



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Wednesday, 14 April 2010 at 7.00 pm

PRESENT: Councillors Kansagra (Chair), Powney (Vice-Chair), Baker, Cummins, Hashmi, Jackson, R Moher, Thomas and Steel (alternate for HM Patel)

ALSO PRESENT: Councillor Mary Arnold, Councillor Muhammed Butt, Councillor Anthony Dunn, Councillor Robert Dunwell, Councillor Simon Green, Councillor Alan Mendoza, Councillor Kanta Mistry and Councillor Emily Tancred.

Apologies for absence were received from Anwar, Hirani and HM Patel.

1. Declarations of personal and prejudicial interests

12. 1-28 Charles Goddard House, High Road, Wembley, HA0
Councillor Jackson and Councillor Thomas declared interests that they were members of the Board of Willow Housing & Care Ltd and did not take part in the discussion and voting on this application.

15 & 17. 17 Denis Avenue, Wembley HA9 8AZ

Councillor Cummins declared a personal interest that he knew the applicant's uncle. He withdrew from the meeting room and did not take part in the discussion and voting on these applications.

All members declared that they had received communication directly from the applicant in connection with both applications.

2. Minutes of the previous meeting

RESOLVED:-

that the minutes of the previous meeting held on 16 March 2010 be approved as an accurate record of the meeting subject to the following amendments;

13. Add "to delegate the wording of condition 12 to officers" to the decision.

3. Bowling Green Pavilions, Chatsworth Road, NW2 4BL (Ref. 10/0124)

Erection of a single-storey building for use as a nursery school (Use Class D1) and erection of pitched roof to existing clubhouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and a Section 106 legal agreement.

The Area Planning Manager Andy Bates with reference to the supplementary report informed members about modifications and revisions to the plans. He stated although the revisions had resulted in a reduction of the overall length of the building in relation to the rear wall of the adjacent residential property at No.49, he remained severely concerned at the relationship between the existing and proposed sites. Andy Bates continued that a combination of the overall length of the building, the change in levels between the two sites and the proximity of the building to the adjacent residential accommodation would all result in an unacceptable relationship that would inevitably have a detrimental impact on the amenities of those people living nearby. He added that whilst the need for increased nursery accommodation throughout the Borough was acknowledged, for the reasons set out in the report the site was inappropriate for such increased provision. The Area Planning Manager advised that if members were minded to grant planning permission contrary to officers' recommendation then the consent would need to be subject to conditions set out in the main report and as amended in conditions 4, 5 and 7 in the supplementary report and a section 106 legal agreement on Nursery Travel Plan to address any unacceptable highway conditions that the nursery could give rise to.

Mr Andy McMullan the applicant's agent drew members' attention to the revisions and modifications to the scheme which in his view would address any likely adverse impact on the amenities of the neighbouring residents and improve the overall amenity space.

In accordance with the provisions of the Planning Code of Practice, Councillor Arnold a ward member stated that she had been approached by the applicant. Councillor Arnold stated that the application which complied with the Council's Unitary Development Plan (UDP) would have no adverse impact on residential amenities. She added that the need for the nursery in the area which was also supported by the Council's early Learning Years' Officer far outweighed all other considerations and that the applicant would agree to the conditions including a Section 106 legal agreement.

In accordance with the provisions of the Planning Code of Practice, Councillor Arnold Councillor Dunn a neighbouring ward member stated that he had been approached by the applicant. Speaking in a similar vein, Councillor Dunn stated that the level of traffic congestion that the nursery was likely to give rise to would be insignificant and that any likely traffic impact would be addressed by the Travel Plan to which the applicant had agreed.

Members discussed the application during which there was a general agreement to vote in support of the application for the reasons set out in their decision at the last meeting and subject to conditions and a Section 106 legal agreement as set out in the report. The Chair however felt that the site would be inappropriate.

In accordance with the Planning Code of Practice voting on the officer's recommendation for refusal was recorded as follows;

FOR:	Councillors Kansagra and Powney	(2)
AGAINST:	Councillors Baker, Cummins, Hashmi, Jackson, R Moher and Steel	(6)

ABSTENTION: Councillor Thomas

(1)

DECISION: Planning permission granted subject to conditions as amended in conditions 4, 5 and 7 and a Section 106 legal agreement.

4. 25 Aston Avenue, Harrow, HA3 0DB (Ref. 10/0146)

Erection of a part single-, part two-storey rear and side extension to dwellinghouse with associated front landscaping as amended by plans received 23/03/10.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

5. Stag Lane Clinic, 245 Stag Lane, NW9 0EF (Ref. 10/0252)

Erection of temporary portacabins in car park of Health Clinic.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning Steve Weeks informed the Committee that as the building was of a temporary nature permanent planning consent could not be granted, having regard to its construction and/or effect on the visual amenity of the area. For that reason he recommended the grant of a 3 year temporary permission, thus amending condition 1 as set out in the supplementary report.

Mr Mehta of the Patients Liaison Committee questioned the reasons for granting a temporary consent as that the local doctors had agreed to repair the subsidence and address any health and safety issue that may arise.

In accordance with the provisions of the Planning Code of Practice, Councillor Mistry, ward member, stated that she had been approached by the objectors. Councillor Mistry expressed a view that there was no urgency in granting planning permission at this stage and urged the Committee to defer the application until the feasibility study which had been commissioned for June 20010 had been carried.

In accordance with the provisions of the Planning Code of Practice, Councillor Dunwell, ward member, stated that he had been approached by the objectors, the PCT and local doctors. Councillor Dunwell urged members to take note of the desperate need for a permanent structure rather than a temporary structure in the area.

DECISION: 3 year planning permission granted subject to conditions as amended in condition 1.

6. John Billam Playing Fields, Woodcock Hill, Harrow (Ref. 10/0438)

Development of land comprising the former scout hut and adjacent car park at the John Billam Playing Fields off Woodcock Hill with a two storey adult learning and support centre (to relocate the Albert Road Day Centre and ASSPECT facility) with adjustments to the boundary with the John Billam playing fields and involving:

- (1) Re-provision of 108 car parking spaces to the south of Kenton Hall including variation to the parking layout for Kenton Hall approved under condition 3 of full planning permission ref: 03/2865
- (2) Reinstatement of the car park to the north of Kenton Hall to landscaped open space
- (3) Changes and re-surfacing of the access road layout including to the front of Kenton Hall
- (4) Amendments to Parks Depot boundary
- (5) Varying the hours of use at Kenton Hall – amending condition 7 of full planning permission ref: 03/2865 to allow activities within the Kenton Hall to operate on a permanent basis within the following hours:

0800 - 2230 Sundays to Thursdays, with the premises cleared within 30 minutes after these times 0800 - 2330 Fridays and Saturdays with the premises cleared within 30 minutes after these times 0800 – 0030, with the premises cleared within 30 minutes after these times for the following events:-

- Christmas celebrations on the Friday and Saturday in the weekend immediately prior to and after Christmas Day (25th December)
- 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);
- Divali celebrations on the Friday and Saturday in the weekend immediately prior to and after Divali;
- Navratri celebrations on the Friday and Saturday in one or both weekends falling in the nine-day festival;
- GAA London Sports and Golf Society function
- 10 further events in any calendar year

(as accompanied by Design and Access Statement prepared by MACE; External Noise Survey Report prepared by Robert West Consulting Ltd; and BS5837: 2005 Tree Survey).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning drew members' attention to amendments to conditions 3, 8, 11 and 15 as suggested by the Borough solicitor and as set out in the tabled supplementary report.

In accordance with the provisions of the Planning Code of Practice, Councillor Dunwell, ward member, stated that he had been approached by the objectors. Councillor Dunwell sought clarification on the possible implications for the continued use of Kenton Hall depending on an interpretation of the proposed conditions.

In responding to the above, the Head of Area Planning clarified that the intention of the Management Plan or Green Travel Plan for the car park was not to close down Kenton Hall but to ensure that the overall development was appropriately managed so as to protect the residential amenities and highway safety in the local area.

DECISION: Planning permission granted subject to conditions as amended in conditions 3, 8, 11 and 15.

7. 189 Chevening Road, London NW6 6DT (Ref. 09/2206)

Formation of vehicular access and associated hardstanding to front garden of dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning recommended an additional condition as set out in the supplementary report in order to achieve a satisfactory development which did not prejudice the amenity of the locality or harm the character and appearance of the Queens Park Conservation Area.

DECISION: Planning permission granted subject to conditions and an additional condition on details of materials for hardstanding.

8. Formerly The Shamrock, Carlton Vale, London NW6 5DA (Ref. 10/0003)

Retention of change of use from public bar (Use Class A4) on basement and ground floor to community centre (Use Class D1).

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

On the advice of the Borough Solicitor, the Head of Area Planning recommended amendments to conditions 5, 8 and 9 as set out in the supplementary report tabled at the meeting.

DECISION: Planning permission granted subject to conditions as amended in conditions 5, 8 and 9.

9. Top Floor Flat, 60 Salusbury Road, London NW6 6NP (Ref. 10/0221)

Erection of a single-storey shed in rear garden of property.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

10. 185A Chevening Road, London NW6 6DT (Ref. 10/0248)

Erection of a single-storey side conservatory extension to the ground-floor flat.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions

The Area Planning Manager Andy Bates in response to objectors' concerns raised at the site visit stated that the proposed development was unlikely to generate any significant increase in noise levels beyond that associated with the existing use of the dwelling and rear garden. He added that the personal behaviour of individuals (the applicant) was not a material planning consideration as the Council's Environmental Health Unit had powers to deal with instances of unreasonable noise disturbance. Furthermore, he considered that it would be unreasonable to impose, and difficult to effectively enforce, any condition designed to limit the way in which the proposed extension would be used. Andy Bates went on to add that the Council's UDP policy H18 which applied to conversion of properties was not relevant to this particular application which was for a single storey extension. He also added that concerns regarding light spillage and the character of the Conservation Area had been fully addressed in the main report.

In accordance with the provisions of the Planning Code of Practice, Councillor Green, ward member, stated that he had been approached by objectors to the application. Councillor Green objected to the application on grounds of its impact on the Conservation Area, light spillage and noise nuisance. He requested members to amend condition 3 to ensure that the roof of the extension could not be opened.

In accordance with the provisions of the Planning Code of Practice, Councillor Tancred, ward member, stated that she had been approached by objectors to the application. Councillor Tancred echoed the sentiments expressed by Councillor Green adding that the proposed development which constituted an infill development within a Conservation Area would fail to comply with the Council's UDP policies. She added that the development would be harmful to residents through noise disturbance, light spillage and pollution.

The applicant's agent Mr Gerald Murphy stated that the proposed development would not result in any adverse impact on adjoining residents in terms of light pollution and noise nuisance.

In response to some of the issues raised, Andy Bates referred members to an amendment to condition 3 which sought to address the concerns on translucent obscure glazing.

DECISION: Planning permission granted subject to conditions as amended in condition 3 to include obscure glazing.

11. 91 Chevening Road, London NW6 6DA (Ref. 10/0343)

Demolition of outbuilding and erection of single-storey side and rear extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

12. 1-28 Charles Goddard House, High Road, Wembley HA0 (Ref. 10/0293)

Partial demolition of existing building, renovation of retained part of building to provide 5 flats (1 one-bedroom, 4 two-bedroom) and erection of a new four-storey building, comprising 20 extra care (one-bedroom) housing units, with provision of 4 off-street parking spaces, cycle- and refuse-storage areas and 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 Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

Members noted the following additional information from the supplementary report tabled at the meeting;

The applicant had submitted revised landscaping plans showing designated amenity spaces for the ground floor areas. In addition the amenity space provision had been increased by removing the fourth on-site parking space, thus improving the amenity space for Flat B.

The revised tree report had been reviewed by the Council's Arboricultural Officer who was satisfied with the details provided and for that reason, no amendments were required to the conditions on proposed landscaping and arboriculture.

Condition 2 had been amended to reflect the revised plans received with drawing numbers A5934/2.1/026C and A5934/2.1/030B replacing drawing numbers A5934/2.1/026B and A5934/2.1/030A.

Further sustainability information had been submitted which shows that only 7% of estimated energy demand would be from a renewable energy source.

The Heads of Terms contained within the committee report would remove the rights of all residents to apply for parking permits within both the shared ownership flats and the extra care housing units. As such, the development was not considered to exacerbate existing parking pressures within the area.

DECISION: Planning permission granted subject to conditions as amended in condition 2, 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.

Note: Councillor Jackson declared an interest as a Board Member of Willow Housing Trust. He withdrew from the meeting room and did not take part in the discussion and voting.

13. Sudbury Primary School, Watford Road, Wembley HA0 3EY (Ref. 0192)

Demolition of detached temporary classrooms and partial demolition of main school building, erection of new single and two storey extensions to main school building with provision of 2 x roof gardens, creation of car park with 21 spaces to be accessed from Perrin Road, erection of new boundary fence to Perrin Road and Watford Road sides of site and associated landscaping.

OFFICER RECOMMENDATION: (a) Grant Planning Permission, subject to the completion of a satisfactory Section 106 or other legal agreement and to delegate authority to the Director of Planning to agree the exact terms thereof on advice from the Borough Solicitor; but

(b) if the legal agreement has not been entered into, or the Environment Agency remain unsatisfied with the application by the application's statutory expiry date of 7th May 2010, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and

(c) if the application is refused for the reason in b) above to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that (b) has been satisfied.

DECISION: (a) Planning Permission granted, subject to conditions, the completion of a satisfactory Section 106 or other legal agreement and to delegate authority to the Director of Planning to agree the exact terms thereof on advice from the Borough Solicitor; but

(b) if the legal agreement has not been entered into, or the Environment Agency remain unsatisfied with the application by the application's statutory expiry date of 7th May 2010, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and

(c) if the application is refused for the reason in b) above to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that (b) has been satisfied.

14. 2 NCR Business Centre, Great Central Way, London NW10 0AB (Ref. 10/0063)

Erection of a storage silo to front of premises, installation of three extraction flues to roof and installation of a plant area on the western elevation facing the North Circular Road and air-conditioning units on the eastern elevation (as amended).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Members noted that following negotiations with the officers, the applicant had submitted an amended scheme on which residents were consulted. The relevant concerns raised including potential noise and odour nuisance had been addressed in the main report. It was also noted that issues about restrictive covenants could be added as an informative.

DECISION: Planning permission granted subject to conditions and informatives regarding covenants.

15. 17 Denis Avenue, Wembley, Middlesex HA9 8AZ (Ref. 09/2542)

Retrospective application for the change of use and conversion of the premises to a house in multiple occupation (HMO) and 9 self-contained studio flats.

OFFICER RECOMMENDATION: Refuse planning permission.

The Area Planning Manager, Neil McClellan informed the Committee that the applicant had submitted a revised plan showing a landscaping scheme for the front and rear garden as a means to overcome one of the reasons for refusal. He continued that whilst the proposed landscaping scheme was an improvement on the existing situation, it did not provide the quantity or quality of amenity space necessary for a scheme of 21 units, in accordance with Council policy. For that reason the proposal was still considered to be a significant overdevelopment of the site that fell well below the Council's minimum amenity space standards. The Area Planning Manager added that whilst the proposed 21 cycle-parking spaces was considered acceptable, the reduction in car parking spaces from 7 to 5 was not acceptable as it fell below the Council's minimum standards. He reiterated the recommendation for refusal with an amended reason as set out in the tabled supplementary report.

The applicant's agent Mr Robson Walsh claimed that the property had been in use as a house in multiple occupation (HMO) since 1999 and that it had not since been used as a single family dwelling unit. He continued that the application complied with the Council's criteria for HMOs adding the applicant's long history of good management of similar HMO facilities would ensure that good management of the site.

In accordance with the provisions of the Planning Code of Practice, Councillor Butt ward member stated that he had been approached by the applicant and objectors. Councillor Butt stated that parking issues and storage facilities had been resolved and although on-site management would be available to resolve any further issues that may arise, the applicant would accept the imposition of additional conditions.

In responding to the issues raised, the Area Planning Manager stated that the council was not aware of the alleged HMO status for the property and that the applicant had not as yet complied with the enforcement notice served in 2006. He added that the property failed to comply with the Council's HMO criteria in terms of outlook, stacking and inadequate amenity space provision. The Head of Area Planning in echoing the above added that the scheme represented an over-development of the site with sub-standard accommodation which failed to meet the reduced standards for bedsits. He continued that as the applicant had not challenged the enforcement notice, the current use as an HMO was unauthorised.

DECISION: Planning permission refused with amended reasons.

16. 59 Oakington Avenue, Wembley, Middlesex HA9 8HX (Ref. 10/0012)

Erection of two 2 storey detached dwelling houses (1 x 4 bed and 1 x 3 bed) within rear garden of 59 Oakington Avenue, with parking and refuse in the proposed front gardens, a new vehicle access and pedestrian access to the side of 18 Forty Close and associated landscaping.

OFFICER RECOMMENDATION: Refuse planning permission.

The Head of Area Planning informed the Committee that since finalising the Committee agenda the applicants had submitted an appeal against the Council's failure to determine the application within the statutory 8 week period. The Planning Inspectorate had acknowledged the receipt of the appeal although the Council had not as yet received the formal start letter from the Inspectorate. As the application was the subject of an appeal, the Council was now unable to determine the application. He therefore requested Members to consider the reasons for refusal as set out in the report and to support these reasons as being the basis upon which the Council would defend its objection to the proposed scheme on appeal

DECISION: Planning permission would have been refused for the reasons stated in the main report had the application not been the subject of an appeal on grounds of non-determination.

17. 17 Denis Avenue, Wembley, Middlesex HA9 8AZ (Ref. 09/3261)

Conversion of the dwellinghouse to 17 self-contained flats (comprising 7 x 1-bedroom and 10 x studio flats), the provision of 7 off-street car parking spaces, the creation of a refuse storage area and external alterations including the conversion of integral garage to a habitable room, the replacement of the garage door with a window, and creation of two additional ground floor windows to the side elevation.

OFFICER RECOMMENDATION: Refuse planning permission.

See item 15 for the discussion on this item.

DECISION: Planning permission refused with amended reasons.

18. 62 Station Grove, Wembley, Middlesex HA0 4AN (Ref. 10/0137)

Replacement of ridge roof with new flat roof and retention of altered outbuilding in rear garden of dwellinghouse.

OFFICER RECOMMENDATION: Refuse planning permission.

With reference to the supplementary report, the Area Planning Manager, Neil McClellan informed members about correspondence from the applicant's agent querying the Council's interpretation of the Inspector's decision. The Planning Manager confirmed that in reaching his decision on the appeal against the Council's decision, the Inspector observed that the height and massing of the

outbuilding at 62 Station Grove exceeded any other outbuilding in the immediate area and as such was uncharacteristic and visually intrusive. He added that given the excessive overall size of the building and its proximity to neighbouring boundaries, the reduction in height proposed would not overcome the harm identified by the Inspector. Furthermore, a flat roof on such a large building would appear out of character with its suburban setting. Officers therefore favour the Inspector's preferred solution of a more modest outbuilding, and consider that a significant set-in from all boundaries was necessary. In reiterating the recommendation for refusal, he added that the option of reducing the height of the outbuilding to 2.5 metres would be a possible alternative solution to reducing the outbuilding's impact.

Mr Sardar the applicant stated that the flat roof of his outbuilding was lower than that of the next door property and that under current permitted development rights he could further extend the outbuilding by about 50% of the size of his rear garden. He felt that the requirement of the Council's enforcement action to demolish the outbuilding was unreasonable and urged members to approve the scheme.

The Head of Area Planning clarified that an outbuilding of the size described by Mr Sardar would be unlikely to be incidental to the use of the main house and therefore could not be allowed under permitted rights.

DECISION: Planning permission refused.

19. 19 Brook Avenue, Wembley, Middlesex HA9

Members deferred this report from consideration at the last meeting on 16 March 2010 for a site visit to enable them to assess the development and objections raised to it. The report dealt with the extensive planning and enforcement history of the extensions to 19 Brook Avenue, Wembley, HA9 8PH and updated members on the current enforcement position. The report informed Members that the extension and dormer had finally been built in accordance with the planning permission and as such were not in breach of planning control. Members were therefore asked to endorse this and agree that no further planning enforcement action should be taken at the premises in respect of these particular extensions.

Ms Pauline Saunders raised objections to the report on the following grounds;

The erected guttering was overhanging to her detriment.

The boundary issue had not been resolved and continued to constitute a breach of planning condition.

The development in its present state resulted in direct adverse impact on neighbouring properties.

Mr Taheri an objector stated that the extension as built was too close to the boundary with his property which adjoined 19 Brook Avenue and claimed that the extension as built not only failed to conform to Building Regulation standards but was also a health and safety hazard.

In accordance with the provisions of the Planning Code of practice, Councillor Mendoza, ward member stated that he had been approached by

objectors to the extension. Councillor Mendoza pointed out that the extension failed to comply with council policies and standards and if allowed, could set a precedent for similar undesirable precedents in the area. He urged members to consider the independent surveyor's report on the extension which supported the views expressed by the objectors.

In responding to the issues raised, the Head of Area Planning stated that the extension as built including a rebuilt dormer window and the width of the construction complied with the exception of the issue raised in the report with the drawings submitted and the Council's standards. He advised that Building Control's view was that the angle of the gutter could be altered to comply with the Building Regulations, provided it was connected to the rainwater system.

Members had a brief discussion on the application during which Councillor Cummins suggested a deferral until the issues raised by the neighbours had been satisfactorily resolved. This was put to the vote and declared carried.

RESOLVED:-

That the application be deferred pending the outcome of an inspection of the Council's Building regulations on the guttering.

The meeting ended at 10.00pm

S KANSAGRA

CHAIR