



Supplementary - Planning Committee

Wednesday, 13 October 2010 at 7.00 pm

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

Membership:

Members

Councillors:

RS Patel (Chair)
Sheth (Vice-Chair)
Adeyeye
Baker
Cummins
Daly
Hashmi
Kataria
Long
McLennan
CJ Patel

First alternates

Councillors:

Kabir
Mistry
Hossain
Steel
Cheese
Naheerathan
Castle
Oladapo
Thomas
J Moher
Lorber

Second alternates

Councillors:

Kataria
Mitchell Murray
Mashari
HM Patel
Allie
Ogunro
Clues
Powney
Powney
Moloney
Castle

For further information contact: Joe Kwateng, Democratic Services Officer

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The press and public are welcome to attend this meeting

Members' briefing will take place at 6.15pm in Committee Room 4

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
28. Supplementary		1 - 12

**Supplementary Information
Planning Committee on 13 October,
2010**

Item No. 03
Case No. 09/1616

Location 14 Heber Road, London, NW2 6AA
Description 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)

Agenda Page Number: 15-22

Members visited the site on Saturday 9th October 2010.

At the site visit, Members observed an existing shed located in the garden of 14b Heber Road. The existing shed is shown on the submitted plans and has a footprint of approximately 5 sqm. Whilst it is noted that proposed outbuilding and existing shed would cumulatively provide some 20sqm of storage space for a 2 bedroom flat, it is considered that both the buildings are of a size commonly seen in residential gardens. The plans indicate that the proposed outbuilding is to 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 a ground floor flat.

Members noted a number of trees along the rear boundary, which appear to be located outside of the application site. Given the size and location of proposed outbuilding 2m from the rear boundary, it is not envisaged that the building will damage the tree root structure or require significant works to the canopy which overhangs the site.

With regard to a roof structure stored in the garden of 14b Heber Road, it is unlikely that this was from the previous demolition of an outbuilding carried out on behalf of the Council's Enforcement department as it is usual that the roof structure is dismantled and removed from the site.

Recommendation: Remains approval

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**Supplementary Information
Planning Committee on 13 October,
2010**

Item No. 04
Case No. 10/1781

Location 88, 90 & 92 Draycott Avenue, Harrow, HA3 0BY
Description 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 Avenue, 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)

Agenda Page Number: 23

Further consultation responses

Robert Dunwell, Chair of the QARA Group of Associations, has objected on a number of grounds. These can be summarised as relating to:

- Principle and recent policy changes
- Density
- Out of character with the surrounding area
- Lack of subsidiarity
- Parking and access
- Impact on neighbouring amenity
- Standard of accommodation
- Lack of affordable housing

A petition has been submitted by Robert Dunwell with 100 signatories (including multiple for signatories for some properties) raising objection to the proposal and supporting representations made by QARA.

Most comments have been addressed within the committee report. In terms of density, previous appeal decisions for schemes with substantially greater densities have been considered acceptable in principle due to the accessibility to public transport and town centre amenities. The Director of Transportation does not consider a transport assessment a necessity on a site of this size. Previous appeal decisions for substantially more homes have been considered acceptable in transport terms and internal access arrangements have been considered by the Director of Transportation and are deemed acceptable in terms of vehicular, pedestrian and service access subject to conditions controlling some minor amendments. The main committee report comments on the standard of accommodation and internal privacy and outlook matters.

One further letter was received from a local resident, objecting on similar grounds to those set out in the main report.

Sustainability

The submitted information does not demonstrate that the proposed development would meet the relevant policy objectives for sustainable construction and energy provision, however previous applications have similarly failed to do so and your officers have considered this to be matters which could be addressed via a s106 in those cases.

Affordable housing

The applicant has submitted a Toolkit which shows the proposed scheme cannot make any provision towards affordable housing provision and also proposed a clause in any S106 Agreement to undertake a post completion financial appraisal to ensure an appropriate affordable housing contribution in the event of housing prices rising higher than currently envisaged by the applicant.

Your officers would welcome this if officers accepted all the figures within the submitted Toolkit and considered the only reason no affordable housing can be provided is due to prevailing market conditions. Your officers have scrutinised the applicant's Toolkit submission and consider that it provides insufficient evidence to substantiate the applicant's claim that

their proposal cannot make any viable contribution towards the Borough's affordable housing needs; in the absence of further evidence to support the figures in the Toolkit, your officers cannot support the application in terms of affordable housing provision. As there are other aspects of the Toolkit which require further evidence to support its conclusion, the offer of a post completion financial appraisal cannot be accepted at this stage; this is because to accept such an offer now would presume the Council accepts all the figures within the submitted Toolkit.

In the event of members refusing planning permission and the applicant submitting an appeal to the Planning Inspectorate, your officers will seek that further evidence prior to any appeal hearing in order to resolve this dispute.

Recommendation: Remains refusal

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**Supplementary Information
Planning Committee on 13 October,
2010**

Item No. 06
Case No. 10/1979

Location Alleyway rear of 12-30, Princes Avenue, London, NW9 9JB
Description Installation of alleygate running behind land r/o 12-30 Princes Avenue NW9 and r/o 1 Tennyson Avenue & 2 Milton Avenue

Agenda Page Number: 55

Further correspondence has been received from the two objectors at Nos. 12 and 14 Princes Avenue, requesting the application be deferred and re-iterating their previous objections.

As this application is made by the Council's Environmental Health department, your officers suggest that this application is deferred to the next committee agenda so officers of the Planning and Environmental Health departments can attend the site with the contractors who would undertake the work and mark exactly where the gates could be positioned. This will allow for a period of re-consultation during which the objectors will be able to see where the posts would be, as marked on the ground. A site survey will be undertaken and a more accurate plan produced to ensure members have sufficient accurate information on which to base their decision.

The recommendation to defer the application is not based on the objectors' inability to attend the committee meeting.

Recommendation: Defer

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**Supplementary Information
Planning Committee on 13 October,
2010**

Item No. 9
Case No. 10/1841

Location 182 Carlton Vale, 58 & garages rear of 58, Peel Precinct, London, NW6 5RX

Description 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

Agenda Page Number: 75

The "red line" plan at the end of the report on page 92 of the Agenda is very slightly wrong as it does not include the two small rectangles of land that were added following the first planning approval to provide defensible space beside the north and west boundaries of the site. For information, the enlarged extent of the site area is shown on all the documentation submitted with this application.

Car Club

The standard contribution clause under S106 details is to be amended to add 'including potential car club' after 'Sustainable Transport'.

Recommendation: Remains approval, subject to legal agreement.

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**Supplementary Information
Planning Committee on 13 October,
2010**

**Item No. 10
Case No. 10/1711**

Location 45 &45A Torbay Road, London, NW6 7DX
Description 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

Agenda Page Number: 95

CONSULTATION UPDATE

The number of representations stated in the main report should be amended to read as 36 letters of objection and 2 letters of support.

Recommendation: Remains approval

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**Supplementary Information
Planning Committee on 13 October,
2010**

**Item No. 14
Case No. 10/1756**

Location Desi Dons Public House and Function Room, 86 East Lane, Wembley, HA0 3NJ
Description 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)

Agenda Page Number: 123-136

Members visited the site on Saturday 11 October 2010.

There are a number of applications on this agenda relating to this site. This agenda item relates only to the proposed extension to the upper floors and its conversion into self-contained flats.

Members asked for clarification on the number of parking spaces. Full residential parking standards apply to this site resulting in a requirement for 10 parking spaces one of which should be a disabled parking space. The proposal meets this requirement and therefore complies with the Council's parking standards.

The remainder of the parking area is to be retained for use by Tesco. This equates to somewhere between 16 and 18 spaces.

Members queried if there would be any loss of privacy to properties on Byron Road. This is discussed within the 'Remarks' section of the main report. To re-iterate the infill extension brings the upper floors of the building approximately 5 metres closer towards properties on Byrond Road. The new windows proposed to the upper floor flats which would be facing west towards Byron Road properties are 20.6m away from the back edge of the closest garden boundary, and are separated from windows on the rear elevation of properties by a distance greater than 40m.

Given these generous separation distances then SPG17 privacy standards are complied with and Officer's do not consider the proposal will result in a loss of privacy.

Members asked for clarification as to whether the canopy feature proposed at the rear would impede vehicle access to parking spaces. It will not do this as the access to the residents parking spaces is via East Lane, and there is to be no vehicle route via the rear of the building. The space to the rear of the building is used to house the cycle parking, refuse storage compound and communal amenity area. The designated residents parking bays are to be access controlled by way of a sliding gate and remote control entry system which is to ensure they remain solely for residents use.

Additional representations received;

Comments have been received from an objector who may think that a redevelopment rather than conversion is proposed. It appears from the comments received that the objector is under the impression that a new build development is proposed with TESCO on the ground floor and residential flats above. Other concerns raised are that the proposal is going to result in 'garden grabbing', a loss of amenity and privacy, that the proposal represents an over development and that this is an unsuitable location for a TESCO supermarket opposite independent shops.

Response;

The proposal would see the reuse of an existing vacant building. The upper floors will be converted into flats, supplemented by a relatively modest sized extension which is to be built directly on top of an existing single storey part of the vacant public house. There is no

increase in building footprint.

The proposal does not involve any 'garden grabbing'. Proposals relate to the conversion of an existing building, and the removal of a detached storage building to the rear of the site. This demolition in fact means that a modest sized communal amenity space is to be provided for future residents.

The impacts of the development on the adjoining residents in terms of amenity and privacy have been fully discussed in the 'Remarks' section, and are re-confirmed above.

All residential units comply with minimum floor area standards, residential parking standards are met on-site, and there is to be no increase in building footprint. In fact the demolition of the storage building means there will be a slight reduction in footprint. As a result Officers do not consider this to be an overdevelopment.

Members have been advised elsewhere in the report that the occupation of the ground floor by TESCO, or indeed any other retailer is a permitted change of use, and planning permission is not required. In the event that planning permission was required for the A1 use Members should note the Council would be unlikely to object to the use on the grounds this would harm the vitality and viability of existing centres. The reasons for this would be;

- Given the buildings history for commercial uses, and the permitted changes that can be exercised to A1, A2 or A3 in the event that planning permission was required it is unlikely the Council would object on policy grounds to a retail use of this size, and in this location. The site is on the very edge (directly opposite) of an existing Local Centre which is on the southern side of East Lane.
- When considering applications for new retail development the Council is required to follow the Government's 'sequential' approach.
- This requires new retail floor space to be located within the Council's existing network of defined town, district and local centres. If an appropriate site is not available within a nearby centre then an edge of centre site may be acceptable.
- As there are no available units of the size required by Tesco within the existing Local Centre and the next nearest Centres are Wembley and Preston Road where they already have established stores it is probable that if planning permission were required for the change of use the recommendation from Officers would be to approve.

Officers welcome the reuse of this large prominent building, which is currently vacant and welcome the retention of most of its attractive exterior. The reuse of existing buildings in this way is in Officers view the most sustainable form of development.

Additional conditions recommended;

Your Officers recommend a condition to control any exterior lighting.

Prior to first occupation of the premises details of exterior lighting, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented.

Reason: In the interests of safety, amenity and convenience.

Recommendation: Remains approval with additional condition.

**Supplementary Information
Planning Committee on 13 October,
2010**

Item No. 17
Case No. 10/2085

Location 86 East Lane, Wembley, HA0 3NJ
Description Installation of plant equipment and associated brick enclosure to side of existing building.

Agenda Page Number: 149-154

Members visited the site on Saturday 11 October 2010.

There are a number of applications on this agenda relating to this site. This agenda item relates solely to the permitted change of the ground floor into a TESCO store (A1 retail Use Class) and the proposed installation of plant equipment.

Other;

There is an existing flower stall sited along the East Lane frontage directly in front of the building. This stall is outside of the application site and is located on the pavement. Health Safety & Licensing have confirmed the seller has the correct license to continue to trade from the pavement, and that this license was renewed in April 2010.

Additional conditions recommended;

Your Officer's recommend a condition to submit details of any exterior lighting in order to control the appearance and potential impact.

Prior to first occupation of the ground floor of the premises details of any exterior lighting, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented.

Reason: In the interests of safety, amenity and convenience.

Recommendation: Remains approval with additional condition.

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**Supplementary Information
Planning Committee on 13 October,
2010**

Item No. 18
Case No. 10/2087

Location 86 East Lane, Wembley, HA0 3NJ
Description Replacement of entrance doors, installation of 2 bollards to front elevation and widening of existing door to side elevation of building

Agenda Page Number: 155-160

Members visited the site on Saturday 11 October 2010.

There are a number of applications on this agenda relating to this site. This agenda item relates solely to the permitted change of the ground floor into a TESCO store (A1 retail Use

Class).

Drawing 9914-21, revD has been superseded by drawing 9914-21, revG. This revision simply confirms the siting and positioning of new trees along the site frontages.

Recommendation: Remains approval.

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**Supplementary Information
Planning Committee on 13 October,
2010**

Item No. 21
Case No. 10/1631

Location	Alperton House, Bridgewater Road, Wembley, HA0 1EH
Description	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)

Agenda Page Number: 173

Further objection letter received raising the following comments:

- there is not sufficient infrastructure to support any additional educational establishments;
- there are at least 9 colleges currently operating from the building which between them have over 1000; students. The current proposal could result in as many as 2000 students attending the building;
- the staff do not appear to be well qualified;
- the building does not have enough lift space, and supporting infrastructure such as a campus, toilets, dining, sport and social events;
- there may be health and safety implications arising from the proposed number of users.

The objections raised are largely building-management and health & safety matters.

The Regulatory Reform (Fire Safety) Order 2005 (FSO) came into effect in October 2006 and replaced over 70 pieces of fire safety law. Under the FSO, the responsible person must carry out a fire safety risk assessment and implement and maintain a fire management plan. In cases where a serious risk exists and is not being managed, Fire and Rescue Authorities have a statutory duty to enforce compliance with the FSO. The Planning Authority has referred the application to the London and Emergency Planning Authority.

All workplaces are also covered by the Workplace (Health, Safety and Welfare) Regulations 1992. These regulations cover various aspects relating to work places - room sizes, overcrowding, temperature, hygiene, sanitation, access etc. In the case of colleges and other educational establishments the Health and Safety Executive are the enforcing authority. An informative is proposed advising the applicant.

The applicants have advised that the building management have historically monitored occupancy levels in the building to ensure that each floor does not exceed safety limits. Regular fire-drills take place and risk assessments are regularly updated. Your officers have checked with the Council's Building Control department. The proposed change of use of the building to educational establishment requires Building Regulation approval and would include means of escape. An informative is proposed advising the applicant consult the Council's Building Control Service in respect of this issue.

Consultation period

The applicant has informed the LPA that they have not served notice on all of the building occupiers. They have therefore now served notice, but this will not have lapsed by the date of committee. Members are therefore requested 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 approve the proposal subject to no new material considerations being raised that have not already been considered by members.

Travel Plan

The applicants have requested that rather than prior to occupation, they only enter into a Travel Plan if the annual survey findings reveal that more than 10% of the building's occupiers/ users travel to/ from the site by car. This proposal has been reviewed by the Council's Highway Engineer, who is in agreement. Officers request that members approve the proposal subject to a s106, so that the type/ level of Travel Plan and associated responsibilities for the building owner/ occupants may be resolved through appropriately worded legal agreement, s106. It should be noted that only temporary planning permission is proposed to be issued.

Recommendation: remains Approve subject to conditions and s106 legal agreement

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, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement within a reasonable time period and if the application is refused for this reason to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that a satisfactory Section 106 has been entered into.

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Supplementary Information Planning Committee on 13 October, 2010

Item No.	22
Case No.	10/2366

Location	91 Sudbury Court Drive, Harrow, HA1 3SS
Description	Erection of side dormer and rear dormer roof extensions, in addition to extensions already permitted under planning consent 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

Agenda Page Number: 181

Revised drawings have been received, which detail the changes requested by officers and set out in the committee report. No comments have been received from third parties.

Revised drawings received: (change to condition 2)

201A	202A	203
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Recommendation: approve subject to conditions

**Supplementary Information
Planning Committee on 13 October,
2010**

Item No. **23**
Case No. 10/1980

Location	Play Area at the junction of Pitfield Way & Henderson Close, Henderson Close, London, NW10
Description	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"

Agenda Page Number: 189

Committee Site Visit

Concern was raised by ward Councillors Maloney and Van Kalwala regarding the appropriateness of relocating the play space, with regard to:

- The potential impact on adjacent flats;
- Congestion and conflict between play area and shop users;
- The public safety of users of the relocated space due to existing anti-social behaviour issues associated with gangs and youths.

The applicants have requested that this application is deferred to allow further discussions with ward Councillors and local residents regarding this issue.

Further Representations

A petition with 47 signatories relating to both the Henderson Close and the Besant Way applications has been received. It raises concerns regarding the loss of space associated with the construction of the new flats and specifies that the new play area is not in a suitable location as the area is used to access the shops and is a key access route.

Further comments from Transportation:

They suggest that the number of parking spaces on Pitfield Way should be reduced by 1 (from 13 to 12) to allow an additional 1 m separation from the existing bus stop to the east and the junction with Henderson Close. A further revised drawing has been received which addresses this concern.

Recommendation: That this application is deferred to allow further discussions between the applicants and ward Councillors and local residents.

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**Supplementary Information
Planning Committee on 13 October,
2010**

Item No. **24**
Case No. 10/2076

Location	Boiler Room next to 65, Besant Way, London
Description	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

Agenda Page Number: 205

Committee Site Visit

Concern was raised by ward Councillors Maloney and Van Kalwala regarding the loss of community use that was highlighted by local residents.

Further Representations

A petition with 47 signatories relating to both the Henderson Close and the Besant Way applications has been received. It raises concerns regarding the loss of a community facility that is needed by local residents.

Community use

Planning permission for the change of use from a boiler house to an Office (Use Class B1) was granted in 2003. It was restricted to use by the Council's Housing department for the administration and maintenance of the local estate and as a meeting room for the local community. The Design and Access Statement for the application set out that the "*only use of the building now is for the youth mentoring project which could be easily relocated to one or the estate's other community facilities*" and lists other community facilities that are available in the local area. However, the usage described by local residents is considerably more intensive than the level of use that the applicants believed took place.

The applicants have accordingly requested that this application is deferred to allow further discussions with local residents and ward Councillors regarding this issue.

Recommendation: That this application is deferred to allow further discussions between the applicants and ward Councillors and local residents.

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**Supplementary Information
Planning Committee on 13 October,
2010**

Item No. 25
Case No. 10/2075

Location	Land next to 10, Tillett Close, London, NW10
Description	Construction of 5 x 3-bedroom dwellinghouses on hardsurfaced area of Public Open Space with associated landscaping, car-parking and refuse and cycle storage

Agenda Page Number: 217

Committee Site Visit

During the committee site visit, members sought clarification regarding the following issues:

- Pollution levels from the North Circular Road and mitigation measures;
- The treatment of the rear boundary and whether this will be an acoustic fence;
- Relationship to raised grassed bank along the North Circular Road;
- Clarification regarding the density of the scheme.

Revised drawings

Revised drawings were received which reflect the amendments discussed within the

Committee Report, including the siting of new dwellings in relation to the existing house.

Further discussions have taken place between your officers and the applicants regarding the proposed houses and their relationship with the banked area to the south of the site. During these discussions, your officers have recommended that further revisions to the scheme are undertaken to improve this relationship and to amend the provision of external amenity space. **Your officers accordingly recommend that this application is deferred to allow further revisions to the design and layout of the scheme.**

Recommendation:

That this application is deferred to allow various layout issues to be reviewed.

Revised Drawing Nos:

A2204 002 Rev P2

A2204 200 Rev P8

A2204 201 Rev P8

A2204 202 Rev P8

A2204 203 Rev P8

Un-numbered 3D visual images

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