



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE

Tuesday, 8 June 2010 at 7.00 pm

PRESENT: Councillors R Patel (Chair), Sheth (Vice-Chair), Adeyeye, Cummins, Daly, Hashmi, Hossain, Kataria and McLennan

ALSO PRESENT: Councillor Muhammed Butt, Councillor Barry Cheese, Councillor Helga Gladbaum, Councillor Jayesh Mistry, Councillor James Powney and Councillor Carol Shaw

Apologies for absence were received from Baker and CJ Patel

### 1. Declarations of personal and prejudicial interests

09/268      3. *Caretakers House, Mount Stewart Infant Junior School, Carlisle Gardens, Harrow, HA3 0JX*

Councillor Sheth declared a prejudicial interest as a friend of his taught at Mount Stewart Infant School. He withdrew from the meeting room and took no part in the discussion and voting during the consideration of this application.

Councillor Daly declared a prejudicial interest as a family member of hers was on the Board of Governors of Mount Stewart Infant School. She withdrew from the meeting room and took no part in the discussion and voting during the consideration of this application.

10/0290      11. *30 Hopefield Avenue, London, NW6 6LH*

Councillor Cummins declared a prejudicial interest as he had a close association with the applicant and one of speakers on this item. He withdrew from the meeting room and took no part in the discussion and voting during the consideration of this application.

### 2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 14 April 2010 be approved as an accurate record of the meeting.

### 3. **Caretakers House, Mount Stewart Infant School, Carlisle Gardens, Harrow, HA3 0JX (Ref. 09/2680)**

Demolition of former caretaker's house and erection of a single storey children's centre with provision of buggy storage and refuse storage areas to front and associated landscaping to site.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager, Rachel McConnell, drew Members' attention to the supplementary information circulated at the meeting which included observations concerning the site visit, an amendment to condition 3 and an additional condition 13.

Ms Denise Burke, the applicant, stated that the site had been identified and agreed as a suitable location by the Executive in 2009. The proposed Children's Centre was intended to be within pram pushing distance to minimise transport impact and Denise Burke confirmed that it was intended that the Centre be open for 48 weeks of the year, with some services offered in the evening.

In reply to queries from Members, Ms Burke stated that other possible services the Centre would depend on the needs of the local community and may include an advice centre and promotion of healthy eating. She added that the site was intended for visits by families with children of up to 5 years.

During Members discussion, Councillor Kataria enquired why there was no Section 106 Agreement. In reply, the Head of Area Planning, Steve Weeks advised that Section 106 Agreements would only be sought from health and education providers if the impact on the area was significant, which in this case it was not perceived to be.

DECISION: Planning permission granted subject to conditions, an amendment to condition 3 and an additional condition 13 as set out in the supplementary information.

#### **4. Building & grounds, Oriental City, Edgware Road NW9 (Ref. 10/0775)**

Extension to time limit of planning permission 06/1652 dated 13/06/2007 for the demolition of existing buildings and redevelopment for mixed-use purposes, comprising Class A1 retail (with a replacement Oriental City [to include a Sui Generis amusement arcade and A3/A5 Uses], new B & Q and bulky goods store, which together should provide 500 jobs), 520 residential units (comprising 1-, 2- and 3-bedroom flats, 4% being affordable) located in eight blocks rising to 3, 6, 9 and 18 storeys above a fifth-floor-level landscaped podium along the Edgware Road, rising to 8, 4, 5 and 2 storeys above the fifth-floor landscaped podium facing Plaza Walk and rising to 3 and 6 storeys above the Grove Park street level; also, a nursery and primary school for 480 children, a health & fitness studio (Use Class D2), associated landscaping, servicing, 1,098 car-parking spaces - comprising 721 spaces for retail users (incl. school drop-off and disabled), 5 staff spaces accessed from Grove Park for the school, and 351 (incl. disabled) spaces for residents and a further 21 disabled spaces on the podium and works to highway.

OFFICER RECOMMENDATION: Grant planning permission subject to confirmation that referral to the Government Office for London is not required and to the completion of a satisfactory Section 106 or other legal agreement (details below), and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Area Planning Manager, Rachel McConnell, advised that the application was to extend the existing planning permission granted on 13 June 2007. She drew Members' attention to the supplementary information circulated at the meeting which included observations concerning the site visit and further comments received. She also advised of an amendment to the wording of the Section 106 Agreement.

Mr Robert Dunwell, speaking on behalf of the Queensbury Area Residents' Association and Group of Associations, circulated a statement to all members with the permission of the Chair. Mr Dunwell began by expressing concern that there was no mention in the report of a temporary community space for the Chinese community even though this was included in the Section 106 Agreement. He felt that as the Chinese community had been without a Chinese Centre for over 2 years, that every effort should be made to ensure one was provided within a reasonable time, which he suggested be within 6 months. Mr Dunwell also asked the Committee to consider the pressure on parking spaces for the site, especially in view of Barnet Council's introduction of a Controlled Parking Zone scheme in the area.

Mr Fai Liu addressed the Committee as the Chair of the Oriental City Tenants' Association (OCTA) which he stated represented the majority of interests within the Oriental community in the area. He stated that the applicant had failed to re-provide the facilities promised since the removal of the tenants from the site in 2008, even though the applicant had agreed that the displacement would only be temporary. Mr Liu expressed disappointment that there had been no meaningful progress on the site.

In reply to queries from Members, Mr Liu confirmed that OCTA had received a £250,000 contribution from the applicant, however the main concern was the applicant's failure to re-provide facilities for OCTA that were now over 2 years overdue. He stated that 400sq metres of space dedicated to local residents and groups supporting Oriental Culture on the site was one of the terms in the Section 106 Agreement and that there were some 12,000 Chinese people living in the area. Mr Liu acknowledged that economic circumstances had played its part in the lack of development on the site.

Mr Ben Ford, the applicant's agent, addressed the Committee and confirmed the applicant's intention to extend the existing planning permission. Mr Ford, whilst acknowledging the concerns raised by OCTA, stated that the applicant had been powerless to proceed with the development due to the unexpected economic downturn which had not been perceived at the time of the first planning application. He stated that if planning permission was granted, it would provide the opportunity the applicant required to develop the site and that in the meantime OCTA had received a commercial payment from the applicant to assist in its survival. Mr Ford asserted that the Section 106 Agreement included that the applicant provide a temporary community centre and not a temporary Oriental City structure during the construction of the new site.

In reply to questions raised by Members, Mr Ford reiterated that the applicant was legally bound to honour the Section 106 Agreement, which included providing for a new permanent Oriental Centre, a temporary community centre upon commencement of construction and a permanent one upon completion. He stated that the applicant could not provide a guarantee as to when development would start as this was dependent on the economic situation, however the terms of the Section 106 Agreement and conditions would be fulfilled once works started. Members noted that the applicant had anticipated a two year construction period from when the first planning application was submitted. Mr Ford stated that there had been a number of discussions between the applicant, OCTA, the Planning Service and other organisations about progressing the development and that the applicant was only permitted to apply to extend the planning permission once.

During Members' discussion, Councillor Kataria noted that the proposals included 351 parking spaces for 820 residents and he enquired if there were sufficient parking spaces in the streets surrounding the site. With regard to the Environmental Agency's objection to the scheme, he sought further views with regard to a flood risk and whether a sustainable drainage system was proposed. Councillor Hasmi expressed concern that the Chinese community had been without facilities on this site for an excessive period and enquired whether there could be a condition guaranteeing them a community centre.

In reply, the Head of Area Planning, Steve Weeks confirmed that the applicant had met the required parking standards and he noted that there may be a Controlled Parking Scheme in operation in the future. The site also had good public transport links. He commented that the Environmental Agency's observations had been considered and he explained that a flood risk was not an issue, but rather how water was disposed from the site. A condition that the applicant's drainage system be designed appropriately addressed this issue. Steve Weeks confirmed that the

applicant was required to provide a temporary community centre upon commencement of construction and a permanent community centre upon completion. He advised that if the planning permission was refused and another developer acquired the site, they would not be obliged to provide a community centre

The Committee was advised that it would be unreasonable to add a condition requiring the applicant to provide a community centre regardless of whether the site was developed.

DECISION: Planning permission granted subject to confirmation that referral to the Government Office for London is not required, conditions, and 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.

**5. 26 Westward Way, Harrow, HA3 0SE (Ref. 10/0867)**

Erection of first floor side/rear extension and external alterations to the existing ground floor side to rear extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning drew Members' attention to further observations in the supplementary information circulated at the meeting.

DECISION: Planning permission granted subject to conditions.

**6. 10 The Garth, Harrow, HA3 9TQ (Ref. 10/0766)**

Demolition of detached garage and erection of a single and two storey side extension, first floor rear extension, front porch and associated landscaping to front of dwellinghouse (as amended by plans received 26.05.2010).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning confirmed that the application was fully Supplementary Planning Guidance (SPG) compliant.

DECISION: Planning permission granted subject to conditions.

**7. 4 Aston Avenue, Harrow, HA3 0DB (Ref. 10/0518)**

Demolition of attached side garage and erection of part single-/part two-storey side and rear extensions, erection of rear dormer window and installation of 2 rooflights to both side roof slopes and 1 front rooflight to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning confirmed that the application was fully SPG compliant.

Councillor Katria queried why there was a condition requiring that the applicant provide two parking spaces.

In reply, the Head of Area Planning advised that this was consistent with Council Policy and the London Plan.

DECISION: Planning permission granted subject to conditions.

**8. 90 Regal Way, Harrow, HA3 0RY (Ref. 10/0305)**

Demolition of attached garage and erection of a single and two storey side extension, a single and two storey rear extension, installation of 1 front, 1 side and 1 rear rooflight and a rear dormer window to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager, Rachel McConnell, advised Members that an earlier application had been refused, however this application was a considerable improvement on the previous one. She drew Members' attention to the observations in the supplementary information circulated at the meeting.

Mr Mansur, in objecting to the application, stated that the proposed side extension would close the gap between the applicant and his property. He also objected to the application on the grounds of excessive size, bulky appearance and invasion of privacy. Mr Mansur added that if he was to make a similar application, a terracing effect would be created.

Councillor Kataria enquired if the application met with SPG and sought further comments in respect of terracing.

In reply, the Head of Area Planning acknowledged concerns about terracing but advised that a gap would still exist and that SPG guidelines, which the application met, were tighter in respect of terracing compared to a number of other London boroughs.

DECISION: Planning permission granted subject to conditions.

**9. Caretakers House, Kingsbury High School Annexe, 75 Roe Green, London, NW9 0PN (Ref. 10/0515)**

Retrospective application (and completion of works) for the erection of 3 x 3 bedroom terraced dwellinghouses, with creation of 2 vehicular accesses, hard and soft landscaping to front and provision of private amenity space to rear as accompanied by Deed of Agreement dated 22nd August 2008 under Section 106 of the Town and Country Planning Act 1990 (as amended).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning advised that this was a retrospective application as the works carried out differed from what had initially been approved and some plans had been inaccurate. Members noted that the application was being recommended for approval and the existing canopy already restricted the outlook.

Councillor Hashmi queried the provision of one parking space for each dwelling in view that they were three bedroom properties. Councillor Kataria enquired why the Section 106 Agreement contribution was £18,000 as greater contributions had been required for similar applications of this scale.

In reply, the Head of Area Planning advised that the maximum amount of parking spaces were being provided in compliance with policy. The Committee noted that the Section 106 Agreement had been transferred from the previous approval.

Members then agreed to the Head of Area Planning's suggestion that the application be approved in principle but to delegate the final decision on the application to the Head of Area Planning in particular for him to consider whether a further Section 106 contribution is required.

DECISION: Approve in principle but delegate final decision on the application to the Head of Area Planning in particular for him to consider whether a further section 106 contribution is required.

**10. 145 Harvist Road, London, NW6 6HB (Ref. 10/0456)**

Erection of a single storey rear extension, installation of 1 rear rooflight, 2 side doors, 3 ground floor, 3 first floor and 3 second floor windows to side elevation, new timber door to rear elevation and erection of timber gates to side of dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager confirmed that the application complied with SPG and that the objections received were addressed by condition 3 in the report. Members were advised that the word 'not' in the third line of the paragraph titled 'Rear Rooflight' on page 91 should be deleted.

DECISION: Planning permission granted subject to conditions.

**11. 30 Hopefield Avenue, London, NW6 6LH (Ref. 10/0290)**

Demolition of existing rear conservatory and erection of single-storey side infill extension to dwellinghouse.

OFFICER RECOMMENDATION: Refuse planning permission.

The Area Planning Manager, Andy Bates, introduced the report and drew Members' attention to the reason for refusal and to a further letter of objection from the Queens Park Residents' Association (QPRA) and additional comments from the applicant in the supplementary information circulated at the meeting.

Mr Stephen Greene, speaking in support of the application, stated that the applicant felt the application was sympathetic to the design and character of the local area and that the extension complied with Article 4. He added that there would be no impact on light, that the application was not an overdevelopment and that the immediate neighbours had not objected to the scheme.

During discussion, Councillor Hashmi sought further clarity with regard to officers' views on the proposals for a full length infill extension. Councillor Kataria enquired whether the application would be considered acceptable if it was not in a Conservation Area.

In response to the issues raised, the Area Planning Manager acknowledged that the immediate neighbours had not objected to the application, however on balance the recommendation was for refusal, taking into account the concerns expressed by QPRA and because it failed to be sufficiently sympathetic to the character of the building in view that was within a Conservation Area.

The Head of Area Planning, Steve Weeks, added that full length infill extensions were generally discouraged and that the application would be more acceptable if the extension was broken up, possibly by including a lightwell and if was a lighter weight construction. Members noted that similar applications in non-conservation areas had been allowed by Planning Inspectors on appeal in the past, however it was desirable that such applications were not visible from the street.

DECISION: Planning permission refused.

**12. Land rear of 40-42 Okehampton Road London NW10 (Ref. 10/0310)**



Demolition of 4 garages and erection of a two-storey, two-bedroom dwellinghouse with basement, timber fencing (1.8m high) to boundary, installation of vehicular and pedestrian gate to front, formation of new pedestrian access, alterations to narrow existing vehicular access to site and raise part of existing dropped kerb, with provision of 1 car-parking space.

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Area Planning Manager, Andy Bates, introduced the report and confirmed that the application was a re-submission of an earlier application in 2007.

Ms Byrne confirmed that she lived in the property next door to the site and explained that her property had required works on three separate occasions due to subsidence. She expressed particular concern with regard to the basement proposals and stated that her insurers had recommended that the applicant agree to total liability and that they provide a constructive method statement. Ms Byrne stated that the Ladbroke Association had advised her that there would be considerable noise and vibration whilst works were being undertaken for the basement which would impact on her quality of life. She also commented that the proposed timber cladding for the exterior would quickly deteriorate and felt that a wider area should be consulted over the materials to be used.

Councillor Hashmi acknowledged Ms Byrne's concerns and enquired whether a £9,000 contribution for a Section 106 Agreement was appropriate. He also queried how the non-habitable use of the basement could be controlled to prevent a breach of use.

In reply, the Area Planning Manager advised that there was clear guidance with regard to two bedroom applications and that the Section 106 Agreement contribution was appropriate. He drew Members' attention to Condition 5 in the report which stated that the basement was only permitted for storage use.

The Head of Area Planning acknowledged Ms Byrne's concerns, explaining that some of the issues raised were more relevant to the Party Wall Act and Building Regulations, rather than being a planning consideration. He advised that although there would inevitably be some noise and disturbance during works, a construction method statement could address some of the concerns raised, such as limiting the times during which works take place. He, therefore, suggested that a construction method statement should be required via condition.

Members then agreed to the application with the addition of a condition requiring the applicant to provide a method construction statement.

DECISION: Planning permission granted subject to conditions, an additional condition that a construction method statement be provided, informatives, and on 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.

**13. 113A,113B & 113C Keslake Road London NW6 (Ref. 10/0523)**

Conversion of 3 self contained flats into a single family dwellinghouse and erection of 1 rear dormer window, 1 rear rooflight, replacement of lower ground floor side door with window, replacement of lower ground floor side window with new window and a single storey side extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager, Andy Bates, confirmed that the application complied with SPG. He acknowledged an error in report highlighted by Councillor Cummins that erroneously stated that the adjoining property was 187 Chevening Road.

Councillor Kataria expressed disappointment that such a property was to be converted into flats.

DECISION: Planning permission granted subject to conditions.

**14. 41A Montrose Avenue, London, NW6 6LE (Ref. 10/0672)**

Conversion of 3 self contained flats into a single family dwellinghouse and erection of 1 rear dormer window, 1 rear rooflight, replacement of lower ground floor side door with window, replacement of lower ground floor side window with new window and a single storey side extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager, Andy Bates, advised that this was a good example of what proposals should be included for a side and rear extension.

DECISION: Planning permission granted subject to conditions.

**15. 147-153 High Street, London, NW10 4TR (Ref. 10/0569)**

Outline application for erection of 3- and 4-storey building with basement to provide 20 affordable flats, consisting of 1 one-bedroom, 12 two-bedroom and 7 three-bedroom flats (matters to be determined: access, appearance, layout and scale).

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Area Planning Manager, Andy Bates, drew Members' attention to further observations, amendments to the Section 106 Agreement Heads of Terms, amendments to conditions 8 and 11 and an additional condition as set out in the supplementary information circulated at the meeting.

Mr Ian Britton introduced himself to the Committee and explained that he was representing the views of residents of Rucklidge Avenue and the High Street. With the agreement of the Chair, he circulated information detailing his objections to the application. He asserted that the application did not meet the following SPGs for the reasons mentioned:-

SPG 17 3.2– overbearing and dominant feature

SPG 17 3.4 – significant loss of sunlight

SPG 5.1 and 5.2 – gardens and outside amenity space not of sufficient size

SPG7 3.3 – loss of privacy caused by site's windows being 17 metres from a neighbouring property's bedroom and kitchen windows when it should be at least 20 metres

BE9 – proposals not of sufficient architectural quality

Mr Britton stated that a previous Planning Inspector's report had expressed concern on the impact of the application on residents' living conditions and he urged the Committee to refuse the application.

Ms Anne Ellam, in objecting to the application, stated that the development would lead to damage to neighbouring properties and lead to a lower quality of life for residents close to the site. She felt that the proposals represented an over development of the site, that it was overly dense, it did not provide sufficient external recreational space contrary to SPG 5.1, neighbouring garden areas would suffer loss of light, children could be at risk from falling from the proposed balconies and it would exacerbate existing pressure on parking spaces. In addition, Ms Ellam felt that the application would place increased strain on the local infrastructure, including schools and GPs. She felt that the application needed to be significantly smaller in scale to make it more acceptable.

With the agreement of the Chair, a letter from Mrs Mehta outlining her objections to the scheme was circulated to Members.

Mr Robin Bretherwick, the applicant's agent, addressed the Committee. He stated that the application had been improved since the earlier Planning Appeal hearing and there had been a number of revisions since meeting with residents' associations, ward councillors and Council officers. Mr Bretherwick asserted that the application would assist the Council's objective in providing sufficient affordable housing and met all the requirements suggested by Planning officers, including exceeding those of SPG 17. Members heard that the site was located

within a priority area for Town Centre enhancement and the applicant had appointed an award winning architect to produce a design for the scheme.

In reply to queries from Members, Mr Bretherwick confirmed that there had been a full report on decontaminating the site and that the petrol station site had been fully decontaminated. Mr Bretherwick acknowledged concerns with regard to parking space and children's play space area but he stated that the site exceeded amenity space requirements, the scheme was car free and the site was well served by public transport.

**In accordance with the provisions of the Planning Code of Practice, Councillor Powney** confirmed that he had been approached by objectors with regard to the application and that he was speaking as a ward member. He felt that the distance of the site in relation to 139 High Road did not meet SPG guidelines as the distance should be 10 metres, not the 6 metres proposed. Councillor Powney stated when the application was previously considered by the Committee, Members may not have been aware that flank windows of 139 High Street were of habitable rooms and therefore would suffer from a poor outlook. He also stated windows of neighbouring properties would suffer significant loss of sunlight. In view of these issues, Councillor Powney felt that planning permission should be refused.

During discussion by Members, Councillor Kataria, whilst acknowledging the need for affordable housing, commented that there appeared to be substantial objections to the application and he sought officers' observations with regard to this. He also enquired whether the roof could be accessed from the balconies and if so would this represent a risk to children. Councillor Cummins sought comments with regard to signage at the wall of 155 High Road and the presence of a gas meter. Councillor McLennan enquired if there was any guidance in respect of sunlight and height restrictions with regard to maintaining privacy.

In reply to the issues raised, the Area Planning Manager advised that the additional condition in the supplementary information prevented access to the roof from the balconies.

The Head of Area Planning stated that the British Research Establishment provided guidelines in respect of sunlight, although these were not universal. He advised that generally, the applicant met sunlight requirements and it was not considered that the impact on sunlight alone would provide sufficient grounds to refuse the application. Members heard that if signage in respect of the wall along 155 High Road was legal, then a suitable arrangement would need to be made with the applicant, and similarly so with regard to the gas meter. The Head of Area Planning advised that proposals met the minimum standards for distance between windows and he reminded Members to consider the application in the context of a dense, urban site. He acknowledged Councillor Powney's comments with regard to the flank windows on 139 High Road and the report accepted that there was a restriction of outlook in this respect. Members noted that affordable housing was required to meet high standards.

Members then considered the application and voted to refuse the application contrary to the officer's recommendation with the following statement of reasons: the scale of the development resulting in a poor relationship with properties on Rucklidge Avenue, lack of amenity space, loss of outlook to the flank of 139 High Street and to dwellings on Rucklidge Avenue .and the impact on the frontage of the introduction of lightwells.

**In accordance with the provisions of the Planning Code of Practice**, voting on the officers' recommendation for approval of this application was recorded as follows:-

**FOR:** Councillor Hashmi (1)

**AGAINST:** Councillors Adeye, Cummins, Daly, Hossain, Kataria, McLennan, R Patel and Sheth (8)

**ABSTENTIONS:** None (0)

**In accordance with the provisions of the Planning Code of Practice**, voting on the reasons for refusal of this application was recorded as follows:-

**FOR:** Councillors Adeye, Cummins, Daly, Hossain, Kataria, McLennan, R Patel and Sheth (8)

**AGAINST:** None (0)

**ABSTENTIONS:** Councillor Hashmi (1)

**DECISION:** Planning permission refused on the grounds of the scale of the development resulting in a poor relationship with properties on Rucklidge Avenue, lack of amenity space, loss of outlook to the flank of 139 High Street and to dwellings on Rucklidge Avenue .and the impact on the frontage of the introduction of lightwells.

**16. 24 Carlisle Road, Kilburn, London, NW6 6TS (Ref. 10/0728)**

Single storey rear extension, rear dormer window and installation of 1 rear and 1 front rooflight and 1 rooflight to rear projection of dwellinghouse.

**OFFICER RECOMMENDATION:** Grant planning permission subject to conditions.

The Area Planning Manager, Andy Bates, stated that the Planning Inspector had allowed an earlier appeal and that the Council had to be mindful of his comments.

**DECISION:** Planning permission granted subject to conditions.

**17. Garages rear of 55 Mount Pleasant Road, Henley Road, London NW6 (Ref. 10/0932)**

Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area.

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

The Area Planning Manager, Andy Bates, drew Members' attention to minor amendments to the wording of the Section 106 Agreement and letters in support of the application as set out in the supplementary information circulated at the meeting. He stated that the applicant had submitted two applications, of which this one was for a flat-roofed dwelling and the officer's recommendation was to approve planning permission.

Mr Martin West, a local resident, stated that a petition containing some 90 signatures objecting to the application had been submitted. He objected to the application on the grounds of its character, appearance and design being out of keeping with the area, the detrimental effect on neighbouring gardens, the size and layout of the site and that it would represent an overdevelopment. Mr West suggested that the site was too small to accommodate a residential dwelling and that there would be insufficient amenity space, especially for children and there was a lack of landscaping. He added that if the application was approved, it could set an unwelcome precedent for approving similar applications in the area.

Mr Liam Clear, in also objecting to the application, expressed concern with regard to the detrimental impact the carbon footprint of developing this site would have on the environment. He added that approving the application would be contrary to the Carbon Reduction Commitment and that the application had already been refused on several occasions previously. He also expressed concern that approving the application could set a precedent and he urged the Committee to refuse planning permission.

**In accordance with the provisions of the Planning Code of Practice, Councillor Shaw** confirmed that she had been approached by both objectors and supporters of the application and that she was speaking in her capacity as a ward councillor. Councillor Shaw referred to the application being refused several times previously and being dismissed on appeal. She stated that the majority of residents were strongly objecting to the application and she referred to the petition objecting to it previously mentioned by Mr West. She suggested that there was insufficient space on site for such a use and the proposals would impinge on properties in two neighbouring roads. Councillor Shaw felt that a flat roof design was no more acceptable than the pitched roof design for the second application. She commented that the provision of one parking space was insufficient and

would exacerbate pressure on parking spaces in the area, whilst there would also be a loss of greenery. Councillor Shaw expressed concerns about the risk of flooding and increased noise and lighting emanating from the proposed rooftop lights and also felt the application could set a precedent if approved. She queried the Section 106 Agreement of £6,000 towards education, sustainable transport, and open space and sports in the local area. Councillor Shaw concluded by requesting that the application be refused, or that it be deferred for a site visit.

During discussion by Members, Councillor Kataria acknowledged concerns that the application could set a precedent if approved and he felt that valid issues had been raised which needed to be considered by visiting the site.

Members then unanimously agreed to defer the application for a site visit to consider the issues raised at the meeting.

DECISION: Application deferred for site visit.

**18. Garages rear of 55 Mount Pleasant Road, Henley Road, London NW6 (Ref. 10/0933)**

Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and the erection of a new single-storey, pitched-roof, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area.

OFFICER RECOMMENDATION: Refuse planning permission.

The Area Planning Manager, Andy Bates, drew Members' attention to additional comments and the additional reason for refusal as set out in the supplementary information circulated at the meeting.

Members unanimously agreed to defer the application for a site visit to consider the issues raised at the meeting.

DECISION: Application deferred for site visit.

**19. 68 Walm Lane, London, NW2 4RA (Ref. 10/0455)**

Change of use from sandwich bar (Use Class A1) to cafe (Use Class A3) and installation of extract duct.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager, Andy Bates, drew Members' attention to additional observations as set out in the supplementary information circulated at the meeting.

Mr Neil Eldem stated that a petition with approximately 100 signatures had been submitted objecting to the application. Mr Eldem suggested that the A3 use applied for was contrary to the agreement with the landlord and of the application was approved the addition of the cafe would place further pressure on restaurants in the area that were already suffering due to the economic downturn. He felt that the application would be detrimental to both local residents and businesses.

Mr Luke Karl, in objecting to the application, expressed concern that the installation of the extract duct would create unwelcome smells for the neighbouring properties and he also suggested that there were already sufficient restaurants in the area.

During Members' discussion, Councillor Cummins referred to conditions 4 and 5 in the report and enquired where the refuse and food waste would be stored. He added that if the rear garden was to be utilised for refuse storage, wheelie bins would be required to transport it to the collection point. Councillor Kataria felt that the report addressed all planning considerations and therefore there were no grounds for refusal. Councillor Hashmi enquired whether Environmental Health could be contacted to ensure that the applicant was storing and disposing of refuse appropriately.

In reply to the issues raised, the Area Planning Manager advised that the proposed storage area was to the rear area of the floor plan.

The Head of Area Planning acknowledged concerns about smells coming from the proposed extract duct and he stated that any issues could be addressed by Environmental Health, although they were happy with refuse storage and collection arrangements.

Members then agreed to the Head of Area Planning's suggestion to an additional condition that the applicant provide further details of storage arrangements for waste prior to its collection and an informative.

DECISION: Planning permission granted subject to conditions, an additional condition that the applicant provide further details of storage arrangements for waste prior to its collection and an informative.

**20. 212-214 Church Road, London, NW10 9NP (Ref. 08/1712)**

Retention of a single-storey rear extension to the community centre with set back from rear of Ilex Road across whole extension, landscaping of exposed area, lowered and non-opening roof lantern windows, air-conditioning units to flat roof and planters at end of rear extension.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager, Andy Bates, stated that this was a balanced, appropriate application in view of the site's location.



Councillor Kataria commented that a town centre location for a community centre was unusual.

DECISION: Planning permission granted subject to conditions and an informative.

**21. 29-31, Brook Avenue, Wembley, HA9 8PH (Ref. 10/0601)**

Extension to time limit of planning permission 07/0158, dated 18/04/2007, for demolition of existing 3 x 2-storey houses on the site and erection of part 3-storey and 4-storey building (including lower ground level) with front and rear dormer windows and balconies to provide 13 self-contained flats (comprising ten 2-bedroom flats and three 3-bedroom flats) with formation of new vehicular and pedestrian access, provision of 4 car-parking spaces (including 2 disabled parking bays), refuse-storage and landscaping to the front, cycle store for 13 cycles at lower ground level, rear amenity space and associated works, involving retention of the existing chimney between No. 28 and 29 Brook Avenue, and works undertaken to support it and make good this elevation, the former party wall.

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Head of Area Planning advised that the plan on page 184 of the report was inaccurate and he drew Members' attention to additional comments in the supplementary information circulated at the meeting.

Councillor Hashmi queried the aspect of the Section 106 Agreement concerning affordable housing. Councillor Cummins enquired how the affordable housing element of the application would be monitored.

In reply, the Head of Area Planning advised that a £50,000 Section 106 Agreement contribution would be required towards affordable housing, unless an acceptable Affordable Housing Toolkit was submitted showing a return of less than 17.5 per cent. He advised that the IT software used by the Planning Service automatically flagged up the proportion of affordable housing for any scheme where this use was proposed.

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

**22. Wembley Mini Market and Public Convenience, Lancelot Road, Wembley, HA0 (Ref. 10/0646)**

Demolition of existing market structures and public convenience, and erection of a part two-, three- and four-storey building, comprising 21 flats (1 x 1-bedroom, 18 x 2-bedroom and 2 x 3-bedroom), with amenity space and associated landscaping.

**OFFICER RECOMMENDATION:** Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Head of Area Planning drew Members' attention to the additional condition 15 and an amendment to informative 1 as set out in the supplementary information circulated at the meeting.

**In accordance with the provisions of the Planning Code of Practice, Councillor Mistry** confirmed that he had been approached by objectors to the application and that he was speaking in his capacity as ward councillor. He stated that there had been a petition against the scheme with approximately 100 signatures. Councillor Mistry expressed concern that the application lacked parking provision and that residents would have to rely on obtaining residents permits. He added that Turton Road was already over parked, with triple parking often occurring, whilst the garden area at the back of the site was also unsuitable. Councillor Mistry commented that the site's location on a steep hill would also make access difficult for disabled residents.

During Members' discussion, Councillor Hashmi expressed concern that there were no disabled parking spaces provided. Councillor Cummins queried how disabled parking spaces could be provided on-street as mentioned in the report in view that the objectors had stated that the surrounding roads were already over parked. He also queried the comments in the report in respect of the Landscape Design Team and Urban Design. Councillor McLennon enquired whether the reduction to the Section 106 Agreement was due to the application being re-configured.

In reply to the issues raised, the Head of Area Planning stated that the Section 106 Agreement contribution had been reduced due to the revised proposals reducing the total number of bedrooms by one. He advised that if a disabled parking space was provided on-street, this would be at the expense of an existing parking bay. He advised that the Landscape Design Team and Urban Design comments in the report had not been updated.

**DECISION:** Planning permission granted subject to conditions, informatives, an additional condition 15 and an amendment to informative 1 as set out in the supplementary information and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

**23. The Stonebridge Centre, 6 Hillside, Stonebridge, London, NW10 8BN (Ref. 10/0631)**

Installation of 12 metre pole mast with broadcast antenna and flat plate link antenna for community radio station on roof of building (The Hillside Hub).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning confirmed that the application was SPG compliant.

Councillor Hashmi felt that there were insufficient details in the application to address health issues, in particular in relation to the use of radio waves. Councillor Cummins enquired if the antenna could be used as a mobile phone mast.

In reply, the Head of Area Planning advised that the radio waves were on a different frequency to mobile masts and that the structure proposed could not be used for mobile phone signals. However Members agreed to the Head of Area Planning's suggestion that an informative be included reminding the applicant of their obligations to OfCom with regard to inspection and regulation of the FM antenna.

DECISION: Planning permission granted subject to conditions and the addition of an informative reminding the applicant of their obligations to OfCom with regard to inspection and regulation of the FM antenna.

**24. Minavil House, Rosemont Road, Wembley, HA0 (Ref. 10/0245)**

Demolition of existing building and erection of new building ranging from one storey to 11 storeys in height, comprising retail space at ground floor, office space at first floor, 55 flats at upper-floor levels, provision of 35 off-street parking spaces, cycle storage areas, roof terraces and amenity space with associated landscaping to site.

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Head of Area Planning introduced the report and confirmed that the application was to redevelop an existing site. He drew Members' attention to additional observations, amendments to conditions 4, 7 and 9 and additional conditions as set out in the supplementary information circulated at the meeting.

DECISION: Planning permission granted subject to conditions, amendments to conditions 4, 7 and 9 and additional conditions as set out in the supplementary information and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

**25. Wembley High Technology College, East Lane, Wembley, HA0 3NT (Ref. 10/0436)**

Three-storey extension to school building to provide sixth-form facility adjacent to East Lane (as amended by revised plans dated 13/05/10).

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Head of Area Planning advised that the application was fully SPG compliant.

DECISION: Planning permission granted subject to conditions and on 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.

**26. Any other urgent business**

None.

**27. Date of next meeting**

It was noted that the next meeting of the Planning Committee was scheduled for Wednesday, 30 June 2010 and that the site visit for this meeting would take place the preceding Saturday, 26 June 2010 at 9.30 am when the coach leaves Brent House.