



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday, 13 January 2010 at 7.00 pm

PRESENT: Councillors Kansagra (Chair), Powney (Vice-Chair), Anwar, Baker, Cummins, Hashmi, Jackson, R Moher, CJ Patel, Steel and Thomas.

ALSO PRESENT: Councillor Mary Arnold, Councillor Anthony Dunn, Councillor Robert Dunwell, Councillor Simon Green and Councillor Carol Shaw.

Apologies for absence were received from Councillors Hirani and HM Patel.

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

None at the start of this meeting.

2. **Minutes of the previous meeting held on 16 December 2009**

RESOLVED:-

that the minutes of the previous meeting held on 16 December be approved as an accurate record of the meeting subject to the decision on Malorees School being amended to "planning permission refused".

3. **John Billam Sports Centre, Woodcock Hill Harrow HA3 0PQ (Ref 09/3072)**

Variation of condition 1 to allow the activities within the building to be permitted between the hours of 0800 - 2230 Sundays to Thursdays and between the hours of 0800 - 2330 Fridays and Saturdays with the premises cleared within 30 minutes after these times on a *permanent* basis and in the case of the following events for the activities within the building to be permitted between the hours of 0800 - 0030, vacated by 0100 hours on a permanent basis:

- New Year's Eve celebration;
- Valentine's Day celebrations on the Friday and Saturday in the weekend immediately prior to and after St. Valentine's Day (14th February);
- Diwali celebrations on the Friday and Saturday in the weekend immediately prior to and after Diwali;
- Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;
- Christmas celebrations on the Friday and Saturday in the weekend immediately prior to and after Christmas Day (25th December) the Saturday falling in a Bank Holiday weekend.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and an informative.

The Head of Area Planning Steve Weeks informed the Committee that the application had been withdrawn. He however asked the Committee whether, on the information available, they would have supported the recommendation to grant planning permission for a 2-year temporary period.

DECISION: Planning permission for a 2-year temporary period would have been granted subject to conditions and an informative had the application not been withdrawn.

4. 14 Imperial Way, Harrow HA3 9SW (Ref. 09/2273)

Single-storey rear extension to dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

5. 63A Beverley Gardens, Wembley HA9 9RB (Ref.09/2313)

Retention of existing ground and lower ground floor rear extensions, rear dormer window and front and flank roof lights, removal of flank wall window at ground floor, internal alterations including an internal staircase from ground to lower ground floor and the removal of an internal wall, alterations to the front garden layout and vehicle access; and the removal of the outbuilding in the rear garden and front canopy.

OFFICER RECOMMENDATION: Refuse planning permission.

The Committee decided to allow the objectors and the agent to make together their representations on this application and the application for 63A Beverley Gardens. In his introduction, Steve Weeks drew the Committee's attention to the list of additional objections received set out in the tabled supplementary adding that the issues raised had already been dealt with in the main report.

Mr John Parker, Chair of Barnhill Residents Association in objection stated that the building was overbearing to the extent that it did not allow occupiers of neighbouring properties to enjoy their garden. He added that the property which was in multiple-occupation and overcrowded was out of character with the area through increased noise resulting from parties being held on the terrace and in the garden. Mr Parker expressed a view that it would set a precedent for other similar undesirable developments in the area and for those reasons he endorsed the recommendation for refusal of both applications.

Mr Ros Lakani the applicant's agent acknowledged that the applicant had made some few mistakes in his attempts to comply with planning conditions. He added that the property which had been let to students on short term let had not changed from its single dwelling status to a house in multiple-occupation (HMO). In respect of the application for 63 Beverley Gardens (agenda item 12) Mr Lakani submitted that the current 3metre depth of the extension was not overbearing and did not constitute an overdevelopment of the site. He continued that both developments which were not within a Conservation Area were not out of keeping with the character of the area as there was a similar development at No 63 Beverley Gardens. In addressing the allegation about the overflow refuse bins, Mr Lakani stated that it arose because the Council did not provide wheelie bins in time.

DECISION: Planning permission refused.

6. 8A & 8B Keyes Road NW2 3XA (Ref.09/3308)

Installation of replacement white timber windows and doors to ground and first floor flat.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Mrs Sheelagh Putnam starting by applauding Brent Planning Services for insisting on original windows for the applications on the agenda, items 7, 8, 9 and 10. She however felt that more details should be required from the applicant (Stadium Housing) to ensure that the glazing was preserved, pointing to her own replacement windows as an example.

Members decided to defer applications for agenda items 7, 8, 9 and 10 to enable them to visit one property in the area in order to assess the practicality of the example given by Mrs Putnam.

DECISION: Deferred.

7. 5A -5C Hoveden Road London NW2 3XE ((Ref.09/3365)

Installation of replacement white timber windows and doors to ground floor, first floor and second floor flats.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

See item 6 for the discussion on this application.

DECISION: Deferred.

8. 15A & 15B Keyes Road London NW2 (Ref.09/3306)

Installation of replacement timber casement windows and doors to both self contained flats (as revised by plans received 17/12/2009)

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

See item 6 for the discussion on this application.

DECISION: Deferred.

9. 32A -C Keyes Road London NW2 (Ref.09/3374)

Installation and replacement of white timber double glazed windows to 3 flats (as amended by plans received 17/12/2009)

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

See item 6 for the discussion on this application.

DECISION: Deferred.

10. 44A-C Keyes Road London NW2 (Ref.09/3367)

Installation of replacement white timber windows and doors to ground floor, first floor and second floor flats. (as amended by plans received 17/12/2009)

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

See item 6 for the discussion on this application.

DECISION: Deferred.

11. 6 Barn Way, Wembley HA9 9LE (Ref.09/3265)

Retention of uPVC windows to front elevation of dwellinghouse.

OFFICER RECOMMENDATION: Refuse planning permission.

In respect of members' query raised at the site visit on the status of the windows at Nos. 4 and 8 Barn Way, Steve Weeks confirmed that there was no planning record for the windows at Nos. 4 and 8 Barn Way.

Mrs Tugby the applicant circulated photos for members' consideration. She stated that the windows were redesigned with uPVC to match the windows in the neighbouring houses. She added that although there were differences in windows

in the properties in the area, the design of her windows would enhance the character of the Barnhill Conservation Area. In response to members' questions Mrs Tugby stated that the windows were replaced because the original windows were in a poor condition and that she was not aware of the guidelines in the Article 4 Direction for the Barnhill Conservation Area.

Members noted from the photos that there were numerous differences in the windows of the properties in the area. Councillor Baker expressed a view that the retention of the windows would not be detrimental to the character of the area, a view that was echoed by Councillor Anwar and the Chair. Councillor R Moher in expressing a different viewpoint stated that the windows failed to comply with the Conservation Area guidelines. On examination of the photos, Councillor Thomas felt that the applicant ought to make changes to the ground floor windows to ensure proportionality with the upper floor window and therefore moved an amendment for deferral for further details to be submitted.

Prior to voting, Steve Weeks responded that the proportions of the ground floor windows needed improving and submitted that on balance he could not recommend the application for approval.

Members voted on the amendment in the name of Councillor Thomas for a deferral for further details to be submitted which was declared lost. Members voted on the substantive recommendation for a refusal which was declared also lost as members were minded to grant planning permission subject to the ground floor extension windows being changed to ensure a relationship with those in adjoining houses.

In accordance with the provisions of the Planning Code of Practice, voting on the recommendation for refusal was recorded as follows;

FOR	Councillors R Moher and Thomas	(2)
AGAINST	Councillors Kansagra, Powney, Anwar, Baker, Hashmi Jackson, CJ Patel and Steel	(8)
ABSTENTION	Councillor Cummins	(1)

DECISION: Minded to grant planning permission subject to conditions.

12. 63 Beverley Gardens Wembley HA9 9RB (Ref.09/3423)

Retention of lower ground floor and ground floor extensions and rear dormer window, removal of front entrance canopy and alterations to the front garden layout.

OFFICER RECOMMENDATION: Refuse planning permission.

See item 5 for the discussion on this application.

DECISION: Planning permission refused.

13. 338-346 Stag Lane London NW9 (Ref.09/1947)

Alterations to outbuilding, single-storey rear extension to commercial units, alterations to shopfront and internal alterations to form one retail unit from 3 separate existing commercial units (two retail and one office), alterations to the existing 3 first-floor flats, alterations to and extension of roof to form 4 rear dormer windows to create loft floor and provide a total of 6 self-contained flats, comprising 4 two-bedroom and 2 one-bedroom flats, replacement of 2 front and 2 rear first-floor windows and all windows to side elevations, formation of 6 car-parking spaces, provision of cycle and bin store 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 Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

With reference to the tabled supplementary the Head of Area Planning informed members that the applicant had submitted a revised drawing which was considered acceptable. In respect of the section 106 agreement he stated that the additional 3 bedrooms would require a contribution of £9,000. He then reported on the access for the owners of No. 336 Stag Lane to the rear outbuilding and added an informative for the right of way to be maintained. It was noted that the Residents' Association had removed its objection as their concerns had been addressed. He continued that the Environmental Health had required a noise and vibration assessment relating to the air conditioning to the retail unit and an appropriate sound insulation to mitigate against noise transmitted between flats. In order to ensure compliance and to safeguard the amenities of the occupiers he recommended additional conditions 9 and 10 as set out in the supplementary.

In accordance with the provisions of the Planning Code of Practice, Councillor Dunwell, a ward member stated that he had been approached by members of the local Residents' Association. In reference to comments by the Director of Transportation Councillor Dunwell felt that the width of the gates would not be sufficient for refuse storage wheelie bins to go through. He continued that this would require refuse trucks to stop whilst the refuse bins were being brought to the road side, adding to the congestion in Stag Lane at its junction with Grove Park. He also expressed a view that access for emergency vehicles through the rear of the property was inadequate.

In response to the comments by Councillor Dunwell, Steve Weeks stated that the distance from the carriageway of 9-10metres were acceptable as was the access for emergency vehicles and the arrangement for refuse storage and collection.

DECISION: Planning permission granted 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.

14. 54A The Avenue, London NW6 7NP (Ref.09/2454)

Removal of two rear rooflights and installation of rear inverted dormer window with sliding doors to first floor flat

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Planning Manager Andy Bates in reference to the tabled supplementary information reported that there were no similar proposals within the immediate locality pointing out however that, members had previously approved open terraces and julliet balconies within roofspaces. He added that the application satisfied the key issue which was whether the extension can be erected without impacting on amenity. He continued that Building Control Officers had visited the site and noted that the loft conversion was unauthorised and did not comply with Building Regulations. He also added that Environmental Health Officers had confirmed that a noise complaint had been received in relation to the application site, in August 2009 and although the matter did not result in any action it had raised the neighbours' concerns about future problems that they feel could arise from the proposal.

Andy Bates informed members about additional objections received from Councillor Shaw and a resident who claimed that the freeholder had not given his consent to the applicant for the proposed development. He added that most of the issues raised had been dealt with in the main report and clarified that in the absence of the freeholder's consent, the proposed works could not commence. Andy Bates noted that the application description did not include the existing side and rear rooflights within the proposals which, as a flat, would require a separate planning consent regardless of the outcome of this application.

In accordance with the provisions of the Planning Code of Practice, Councillor Shaw, a ward member stated that she had been approached by the applicant and the freeholder. Councillor Shaw objected to the proposal on grounds of unacceptable internal layout, noise nuisance, overlooking and its detrimental impact on residential amenities, character and appearance of the area. She referred to the visit by the Council's noise patrol team to the site as further evidence of the problem of noise nuisance in the area. Councillor Shaw added that as the freeholder of the property had not given his consent to the works to be carried out there was no justification in granting planning permission.

During discussion Councillor Anwar stated that due to its proximity, the size of the terrace would adversely impact on the amenities of the occupier of No 52 The Avenue by way of noise. The Chair added that by opening outwards, the dormer would be inappropriate and could give rise to overlooking and loss of privacy.

Steve Weeks in responding to requests about the use stated that further clarification sought from the applicant and agent as to the current and proposed use of the roofspace had confirmed that it would be a photography studio/study.

This was classified as a work from home facility and ancillary to the residential use.

Members were however minded to refuse planning permission contrary to officers' recommendation for approval for the following reasons; scale of the terrace area and the size of the balcony on the second floor.

In accordance with the provisions of the Planning Code of Practice, voting on the recommendation for approval was recorded as follows;

FOR: Councillor Powney, CJ Patel, R Moher and Thomas (4)

AGAINST: Councillor Kansagra, Anwar, Baker, Steel and Jackson (5)

ABSTENTION: Councillor Hashmi (1)

DECISION: Planning permission refused.

Note: Councillor Cummins declared that he had been approached by the applicant, withdrew from the meeting room and took no part in the discussion or voting on this application.

15. 1-36 inc Marshall House., Albert Road London NW6 5DS (Ref.09/3319)

Demolition of 4- and 5-storey block of flats and erection of 2 new blocks, ranging from 4 storeys to 11 storeys in height, comprising 153 self-contained flats and maisonettes (111 of which are Affordable), 3 communal garden areas, private garden areas to front and rear of proposed ground-floor dwellings and associated landscaping to site.

OFFICER RECOMMENDATION: Agree in principle, but delegate the application to the Chief Planner/Head of Area Planning for his determination (taking into account any further representations received) and subject to the completion of a satisfactory Section 106, or other legal agreement, having referred the application to the London Mayor under Article 5 of the Town & Country Planning (Mayor of London) Order 2008 in order for him to confirm that the application is in compliance with the London Plan..

In his introduction Andy Bates the Planning Manager made an amendment to the description of the development that the final scheme included 40 private units and 113 affordable units, (and not 42 private units and 111 affordable units as stated in the main report). He then referred to a number of points raised about the methodology of the study that assessed the possible overshadowing from the proposed buildings on the buildings to the north of the railway line. He informed the Committee about the conclusions of the study which confirmed officers' view that any likely impact would be acceptable and that none of the other properties would suffer an unreasonable impact. This view was reached, in part, as a result of the separation distance between the existing and proposed buildings which was in excess of 70 metres. He added that officers were not aware of an obstruction to

light to such an extent as to warrant a refusal based on loss of light and overshadowing to properties to the north of the railway line.

Andy Bates then referred to additional representations from Sarah Teather MP adding that the issues raised did not raise any new issues. He recommended a further condition as set out in the tabled supplementary in order to ensure that the development was sustainable. He also referred to a number of comments and amendments to conditions 5, 10, 11 and the Heads of Terms of the Section 106 legal agreement made by the Borough Solicitor and as set out in the tabled supplementary. In reference to a request for an Environmental Impact Assessment (EIA) officers considered that he stated that having regard to the characteristics of the development, its location and potential impact, the proposal would not have significant environmental effects and, therefore, an EIA was not required.

Mr Kevin Barrett an objector started by saying that the consultation for the development did not follow the Council's Statement of Community Involvement (SCI) and therefore residents were not given sufficient time to consider the full extent of the proposed development. Mr Barrett also raised objections on grounds of loss of day lighting and noise nuisance that could result from the proposal within a Conservation Area.

Ms Brookes also objected to the proposed development on the following grounds;

- Detrimental impact on privacy and outlook
It would affect the character of Conservation Area
- Inadequate consultation with residents
- Lack of day light assessment for properties on Brondesbury Road
- Excess density, mass and bulk

Ms Brookes submitted that the applicant should be requested to withdraw the application as it failed to comply with South Kilburn Masterplan and consider a re-submission with amended design which met with the Design Policy Statement and the masterplan.

In accordance with the provisions of the Planning Code of Practice, Councillor Dunn, a ward member and a member of South Kilburn Partnership Board stated that he had been approached by objectors and the applicant. Councillor Dunn felt that residents had had ample time to consider the proposed development and added that the objections raised on grounds of noise nuisance and overshadowing had not been established. Councillor Dunn continued that the current proposal of between 4 and 11 storeys was an improvement on the original scheme which was for 10 to 20 storeys. He however added that it would be of any help, the application could be deferred to enable residents to digest the ramifications of the scheme.

In accordance with the provisions of the Planning Code of Practice, Councillor Green, an adjoining ward member stated that he had been approached by the objectors. Councillor Green stated that due to lack of proper

consultation, information was received by Queens Park ward residents only 3 days ago which did not give them enough time to digest the complexities of the proposed development. He urged members to refuse the application on grounds of inadequate consultation and the likely resulting significant impact.

In accordance with the provisions of the Planning Code of Practice, Councillor Arnold, a ward member stated that she had been approached by the objectors and some residents who supported the scheme but not by the applicant. Councillor Arnold stated that although the local residents were anxious that the housing programme was kick started, there was a need to address outstanding issues such as noise, vibration and wind. She added that whilst no one wanted to lose this opportunity for housing and regeneration of the area, more work to the scheme was required.

Mr Peter Sherlock the Project Manager stated that the scheme 72% of which would be for affordable housing would replace the current poor quality housing with buildings of high standard of design which was critical to the regeneration of the South Kilburn area. It would enable the Council to decant residents in Bronte and Fielding house. He added that the height and massing of the proposal was within the Supplementary Planning Document (SPD) for South Killburn and that studies had been commissioned had confirmed that no negative impact would result from the development. Mr Sherlock continued that as a car free development located in an area with good transport links, parking would not be an issue either.

In response to Councillor Hashmi's question about disabled persons' parking spaces, Mr Sherlock stated that there would be no need to change the parking configuration of disabled persons' parking spaces due to high accessibility of the development to good transport links. In response to Councillor Thomas' request for clarification on consultation, windflow and vibration, Mr Sherlock pointed out that there were extensive and numerous consultations including local advertisements, website information on the South Kilburn Masterplan as well as a comprehensive consultation with the residents of Bronte and Fielding House. He continued that according to the wind study carried out by PRP, there would be no significant impact on windflow, vibration and day lighting. On noise, Mr Sherlock stated that the development would rather diffuse any likely noise and vibration. He urged members to endorse the recommendation for approval adding that the entire South Kilburn regeneration programme could be stifled unless this development was progressed.

During discussion, Councillor Jackson in expressing concerns about the alleged lack of consultation and outstanding issues on wind and noise requested a deferral to the next meeting, a view which was supported by Councillors Anwar and Steel. Councillor Thomas emphasised the need for the development to be progressed for the South Kilburn area. Councillor Powney questioned the efficacy in deferring the application. The Chair added that whilst there may be a few outstanding issues, the application which had been improved from 19 to 11 storeys and supported with wind and light studies complied with the Council's planning guidelines. He continued that the local residents were fully aware of what was being proposed and therefore did not share the views expressed about lack of consultation.

The Head of Policy and Projects Dave Carroll explained that there would be no significant impact from the railway line and on the houses in Brondesbury Villas. He added that appropriate consultation involving about 877 households both north and south of the railway lines was carried out. Steve Weeks reiterated that the application complied with the Council's guidelines and advised against its deferral.

Members voted on the amendment for deferral which was declared lost. They then voted on the substantive recommendation for approval (as set out below) which was declared carried.

DECISION: Planning permission agreed in principle, but delegated the application to the Chief Planner/Head of Area Planning for his determination (taking into account any further representations received) and subject to the completion of a satisfactory Section 106, or other legal agreement, having referred the application to the London Mayor under Article 5 of the Town & Country Planning (Mayor of London) Order 2008 in order for him to confirm that the application is in compliance with the London Plan.

16. Communal Rooms & Flats 1-39 inc Gordon House, Malvern Road NW6 (Ref.09/2234)

Demolition of a three-storey building and erection of a part three-, four- and five-storey building comprising 26 affordable self-contained maisonettes and flats (3 one-bedroom, 15 two-bedroom, 8 three-bedroom), with formation of new vehicular access onto Malvern Road, communal garden 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 Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

In response to a query raised at the site visit on the relation of the proposed building to Blake Court Dave Carroll clarified that the existing building would be approximately 16.5m from Blake Court to the north. He drew members' attention to the tabled supplementary that set out an additional condition on details of a communal television and amendments to the Section 106 legal agreement and highlighted that £32,500 of the S106 standard charge would be used to offset the site's carbon emissions by decentralised energy generation, or other energy saving scheme to be implemented by the Council.

DECISION: Planning permission granted 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.

17. 1 Mulgrave Road, Harrow HA1 3UF (Ref.09/2261)

Erection of a first floor rear extension and installation of a first floor rear window to dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

18. The Coffee Shop, 11 The Broadway, Wembley HA9 8JU (Ref.09/2362)

Change of use of ground-floor from retail (Use Class A1) to coffee shop (Use Class A3) and erection of a single storey rear extension and rear extraction vent

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives.

DECISION: Planning permission granted subject to conditions and informatives.

19. 177 Norval Road, Wembley HA0 3SX (Ref.09/3176)

Erection of a rear dormer window involving removal of existing 2 rooflights on the rear roof elevation and installation of 1 skylight to the pitched roof of the existing single storey rear extension of the dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

20. 16 The Broadway, Wembley HA9 8JU (Ref.09/2426)

Change of use to cafe (Use Class A3) from retail (Use Class A1) and erection of a single-storey rear extension, rear extraction flue and bin store.

OFFICER RECOMMENDATION: Refuse planning permission.

In response to Councillor Cummins' enquiry, the Planning Manager outlined the differences between this application and the application for The Coffee Shop, No. 11 The Broadway as follows; the nature and intensity of use due to late night use of the premises, the resulting impact on residential amenities through noise nuisance and the impact on service arrangements. He added that the applicant had accepted suggestions for modifications to the application which may be re-submitted.

DECISION: Planning permission refused.

21. Any Other Urgent Business

None at this meeting

The meeting ended at 10.05pm

S KANSAGRA
CHAIR