

## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE Wednesday, 4 November 2009 at 7.00 pm

PRESENT: Councillors Kansagra (Chair), Powney (Vice-Chair), Baker, Cummins, Hashmi, HM Patel and Thomas

ALSO PRESENT: Councillors Crane, Dunn, Dunwell, Gupta and Mistry

Apologies for absence were received from Councillors Hirani, J Moher and R Moher

#### 1. **Declarations of Personal and Prejudicial Interests**

Councillor Hashmi declared an interest as a Brent Housing Partnership Board member in respect of item 10, 1-82 Inc, Landau House and was not present to consider and vote on this application.

#### 2. **Minutes of the Previous Meetings Held on 13 October 2009 and 21 October 2009**

RESOLVED:-

- (i) that the minutes of the previous meeting held on 13 October 2009 be approved as an accurate record of the meeting
- (ii) that the minutes of the meeting held on 21 October 2009 be approved as an accurate record of the meeting.

#### 3. **37 Geary Road, London, NW10 1HJ (Ref. 09/1962)**

09/1962 Erection of a two-storey side extension to the dwellinghouse (as amended by plans received 02/10/2009).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Andy Bates (Planning Manager) advised that due to a number of issues raised during the site visit, that this application was being deferred to address the concerns that had been raised.

DECISION: Application deferred to allow for further investigations into the issues raised at the Members' site visit.

#### 4. **Public Convenience, Victoria Road, London, NW6 (Ref. 09/0968)**

09/0968 Change of use of public convenience to staff office for street cleaning operatives (Sui Generis) and alteration to the layout of doors and windows.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Andy Bates drew Members' attention to the supplementary information circulated at the meeting, including a further representation from Councillor Arnold and confirmation from Environmental Health and StreetCare that they had no record of any complaints from residents with regard to Veolia's operation within the adjacent underground car park on Victoria Road.

Al Forsyth, a local resident, stated that a consultant employed by the Council had reported to Asset Management that the site was situated within a site that could potentially be suitable to provide housing and that it had been identified as a major opportunity site. He felt that a masterplan needed to be provided for the whole site, adding that he did think it prudent to dispose of the small parcel of land upon which this site was located because of its potential. Al Forsyth stated that the present building should be removed and that the curtilage was attracting litter. In reply to a query from the Chair, Al Forsyth stated that he understood that the applicant, Veolia, was not interested in a short term lease arrangement.

**In accordance with the Planning Code of Practice**, Councillor Dunn stated that he had been in contact with Veolia and Al Forsyth and that he was a ward councillor for where the site was located. Councillor Dunn stated that the site had remained in its present state for some time and that the working conditions for Veolia staff were currently inadequate, with no changing or storage facilities. He suggested that the application would improve conditions for staff and enable them to provide an improved service, whilst the other 2 potential sites that had been explored were not feasible. Councillor Dunn said he had no objection to the use proposed and that he had not received any complaints from residents objecting to this use.

During discussion, Councillor Thomas, in acknowledging that the site was within a wider site which had potential for regeneration, felt that it would not be appropriate to approve this application. Councillor Cummins enquired whether it was possible to grant a temporary lease in view of the site's potential. Councillor Powney remarked that Veolia were already 2 years into its 7 years waste and recycling contract with the Council, and that this should be taken into consideration if a temporary lease was to be agreed.

In reply to the issues raised, Andy Bates advised that Veolia were attempting to secure a long term lease of the site and that granting permission for this site would not exclude future planning applications. Steve Weeks (Head of Area Planning) stated that he understood the lease was for 7 years and that a longer term temporary planning consent could be considered. Asset Management could also consider whether to lease the site as opposed to offering it as a freehold.

Members then agreed to Steve Weeks' suggestion that planning permission be granted for temporary period, the length of which to be delegated to officers and to reflect the lease arrangements. Members also agreed to the Chair's suggestion that the reason for providing temporary permission be due to the site's location within a major opportunity site which may be required for different uses in the future.

DECISION: Planning permission granted for a temporary period the length of which to be delegated to officers and to reflect the lease arrangements, due to the site's location within a major opportunity site which may be required for a different use/s in future and subject to conditions.

**5. 2A Preston Way and 283-287 odd, Preston Road, Harrow (09/2136)**

09/2136 Demolition of 4 existing dwellings and erection of a two-, three- and four-storey building to provide 33 flats (17 one-bedroom, 10 two-bedroom and 6 three-bedroom) and a basement car-park, with formation of new vehicular access from Preston Way, associated services and landscaping.

OFFICER RECOMMENDATION: Refuse planning permission.

Andy Bates drew Members' attention to the supplementary information circulated at the meeting and in particular further objections that had been received, additional comments and an amendment to reason for refusal number 2.

David Pearson, in objecting to the application, confirmed that he was a resident in Preston Way and a member of Preston Amenity Protection Allocation (PAPA). He objected to the application on the grounds of excessiveness of scale, obscuring the view of dwellings to the rear of 281 Preston Way and that it would generate excessive traffic along a road that was already difficult to navigate, particularly in respect of the vehicles visiting shops in the area that used the exit of the road to turn.

Bill Kemp, in objecting to the application, confirmed that he was representing the views of PAPA as its' Chair and of local residents. He objected to the application on the grounds of excessive height, density, appearance and because it would be out of character with the area.

Frederick Akufo, the applicant's architect, circulated photographs to Members upon the agreement of the Chair. Frederick Akufo stated that an earlier application had been withdrawn to address concerns in respect of access to block B, the appearance of the flank wall on the western part of the site and the quality of the amenity space. The new application included a reduction of the flank wall from 3 to 2 storeys and an increase in the amenity space area. Frederick Akufo acknowledged that the canopy feature was still a concern, however he advised

that this could be removed from the plans. He asserted that the issues raised by residents for this application had not been received until after the application had been submitted. Frederick Akufo requested that the Committee defer the application so that the issues raised could be addressed through discussions with officers and residents.

Members considered that a deferral was not appropriate and accordingly the application was refused.

DECISION: Planning permission refused as amended in reason 2 as set out in the supplementary information.

## **6. 2 Highfield Avenue, London, NW9 0PA (09/1880)**

09/1880 Retention and completion of single storey side and rear extension to dwellinghouse.

OFFICER RECOMMENDATION: Refuse planning permission.

Steve Weeks drew Members' attention to the supplementary information circulated at the meeting and confirmed that the application had been withdrawn. He referred to the applicant's comments made at the site meeting and to a letter received from Barry Gardiner MP.

Mr Vikaria, the applicant, stated that an earlier application that had been approved could not be carried out due to a number of impracticalities. He asserted that there was a 400mm discrepancy with regard to the measurement of the slopes within the rear garden. He felt that the application was acceptable and that Members should be minded to approve it, had it not been withdrawn.

**In accordance with the Planning Code of Practice**, Councillor Crane confirmed that he had been approached by local residents in respect of this application and that he was a ward councillor for where the site was located. He stated that although there had already been planning consent from an earlier application, works could not be undertaken due to the steepness of the slope. Having visited the site, Councillor Crane stated that a variation between the internal height of the ceiling and where the floor level had been a particular issue. He stated that he would have considered the application acceptable, providing that the applicant discussed with residents the possibility of removing the proposal concerning the side window.

The Chair commented that the applicant should consider the suggestions made by officers in the report before making any further applications.

DECISION: Minded to refuse the application had it not been withdrawn.

**7. 110-118 inc, Kilburn Square, London, NW6 6PS (09/0410)**

09/0410 Re-modelling of existing 9 second- and third-floor maisonettes into 18 new self-contained flats, two-storey front extension with new bridge, walkway and ramps to provide access, third-floor extension on top of stairs at front, new entrance and bin store doors at side with new glass canopy.

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.

Andy Bates drew Members' attention to the deletion of condition 7, an additional informative and an amendment to point (b) of the Heads of Terms of the Section 106 Agreement as set out in the supplementary information circulated at the meeting. He also highlighted the reasons why Councillor Dunn's suggestion of a financial contribution towards community space be included in the Section 106 agreement was not appropriate as the scale of the development did not justify the contribution, however the amendment to the Heads of Terms would be used to help improve facilities in this locality.

**In accordance with the Planning Code of Practice**, Councillor Dunn confirmed that he had been in contact with both the applicant's architect and local residents in respect of this application and that he was a ward councillor for where this site was located. Councillor Dunn stated that he understood through discussions with the applicant's architect that there it was intended to provide infilling on the 1<sup>st</sup> floor aspect facing Kilburn High Road and therefore he sought confirmation of how many units were ultimately proposed and would this have a major impact in terms of the scale of the development. He commented that otherwise he was in favour of the application as it represented an improvement to the present condition of the site.

In reply, Andy Bates advised that no proposals had been received with regards to the front aspect of the site referred to by Councillor Dunn, however he was aware that the applicant's architect was considering the possibility of additional flats. The applicant had been encouraged to submit a more comprehensive scheme, however they had chosen to take a more piecemeal approach. Andy Bates advised that any additional units would mean that more affordable housing would need to be provided and he drew Members' attention to point (e) of the Heads of Terms of the Section 106 agreement which stated that a previous planning consent for Kilburn Square could not be implemented if this application was approved.

DECISION: Planning permission granted subject to conditions, deletion of condition 7, an additional informative and on the completion of a satisfactory Section 106 as amended in the Heads of Terms as set out in the supplementary information or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

**8. 50A & 50C, Cavendish Road, London, NW6 7XP (Ref. 09/2099)**

09/2099 Conversion of garage into habitable room and erection of single storey rear extension to lower ground floor flat, removal of windows to existing rear dormer window, to create an internal balcony, installation of two side rooflights and enlargement of existing front rooflight to first and second floor maisonette.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions and an amendment to condition 3 as set out in the supplementary information.

**9. Brilliant Kids, 8 Station Terrace, London, NW10 5RT (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.

OFFICER RECOMMENDATION: Grant planning permission subject to informatives.

Andy Bates drew Members' attention to the supplementary information circulated at the meeting, including details submitted by the applicant concerning the proposed sound proofing system and amendments to condition 3.

Julia Harvey, a local resident, stated that noise from the premises was a problem when it had previously been used as a café. She felt that the current application would cause further problems as it was proposed to extend the operating hours from a closing time of 20.00 to 23.00 Monday to Saturday and to 22.30 Sunday. She knew of no other restaurants within the residential area that were adjacent to a ground floor flat that were open at these times. In addition, the premises was bordered by the bedroom where her baby slept which would disrupt his sleep. Julia Harvey expressed concern that the lean-to on the site would also be used and cause excessive noise in the alleyway.

Stewart Freeman, in objecting to the application, confirmed that he was the freeholder of the property which Julia Harvey inhabited. He too queried why extended hours were being proposed in view of the noise problems reported about the premises in the past. He also enquired how the lean-to could be soundproofed and whether this feature could be removed. Stewart Freeman requested that the Committee agree to a site visit to assess the impact of the proposal.

During discussion, Councillor Cummins felt that it would be reasonable to restrict the operating hours to 20.00 considering the premises' proximity to residential dwellings. In noting that the previous owner had breached the condition

concerning non-use of the rear garden, Councillor Cummins stated that enforcement action should be taken if this condition was breached by the applicant. He sought views with regard to the lean-to and felt that the applicant should confirm its' removal and he suggested that a site visit would be useful. Councillor H M Patel sought confirmation with regard to the condition which prevented use of the rear garden by the café. The Chair sought confirmation of the location of the adjoining property's bedroom in relation to the café.

In reply, Andy Bates confirmed that there was a condition which prevented use of the rear garden as an eating area for customers and that this had been an enforcement issue with the previous owner. He did not think that the current applicant intended to make use of the rear garden as part of the café, which in any case would be difficult for customers to gain access to according to the design plans that had been submitted. Members heard that the applicant was aware that use of the lean-to did not have planning permission and that its use had not been included in his proposals. The present planning permission permitted use up to 20.00, however the new application, although would permit use up to 23.00 also included a condition requiring sufficient soundproofing. In addition, the café was not to open until 10.00 on Sundays, as opposed to 08.00 under current planning permission. Andy Bates confirmed that the bedroom of the objector was immediately adjacent to the café and that the lean-to was next to the objector's window.

Members then agreed to Councillor Cummins motion that the application be deferred for a site visit to assess the impact of the proposals.

DECISION: Application deferred for a site visit in order to assess the impact of the proposals.

**10. 1-82 Inc, Landau House, Chatsworth Road, London, NW2 (Ref. 09/1691)**

09/2176 Replacement of all existing aluminium-framed windows with double-glazed white aluminium windows to building (revised description 16/09/2009).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Councillor Hashmi declared an interest in this application as a Brent Housing Partnership Board member and was not present to consider and vote on this application.

DECISION: .Planning permission granted subject to a condition.

**11. 46 Hillfield Avenue, Wembley, HA0 4JP (Ref. 09/2124)**

09/2124 Erection of outbuilding (retrospective consent) and alterations to reduce its size.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

David Glover (Planning Manager) drew Members' attention to an amendment to condition 2 as set out in the supplementary information circulated at the meeting.

DECISION: Planning permission granted subject to conditions, an informative and an amendment to condition 2 as set out in the supplementary information.

**12. 1-4 & Garages Holmfield & 2, Crawford Avenue, Wembley, HA0 2HT (Ref. 09/3080)**

09/3080 Proposed erection of 2 storey residential block at rear of site forming 6 self contained flats comprising 6 x 2 bedroom flats at ground and first floor level and rear balconies with provision of 6 additional car parking bays and 6 cycle spaces to side, landscaping and associated amenities.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Chair declared an interest in that the applicant was a client of the organisation that employed him, however the applicant was not a personal client of his. The Chair also declared that he knew someone who was present at the meeting who was a member of the same political group that he was a member of. However, the Chair felt that neither of these interests were personal or prejudicial ones and he remained present to consider the application.

David Glover drew Members' attention to additional comments in respect of issues raised at the site visit as set out in the supplementary information circulated at the meeting.

DECISION: Planning permission granted subject conditions, informatives and on 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.



**13. 14 Blenheim Gardens, Wembley, HA9 7NP (Ref. 09/2194)**

09/2194 Conversion of garage into a habitable room and erection of a single storey detached outbuilding in rear garden of dwellinghouse, as amended.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

David Glover drew Members' attention to details of an amended drawing submitted by the applicant, amendments to conditions 3, 5 and 7 and additional conditions 10 and 11 as set out in the supplementary information circulated at the meeting.

Councillor Cummins sought clarification with regard to the reference to wooden cladding to the front of the building and brick built on other elevations.

In reply, Steve Weeks advised that the outbuilding would be constructed of bricks and tiles and with additional timber cladding on the front of the building as set out in amended condition 7.

DECISION: Planning permission granted subject to conditions, informatives and amendments to conditions 3, 5 and 7 and additional conditions 10 and 11 as set out in the supplementary information.

**14. Unit 1, Wharfside, Rosemont Road, Wembley, HA0 4PE (Ref. 09/2102)**

09/2102 Change of use of premises from hot food takeaway (Use Class A3/A5) to a Turkish bath spa (Use Class D2).

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

David Glover advised that the applicant had withdrawn the application for reasons as set out in the supplementary information circulated at the meeting,

Steve Weeks advised of a correction to the recommendation in supplementary information circulated at the meeting to read that Members be minded to support minded approval of the application had it not been withdrawn.

DECISION: Minded to approve had the application not been withdrawn.

**15. 1A-E 2A-F-14 A-F Inc, MIDDLESEX HOUSE, Northwick Road, Wembley (Ref. 09/2223)**

09/2223 Proposed renovation of existing 14-storey building housing 84 flats, recladding of exterior with insulated render system, demolition and replacement of ground-floor entrance canopies, new third-floor roof terrace, 6 first-floor balconies, proposed pedestrian-access gates from Northwick Road and facing Grand Union Heights, with associated amenities and landscaping

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

David Glover drew Members' attention to additional comments, an additional condition and deletion of condition 7 as set out in the supplementary information circulated at the meeting.

The Chair confirmed that, as mentioned in the site visit, that the ground floor was being considered for the development of 3 flats with disabled facilities and that there would not be additional lighting in the kitchens.

DECISION: Planning permission granted subject to conditions and an additional condition, deletion of condition 7 and on 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 as set out in the supplementary information.

**16. Date of Next Meeting**

It was noted that the next meeting was scheduled for Wednesday, 25<sup>th</sup> November 2009 at 7.00 pm and that the site visit would take place the preceding Saturday, 21<sup>st</sup> November at 9.30 am where the coach leaves Brent House.

**17. Any Other Urgent Business**

Steve Weeks announced that Geoff Hewlett was leaving the Council shortly and that Members would have the opportunity to bid him farewell at the Planning Committee meeting on the 10<sup>th</sup> December 2009.

The meeting ended at 8.40 pm.

S KANSAGRA

