

MINUTES OF THE PLANNING COMMITTEE
Wednesday, 21st July 2004 at 7.00 pm

PRESENT: Councillor Cribbin (Chair), Councillor Harrod (Vice-Chair) and Councillors Chavda, Kansagra, McGovern, H M Patel, Singh, Sattar-Butt (alt Freeson) and Steel.

Apologies for absence were received from Cllrs. Freeson and Sengupta

1. Declarations of Personal and Prejudicial Interests

None

2. Requests for Site Visit at Start of Meeting

None at the start of the meeting

3. Minutes of Previous Meetings

(a) 30th June 2004

RESOLVED:-

that the minutes of the meeting held on 30th June 2004 be agreed as a true and accurate record

(b) 7th July 2004 (Special)

RESOLVED:-

that the minutes of the meeting held on 7th July 2004 be agreed as a true and accurate record.

4. Planning Applications

RESOLVED:-

that the Committee's decisions/observations on the following applications for planning permission under the Town and Country Planning Act 1990 (as amended), as set out in the decision column below, be adopted. The conditions for approval, the reasons for imposing them and the grounds for refusal are contained in the Report from the Director of Planning and in the supplementary information circulated at the meeting.

ITEM NO	APPLICATION NO (1)	APPLICATION AND PROPOSED DEVELOPMENT (2)	DECISION (3)
NORTHERN AREA			
1/01	04/1242	346 Dollis Hill Lane NW2 6HL Demolition of existing shed and formation of new front entrance in connection with part change of use of dwellinghouse into a day nursery, erection of a rear conservatory extension and installation of new ramp and external staircase to the rear of the property	Approval, subject to conditions
1/02	04/0546	Mosque & Islamic Centre of Brent, Chichele Road, NW2 3DA Use of Mosque Hall for day nursery between 8.00 am and 5.00 pm	18 month temporary approval, subject to conditions and an additional condition on Management Plan

In introducing the report, **the Northern Area Team Manager** clarified the access and dropping-off proposals; the main access to the mosque was from Howard Road and a limited access from two entrances on Chichele Road. Both roads were heavily parked or trafficked and within a CPZ area. In order to ensure reasonable management of access without a significant impact on neighbouring occupiers in the area, he recommended an additional condition requiring the applicant to submit, a Management Plan. Given the appropriateness of the principal of use, the limited amount of control that could be exercised on the existing use, the traffic and parking situation on both roads, he recommended access to the nursery from Howard Road.

Mr. A. Arai, the applicant said that he endorsed the officers' report and accepted the additional condition for a Management Plan to be submitted prior to implementation of the use of the premises for nursery. As an example of a control measure,, he proposed to a parking attendant to ensure safe and smooth management of the children as they were delivered and collected by their parents.

In accordance with the Planning Code of Practice, **Councillor Sayers** said that he had been approached by both objectors and the applicant. He said that the proposed use would render Howard Road unsafe and dangerous to the residents, obstruct the free flow of traffic and exacerbate the problems in the area. He therefore urged Members to either refuse the application for the above reasons or (if so minded) to grant a temporary approval only.

During debate, Members welcomed the applicant's intention to employ a parking attendant however they expressed a preference for an 18 month temporary approval to monitor the effectiveness of the management plan when in use. Councillor Singh expressed concern at the lack of outdoor facilities children at the nursery. Members voted on the amendment for an 18 month temporary approval subject to conditions. This was put to the vote and declared carried with a single abstention.

In accordance with the provisions of Standing Order 66(d), voting on the amendment for an 18 month temporary approval was recorded as follows:-

FOR:	Cllrs Cribbin, Harrod, Chavda, Kansagra, McGovern, H. M. Patel & Sattar-Butt.	(7)
AGAINST:	None	(0)
ABSTENTIONS:	Cllr. Singh	(1)

1/03	04/1330	1 Carlisle Gardens, Harrow, HA3 0JX	Approval, subject to conditions
		Details pursuant to landscaping condition relating to enforcement notice E/04/0064 served on 07/03/04 for the breach of condition 6 of Planning Permission 03/0062 granted on 10/04/03 stating that "Details of the means by which existing trees on the site are to be protected from damage by vehicles, stored or stacked building materials, and building plant or other equipment shall be submitted to and approved, in writing by the Local planning authority before any demolition/construction work commences on site, and such protection shall be installed and retained, as approved, throughout the period of the work" and submission of a landscaping scheme relating to an enforcement notice (E/03/0376) served on 07/03/04 for the unauthorised erection of a boundary wall fronting a highway involving the removal of trees, hedges and other soft landscaping	

The **Northern Area Team Manager** updated the Committee about correspondence received from the agents this afternoon (21/07) that proposed to reduce the existing wall to a maximum height of 1.7m. and give the appearance of a timber fence to the boundary. No brickwork will be seen except at the very bottom at the junction with the footpath where the footpath slopes.

1/04	04/0949	118 Dartmouth Road, NW2 4HB	Approval
Retention of existing replacement upvc window installed at the side of the ground floor flat			

SOUTHERN AREA

2/01	04/1340	117, 119A & 119B Malvern Road, NW6	Refusal
Demolition of 119A & B Malvern Road, change of use of 117 Malvern Road from car-servicing garage into 8 self-contained flats with associated external alterations to facilitate this, erection of a 4-storey block containing 12 self-contained flats with balconies, erection of a 4-storey block containing 20 self-contained flats with balconies, provision of 10 car parking spaces, provision of associated landscaping and amenity space, alterations to existing vehicle access and creation of new vehicle access onto Malvern Road			

The ***Southern Area Team Manager*** referred to additional representations from residents within Perrin House and Saltram Crescent which reiterated objections in the report and from the applicant. The latter considered that the proposed development would significantly enhance the setting of the locally listed building, confirmed that the development would result in 457hrh and would comply with SPG17, amongst others. In response, he said that the development would be sub-standard and contrary to policy H12 of the UDP and the guidance set out in SPG17. In addition, the information submitted by the applicant was inadequate to justify a lower level affordable housing required under policy H2 of the UDP, guidance within The London Plan and PPG3: "Housing". With these in view, he recommended 2 additional reasons for refusal as set out in the supplementary information.

Ms. Holly Hambury the applicant's agent stated that the development would create an acceptable level of lighting and outlook and enhance the character of the locally listed building. The affordable housing element was within Brent's policies and given sufficient time, the applicant would be able to respond positively to the Council's demands. She requested a deferral to enable further negotiation with the officers.

Members then discussed the application during which Councillor Kansagra expressed a view that the proposal would attract the private sector and assist in the regeneration of the area. He therefore moved an amendment for deferral to enable further negotiations to take place between the applicant and officers on the requirements of SPG17. This was put to the vote and declared lost by a majority. They then voted on the substantive recommendation for refusal for reasons set out in the main and supplementary reports which was declared carried by a majority.

In accordance with the provisions of Standing Order 66(d), voting on the substantive recommendation for refusal was recorded as follows:-

FOR:	Cllrs Cribbin, Harrod, Chavda, McGovern, Sattar-Butt and Singh.	(6)
AGAINST:	None	(0)
ABSTENTIONS:	Cllr. Kansagra, H. M. Patel and Steel.	(3)

2/02	04/1276	75 Kilburn Lane, W10 4AW	Approval, subject to conditions and a Section 106 agreement
		Demolition of existing buildings on the site and construction of 6 residential maisonettes, 8 self-contained flats, 23 live/work units, 18 associated car parking spaces and 4 underground loading-bays	

The **Southern Area Team Manager** drew Members attention to the supplementary information that corrected the ordnance survey map for the application. He added that given the circumstances of the development and the advice received from the Council's Housing department, the affordable housing contribution should amount to £396,280 for 4 units required at the site. However as the old formula set out in policy H4 of the UDP was applied in assessing the contribution at the adjoining sites at St. Michael's Vineyard, 3-6 Banister Road, officers considered a reduced sum of £227,000 as a cash-in-lieu payment for the affordable housing was acceptable. The applicant's offer of £150,000 was not satisfactory unless a financial appraisal established that a higher figure would make the scheme non-viable. The **Head of Area Planning** re-affirmed the recommendation for approval subject to conditions and delegated authority for officers to pursue negotiations with the applicant in respect of the level of financial contribution and that if this was not agreed by 26th July 2004, the application be refused for reasons set out in the supplementary report.

Mr. Fretten objected to the application for the following reasons;

- unacceptable form of development that would result in poor quality of environment to the occupants contrary to UDP policies
- unimaginative design with inadequate amenity provisions
- loss of parking bays without alternative provision
- detrimental to the free flow of traffic on the adjoining highway

During debate, **Councillor Harrod** put forward an amendment for refusal unless the applicant had accepted the higher cash in-lieu payment or affordable housing. This was put to the vote and declared lost by a majority. A subsequent amendment by **Councillor Kansagra** that the cash-in-lieu be capped at £150,000 was also put to the vote and declared lost.

Members then voted on the substantive recommendation for approval subject to conditions and a section 106 agreement but subject to delegated authority to officers as set out above by the Head of Area Planning which was declared carried by a majority with a single abstention

2/03	04/1296	Garages & First Floor Flat, 2 Gowan Road, NW10	Approval, subject to conditions
		Change of use of ground floor into 1 x 1-bedroom flat with rear amenity space, erection of single-storey rear extension to ground floor flat and installation of French doors with Juliet balcony to first floor flat	

2/04	04/1637	Rear of 9 Nicoll Road, Car Park rear of 14 High Street, NW10	Refusal
		Outline application for demolition of the existing car repair garage and warehouses and construction of three-storey block of 18 flats	

In his introduction, the **Southern Area Team Manager** referred to further objections received that expressed concerns with crime, refuse, vermin and the alley next to No. 14 High Street. In reiterating the recommendation for refusal, he drew attention to an amended reason as set out in the supplementary information.

Mr. Russell Lee who had given notice to speak in objection was not present.

Mr. David Whittington the agent stated that the applicant was willing to provide 50% of the units proposed for affordable housing. He added that no material harm would be caused as the height of the building (now significantly lower) would not create overshadowing. The proposal therefore complied with the Council's standards on bulk, height and massing. He acknowledged that further negotiations with the Council were still possible and with that in view, he requested a deferral.

In response, the Planning Manager said that the applicant had failed to address issues and concerns raised about the application in the past. Although the bulk of the building had been reduced, it was not significantly different from the previous application for the site that was refused. In response to a discussion about possible deferral, the **Head of Area Planning** reiterated the substantive recommendation for refusal for the reasons set out in the supplementary information, whilst recognising that the applicant had made some effort in the presentation of their proposals.

Members voted unanimously to refuse the application.

2/05	04/1734	School Main Building, Curzon Crescent Nursery School, Curzon Crescent, NW10 9SD	Approval, subject to conditions
		Erection of 2 single storey rear extensions, infilling of 3 light wells to provide additional school accommodation, and provision of external access ramp on front elevation of school	

2/06	04/1750	Telephone Exchange, St Andrews Road, NW10 2QS Erection of roof extension and conversion of building into 23 flats including 10 x 1 bed, 10 x 2 bed and 3 x 3 bed units for affordable housing and provision of 12 car parking spaces and basement storage	Approval, subject to conditions and a Section 106 agreement
2/07	04/0803	1B-11B inc, 9-11 The Avenue, NW6 Erection of 3-storey rear extension, second floor side extension with roof lights and front and rear balconies, second-floor front extension with 2 dormer windows and balcony, new balconies at ground and first floor front, new window openings at first floor side and enlarged windows at ground floor, first floor and second floor rear, 2 roof lights in roof slope, rear roof extension and new layout of 11 self-contained flats	Approval, subject to conditions
2/08	04/1534	4-8 (inc) Bank Buildings, High Street, NW10 First floor, second floor and third floor rear extension, alterations and refurbishment to existing buildings to form 14 flats to the upper parts, with existing shops and flat entrance at ground floor and storage in basement	Approval subject to conditions and a s106 agreement for £10,1000

The ***Southern Area Team Manager*** informed the Committee that the applicant had withdrawn their agreement to 'car free' controls and a £10,100 contribution and in the absence of this he amended the recommendation to refusal for the reasons set out in the supplementary information.

Mr. Garson the agent stated that the s106 financial contribution would threaten the viability, hence its withdrawal. Although he would now be happy to agree to this contribution, his client did not like the inclusion of a car-free development as this would devalue and stigmatise the development. Following clarification on the implication of a car-free development and having consulted with the applicant at the meeting, Mr. Garson reaffirmed his agreement with officers' original recommendation for approval subject to a s106 agreement and conditions as set out in the main report.

Members voted unanimously to approve the application subject to a s106 agreement and conditions as set out in the main report.

WESTERN AREA

3/01	04/1175	17 Ennerdale Gardens, Wembley, HA9 8QY	Approval, subject to conditions
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Erection of single storey rear extension to dwellinghouse

The **West Area Team Manager** corrected an error on the plans.

Mr. Hart said that he was not objecting to the principle of the development but was concerned about its impact on amenity, access to the shared drive, noise and visual impact. He urged Members to be minded to impose stricter conditions that would address his concerns.

The **Planning Manager** confirmed that the proposed extension was in accordance with the design guide for the area. Members voted unanimously for approval.

3/02	04/1588	Land adjoining 1 Station Crescent, Wembley, HA0	Approval, subject to conditions
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Demolition of 3 garages and erection of a two-storey, three-bedroom detached house with associated parking

3/03	04/0498	Storage rear of 397 High Road, Rosemead Avenue, Wembley, HA9	Approval, subject to conditions and a Section 106 agreement
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3/04	04/1368	Gratton Guest House, 147 Wembley Hill Road, Wembley, HA9 8DU	Approval, subject to conditions and additional condition on parking.
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Demolition of existing hotel and erection of part two-storey, part three-storey hotel and provision of 3 car parking spaces

The **West Area Team Manager** referred to additional objections received adding that the issues raised had been addressed in the main report. The on-site parking provision complied with adopted parking standards and the UDP. He added that Hillside Avenue was not identified as a heavily parked street and that funds had been set aside from the Quintain development to investigate the need for the introduction of parking controls. In respect of parking provision, he said by means of comparison that the 165 room Ibis Hotel contained only 8 parking spaces and reiterated the recommendation for approval

Ms. Yvonne McMahon raised objections on grounds of inadequate parking provisions, lack of maintenance of the property and rubbish. She urged Members to refuse the application.

Mr. Robert O'Hara the agent stated that the proposed re-development would overcome the concerns raised by the objector. In addressing concerns about design and the flat roof, he said that the building was not part of a terrace of buildings in the area and that the house opposite had a large extension with a flat roof

The **Head of Area Planning** added that on-site parking could not be increased without detriment to trees with preservation orders. With that in view, Members voted unanimously to approve the application subject to conditions.

3/05	03/2687	28 Elms Lane, Wembley, HA0 2NN	Approval, subject to conditions
		Extension to front canopy, erection of first floor side extension with side roof-light, two-storey and single storey rear extension, and replacement of windows to front and rear elevations of dwellinghouse (as amended by plans received on 06/07/04)	

The **West Area Team Manager** referred to objections raised by the adjoining occupier including design, harm to the character of the area and quality of materials adding that these issues had been addressed in the main report and in the supplementary information. He reiterated the recommendation for approval.

Dr. Zofia Kaminska objected to the application for the following reasons;

- a) the proposal would be out of character with the area, destroying visual harmony and coherence of Elms Lane
- b) there was no mention of the type and quality of materials, an integral part of the design
- c) the proposal would constitute a substantial infilling of space within an Area of Distinctive Residential Character (ADRC)
- d) The proposal would lead to loss of privacy that cannot be compensated with shrubs and trees.

Members discussed the application during which **Councillor Kansagra** moved an amendment for a site visit to enable members to assess the planning impact of the proposed development, bearing in mind the objector's representations. This was put to the vote and declared lost by a majority. They then voted on the substantive recommendation for approval subject to conditions which was declared carried.

In accordance with the provisions of Standing Order 66(d), voting on the substantive recommendation for approval was recorded as follows:-

FOR:	Cllrs Cribbin, Harrod, Chavda, Kansagra McGovern, Sattar-Butt and Singh.	(7)
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AGAINST:	None	(0)
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ABSTENTIONS: Cllrs. H. M. Patel and Steel.

(2)

5. Planning Appeals

Members were requested to note the information reports in the information bulletin circulated at the meeting.

RESOLVED:-

that the following be noted:-

- (i) Planning appeals received – 1st – 31st May 2004
- (ii) Enforcement appeals received – 1st – 31st May 2004
- (iii) Planning appeal decisions – 1st – 31st May 2004
- (iv) Enforcement appeal decisions – 1st – 31st May 2004
- (v) Planning selected appeal decisions – 1st – 31st May 2004
- (vi) Enforcement appeal decisions – 1st – 31st May 2004

- (vii) Planning appeal received – 1st – 30th June 2004
- (viii) Planning appeals decisions – 1st – 30th June 2004
- (ix) Enforcement appeal decisions – 1st – 30th June 2004
- (x) Planning selected appeal decisions – 1st – 30th June 2004
- (xi) Enforcement selected appeal decisions – 1st – 30th June 2004

6. Any Other Urgent Business

None

7. Date of Next Meeting

The next meeting of the Committee is scheduled to take place on Wednesday, 25th August 2004 at 7.00 pm. The site visit for the meeting will take place on Saturday, 21st August 2004 at 9.30 am when the coach leaves from Brent House.

The meeting ended at 9.35 pm.

M CRIBBIN
Chair

Mins2004/05/Council/planning/pln21jlyj