storey side extension, formation of basement level with rear lightwell and conversion of two self-contained flats into a single family dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission granted subject to conditions.

The Area Planning Manager amended the number of representations received as 36 letters of objection and 2 letters of support.

Ms Suzanna Giner an objector stated that the formation of a basement in particular the rear lightwell, would not only contravene the Conservation Area Guidance but also create an undesirable precedent in the Conservation Area. She added that the proposed development would result in a negative impact due to its proximity to a local primary school. The objector also questioned the future use of the proposed development.

Mr Andy Kershaw the applicant stated that amendment suggested to the scheme essentially in order to protect the character of the area had been carried out. He added that an integral part of the proposed development was to restore the Victorian architecture of the building and enhance the character of the area. Mr Kershaw continued that the construction would be subject to strict building control regulations in order to protect residential amenities.

DECISION: Planning permission granted subject to conditions.

11. 66 Walm Lane, London, NW2 4RA (Ref. 10/2022)

Erection of a new single-storey rear infill extension, installation of a new extraction flue to the rear of the property and retention of air conditioning unit.

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

In accordance with the provisions of the Planning Code of Practice, Councillor Jones, ward member stated that she had been approached by the residents about the proposed development. Councillor Jones stated that as the current use of the property had raised noise abatement issues there was every need for the conditions recommended particularly on noise from the premises, to be tightly monitored.

Mr S Bachceci the applicant stated that he had made changes to the proposal that would minimise noise and visual impact on neighbours, the character and appearance of both the subject property and the surrounding Conservation Area. The changes included a reduction in the height of the extension, enclosed extract flue using insulated cladding that would be finished externally to give the appearance of matching brickwork together with satisfactory technical drawings and noise assessment report.

The Area Planning Manager added that in principle, the positioning of the proposed extract duct was considered appropriate to provide adequate mitigation against noise and odours. He recommended that following the installation of a new extract duct a noise assessment should be carried out to ensure that the system has been installed to comply with the requirements of Environmental Health. He drew members' attention to conditions 3, 4 and 5 on noise, fume extraction, odour control equipment and self closing doors which were aimed at protecting the amenities of residents. The Head of Area Planning also emphasised, and the applicant acknowledged, the need to operate the property without causing a noise nuisance.

DECISION: Planning permission granted subject to conditions and informatives together with an additional condition and informative.

12. Offices 1st, 2nd 3rd Floors, 101A Kilburn High Road and 2A Brondesbury Road London, NW6 (Ref. 10/0491)

Conversion of first, second and third floors into 2 (one studio and one two-bed) self contained flats, with rear terrace at first floor, replacement of first floor rear window with glazed doors and provision of bin store within entrance.

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

The Area Planning Manager, Andy Bates informed the Committee that in response to concerns expressed by an objector from Addison Court an additional condition on bin storage and an informative on access rights were recommended for the grant of planning permission.

DECISION: Planning permission granted subject to conditions to include a condition on bin storage , informatives to include access rights 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 Solicitors..

13. 27 Carlisle Road, Kilburn, London, NW6 6TL (Ref. 10/1647)

Erection of single-storey rear and side extension to ground-floor flat.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

14. Desi Dons Public House and Function Room, 86 East Lane, Wembley, HA0 3NJ (Ref. 10/1756)

Demolition of detached store, erection of a 4-storey rear extension comprising stairwell and access lift, side extension at second-floor level, installation of 9 rooflights to side elevations, 1 rooflight to rear elevation, creation of 8 self-contained flats at first-, second- and third-floor level, provision of 12 off-street parking spaces, a refuse-storage area, cycle-storage area and associated landscaping to site (as amended by plans dated 29/09/2010).

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 and, 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.

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 and, 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.

15. 86 East Lane, Wembley, HA0 3NJ (Ref. 10/2050)

Installation of ATM machine to front elevation of former public house.

OFFICER RECOMMENDATION: Planning permission granted subject to conditions.

DECISION: Planning permission granted subject to conditions.

16. 86 East Lane, Wembley, HA0 3NJ (Ref. 10/2083)

Advertisement consent is sought for the installation of 2 externally illuminated fascia signage to ground floor of building facing East Lane, 1 externally internally illuminated fascia signage to ground floor facing Peel Road and 1 non-illuminated sign to first floor of building (facing Peel Road).

OFFICER RECOMMENDATION: Planning permission granted subject to conditions.

DECISION: Planning permission granted subject to conditions.

17. 86 East Lane, Wembley, HA0 3NJ (Ref. 10/2085)

Installation of plant equipment and associated brick enclosure to side of existing building.

OFFICEER RECOMMENDATION: Planning permission granted subject to conditions.

The Area Planning Manager drew members' attention to an additional condition on details of exterior lighting as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions and an additional condition requiring details of exterior lighting.

18. 86 East Lane, Wembley, HA0 3NJ (Ref. 10/2087)

Replacement of entrance doors, installation of 2 bollards to front elevation and widening of existing door to side elevation of building.

OFFICER RECOMMENDATION: Planning permission granted subject to conditions.

The Area Planning Manager drew members' attention to an amendment to condition 2 as set out in the tabled supplementary report.

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

19. 86 East Lane, Wembley, HA0 3NJ (Ref. 10/2100)

Installation and display of 4 external signs to car park, consisting of 1 gantry sign facing East Lane (externally illuminated), and 3 x non-illuminated "Euro parking" signs in car park (as amended by plans received on 24/09/2010).

OFFICER RECOMMENDATION: Planning permission granted subject to conditions.

DECISION: Planning permission granted subject to conditions.

20. 284 Ealing Road, Wembley, HA0 4LL (Ref. 10/2238)

Change of use from shop (Use Class A1) to betting office (Use Class A2).

OFFICER RECOMMENDATION: Planning permission granted subject to conditions.

Mr Davda the owner of the adjoining pharmacist shop objected on the grounds that an additional betting shop in the vicinity would materially alter the character of the area given the anti-social behaviour and opportunities for crime commonly associated with betting shops. He continued that the betting shop use would have a detrimental impact on his pharmacy business. Mr Davda added that the concerns he had expressed were equally shared by other residents, businesses, local residents and the local primary school.

Mr Christopher Miller an employee of the applicant speaking in support of the application stated that the concerns expressed by the objector related to licensing matters rather than planning. He added that the applicant, mindful of the possible impact would ensure that adequate constraints and measures were put in place to preserve amenities.

In response to questions by Councillor Long about the applicant's policy on patrons congregating outside the betting shop, Mr Miller stated that although the applicant had no such a policy nor could not exercise control outside the shop, it operated a strict control to prevent anti-social behaviour. He added that although smoking was not allowed inside the premises, food and drink were allowed.

In responding to concerns raised, the Area Planning Manager, Neil McClellan stated that noise and anti-social behaviour were matters for the licensing Committee and the police, adding that there were no policy basis for refusing the application. The Head of Area Planning added that without evidence fear of crime could have limited weight in considering the planning application, adding added that concerns about litter would be addressed through the Council's Streetcare unit.

DECISION: Planning permission granted subject to conditions.

21. Alperton House, Bridgewater Road, Wembley, HA0 1EH (Ref. 10/1631)

Change of use of first, second, third, fourth and fifth floors of building to a mixed use as an office (Use Class B1: business) and non-residential institution (Use Class D1: non-residential institutions - education and training centres).

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 and, 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.

With reference to the tabled supplementary report, the Area Planning Manager informed the Committee that additional objections raised to the application as set out in the supplementary were largely building-management and health & safety matters. He reported that as the applicant's notice served on all occupiers of the building would not have lapsed by the date of committee he requested Members to delegate authority to the Director of Environment and Culture or other duly authorised person to consider any comments raised within the 21 day period, and to approve the proposal subject to no new material considerations being raised that have not already been considered by members. In respect of the Travel Plan the Area Planning Manager recommended that the type/ level of Travel Plan and associated responsibilities for the building owner/ occupants be resolved through appropriately worded section 106 legal agreement.

Mr Diamond the applicant's agent stated that mixed use consent already existed for the property and that the current applicant sought to widen that existing consent so as to be able to get full use of the property. He was confident that

regulatory issues raised by some objectors would be complied with. In response to a question about how the applicant intended to upgrade facilities including those for the disabled, Mr Diamond stated that although there were no specific parking bays for the disabled, there were dedicated toilets within the building and that the lifts had all been adapted to accommodate all forms of disability. Furthermore, a satisfactory Fire Engineer's occupancy report had been carried out in addition to regular monitoring of health and safety and fire procedures.

In reiterating the recommendation for approval, the Head of Area Planning added a further condition requiring the applicant to submit details of disabled persons' parking and toilets. He advised that as the consultation period had not expired, delegated authority could be granted to the Director of Environment and Culture to grant planning permission if no further material objections are received after 13 October 2010.

DECISION: Delegated to the Director of Environment and Culture to grant planning permission if no further material objections are received after 13 October 2010 as the consultation period had not yet expired and subject to conditions including additional condition requiring further details to be submitted on disabled parking and toilets, 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 and, 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.

22. 91 Sudbury Court Drive, Harrow, HA1 3SS (Ref. 10/2366)

Erection of side dormer and rear dormer roof extensions in addition to extensions already permitted under 10/0854: to convert garage into habitable room, erect single-storey rear, single-storey side and 2-storey side and rear extensions to dwellinghouse and alterations to frontage.

OFFICER RECOMMENDATION: Planning permission granted subject to conditions.

The Area Planning Manager drew members' attention to an amendment to condition 2 as set out in the tabled supplementary report.

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

23. Play Area at the junction of Pitfield Way & Henderson Close, Henderson Close, London, NW10 (Ref. 10/1980)

Relocation of existing playground and erection of a part 3- and part 4-storey block comprising 4 self-contained maisonnettes and 2 dwellinghouses, with provision of private amenity space to rear and associated landscaping to site, parking on southern side of Pitfield Way and alterations to existing parking area adjacent to Nos. 56-64 Lilburn Walk and 46 Henderson Close, and works to re-open Henderson Close to Pitfield Way involving the removal of existing bollards and installation of a "speed table".

OFFICER RECOMMENDATION: Defer to allow further discussions between the applicants and ward Councillors and local residents.

DECISION: Deferred to allow further discussions between the applicants and ward Councillors and local residents.

24. Boiler Room next to 65, Besant Way, London NW10 (Ref. 10/2076)

Demolition of a single-storey building and erection of a part 3- and part 4-storey building comprising 6 self-contained flats (4 one-bedroom & 2 two-bedroom), with new pedestrian access, provision of off-street car-parking, bin store and associated landscaping.

OFFICER RECOMMENDATION: Defer to allow further discussions between the applicants and ward Councillors and local residents.

DECISION: Deferred to allow further discussions between the applicants and ward Councillors and local residents.

25. Land next to 10, Tillett Close, London, NW10 (Ref. 10/2075)

Construction of 5 x 3-bedroom dwellinghouses on hardsurfaced area of Public Open Space with associated landscaping, car-parking and refuse and cycle storage.

OFFICER RECOMMENDATION: Defer to allow further revisions to the design and layout of the scheme.

DECISION: Deferred to allow further revisions to the design and layout of the scheme.

26. Planning & Enforcement Appeals August 2010

Following an introduction by the Head of Area Planning, the Committee;

RESOLVED:-

That the planning and enforcement appeals, August 2010 be noted.

27. Any Other Urgent Business

None.

The meeting ended at 9.10pm

RS PATEL
Chair