

MINUTES OF THE PLANNING COMMITTEE
Tuesday 21st November 2006 at 7.00 pm

PRESENT: Councillor Kansagra (Chair) and Councillors Anwar, Cummins, Dunwell, Hashmi, Hirani, J Long, R Moher, H M Patel and Powney (alternate for Councillor Singh).

Apologies for absence were received on behalf of Councillor Singh.

Councillors H B Patel, Malik and Mistry also attended the meeting.

1. Declarations of Personal and Prejudicial Interests

School Main Building JM, Wembley Manor School, East Lane, Wembley, HA9 7NW

Councillors Cummins, J Long, R Moher and Powney declared personal interests in that they knew a Governor of the school. Councillor Powney had also been approached about this application.

2. Minutes of Previous Meeting held on 31st October 2006

RESOLVED:-

that the minutes of the meeting held on 31st October 2006 be received and approved as an accurate record subject to the following amendments;

3/02 63 & Builders Yard N/T 61 Station Grove, Wembley, Middlesex
Add under decision "Councillors J Long and Moher asked that their dissent against the decision be recorded in relation to the additional reason for refusal on grounds of parking".

3. Requests for Site Visits

None.

4. Planning Applications

RESOLVED:-

that the Committee's decisions/observations on the following applications for planning permission under the Town and Country Planning Act 1990 (as amended), as set out in the decisions below, be adopted. The conditions for approval, the reasons for imposing them and the grounds for refusal are contained in the report from the Director of Planning and in the supplementary information circulated at the meeting.

ITEM NO	APPLICATION NO	APPLICATION AND PROPOSED DEVELOPMENT
	(1)	(2)

NORTHERN AREA

1/01	06/2260	H S B C, 544-548 Kingsbury Road, London, NW9 9HH
------	---------	--

Erection of single storey rear extension adjacent to existing single storey rear extension and new shop front incorporating new shop sign and street access to new Business Banking and ATM machines to bank

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Councillor Dunwell expressed a view that the proposed extension would cause displacement of the drainage system.

DECISION: Planning permission granted subject to conditions.

1/02 06/2468 79 Chapman Crescent, Harrow, HA3 0TG

Proposed single-storey and two-storey side extension, part two-storey and single-storey rear extension, infill porch extension, two rear rooflights to dwellinghouse and new vehicular cross-over (as amended by plans received 31 October 2006)

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The North Area Planning Manager submitted that the proposed side extension, with the appropriate set back from the boundary, would retain the open character and comply with the Council's Supplementary Planning Guidance, SPG 5. He added that a further reduction of the rear extension to 2m to provide an acceptable relationship with the streetscene was not only considered appropriate but had also been achieved. He referred to the list of objections and officers' responses that sought to address them as set out in the main report and reiterated the recommendation for approval.

Mrs Hilda Tichauer, an objector, said that although she welcomed some of the revisions to the scheme, she was concerned about the possible drainage problems that could result. She added that as the houses opposite were on a lower gradient, the removal of greenery, hedges and trees would have an adverse impact on residential amenities.

DECISION: Planning permission granted subject to conditions.

1/03 06/2734 John Billam Youth Sports Centre, Woodcock Hill, Harrow, HA3 0PQ

Details pursuant to condition 16 (management plan), being a condition of planning permission references 02/2671, 03/2865 and 06/1337, for erection of first-floor and single-storey rear extensions, internal and external modifications and change of use to include Use Class D1 (D2 existing), as accompanied by Management Plan and Appendices (revised 23/10/2006)

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

The North Area Planning Manager clarified that that it was the responsibility of The Gujarati Aryan Association, London (GAAL), a registered charity managed by an executive committee of 15 members to implement the management plan and ensure its compliance. He added that the GAAL's Executive Committee in conjunction with Brent Parks Service would monitor and evaluate the running of John Billam Hall and sports ground and ensure the plan's effectiveness. In addition, a built-in review process to assess the effectiveness of the management plan after each event and identify changes that may need to be made to it had been put in place. Changes to the management plan however, would require the consent in writing of the Local Planning Authority. The Executive Committee was aware that of the consequences of any failure to operate in accordance with an approved management plan and in the case of its non compliance would eventually lead to prosecution and the cessation of the use.

In response to a suggestion by Councillor Cummins to add powers of revocation of the lease the Chair stated that it was not within the remit of this Committee. An amendment in the name of Councillor Dunwell to defer the application until after his concerns over the GAAL's Executive Committee and the management plan had been resolved, fell.

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

1/04 06/1652 Building & Grounds, Oriental City, Edgware Road, London, NW9

Application accompanied by a full Environmental Impact Assessment for the demolition of existing buildings and redevelopment for mixed-use purposes, comprising Class A1 retail (with a replacement Oriental City [to include a Sui Generis Amusement Arcade and A3/A5 Uses], new B & Q and bulky goods store, which together should provide 500 jobs), 520 residential units (comprising 1-, 2- and 3-bed flats, 4% being affordable) located in eight blocks rising to 3, 6, 9 and 18 storeys above a fifth-floor-level landscaped podium along the Edgware Road, rising to 8, 4, 5 and 2 storeys above the fifth-floor landscaped podium facing Plaza Walk and rising to 3 and 6 storeys above the Grove Park street level. Also, a nursery and primary school for 480 children, health & fitness studio (Use Class D2), associated landscaping, servicing, 1098 car parking spaces - comprising 721 spaces for retail users (incl. school drop off and disabled), 5 staff spaces accessed from Grove Park for the school, and 351 (incl. disabled) for residents and a further 21 disabled spaces on the podium.) and works to highway

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

With reference to the supplementary report, the North Area Planning Manager reiterated that the height of the proposed development would have a limited impact on existing houses although there would be a change to the sky line. He referred to the list of objections raised by the Oriental City Tenants Association (OCTA) adding that these had been addressed in the main report and in the supplementary information circulated at the meeting. On the issue of displacement of Oriental City (OC) during construction phase of the development, he submitted that the applicant had maintained a commitment to retain the OC within the scheme. He added that any displacement would be temporary with the floor space replaced as part of the section 106 agreement. He also added that temporary relocation whilst the development was being carried out was not a planning or commercial requirement and therefore could not be guaranteed, although he understood that the site owners, Development Securities PLC, were pursuing a temporary relocation option for the sub-tenants of OC Ltd.

In responding to OCTA legal advisor's request for Racial Equality Impact Assessment (REIA) for the development, the North Area Planning Manager submitted that there was no requirement that the application should be subject to an REIA but one had been carried out at the policy formulation stage of the Unitary Development Plan. In respect of alleged flood risk, he stated that the applicant had not concluded negotiations with the Environment Agency and although there was no evidence about possible serious risk of flooding from the construction of the development, a condition (26) had been recommended which would require the developer to produce a flood risk assessment and implement any measures required by the Local Planning Authority.

In respect of the highway issues, the North Area Planning Manager stated that he had received further traffic survey information and information for the following junctions; Evelyn Avenue/Hay Lane, Grove Park/Stag Lane and Capitol Way/Stag Lane and submitted that there was sufficient spare capacity at each junction to cope with additional traffic that could result from the development and in the case of Capitol Way/Stag Lane junction, there was sufficient space available at the junction to provide a mini-roundabout, which could address any future difficulties faced by traffic trying to turn out of Capitol Way.

In conclusion, the North Area Planning Manager reiterated the recommendation for approval subject to conditions as amended in conditions 5 and 8 and a section 106 agreement as amended in paragraphs 4, 5 and 15, which amendments were set out in the supplementary information circulated at the meeting.

Mr S Malde objected to the proposed development on the grounds that it would lead to an increase in traffic and congestion in the area. He added that as Brent Primary Care Trust (PCT) had engaged in the closure of hospital and clinical facilities due to funding shortfall, the proposed development would put pressure on such facilities and general local infrastructure.

Mr Ian Anderson speaking on behalf of the objector tenants stated that the applicant had not identified an alternative facility in advance of seeking planning permission neither was this a requirement in the section 106 agreement. The

applicant had not offered financial or any other assistance to the tenants to find alternative facility for their trades. In his view, the loss of Oriental City would be permanent rather than temporary and urged the Committee to refuse the application.

Mr Yip Fai Liu objecting to the application on behalf of the Oriental City Tenants Association (OCTA) stated that the application had not been assessed for its socio-economic and cultural impact. He added as the 3-year temporary gap would not be adequate for the businesses to be rebuilt as several businesses were likely to collapse in the process with a loss of 1,600 jobs

Mrs. Phoebe Liu speaking as a supporter of the application said that she had already entered into an agreement with the applicant to return to the Oriental City (OC) when it was rebuilt. In her view, the proposed development would result in a better OC as a cultural centre with improved facilities. In response to a question, Mrs. Liu submitted that she saw no problem in the centre coming to fruition in 3 years time.

Mr Simon Hoare, the applicant's agent stated that the scheme which had taken around 4 years to evolve would offer a high quality mixed use development which accorded with local and national planning policies and design guidelines. He stated that the retail element of the new development should take about 2 years to build out. He referred to the contributions towards education which would provide a new primary and nursery school and the contributions to the PCT. He re-affirmed his client's commitment to return the centre for community use, a preferred choice by local residents and the tenants. He clarified that negotiations on relocation would commence after planning permission had been granted. Mr Hoare also submitted the following responses to members' queries;

As his client would not provide appropriate fittings on relocation some tenants had already found alternatives, although every effort would be made to ensure that any resulting hardship was reduced to the minimum. He added that the tenants were responsible for their relocation costs but that they would be able to return to the new cultural centre which would be designed by Oriental City Ltd. In respect of the affordable housing of only 21, Mr Hoare stated that the figure met with the GLA's assessment, drawing attention to a provision of a school and a shortage of 1 and 2 bedroom properties for which there was a buoyant market in the area.

In accordance with the provisions of the Planning Code of Practice, Councillor Mistry, a ward member stated that she had not been approached about this application. Councillor Mistry raised concerns about traffic congestion, pollution, inadequate parking provisions and noise nuisance all of which would compromise the safety of residents and in particular, local children. In her view, the section 106 funding should be specific to the local area to help alleviate consequent problems. Councillor Malik, the other ward member endorsed the sentiments expressed by Councillor Mistry.

In responding to some of the concerns expressed, the North Area Planning Manager submitted that although there was no guarantee that Oriental City would return in its current form, mitigation measures would be put in place to address the short term inconvenience of construction, traffic and noise on local residents. The regeneration proposals for the site would have a beneficial impact

on the character of the area and a significant improvement along one of the major routes into and out of London. The proposal, through a section 106 agreement, would also make a contribution to the Borough's housing stock, and a primary school incorporating a nursery to serve the needs of the residents of the area.

He recommended the application for approval subject to conditions as amended in conditions 5 & 8 and a Section 106 agreement as amended in paragraphs 4, 5 & 15.

The legal adviser stated that the effect on the businesses of the individual tenants was not a planning consideration but that the loss of the existing Oriental City provision during the reconstruction period was a valid consideration for the Committee to take into account. However, this should be weighed against the overall benefits of the re-development. The applicant had not offered to be bound by an obligation to provide temporary accommodation for the tenants during the re-development. If a further section 106 requirement was imposed stating that the redevelopment could not commence until such temporary accommodation was provided, this would in effect create a situation where the owner of land on which such temporary accommodation could be provided would be able to hold the developer to ransom as to the terms on which they would make their land available. In these circumstances, it would be extremely difficult to defend such a requirement to a Planning Inspector.

The Director of Transportation informed the Committee as a result of a package of measures involving highway improvement works at the junction of Edgware Road and Capitol Way, Travel Plans for the commercial and residential elements of the development and a car free agreement in the event of a CPZ being introduced in the area, he had no objections to the scheme. These measures which would involve a partnership approach between Brent, Barnet and the GLA. In addition, a Car Parking Management Strategy linked to the Travel Plan which would include annual surveys of parking in and around the site was also proposed for the development. In the event that an annual survey identified overspill parking occurring from the residential part of the development, overnight parking permits could be offered to residents to use the retail car park.

In the ensuing debate, Councillor Dunwell expressed a view that not sufficient investigation had been conducted into the environmental statement and in particular, the loss of the cultural centre. He also queried the balance of the options covering the provision of affordable housing and a new school. He added that the car parking provision for the residential element was also inadequate arguing for a more prescriptive measure on the use of the car parking spaces in the evenings. He submitted that a condition be imposed to address the residential car parking and that the s106 funds for health provision be allocated to Roberts Court. Councillor J Long expressed disquiet about the affordable housing provision of 21, the impact of the high rise blocks on the neighbourhood and traffic generation.

In responding to the above, the Head of Area Planning stated that the environmental statement assessment had been covered in the main report for the scheme and that the school option had the support of the Director of

Children's & Families. He added that although the s106 spend would be local it could not be tied to Roberts Court. On residential parking, he suggested that head 20 of the section 106 heads could be expanded to state that the parking management plan should include the availability of retail parking spaces for residents in the evenings and to allow the Council to have control over the level of charges for such use.

Members unanimously resolved to grant planning permission.

DECISION: Planning permission granted subject to conditions as amended in conditions 5 & 8 and a Section 106 agreement as amended in paragraphs 4, 5, 15, 16 & 20 and an additional condition to enable the Local Authority to agree a scheme of charging for parking. The application would be referred to the Mayor of London and the Government Office for London for approval.

SOUTHERN AREA

2/01 06/2556 DOYLE NURSERY SCHOOL, College Road, London, NW10 5PG

Erection of a part 2-storey, part 3-storey building to provide 7 x 1-bedroom flats and 7 x 2-bedroom flats (a total of 14 units) with 12 parking spaces at ground level and 7 Sheffield-type cycle stands in the rear garden (incorporating a Design Statement, Access Statement and Sustainability Development Checklist) and as revised by plans received on 6 November 2006)

OFFICER RECOMMENDATION: Planning permission granted subject to conditions as amended in conditions 2 and 9, and a Section 106 agreement.

DECISION: Planning permission granted subject to deletion of condition , 2 and amendment to condition 9, and a Section 106 agreement

WESTERN AREA

3/01 06/2288 School Main Building JM, Wembley Manor School, East Lane, Wembley, HA9 7NW

Erection of part single and two storey building to provide 4 form entry primary school, formation of new vehicular access to proposed service yard, retention of existing access to serve revised car parking, provision of landscaping and associated works, with initial removal of two portable buildings and staff administration area with the subsequent removal of the existing school.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

In introducing this application, the Head of Area Planning stated that the parking spaces would increase to 25, the maximum permissible under the Council's

parking standards, with one of them being a designated disabled bay. He added that although there was adequate space to increase the parking provision by extending the parking area towards the east of the site, this would increase the proportion of hard landscaping within this frontage and increase the parking provision to a level beyond the Council's maximum standards. He pointed out that the proposed school would still have a high proportion of the site not being built on. The Head of Area Planning referred to the agent's statement which discussed the design considerations relating to the northern elevation (to East Lane) and the planting of new trees within the frontage. He referred to the revised elevations and sectional drawings submitted after the committee report was finalised adding that they only amended the siting and did not affect the appearance of the building itself. In reiterating the recommendation for approval, he drew the Committee's attention to amendments to conditions 7, 10, 11 and 12 as set out in the supplementary information circulated at the meeting.

Ms Alvin Shaw stated that local residents had not been properly consulted about the proposed changes to the school arrangement and raised an objection to it on the following grounds;

- i) size and scale of the development
- ii) inappropriate site for the development
- iii) building line fails to comply with the Council's Unitary Development Plan (UDP) and the Supplementary Planning Guidance (SPG)
- iv) the proposed expansion would compromise the area's open outlook
- v) the community use of the school would have an adverse traffic impact and congestion on East Lane, a major distributor road which also served the London cycle network.

Dr Mike Turner, the Chair of Governors of the school urged support for the application which he said had been fully consulted upon with local residents and the design agreed by the governors of the school. He however did not see the logic behind moving the building further back from the street which he added would detract from its current status, forcing the school to undertake expensive fencing. He expressed concerns about the resultant cost, upkeep and insurance and the effect that the move would have on parents attempting to park on the pavement when dropping off or picking up their children. In response to Members' questions, Dr Turner submitted that parking would be an issue for the community use but not the school and highlighted the expense involved in putting up a fence.

Mr Nitin Parshotam speaking for the application stated that this was an important project that would seek to address the shortfall in school places within the north of Brent. Mr Robert Lanwarne, the agent stated that the local residents had been fully consulted about this application including press releases and public meetings. He added that the design quality complied with the Council's policies and standards and urged Members for approval. In response to members' queries, Mr Lanwarne submitted that the school was committed to a green travel plan which would alleviate the potential parking problems and that it would work closely with the community to minimise graffiti.

In accordance with the Planning Code of Practice, Councillor H B Patel, a ward member stated that he had not been approached. Councillor Patel reiterated residents' concerns about consultation. He submitted that the traffic impact assessment carried out in 2003 did not reflect current situation and in order to allow service vehicles to manoeuvre he urged a set back of the development from East Lane. He did not think that there would be adequate parking facilities for the school and community uses and requested extra parking spaces, adequate measures on noise and disturbance to preserve residential amenity.

The Head of Area Planning, in responding to some of the issues raised said that local residents were properly consulted on the planning application. He confirmed the Director of Transportation's satisfaction with the traffic impact assessment and the parking provisions supported by a Travel Plan, adding that the set back requested was of a workable solution. He reminded Members that they were considering the amended application which provided for a new servicing area, protected landscaping and a set back of about 2 metres.

During debate, Councillor Dunwell submitted that no provision had been made to alleviate current and future chaos that could result from the expansion and in order to provide for additional entry point to allow drop off and the community usage, he moved a deferral of the application to enable the applicant to submit a satisfactory travel plan. This was voted upon and fell.

DECISION: Planning permission granted subject to conditions as amended in conditions 7, 10, 11 and 12 and further amendment to condition 11 to make it clear that the Travel Plan should cover community use and an additional condition on extra cycle spaces.

6. Date of Next Meeting

It was noted that the next meeting of the Planning Committee would take place on Tuesday, 12th December 2006 and that the site visit would take place on the preceding Saturday, 9th December 2006 at 9.30 am when the coach leaves from Brent House.

The meeting ended at 10.40 pm.

S KANSAGRA
Chair

Note:

The meeting was adjourned at 8.25 pm for 10 minutes

At 10.30 the Committee voted unanimously to disapply the guillotine procedure to enable all applications to be considered on the night.