



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Tuesday, 2 August 2011 at 7.00 pm

PRESENT: Councillors Sheth (Chair), Daly (Vice-Chair), Baker, Cummins, Hashmi, Kabir, Mitchell Murray, Moloney (alternate for McLennan), CJ Patel, RS Patel

Apologies for absence were received from McLennan and Singh

1. **Declarations of personal and prejudicial interests**

None.

2. **Minutes of the previous meeting held on 6 July 2011**

RESOLVED:-

that the minutes of the previous meeting held on 6 July 2011 be approved as an accurate record of the meeting.

3. **1-11 (incl), Cairnfield Court, Cairnfield Avenue, London NW2 7PP (Ref. 11/1520)**

PROPOSAL:

Erection of second-floor rear and third-floor rooftop extension to existing residential block, forming an additional 4 self-contained flats (1 x 2 bed, 2 x 1 bed, 1 x studio), provision of 3 parking spaces and associated alterations (alterations to flats as built to reduce size of second-floor and third-floor rooftop extension)

RECOMMENDATION:

- (a) Grant Planning Permission, subject to 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.

Rachel McConnell, Area Planning Manager in reference to the tabled supplementary report submitted the following responses to clarifications sought at the site visit:

The car parking spaces were proposed to reflect the possible additional demand by the new flats as there is no CPZ and Cairnfield Avenue is heavily parked at

night. She added that the spaces could be used by the occupiers of the existing and proposed flats so as to reduce the impact on the surrounding streets. In order to ensure an acceptable level of parking, she recommended an amendment to condition 5 to ensure the parking is provided for the occupiers of Cairnfield Court and an additional condition requiring additional cycle parking if access to the car parking cannot be provided as set out in the tabled supplementary.

Members noted that while a number of windows within the block had been replaced with UPVC windows, the design and proportions of the replacement windows reflected the original windows to an acceptable degree. She added that the windows in the proposed extension were simpler and reflected the change in design of the addition to the original building. The Area Planning Manager advised the Committee that additional landscaping including three trees was proposed to the frontage of the block in addition to a hedge along the front boundary and around the proposed parking spaces to the rear. She then drew members' attention to the additional correspondence and objections and officers' responses to them as set out in the supplementary report and reiterated the recommendation for approval.

Ms Renata Garwolinska objected to the proposal on the following grounds;

- (ii) Reduction in amenity space including parking spaces
- (ii) Insufficient bin storage
- (iii) Loss of light
- (iv) Loss of view and overlooking

Mr Welsh, the applicant's agent in responding to the above stated that the amenity space provided was in accordance with the Council's standards. He added that the provision for bin storage and outlook was a generous interpretation of Council's guidelines and urged members to approve the application.

Councillor Hashmi asked the agent for a clarification on who would be entitled to use the car parking spaces. Councillor Kabir referred to the partitioning of the bin area and expressed her concern that it could obstruct the means of fire escape. In response to members' queries, Mr Welsh stated that the use of the parking spaces was a matter for the management of the block and added that measures would be taken to ensure that the stairs were maintained to a high standard as a proper fire escape.

Members discussed the application during which Councillor Daly noted the objector's claim about loss of amenity space and enquired whether there was any requirement on the landowner to upgrade the amenity area. Councillor Cummins emphasised the need for a management plan for parking and to regularise the fire exit. Councillor Moloney echoed the need for a proper fire exit and the boarding in the bin store removed. Councillor Kabir sought a clarification on guidance for increased density.

Rachel McConnell responded that the proposal complied with the council's amenity space standards, parking provision and refuse storage. She added that issues about fire exit were a matter for Building Control but that an informative

could be added to advise of the need to comply with Building Regulations regarding a satisfactory means of escape. She noted that whilst there would be a reduction in outlook, it was not considered significant enough to warrant refusal of the application. Stephen Weeks, Head of Area Planning, advised against a management plan for parking adding that the key point to note was that parking would be for the residents only.

DECISION:

- (a) Planning Permission granted subject to conditions as amended in condition 5, an additional condition on the parking area 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. 107 High Street, London NW10 4TS (Ref. 11/1062)

PROPOSAL:

Change of use of the premises from hairdressers (Use Class A1) to part community centre (Use Class D1) and part bookshop (Use Class A1)

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Andy Bates, Area Planning Manager informed members that the subject site located within Secondary Shopping Frontage was a three-storey Grade II Listed terraced building comprising of a shop unit at ground and basement level with residential accommodation above. Although there had been an Enforcement Notice against the use of the premises as solely as a community/cultural centre, it was now considered that the changes made to the use, including the provision of a retail area, which can also act as a lobby area during peak times, would help to overcome previous concerns.

Mr Robert Dunwell in endorsing the recommendation for approval commended the Planning Services for working harmoniously with the community to a satisfactory conclusion.

DECISION: Planning permission granted subject to conditions and informatives.

5. 44 Windermere Avenue, London NW6 6LN (Ref. 11/0323)

PROPOSAL:

Installation of replacement aluminium windows/doors to ground floor flat

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

6. 139D Kilburn High Road, London NW6 7HR (Ref. 11/1123)

PROPOSAL:

Change of use from office (Use Class B1) to financial services (Use Class A2) excluding betting shop

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

7. 33 Montrose Avenue, London NW6 6LE (Ref. 11/0569)

PROPOSAL:

Replacement of existing upvc windows with aluminium casement windows to front elevation of dwellinghouse (Article 4 Direction)

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Andy Bates, the Area Planning Manager informed members about comments made by Councillor Arnold that whilst she did not object to the application, she felt that the replacement of windows to bomb damaged properties ought to be fully reviewed and consulted on with local residents. She also noted that there was no guidance for replacement windows for this style of property in the existing design guide and that options needed to be more widely assessed before being finalised. Andy Bates added that the Queens Park Emerging Design Guide set out in the report would be adopted as the approach to planning applications for the replacement windows.

Members endorsed the need to provide design guidance for replacement windows and that this should be undertaken with the revised Queens Park Design Guide to which the Area Planning Manager referred.

DECISION: Planning permission granted subject to conditions and informatives.

8. 8 St Pauls Avenue, London NW2 5SX (Ref. 10/3157)

PROPOSAL:

Erection of part single, part two storey rear extension of existing property, installation of 1 front and 2 rear rooflights and conversion into 4 (one 3, one 1 bed and 2 studio) self contained flats.

RECOMMENDATION: Grant planning permission subject to conditions.

Mr Alistair Dean, in objecting to the application raised the following issues in addition to the list of objections set out in the main report;

- (i) the report contained inaccuracies in respect of the number of trees.
- (ii) the property had already been sub-divided for multiple occupation.
- (iii) the consultation was not extended to all residents, in particular No 8.
- (iv) the applicant's lack of maintenance of the property, resulting in overgrown forecourt with vermin and fox.
- (v) the extension would cause loss of residential amenities.

In responding to the concerns raised by the objector, Andy Bates stated that although the issue of maintenance was one for the applicant to resolve, condition 3 (which could be expanded to include the area to the rear of the property) had been imposed to ensure compliance failing which an enforcement notice could be served on the property. He added that the current application would regularise the unlawful multiple occupation use of the property. The Head of Area Planning suggested that members delegate authority to enable further consultation to take place with residents and consider their concerns.

Members felt that issues about consultation with some residents and amenity impact had not been fully addressed. Councillor Cummins moved an amendment for a deferral to the next meeting to confirm consultation arrangements, clarify the use of the property and the amenity impact of the proposal on neighbouring properties.

DECISION: Deferred to confirm consultation arrangements with the occupiers and to clarify the use of the property and the amenity impact of the proposal on neighbouring properties.

9. 108 Windermere Avenue, Wembley, Middlesex HA9 8RB (Ref. 11/0894)

PROPOSAL:

Change of use of premises from Use Class A2 to a mini-cab office (sui-generis)

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

In response to Councillor Baker's enquiry about parking problems in Windermere Avenue as a result of the application, the Head of Area Planning advised that the Council's Head of Transportation did not object to the highway and parking implications of the application.

DECISION: Planning permission granted subject to conditions and informatives.

10. One Tree Hill Recreation Ground, Norton Road, Wembley, HA0 (Ref. 11/1434)

PROPOSAL:

Installation of a multi use games area (MUGA) surrounded by a 3m high fence and extension of existing playground in One Tree Hill Recreation Ground including an extension to the existing pathway network and installation of three bicycle stands, as revised

RECOMMENDATION: Grant planning permission subject to conditions.

In response to an objector's comment about restrictive covenants to prevent the construction of structures, the Head of Area Planning confirmed that Property and Asset Management had advised that no covenant existed on the land but that this was a separate issue to the planning decision.

DECISION: Planning permission granted subject to conditions.

11. 12 High Street, Harlesden, London NW10

The report dealt with the planning enforcement history of 12 High Street, Harlesden, NW10 4LX and updated members on the current enforcement position and a petition that requested Planning Services to reconsider the refusal of an application for planning permission made by Harlesden Ummah Centre of 12 High Street, London NW10 as a Masjid'.

Steve Weeks, Head of Area Planning, in setting the background to the enforcement notice informed members that complaints were received that the premises were being used for religious gatherings in addition to its lawful use as a retail shop. The matter was taken up with a trustee of the premises who claimed it was not in use as a place of worship but as a community shop. He continued that further works were carried out in 2008 which involved the erection of a rear extension, the cessation of the retail use and its use for religious services. As the Trustees took no steps to resolve the issue the Council issued an enforcement notice on 27th March 2009 requiring the demolition of the extension and the cessation of the use of the premises as a place of worship.

An appeal by the Trustees against the enforcement notice was dismissed by the Planning Inspector who held that the scale and bulk of the extension amount to an over development of the site and its design was out of character with the Harlesden Conservation Area. The Inspector also held that there was a significant loss of residential amenity and an unacceptable transport impact at times of prayer meetings and religious gatherings. The Trustees were therefore required to remove the extension and cease restore the use of the premises to retail. He continued that although a significant part of the extension may now have been removed he sought members support for further steps to obtain compliance with

the enforcement notice as the current use of 12 High Street, Harlesden as a place of worship/community centre was unacceptable.

Mr S Zubari the applicant stated that the use of the premises for religious purposes had not resulted in an unacceptable traffic impact as the worshippers were not attending by motor vehicles. In addition, the strong adherence to staggered exits had ensured that there was no loss of residential amenity to the other residents. He continued that the use of 12 High Street as a religious centre was to facilitate the upbringing of their children in an Islamic way, in the same way as Neasden Temple and the religious centre in Pavitt Hall, Wembley Central. In response to a member's enquiry, Mr Zubari stated that the worshippers attending the other religious centres were about three times as many as those attending 12 High Street.

During members' discussion, Councillor Hashmi referred to planning permissions granted for religious and community uses at 212 -214 Church Road, NW10, 107 High Street NW10 and 72-74 which would be reported to Committee with a recommendation for approval. He therefore indicated his support for the application. Councillor McLennan asked as to whether the Police and the Fire Service had expressed a view on the application. Councillors Cummins and Sheth sought clarification on the number of people attending the religious centre and the significance of the examples referred to in the report

Steve Weeks responded that he was not aware of specific comments by the Police and the Fire Service. He continued that the number of worshippers was considerably in excess of number indicated by the applicant in addressing the Committee. He advised members that each application was decided on its own merits but that the location within the primary secondary shopping area was important as there was a need to retain and maintain the vitality of Harlesden Town Centre.

RESOLVED:-

- (i) to note the reasons for refusal of planning permission and the issue of an enforcement notice to obtain cessation of the unlawful use of the premises;
- (ii) that further steps to obtain compliance with the outstanding enforcement notice be supported.

12. Leisure Golf, Northwick Park, Harrow HA0

The report before members set out the changes that had taken place since the application was granted and updated them on a range of issues that remained to be carried out by Leisure Golf. Steve Weeks highlighted the following outstanding issues;

- Green Roof to main building (condition 2 of 99/2397)
Leisure Golf Limited had provided assurances that they would be appointing a company to reinstall a green roof on the main building. He added that

indicative details of a sedum roof proposal from eco.green roofs had recently been received and was being assessed by the Council's Landscape Designers

- **Car parking on site**
Steve Weeks considered that the lack of progress towards car parking on site to be particularly disappointing given that Leisure Golf Ltd had promised submissions to discharge this information over the course of the last 2 years with no applications being received.
- **Materials - condition 3 of application 06/0768** required the use of the special events car park to cease unless the gravel surface was removed, and topsoil/ grass laid in the special events parking area. The area had been grassed but remained extremely patchy and it appeared that there was an inadequate growing medium provided.
- **Landscaping – (condition 4 of application 06/0768)** required the use of the special events car park to cease unless within 2 months a soft landscaping scheme is approved and within 9 months the landscaping is fully implemented. There was some evidence that some hedge species were planted but little now remained and there was no evidence of the new trees.
- **Car park management plan –** the plan submitted informally 4 years ago, was unsatisfactory and no progress made on this to date. The gate that was meant to restrict access did not seem to be controlled.
- **Car parking** remained an ongoing problem on site and previous and current owners had failed to either comply or provide an alternative layout to be considered. Officers consider that further enforcement action may be necessary in the absence of a formal submission in the near future.

In his conclusion, Steve weeks advised that Officers would continue to discuss the outstanding matters set out above with Leisure Golf Limited.

RESOLVED:-

to note and endorse the ongoing approach of seeking to regularise outstanding planning matters.

13. Planning and Building Control Enforcement 2010/11

This report provided an update on planning enforcement activity over the last financial year and highlighted key trends and issues in relation to previous years. The report also covered the related area of Building Control, discussed the scope for joint working and proposed to amend the Enforcement Policy statements for both areas to reflect this more joined up approach. Steve Weeks, Head of Area Planning in reference to annexe 1 to the report drew members' attention to the key trends and issues and the scope for joint working with Building Control. He noted that the figures in the annexe demonstrated how robust the service had been but

emphasised the need for resource provision if the consistent level of action was to be maintained.

RESOLVED:-

- (i) that the scope of enforcement activity undertaken within Planning and Development and the contribution that it made in dealing with significant problems affecting residents and visitors to Brent be noted;
- (ii) that the current Planning and Building Control Enforcement Policies be amended to reflect the changes set out in the report and the merger of the two units.
- (iii) that support be given to the wider use of the Proceeds of Crime Act 2002 in tackling persistent or deliberate offenders.

14. Any Other Urgent Business

None.

The meeting ended at 8:50pm

K SHETH
Chair