



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday, 24 November 2010 at 7.00 pm

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

1. Declarations of personal and prejudicial interests

Agenda item 11 – 1-20 inc. Garfield Court, Willesden Lane NW6

Councillor Long declared a personal interest as a member of the Board of Brent Housing Partnership, withdrew from the meeting room during its consideration and took no part in the discussion and voting.

2. Minutes of the previous meeting - 2 November 2010

RESOLVED:-

that the minutes of the previous meeting held on 2 November 2010 be approved as an accurate record of the meeting.

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

PROPOSAL: Installation of alleygate running behind land r/o 12-30 Princes Avenue NW9 and r/o 1 Tennyson Avenue & 2 Milton Avenue (Revised plans received on 18/10/10).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the supplementary report tabled at the meeting the Area Planning Manager, Rachel McConnell clarified that it was the Council had legal powers to recover the cost of removal from the fly-tipper or the owners of adjacent properties. She added that the proposal outlined in the main report was considered to be the best solution to prevent unauthorised access to the alleyway and safeguard amenities.

Mr Karseras an objector reiterated his objections to the proposed location of the alleyway gate as he felt that the area from the foot of the alleyway to the gate (some 9.5metres) would be unprotected and thus encourage fly tipping and anti-social behaviour. He suggested an alternative proposal involving the erection of the gate at the foot of the alleyway and next to the low garden wall of 1 Tennyson Avenue. Mr Kaseras urged the Council to provide adequate funds for his suggested proposal which he felt would serve a dual purpose of preventing fly-

tipping and anti-social behaviour as well as enabling him to use his garage without obstruction.

Mr Parvez, Secretary of the local Residents' Committee speaking in support of the application highlighted problems with fly-tipping of household rubbish in the alleyway which was denying some residents including himself, access to their garages. In addition the current situation of the alleyway remained an eyesore and detrimental to residential amenities. Mr Parvez concluded that the erection of the gate would be a positive deterrent to the key issue of fly-tipping in the alleyway.

The Head of Area Planning, Steve Weeks reiterated the view that the experience elsewhere indicated that the location of the gate was less critical in deterring fly-tipping but that there was neither an objection on Planning or Highways grounds to moving it nearer to the pavement. The critical issue was whether there was a need to both fly-tipping and anti-social behaviour in the alley. If anti-social behaviour was less of a problem then there may not be a need for additional fencing if the gate was moved forward. He suggested that the exact location of the gate be delegated to him once the key aim had been clarified. At the start of members' debate, Councillor Baker suggested a site visit in order to assess the situation which was put to the vote and declared lost.

DECISION: Planning permission granted in principle subject to conditions and delegated the decision on the exact location to the Head of Area Planning after consultation with local residents.

4. 1-3 The Mall, Harrow, HA3 (Ref 10/2365)

PROPOSAL: Variation of condition 2 (development to be carried out in accordance with plans) of full planning permission 09/2650 dated 18th March 2010 for 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 (as amended by plans received 04/03/2010 and 15/03/2010) to allow minor material amendments to:

- (i) take account of ground levels, including raised windows and lowered central block;
- (ii) increase height of arch over the northern service access road; and
- (iii) alter window and door widths and arrangement of mullions

as amended by plans received 11/11/10.

OFFICER RECOMMENDATION: Vary condition 2 of full planning permission 09/2650 dated 18th March 2010 as proposed.

The Area Planning Manager, Rachel McConnell with reference to the tabled supplementary report informed the Committee that revised plans had been received which updated the external works to reflect the details approved pursuant to conditions of the original planning permission 09/2650. In view of this she suggested an amendment to condition 2 as set out in the supplementary report. She continued that there were some minor points outstanding which related to the planting scheme and which was expected to be resolved by 30 November 2010.

DECISION: Planning condition 2 of full planning permission 09/2650 dated 18th March 2010 be varied as proposed and as amended in condition 2 in respect of the plan numbers.

5. 163 Melrose Avenue, London NW2 4NA (Ref 10/2511)

PROPOSAL: Erection of single storey side and rear extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Mr Mohammed Mughal the applicant stated that the original application had been revised in light of the next door neighbour's comments and officers' advice. In urging the Committee for approval, he pointed to numerous precedents that existed in the area.

The Head of Area Planning Steve Weeks added that the relationship of the side and rear extensions with the neighbouring property was acceptable and complied with the guidance in Supplementary Planning Guidance note 5 (SPG5)

DECISION: Planning permission granted subject to conditions.

6. 1-21 inc and garages at rear, Oman Court, Oman Avenue, London NW2 (Ref 10/2012)

PROPOSAL: Erection of single-storey roof extension to form five-storey building to provide 4 additional self-contained flats (1x 3-bedroom and 3 x 2-bedroom), enlarged refuse-storage area, alterations to parking layout, cycle-storage area to front and associated landscaping to site (revised plans received on 26/10/ 10).

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning, or other duly authorised person, to agree the exact terms thereof on advice from the Director of Legal & Procurement.

With reference to the tabled supplementary, the Area Planning Manager, Rachel McConnell addressed the following issues raised by objectors:

i) Parking

The use of double yellow lines in some sections to control parking in Oman Avenue, the availability of at least one off-street parking bay for every house and

the existence of on-street parking bays by Oman Court meant that over-spill parking in Oman Avenue could be reasonably accommodated on-street.

(ii) *Servicing and Bin storage*

The existing ad-hoc arrangements would be formalised whilst removing and landscaping the existing unused bin store thus making them proportionate to the requirements of the application for four flats. Whilst condition 8 requiring further details of bin stores had been amended to include reference to Household Waste Collection Strategy, full compliance could not be imposed retrospectively on the existing 23 flats. She reported that the Streetcare department had confirmed that they would require two sets of keys to the gates to ensure access to the site by the Council's recycling and refuse crews. In order to reflect that, a new informative and an amendment was suggested to condition 11 (further details of gates).

(iii) *Visual impact*

The chimneys would be extended and thus their utility and their visual impact would be maintained. It would be the responsibility of the freeholder of the building to agree with the existing and future residents if the chimneys were to be operational.

Rachel McConnell continued that other issues raised by objectors in respect of the structural integrity of the building, flooding/drainage and the re-surfacing of the entire car park area had been addressed in the main report, although they were not matters which could be considered when determining a planning application.

Mr Dominic Connelly objected to the proposed development on the following grounds;

- (i) Inadequate provision for parking in an already heavily parked street.
- (ii) Overlooking and loss of privacy.
- (iii) The symmetrical character of the building would be affected.
- (iv) An additional further storey to be added to the existing building would pose an increased risk to its structure.
- (v) Loss of vegetation.

Mr Robert Dunwell objected to the proposed development on the grounds that it failed to address the requirements of the Council's Household Waste Strategy which he submitted was adopted by Executive for implementation on 15 November 2010. In his view, the application did not meet the requirements on floor space, internal and external storage. Mr Dunwell therefore urged members to refuse the application and seek legal advice regarding the status of the Household and Waste Strategy.

Mr Martin Saluzzo informed the Committee that the application had been extensively revised in respect of roof design, height and bulk of the building using matching materials. He added that the refuse storage area had been agreed in light of officers' advice and that the proposal incorporated additional satisfactory parking spaces. Mr Saluzzo continued that security would be improved by erecting a gate to the rear, the flat roof comprehensively repaired and soft landscaping introduced.

The legal representative advised that the application ought to be considered with regards to current strategies and policies reiterating the view expressed by the Head of Area Planning that the recently adopted Household Waste Strategy could not be applied as a planning policy requirement but that it was a material consideration as to the future direction of Council policy.

DECISION: Planning permission granted subject to conditions as amended in conditions 8 and 11 and the addition of informatives.

7. 55 The Paddocks, Wembley HA9 9HG (Ref 10/2300)

PROPOSAL: Demolition of side garage, erection of a two storey side to rear extension and rear dormer window to dwellinghouse as revised by plans received 28/10/2010.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

8. Melrose House, 201 Melrose Avenue, London NW2 4NA

PROPOSAL: Variation of condition 3 of planning permission reference 07/2019 dated 04/10/2007 (development to be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted) to allow minor material amendments, comprising:

Alterations to elevations including resizing, repositioning and removal of windows at all floors (ground to fifth)

Replacement of boundary wall alongside 199 Melrose Avenue with Armco Barrier with Escallonia "Red Hedge" in front, extending rear garden of 199 Melrose Avenue and omitting some planting.

OFFICER RECOMMENDATION: Grant variation of planning condition 3 as proposed.

DECISION: Planning condition 3 of permission reference 07/2019 varied as proposed subject to conditions.

9. 39 Summit Avenue, London NW9 0TH (Ref 10/2349)

PROPOSAL: Erection of part single part two storey rear extension to dwellinghouse, new vehicular access fronting Summit Avenue and erection of an end of garden home office (revised description).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager Rachel McConnell advised the Committee that an additional comment from a neighbour about the maintenance of their boundary was a civil rather than planning issue and could not therefore be considered as part of this application. In recommending conditional approval she drew members' attention to an amendment to condition 6 as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions as amended in condition 6.

10. Thames Water Utilities, St Michael's London NW2 6XD (Ref 10/2247)

PROPOSAL: Development to provide 25 dwellings, comprising a three-storey building fronting St Michaels Road (11 x 1-bedroom, 7 x 2-bedroom, 1 x 3-bedroom flats), a two-storey terrace to the rear (2 x 2-bedroom, 4 x 4-bedroom houses), with 16 car-parking spaces, 25 bicycle spaces, associated hard and soft landscaping and provision of a vehicular crossover on land adjacent to the pumping station and Thames Water utilities site.

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

In her introduction the Area Planning Manager Rachel McConnell referred to concerns raised by Councillor Choudary at the site visit, additional objections from local residents and a petition with approximately 180 signatories details of which were set out in the tabled supplementary and mostly covered in the reports. She then submitted responses to the following concerns which had not been previously addressed in the main report:

Highway Safety and Parking

The revisions to the layout could ensure 16 parking spaces on the site. In addition a condition would be attached requiring the submission of a revised parking layout and alterations to the front boundary. This would require the re-positioning of the front gate to allow for two car lengths of space for vehicles entering the site, so as to reduce the likelihood of vehicles waiting on the road. The Council's Highways Engineer and the Transport Consultants had advised that the proposed vehicle movements associated with the proposed development were not considered to be likely to have a detrimental impact on highway safety during these times.

Density

The applicants had advised that there would be 73 habitable rooms within the development, not 79 as stated in the main report, thus resulting in an overall density of 228hrh and 79 units per hectare.

Relationship of the flats with the Listed Church

The proposed flats were considered to be subservient to the Grade II listed church and were therefore not considered to detract from its setting. The design was considered appropriate in the local area.

Prospective Residents

The applicant had confirmed that the proposed scheme which would be fully affordable housing (shared ownership units and social rent accommodation) would not provide housing for young offenders. She continued that all the units would be allocated in accordance with the West London funding arrangements, providing new homes of particular benefit to those who are unable to afford standard market valued homes in the area.

Disturbance of Bats

Although a condition had been attached requiring a lighting strategy for the site, the ecological consultants for the site had confirmed that there had been only one official recorded sighting of a bat within 730m from the site.

Removal of existing Landscaping next to Japanese Knotweed areas.

The removal of the existing landscaping in the areas of the Japanese Knotweed was considered to be the most effective means of complete removal of Knotweed infestation.

Loss of view

The loss of a view is not a material planning consideration when deciding a planning application however the visual amenity of the existing landscaping on the site is a consideration. This has been discussed in the landscaping section of the main report.

Future of Water Supply

Thames Water had no plans to cease the operation of the water pumping station. In addition as they had put in place appropriate measures to safeguard water supply without restricting access, the proposed development would not have a detrimental impact on the operation of the pumping station.

Mr Adam Cook speaking on behalf of the St Michaels Road Area Neighbourhood Association claimed that the map attached to the report was inaccurate. Mr Cook added that the proposal did not seek to address the need for increased visibility to the bend and that the contribution under the section 106 legal agreement did not also make any reference to the Local Area Agreement. He continued that in order to ensure that prospective tenants were not young offenders or socially challenged, he requested that constant liaison with the applicant was necessary. Mr Cook requested that trees removed should be replaced with similar ones.

Judith Hirson an objector expressed concerns about the lack of bat survey as part of this application and the harm which she felt would result by lighting and during construction. Ms Hirson continued that according to the Royal Horticultural Society guidance, residual amenity and the townscape of the site would be detrimentally affected and consequently requested that the plans be modified to allow for satisfactory townscape. In response to a member's question on on-street parking, Ms Hirson stated that residents of St Michaels Road were suffering from displacement parking from the residents of nearby streets which had controlled parking zones provisions.

The applicant's agent, Linda Aitken re-confirmed that the last recording sighting of bats on the site dated to 1975. She admitted that some trees had been removed but this was done as part of the remediation of the site prior to the imposition of the Tree Preservation Order (TPO). Linda Aitken continued that transport assessment for the proposal had confirmed the availability of a significant on-street parking. She concluded that the final scheme which would involve only 2-3 storey building had been arrived at as a result of extensive consultations with all interested persons.

In response to members' question Ms Aitken stated that the development was to be gated in response to a request by local residents. She continued that acoustics and vibration assessment had been conducted and the appropriate mitigating materials were to be used to ensure that the proposal complied with noise standards. Ms Aitken informed members that her client understood that there was no intention for intensification of use of the railway line. In respect of parking for disabled persons she stated that the Borough Engineer had confirmed that the spaces provided for disabled persons parking (2) were adequate and that access and egress for emergency vehicles was satisfactory.

In the ensuing discussion, Councillor Hashmi stated that as the street was heavily parked, close to a local school, nursery and a church and that the building would be out of character with the area, he would not support the application. Councillor Kataria expressed a similar on grounds of under-provision of parking on the site. Councillor Long felt that the traffic problems that could result from the proximity of the site to a school were not dissimilar to other sites in the Borough which were also near to schools. Councillor Cummins sought a confirmation on whether the prospective tenants were likely to be young offenders from 'Feltham' thus making the use institutional as had been indicated by some residents who signed a petition of objection.

In responding to the above, the Head of Area Planning Steve Weeks stated that the applicant had clarified that the tenants would not compromise of young offenders. He added that a significant on-street parking was available on St Michaels Road. He took note of the fact that some motorists were using St Michaels Road as a "rat-run" and undertook to inform the Head of Transportation for a review of that situation.

DECISION: Planning permission granted subject to amended conditions, the need for additional details on sound insulation and to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement and the need for additional details on sound attenuation.

11. 1-20 inc Garfield Court, Willesden Lane, London NW6 7SZ (Ref 10/2594)

PROPOSAL: Installation of replacement white-powder-coated-aluminium-framed, double-glazed windows to 20 flats.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

12. 71, 71a, 73, 73a, 75 and 75a Chevening Road, London NW6 (Ref 10/2665)

PROPOSAL: Extension to time limit of planning consent nos. 07/2086 and 07/2090, granted on 14/02/2008 and 17/10/2007 respectively, for demolition of existing building, erection of single-storey and 3-storey building comprising 12 self-contained flats consisting of 6 x one-bedroom flats, 5 x two-bedroom flats and 1 x three-bedroom flats, formation of new pedestrian access, provision of landscaping (private and communal gardens), cycle store and refuse/recycling store (as accompanied by Design & Access Statement, Planning Statement, Sustainability Checklist, Noise & Vibration Report), subject to a Deed of Agreement dated 24/01/2008 under Section 106 of the Town and Country Planning Act 1990 (as amended).

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

In reiterating the recommendation for approval, the Area Planning Manager Rachel McConnell advised members that conditions 13 and 14 were no longer required and therefore recommended their removal.

DECISION: Planning permission granted subject to conditions, the removal of conditions 13 and 14 and to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

13. 95 Chatsworth Road, London NW2 4BH (Ref 10/1639)

PROPOSAL: Erection of a ground and 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 and delegate to the Head of Area Planning to agree details of gutting.

14. 99b Brondesbury Road, London NW6 6RY (Ref 10/1797)

PROPOSAL: Change of use of ground-floor property (D1 use) to 1 self-contained flat and erection of a single-storey rear extension.

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

DECISION: Planning permission granted subject to conditions as amended in condition 3, the applicant's contribution of £6,000 as a unilateral agreement and to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

15. 101a and 101b Chatsworth Road, London NW2 4BH (Ref 10/2527)

PROPOSAL: Demolition of an attached garage and erection of proposed two-storey side and single storey rear extension to the ground-floor and first-floor flats.

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

DECISION: Planning permission granted subject to conditions and informatives and delegate to the Head of Area Planning to agree details of gutting.

16. 17 Heathfield Park, London NW2 5JE (Ref 10/2445)

PROPOSAL: External alterations including replacement of cast iron central window and 2 feature windows to front elevation, bricking up of 6 windows to western elevation, rendering of building and installation of ramp to front access.

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

DECISION: Planning permission granted subject to conditions and informatives.

17. 75 St Augustine's Avenue, Wembley HA9 7NU (Ref 10/2267)

PROPOSAL: External alterations including replacement of cast iron central window and 2 feature windows to front elevation, bricking up of 6 windows to western elevation, rendering of building and installation of ramp to front access.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

18. Land Adjacent to South Way, Wembley

PROPOSAL: Certificate of Appropriate Alternative Development for land adjacent to South Way, Wembley, Middlesex.

OFFICER RECOMMENDATION: Grant planning permission for the alternative form of certificate subject to conditions.

In his introduction, the Area Planning Manager Neil McClellan informed the Committee that the report dealt with three applications submitted on behalf of Network Rail and RE International (UK) Ltd for Certificate of Appropriate Alternative Development for land they once owned adjacent to South Way, Wembley, Middlesex. The land was compulsorily purchased by the London Development Agency (LDA) five years ago in order to facilitate the construction of the White Horse Bridge and the South Way marshalling area. With reference to the tabled supplementary report, Neil McClellan clarified the affordable housing and the justification for the education and highways contributions.

The applicant's agent Mr Tony Tapleys whilst accepting the logic behind the officer's recommendation requested a reduction on the contributions for the affordable housing and education.

At the start of members' discussion, Councillor Kataria questioned why there was no reference to housing development in Policy WEM 3 and although the Area Planning Manager pointed out that this was covered under Policy WEM4, Councillor Kataria requested a site visit. This was voted upon and declared lost.

DECISION: Agreed the alternative form of certificate as recommended by officers in the Committee report subject to amendments and clarifications to the conditions, the removal of condition 14 and subject to a section 106 Heads of Terms as set out in the supplementary report.

19. Planning Appeals October 2010

Following an introduction by the Head of Area Planning which highlighted the issues raised in appeals allowed, the outcome of overturned recommendations and overall appeal performance, the Committee;

RESOLVED:-

That the appeals for October 2010 be noted.

20. Any Other Urgent Business

None raised at this meeting.

The meeting ended at 9.15pm

RS PATEL
CHAIR