



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Tuesday, 7 June 2011 at 7.00 pm

PRESENT: Councillors Sheth (Chair), Daly (Vice-Chair), Cummins, Hashmi, Kabir, McLennan, Mitchell Murray, CJ Patel, RS Patel and Singh

ALSO PRESENT: Councillor Mary Arnold, Councillor Bhagwanji Chohan, Councillor Simon Green and Councillor Kana Naheerathan

Apologies for absence were received from Baker

1. Declarations of personal and prejudicial interests

4. 475 Kenton Road Harrow, Middlesex HA3 0UN
Councillor McLennan declared a personal interest that she was a colleague of the applicant. She therefore withdrew from the meeting room and did not take part in the discussion or voting on this application.
11. 233 Willesden Lane, London NW2 5RP
Councillor Cummins declared a personal interest that he knew the applicant's architect.

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 12 May 2011 be approved as an accurate record of the meeting.

3. 75 Bush Grove, Kingsbury, London NW9 8QX (Ref 11/0743)

PROPOSAL:

Demolition of existing garage and erection of two-storey, three-bedroom detached house with basement in rear garden of 75 Bush Grove and associated hard and soft landscaping, bin store, new off-street parking space and crossover for No. 75 as amended by plans received 26/05/11.

Stephen Weeks, Head of Area Planning, informed members about some minor amendments to condition 2 (drawing numbers) and the Section 106 Heads of terms: add "Education" to the list of benefits. Subject to those he reiterated the recommendation for approval.

Mrs Theresa Ani in objecting to the application stated that it would compromise her privacy and lead to loss of sunlight and outlook. She added that the excavations required for the proposal would cause vibration and structural damage to her property. Mrs Ani continued that the building which would be out of character with the area would set a precedent for similar undesirable developments in the area. She therefore requested a site visit to enable members to assess the full impact of the proposed development.

Mrs Evelyn McLean an objector, speaking in a similar vein, stated that she concurred with the views expressed by the previous objector adding that the proposal would create an overshadowing effect, loss of privacy and outlook. Mrs McLean also requested a site visit which would allow members to fully assess the application and for her to understand what was being proposed. A petition signed by local residents opposing the application was also presented by the objectors.

In response to the Chairs' request for a summary of the proposal, the Head of Area Planning clarified that the distance between the site and the garden of the objector's property was about 23 metres and therefore no significant impact in terms of height, outlook, sunlight and privacy would result. He added that the proposal which had been designed to follow normal guidance complied with Supplementary Planning Guidance (SPG) 17. In response to further members questions he explained the above and the speaker's concern about level changes by referring to the plans of the proposal that were on display. He also recommended a further condition to control the use of the garage and an informative concerning the Party Wall Act reflecting Members queries about boundary issues.

RECOMMENDATION:

- (a) Grant planning permission, subject to conditions, informatives and an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

DECISION:

- (a) Planning permission granted, subject to conditions as amended in condition 2, the addition of a further condition controlling the use of the garage, informatives including the party Wall Act and an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

4. 475 Kenton Road, Harrow, Middlesex HA3 0UN (Ref. 11/0378)

PROPOSAL:

Installation of side dormer window, rear dormer window, 2 front rooflights, 2 ground floor flank wall windows, one roof level flank wall window and erection of a detached single-storey outbuilding to storage facilities in garden of doctor's surgery.

RECOMMENDATION:

Grant planning permission subject to conditions and informatives.

Dr Ajid Shah, the applicant clarified that the proposed building would be located in the rear quarter of the garden and would have a set in of 1 metre from each side boundary and 3 metres from the rear boundary. He confirmed that the building would be used for storage purposes only.

Councillor Cummins queried the location of the proposed outbuilding in relation to the normal approach to such buildings for housing and this was explained. Councillor Kabir also queried any security implications in terms of the storage use and was advised that the proposal was for record and materials.

The Head of Area Planning added that the proposed outbuilding would replace 2 smaller sheds located in the garden. In response to the security issue, he recommended a further condition to control external lighting to the outbuilding to be added.

DECISION: Planning permission granted subject to conditions and informatives and an additional condition to control external lighting to the outbuilding.

Note: Councillor McLennan having declared that the applicant was her colleague left the meeting room, took no part in the discussion or voting on the application.

5. 17 Brampton Grove, Wembley, Middlesex HA9 9QX (Ref. 11/0289)

PROPOSAL:

Retrospective application for development comprising a part single-storey, part two-storey side and rear extension to the dwellinghouse, with the following modifications:

- Replacement of the ground-floor and first-floor windows on the front elevation of the side extension
 - Removal of front rooflight and its relocation to the rear roof plane
 - Alterations to the pitch angle of the roof over the side extension
- Reduction in the depth of the first-floor rear extension.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

6. Islamia School Centre, Salisbury Road, London, NW6 6PE (Ref. 10/2389)

PROPOSAL: Erection of a part two-storey and part three-storey primary school building with a playground at roof level.

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

Andy Bates, Area Planning Manager stated that although the issue about control over the potential to expand pupil numbers had been addressed in the main report, he clarified that any permission granted would be subject to conditions including limiting the number of pupils enrolled with each of the schools on the site as amplified in condition 3. He continued that if there were proposals to further increase pupil numbers in the future beyond those stated in the condition, the impact of this would be subject to proper consideration and a requirement to make a formal application to vary that condition.

Mr Tim Taylor objecting on behalf of a local community group, “We Love Queens Park” raised concerns about the application on grounds of uncertainties surrounding funding and delivery of the proposed development. He added that completion of the proposal depended on external funding including Partnership for Schools (PFS) and unless funding, viability and deliverability could be guaranteed planning permission should not be granted. Mr Taylor continued that in addition to funding issues, the application had been rushed through at a significant risk without proper regard to other material planning considerations such as daylight, accessibility.

In response to Councillor Sheth’s request for a clarification, Mr Taylor stated that in his view due regard to proper planning process had not been followed. He added that due to issues with funding and deliverability, local residents would consider a judicial review of the Committee decision if planning permission was granted.

Mr James Hope Acting Chairman of Queens Park Area Residents Association (QPARA) in objecting to the application stated that the Governors of Islamia School had shown a lack of business financial acumen to ensure deliverability of the proposed development. Mr Hope continued that the applicants had not signed a section 106 legal agreement to mitigate the impact of the proposal on the community nor submitted a full traffic management plan for approval. He added that there were few signs of local integration with the school and that community use of the building had not been established. In response to the Chair’s question on his comment about the soundness of the applicant’s business plan, Mr Hope cited as an example a nearby project associated with the governors of Islamia School which was still unfinished due to lack of funds.

Mrs Annalisa Baggio, a parent governor of the school stated that the proposal was to create a much needed facilities for the school in terms of a suitable playground, canteen and toilets for the pupils. She added that contrary to the claims by the objectors, the school had been designed to integrate the local community.

In accordance with the provisions of the Planning Code of Practice, Councillor Green ward member stated that he had been approached by “We Love Queens Park” and QPARA. Councillor Green objected to the proposed development on grounds of uncertainty about the funding required for deliverability and that it would contravene the Council’s Unitary Development Plan (UDP) policy BE2. In view of the above and the overwhelming local opposition to the project Councillor Green urged members to defer the application.

Ms Julia Barfield the applicant’s architect stated that the school would be two form entry with a cap of 560 pupils and that a modest design had been maintained so as to minimise impact on adjoining buildings. She continued that full consultation on the application including attendance at Area Consultative Forum (ACF) meetings, website publicity, open days and public meetings took place at which comments made by local residents formed the basis of further modifications to the scheme. Ms Barfield added that the resulting proposal would create a school environment fit for the 21st century in which Queens Park would take pride and stressed her view that the planning benefits outweighed concerns over funding issues

Councillor RS Patel enquired about funding for the project and steps that the school would take to ensure the safety of the children. Ms Barfield stated that as the applicant’s architect she was not qualified to comment on funding issues. In respect of the safety of the pupils, Andy Bates drew members’ attention to condition 6 which prohibited ball games or any other projectiles in the roof top play area unless agreed in writing with the Planning Authority.

Councillor Cummins noted that the amended boundary of the application site introduced scope for some control of pupil numbers and other members referred to the need to consider and balance all material considerations.

In commenting on funding issues, Tony Vincett, legal adviser to the Committee stated members needed to weigh its relevance to this particular application and whether in planning terms a potentially half built structure would be a consideration material to this decision of this application. Steve Weeks, Head of Area Planning added that although there was no clear indication that funding for the project had failed, approval of this application would not commit Brent Council to funding obligations. He advised that it would not be advantageous to defer the application and that the applications now sought a decision to an application that had been submitted in September 2010.

In accordance with the provisions of the Planning Code of Practice, Councillor Green ward member stated that he had been approached by “We Love Queens Park” and QPARA. Councillor Green objected to the proposed development on grounds of uncertainty about the funding required for deliverability and that it would contravene the Council’s Unitary Development Plan (UDP) policy BE2. In view of the above and the overwhelming local opposition to the project Councillor Green urged members to defer the application

Ms Julia Barfield the applicant’s architect stated that the school would be two form entry with a cap of 560 pupils and that a modest design had been maintained so as to minimise impact on adjoining buildings. She continued full consultation on the application including attendance at Area Consultative Forum (ACF) meetings, website publicity, open days and public meetings took place at which comments made by local residents formed the basis of modifications. Ms Barfield added that the resulting proposal would create a school environment fit for the 21st century in which Queens Park would take pride.

Councillor RS Patel enquired about funding for the project and steps that the school would take to ensure the safety of the children. Ms Barfield stated that as the applicant’s architect she was not qualified to comment on funding issues. In respect of the safety of the pupils, Andy Bates drew members’ attention to condition 6 which prohibited ball games or any other projectiles in the roof top play area unless agreed in writing with the Planning Authority.

In commenting on funding issues, Tony Vincett, legal adviser to the Committee stated members needed to weigh its relevance to this particular application and whether in planning terms a half built structure would be a consideration material to this decision of this application. Steve Weeks, Head of Area Planning added that although there was no clear indication that funding for the project had failed, approval of this application would not commit Brent Council to funding obligations. He advised that it would not be advantageous to defer the application.

DECISION: Planning permission granted subject to conditions as amended condition 2, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

7. Units 1, 2, 11 & 12 100 Villiers Road and Villiers Motors Car Park, London, NW2 5PJ (Ref. 11/0193)

PROPOSAL:

Conversion of four commercial (Class B1) units for use as 5 residential apartments with associated amenity space in the form of terraces at ground and roof level and landscaped amenity area.

RECOMMENDATION:

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

Andy Bates, Area Planning Manager informed the Committee that the applicant had submitted an additional plan (drawing no. A152) confirming the appearance of alterations to the site frontage. The purpose of the plan was to provide greater certainty and would not in any way amend the proposals as set out in the main Committee report. He therefore recommended that condition 2 be amended to include plan number A152 under the list of approved documents. The Area Planning Manager continued that on the advice of the Director of Legal and Procurement conditions 3 (storage of 5 cycles), 4 (storage of refuse and recycling bins) and 5 (further details of the treatment of all external residential amenity to be submitted) should be amended as set out in the tabled supplementary report. In response to a concern about the operation of residential and commercial waste arrangements, Andy Bates confirmed that the condition would be amended to seek discreet storage.

Mr Sean Tickle, the applicant's architect clarified the proposal and added that the proposal would not prejudice the land as an employment site which had been vacant for over 4 years.

DECISION: Planning permission granted subject to an amended description and conditions 2, 3, 4 and 5 and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

8. 38 Dunster Gardens, London, NW6 7NH (Ref. 11/0886)

PROPOSAL: Erection of a single storey side extension.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

9. 66B Salusbury Road, London, NW6 6NR (Ref. 11/0653)

PROPOSAL: Installation of 2 front rooflights, 1 rear rooflight and 1 new window to side gable end of first floor flat.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

10. 2-8 Malvern Road, London NW6 5PP (Ref. 10/0047)

PROPOSAL: Demolition of single storey doctors' surgery and erection of 5 storey building comprising Use Class D1 floorspace on ground floor and 4 self contained flats (3 x 3 bedroom & 1 x 2 bedroom) on upper floors.

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

Andy Bates, Area Planning Manager informed members that he had received 3 emails that could not be added to the supplementary on the grounds that the proposed development was bulky, out of character with the area and would impact on existing residents, adding that those issues had all been addressed in the main report.

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

11. 233 Willesden Lane, Willesden, London NW2 5RP (Ref. 10/0683)

PROPOSAL: Second floor roof extension to form 9 additional bedrooms, conversion of gymnasium block into conference room on lower ground floor, 20 additional bedrooms on two upper floors, formation of external seating area and pedestrian access ramp to north elevation, provision of 19 car parking spaces and 1 coach space, bin store and various external alterations.

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

In response to members' queries, Andy Bates the Area Planning Manager stated that the use of physical measures including obscure glazing which would be imposed as a condition would ensure that there would be no overlooking to into the neighbouring properties in Honeyman Close. Councillor Cummins raised an issue about the use of bunk beds in existing rooms within the building to which the Area Planning manager responded that the use of bunk beds did not give rise to loss of privacy and child protection issues. Andy Bates clarified that as a hotel/hostel the development was not self-contained flats and therefore a section 106 financial contribution could not be applied. The £20,000 contribution was secured by negotiation with the applicant.

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

12. 77 Kilburn High Road, London, NW6 6HY (Ref. 11/0464)

PROPOSAL: Erection of enclosed decking to front of public house.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

13. 3-7 Lincoln Parade, Preston Road, Wembley, HA9 8UA (Ref. 11/0555)

PROPOSAL: Proposed change of use from offices to a mixed use Use Class A1 (retail) and Use Class A3 (cafe), including single storey rear extension, erection of rear extract duct, installation of new shopfront with external awning, formation of new front entrance and rear fire exit doors, along with the creation of an outside cafe seating area to the front surrounded by 1m high fence.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Neil McClellan, Area Planning Manager informed the Committee that he had received an additional representation from an earlier objector which reiterated previous objections without raising new issues. He added that an adequate distance existed between the commercial and residential properties to ensure that residents were not unduly affected by the proposed A1/A3 use of 3-7 Lincoln Parade. In addition there was an existing condition to control the hours of use of the premises 'Club 182' to no later than 23:30 hours and that any breach of this condition could result in enforcement action being taken.

DECISION: Planning permission granted subject to conditions and informatives.

14. 3-7 Lincoln Parade, Preston Road, Wembley, HA9 8UA (Ref. 11/0556)

PROPOSAL: Proposed installation of 1 x internally illuminated fascia sign, and non-illuminated signage to be fixed to ground floor glazing panels (as amended by revised plans).

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

15. 20 Stadium Business Centre, North End Road, Wembley, HA9 0AT (Ref. 10/2498)

PROPOSAL: Outline application for erection of extensions to existing building to create a 3-storey building (Use Classes B2 & B8) entailing raising the roof, partial first floor extension, and new second floor with new windows to front and side elevations (matters to be determined access, appearance, layout and scale).

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

16. 3C Ranelagh Road, Wembley, Middlesex HA0 4RW (Ref. 11/0345)

PROPOSAL: Demolition of existing temple and the erection of a new temple including an ancillary two storey accommodation block and landscaping.

RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the tabled supplementary, Neil McClellan Area Planning Manager responded to the following issues raised following a visit to the site.

S106

He clarified that as the redevelopment would be used solely for a community use and temporary living quarters for priests, it did not require any financial or infrastructure contributions and therefore would not be subject to a legal agreement.

Waste from Cooking

Existing waste storage and collection would be from the service road to the north. A condition had been included requiring further details of waste storage to be approved prior to the commencement of work.

Shoe Storage

The proposal included a dedicated shoe storage room attached to the side of the Temple.

Noise from Extract Equipment

There had been no recent approval of extract equipment within the vicinity of the site and that any new equipment would require planning permission and would be subject to standard noise conditions. Although this matter had been referred to Environmental Health for further investigation, he recommended that an additional condition be included requiring the approval of details of any mechanical ventilation or extraction systems required by the scheme.

He added that in response to a legal concerns condition 6 on public address system had been re-worded to be more precise and enforceable as set out in the tabled supplementary report.

Mr Sivaratnum the applicant in responding to concerns expressed by Councillor Mitchell-Murray about potential cooking smells and parking congestion, stated that the proposed development would not involve large scale cooking which would have required an extractor. He added that weddings would not take place at the temple. Mr Sivaratnum requested members to extend the hours of operation to 22:00 hours (summer) and 21:00 hours (winter).

Steve Weeks, the Head of Area Planning, responded to Members queries about the scope to relax the operation hours by stressing that this was an issue that would better be assessed when the new facility had been operating for a while.

During discussions Members felt it would be unfair on the local residents to suddenly agree an extension to the existing hours of operation.

DECISION: Planning permission granted subject to conditions as amended in condition 6 and additional conditions as set out in the tabled supplementary.

17. 6 & 8 Queen Victoria Avenue, Wembley, Middlesex HA0 4RW (Ref. 11/0925)

PROPOSAL: Proposed single storey rear extensions to No's 6 & 8 Queen Victoria Avenue (joint application) (as amended).

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

18. 14 Stapleford Road, Wembley, Middlesex HA0 4RN (Ref. 11/0588)

PROPOSAL: Erection of part-single, part-two storey side and rear extension, rear dormer and two front rooflights and alterations to existing porch of single family dwellinghouse.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Officer introduction

Objectors, ward councillors & applicants/agent.

DECISION: Planning permission granted subject to conditions and informatives.

19. Garages rear of 84, Bowrons Avenue, Wembley, HA0 (Ref. 10/2288)

PROPOSAL: Demolition of existing block of 6 garages and erection of a two storey detached dwellinghouse (4 bedrooms) with integral garage garden space to rear, formation of vehicular access to Norton Road, erection of external bin store to new house and external bin store for existing flats (as amended by plans).

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

The Area Planning Manager in responding to queries raised by members about the proximity of the electricity sub-station and the lawn area to the rear of the block of flats submitted the following;

Environmental Health Officers had advised that the applicant would need to undertake a survey to demonstrate that electro-magnetic fields from the substation would not be a problem and that the environment would be safe for future residents. In order to secure this, a planning condition as set out in the tabled supplementary was recommended. He continued that in order to prevent the parking of vehicles in the lawn area to the rear of the block he recommended a condition to require the installation of a low level boundary treatment to protect the lawned area. This would prevent any detrimental impact on residential and visual amenities of the area.

DECISION: Planning permission granted subject to conditions, additional conditions on low level boundary treatment, an assessment of the potential exposure of site end users to the electromagnetic fields generated by the electric substation adjoining the site, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

20. Planning Appeals March to April 2011

RESOLVED:

that the planning appeals for March to April 2011 be noted.

21. Any Other Urgent Business

None.

The meeting ended at 9:45pm

K SHETH
Chair