



## Supplementary Planning Committee

**Wednesday 9 April 2014 at 7.00 pm**

Conference Hall - Brent Civic Centre, Engineers Way,  
Wembley, HA9 0FJ

### Membership:

#### Members

Councillors:

Ketan Sheth (Chair)  
John (Vice-Chair)  
Aden  
Adeyeye  
Baker  
Cummins  
Hashmi  
Kabir  
CJ Patel  
Powney  
Singh

#### first alternates

Councillors:

R Moher  
Van Kalwala  
J Moher  
Long  
Kansagra  
Sneddon  
Cheese  
Oladapo  
Kataria  
Gladbaum  
Hossain

#### second alternates

Councillors:

Daly  
Ogunro  
Moloney  
Naheerathan  
HB Patel  
Hopkins  
Beck  
Al-Ebadi  
Brown  
Harrison  
Mashari

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020 8937 1354, [joe.kwateng@brent.gov.uk](mailto:joe.kwateng@brent.gov.uk)

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**The press and public are welcome to attend this meeting**

**Members' briefing will take place at 6.00pm in Boardrooms 7 and 8**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

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# Agenda Item 11

## Agenda Item 03

### Supplementary Information

**Planning Committee on 9 April, 2014**

**Case No.**

14/0301

Location	THAMES WATER UTILITIES, St Michaels Road, London, NW2 6XD
Description	Variation of Condition 2 (approved plans) of Full Planning permission reference 11/1135 dated 30/12/2012 for Demolition of existing industrial buildings and erection of a residential development comprising 23 houses ( 19 x 4 bed, 3 x 3 bed and 1 x 2 bed) and 16 flats (2 x 3 bed, 10 x 2 bed and 4 x 1 bed) , with 44 parking spaces and associated landscaping and cycle storage with combined vehicular and pedestrian access via existing access from St Michael's Road and pedestrian access onto Olive Road accompanied by a Design & Access Statement and as amended by revised plans received 29/02/12 and subject to a Deed of Agreement dated 30 March 2012 under Section 106 of the Town and Country Planning Act 1990, as amended for the following minor material amendments:
	<ul style="list-style-type: none"> <li>- alterations to western most terrace and its reduction from 5 to 4 family houses;</li> <li>- on site car parking numbers to remain unchanged accommodating 44 cars.</li> </ul>

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A further representation has been received from a local resident.

The main concern is the overspill of car parking from the site and the possibility of widening the parking zone GM around the area to take account of that concern.

As set out in the main body of the report, the proposal will actually result in one less residential unit on the site whilst the number of car parking spaces (44) stays the same. The question of traffic and parking was considered in the original planning application and the changes proposed here will not increase impact as far as those particular considerations are concerned.

**Recommendation:** Remains Approval

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## Agenda Item 05

### Supplementary Information

**Planning Committee on 9 April, 2014**

**Case No.**

13/3682

Location	Moberly Sports and Education Centre, Kilburn Lane, North Kensington, London, W10 4AH
Description	Demolition of all existing buildings and erection of a part 7/part 6/part 5/part 4-storey building with 9293sqm of Sports and Leisure Centre (Use Class D2), 56 flats ( 22 x 1-bed, 34 x 2-bed) and 240sqm of retail floor space (Use Class A1/A2/A3) and erection of 15 terraced townhouses (15 x 4-bed) with associated car and cycle parking and landscaping.

#### Agenda Page Number: 49

At the committee site visits comments were made in relation to the following points highlighted in bold.

#### **Lack of Parking and Detrimental Impact on Highway Safety**

The Sports Centre and residential development will be highly accessible to public transport and the surrounding area by walking and cycling. The site also has a PTAL rating of 6(a) which is considered to be excellent. The proposed parking provision is considered to be in accordance with transport planning policies and vehicle parking is limited to 3 mini-bus parking bays for the sports centre, parking bays for disabled residents and disabled users of the leisure centre and a single space for each of the town houses. It is anticipated that there will be some parking on neighbouring streets but **that there will be changes in behaviour of those access the centre.** Staff will not be provided with car parking. The Travel Plans are aimed at supporting behavioural change

amongst visitors and staff. The parking review proposed using the contribution sought will seek to understand any residual impacts and address these through changes to CPZ operational hours. These measures will be secured through the legal agreement.

Cycle parking has been provided in accordance with the minimum standards in the London Plan and Housing Supplementary Planning Guidance. 62 spaces will be provided for visitors of the Sports Centre in the vicinity of the building entrance on Chamberlayne Road. Cycle parking for the residential townhouses is provided within the curtilage of those dwellings. Double stacked cycle parking is provided in dedicated storage rooms for residential apartments. 76 spaces are provided in total.

Three mini-bus parking bays are proposed within the car park for groups attending the Sports Centre with mobility impairments. A further three mini-bus bays will be provided on Ilbert Street via a proposal to convert four existing parking bays. The Transport Assessment demonstrated that this will be sufficient to cater for demand generated.

Servicing will take place within the car park. The Transport Assessment demonstrated that refuse vehicles and delivery vehicles will have sufficient space to manoeuvre in the turning space provided.

Road Traffic accident figures are included in appendix G of the submitted Transport Statement which confirms that for all surrounding roads have experienced no greater road safety conflicts than would be expected for this category of road in an urban area.

### **Proposed Floorspace not different from Existing**

The architects have provided the following breakdown of the floor space for the existing and proposed:

#### *Existing Sports and Leisure Floorspace*

Jubilee	= 2812
Moberly	= 2596
<b>TOTAL EXISTING</b>	<b>= 5,408sqm</b>

#### *Proposed Sports and Leisure Floorspace*

Moberly	= 7598 (excluding transfer zone and plant space)
Jubilee	= 782
<b>TOTAL Proposed</b>	<b>= 8,380 sqm</b>

In addition to this the proposed facilities will be of a significantly improved quality compared to the existing and will allow for a wide range of sporting and recreational activities to take place.

### **Scale and Design of Proposed Building**

Concerns have been raised that the building will be out of keeping with the character of the area and will be visually prominent. The proposed building is of a size and scale which is greater than that of neighbouring properties however this is considered to be appropriate given the Civic function of the building as a leisure and recreational facility for the residents of both Brent and Westminster. It should be noted that the applicants have sought to reduce the impact of the massing and scale by locating the larger parts away from the more domestic residential environment on Kilburn Lane and stepping up to match the height of City Heights.

### **Impact on Daylight, Sunlight and Outlook**

It is noted that there will be an impact on existing windows in terms of outlook and daylight and sunlight. This is unfortunate but a building of this scale has been anticipated on this site as set out in the Site Specific Allocation, the rooms which fail the daylight and sunlight guidelines are those which are long narrow living/dining rooms with the kitchen area located at the furthest most point from the window. This impact is considered to be offset by the wider public benefits provided by the new leisure and recreation facilities.

### **English Heritage Comments**

English Heritage have confirmed that they do not consider the building to be worthy of listing, and that a Certificate of Immunity from listing should be issued. They conclude in their report that all that is left of the original Victorian school ensemble is a minor element that, is not of sufficient interest to merit listing protection. This opinion is countersigned by a senior assessor within English Heritage, and is supported by Brent Council's Head of Design.

### **Impact on Brent Residents**

The proposed facilities will be accessible to all residents of Brent at reduced rates as set out in the main remarks section of the report. Access to the Sports and Recreation facilities will have a significant positive impact for Brent Residents providing opportunities to engage in more active lifestyles and help people lead healthier lives.

### **Lack of Affordable Housing**

The cost of the new leisure facilities provided as part of these proposals will be around £20m, a huge investment in public sports facilities, at a time of significant public sector budget cuts. This will be funded by the provision of 155 new homes. An independently assessed viability report has been submitted which supports this. This is being reviewed by an independent viability consultant and should there be any surplus at the end of the project as a result of increases in residential values, there will be a clawback arrangement within the s106 so that the Council will receive a proportion of any surplus for the provision of offsite affordable housing. This approach has been accepted by the GLA in the Stage 1 response.

### **GLA Response**

The GLA raised a few concerns in their Stage 1 response received on 25/02/2014. The applicants responded in writing to these concerns in a letter dated 21/03/2014 following this the GLA have confirmed in correspondence dated 07/04/2014, that the proposals are likely to be considered acceptable at the Stage 2 report subject further information on the floor area and location of the proposed energy centre in the scheme layout.

### **Additional Consultation Responses**

Additional consultation responses have been received following the publication of the report. The local councillor for the Queens Park Ward in Westminster Paul Dimoldenberg has written to local councillors in Brent raising concerns in relation to the following matters:

- Lack of Affordable Housing
- Loss of Daylight and Sunlight to properties on Chamberlayne Road and within City Heights and Noko buildings on Banister Road.
- Loss of outdoor facilities
- Replacement is not better provision

These matters have all been responded to in the response to consultation table in the Remarks section of the main report.

In addition to this 5 more objections have been received from local residents raising similar concerns to those above and also the following matters:

- Detrimental impact on road safety and parking
- Brent do not need a new swimming pool
- Inappropriate size and scale of the proposed building
- Pollution from traffic
- The proposed facilities are inaccessible to local schools

### **Amendment to Conditions 2 and 6**

Condition 2 has been amended so that drawing numbers 6490 PL50 and 6490 PL51 are noted as Revision B. Condition 6 has been amended to alter the restricted use class to D2 rather than D1.

### **Recommendation:**

**Remains The Committee resolve to agree in principle to grant subject to.**

(a) any direction by the Mayor of London to refuse the application. In accordance with Article 5 of the Town & Country Planning (Mayor of London) Order 2008 following the Councils determination of this application, the Mayor is allowed 14 days to decide whether to allow the draft decision to proceed unchanged or direct the Council under Article 6 to refuse the application;

(b) Satisfactory prior completion of a Section 106(s) under the Town & Country Planning Act 1990 and/or other form(s) of agreement/undertaking in order to secure the S106 matters as detailed in this report.

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Agenda Item 06

**Supplementary Information**

**Planning Committee on 9 April, 2014**

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Case No.

13/3902

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Location            1-42 INC, Thanet Lodge, Mapesbury Road, London, NW2 4JA  
 Description        Erection of a 2 storey 1 x 4 bedroom dwellinghouse to the north of Thanet Lodge

### **Agenda Page Number: 83**

A number of queries were raised during Members site visit on Saturday 5th April 2014. These will be addressed in turn:

#### **1. Planning Inspectors Views on Trees**

The Inspector did not discuss the issue of trees, however your officers are of the view the existing trees are valuable and should be surveyed, protected and/or replaced appropriately. Details of which will be secured by condition 5

#### **2. Stability of boundary treatment between 12 Mapesbury Road and Thanet Lodge.**

The existing boundary wall is evidently old and its long term stability will need to be considered regardless of whether this application is granted or not. Any alteration, loss and or replacement of boundary treatments are covered by the Party Wall Act. The applicant is reminded of their obligations under this act by way of Informative 1.

#### **3. How will private and community amenity space be delineated**

The boundary between the proposed private and existing communal space will be treated with a brick wall and a Hornbeam hedge. This boundary treatment will be 2m in height.

#### **4. Scope for a Green Roof.**

The applicant is happy to provide a green roof, details of which shall be secured by condition:

*The development hereby approved shall have a green roof. Prior to the commencement of occupation of the proposed unit, details of the green roof layout, construction and planting will be submitted to the Local Planning Authority. Such details/considerations will include:*

- *Biodiversity based with extensive substrate base (depth 80-150mm);*
- *Planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).*

*Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.*

The Council has received one further letter of objection from a resident of Thanet Lodge. The objections are summarised as:

- A disproportionate amount of weight has been placed on the Inspectors Decision
- Residents were not consulted
- The design of the proposal is not considered acceptable.
- Loss of Communal Garden space
- Tree protection
- Loss of natural habitat
- If approved the proposal will set a precedent
- Devaluation of properties
- The development should result in a reduction in service charge, however this has not taken place
- The development will result in a profit to the Java Properties and a loss to residents of Thanet Lodge.

The resident makes the specific point that they believe that the Council is attaching too much weight to the views of the appeal Inspector. Whilst it is true to say that that the appeal decision is only one material consideration and it does still fall for the application to be determined on its own planning merits, revisiting the Inspectors decision letter does make his views on a proposal of this form very clear. As explained on the site visit, the applicant has responded to the issues identified by the Inspector and in those circumstances it is felt that the only recommendation that can be made is to grant consent. This does not alter the opinion that Officers have over whether the appeal Inspector was right to reach the judgement that he did.

Matters relating to service charges, profits and property devaluation are not covered by the Town and Country Planning Act. The site is noted to have low ecological values, as evident in the site not benefiting from a specific designation in the Councils Adopted Development Plan. All remaining objections have been addressed in the main body of the Committee Report.

**Recommendation: Remains Grant Consent Subject to Legal Agreement and extra condition.**

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## Agenda Item 07

### Supplementary Information

**Planning Committee on 9 April, 2014**

**Case No.**

14/0363

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Location	Car Park at Olympic Office Centre, 8 Fulton Road, Wembley, HA9 0NU
Description	Construction of a part 2-, part 19-storey building comprising student accommodation (699 bedrooms and ancillary facilities) and two Use Class A1/A2/A3/A4/A5 and/or Leisure units at ground and first floor level and associated landscaping, parking, servicing, public realm works and accesses to the highway.
	<p>This application has been submitted pursuant to conditions 1 (the Reserved Matters), 9 (car parking), 12 (wind environment assessment) and 30 (student demand assessment) of Outline planning permission reference 13/1522.</p> <p>Outline planning permission 13/1522 was for the mixed use redevelopment of the car park element of the site including the construction of new buildings and structures to provide a total of 40,000 sq m to provide a range of uses comprising: residential dwellings (Use Class C3), offices (Use Class B1), student accommodation (sui generis), hotel (Use Class C1), retail (Use Class A1/A2/A3/A4/A5) and/or leisure (Use Class D2) and associated car parking, public realm works and associated works and subject to a Deed of Agreement dated 24 December 2013 under Section 106 of the Town and Country Planning Act 1990, as amended</p>

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#### Committee drive-by

A formal site visit was not undertaken as the committee visited the site recently when considering the outline planning application. However, members queried several matters as the site visit bus drove past the application site.

#### Height of the building compared to the Civic Centre

The Civic Centre is approximately 44 m tall and approximately 81.5 m AOD (Above Ordinance Datum). The proposed building is approximately 54 m tall and 88.5 m AOD. The height of the building is in accordance with the outline planning consent for this site and responds to the height of the buildings that were approved on the opposite side of Olympic Way (adjacent to the Civic Centre) within the Quintain "North-west lands" outline planning consent which was granted in 2011.

#### Limit on student accommodation

The Wembley Area Action plan (submission version) incorporates a policy which specifies that the number of rooms of student accommodation within the Wembley Growth Area should not exceed 20 % of the projected population. The outline consent indicated that the proposal would be likely to result in approximately 535 rooms of student accommodation and proposed a maximum of 20,000 square metres of floorspace. The detailed design shown within this application shows that a total of 699 rooms within that floorspace. The number of student rooms that have been approved or constructed within the Growth Area will be 3,785, which equates to just over 14 % of the projected population. The number of rooms of student accommodation remains well under the proposed 20 % limit that is specified within the Wembley Area Action Plan.

#### Hard-surfacing and drainage

The site is predominantly hard-surfaced at present. A Flood Risk Assessment was submitted with the outline planning consent that proposed the attenuation of surface water flows to limit discharge, as far as practicable, to Greenfield run-off rates. A drainage strategy was accordingly secured through condition and must be approved prior to the commencement of works.

### Number of Accessible rooms

The Council has received revised drawings and a revised Design and Access Statement which demonstrates the provision of 70 Accessible rooms, comprising 60 Studio rooms and 10 rooms within cluster units. The associated amendments result in a reduction in the total number of student rooms from 704 to 699 and alter the number of rooms in some cluster units. The proportion of Accessible rooms meets the London Plan standards. The description needs to be amended to reflect the reduced total number of rooms.

### Sustainability and Energy

The external assessment of the Sustainability Statement and Energy Statement has now been received. The submitted statements are not considered to be acceptable. However, the sustainability and energy requirements are set out within the Section 106 agreement and details demonstrating how the target levels will be achieved must be approved prior to commencement of works on site. As such, your officers recommend that the submitted reports are not approved as a part of this Reserved Matters application on the basis that revised reports are to be secured through the Section 106 agreement and must be approved prior to commencement.

The summary of the external assessment of the sustainability and energy statements is as follows:

The Energy Statement (ES) broadly addresses the main requirements of a good energy statement. It considers each of the key stages specified in the GLA guidance following the energy hierarchy of Be Lean, Be Clean, Be Green. It however fails to address the following key issues;

- The energy statement submitted is based on an outline planning application and lacks the detail required for reserved matters stage application
- Energy modelling work undertaken is based on previous modelling of similar schemes. This is unacceptable at full/reserved matters stage of the planning process which requires modelling based on detailed design specific to the development
- No modelling output data is supplied in the appendix to enable verification of the establishment of the baseline and subsequent stated carbon saving emissions against targets at each stage of the energy hierarchy.
- The proposal fails to meet the required CO<sub>2</sub> reduction target. 22.8% against a target of 25% - a 2.2% shortfall
- The proposal fails to meet the 20% one site renewable energy target. 2.02% against a target of 20% - a 17.98% shortfall

It is proposed that the Student Accommodation achieves a BREEAM rating of "Excellent" and there meets the target level. However, the retail units only achieve a BREEAM rating of "Good". It is acknowledged that it is difficult to achieve high BREEAM ratings for retail units without engagement and consultation of retail tenants or through the use of extensive green lease agreements which can be problematic for future sales and lettings. However, it is recommended that the developer provides more detailed information on why the retail units cannot reasonably achieve a rating of "Very Good".

### Floorspace and CIL

The floorspace measurements and associated CIL contributions have been discussed with the applicant. The following minor adjustments have been made to the floorspace figures:

- Student accommodation: 17,795 square metres (reduced by 66 square metres from 17,861)
- Retail/food and drink floorspace: 1,057 square metres (increased by 61 square metres from 996).

The "CIL DETAILS" section within the committee report also refers to an incorrect total amount for CIL. This section of the report is created automatically by the database and the report template accordingly needs to be amended. The figures for Brent and Mayoral CIL were correct, but will be amended to reflect the revised floorspace figures specified above.

The total amount payable will be £4,473,454.58 of which £3,778,128.57 will be Brent CIL and £695,326.01 will be Mayoral CIL.

### Recommendation: Remains approval subject to revisions to the description reducing the number of student rooms from 704 to 699

Revised drawing numbers within condition 1:

A(03)112 Rev 03

A(03)113 Rev 03

A(03)115 Rev 01

A(03)121 Rev 01

A(03)127 Rev 02

A(03)128 Rev 02

Design and Access Statement Parcel B – Reserved Matters Submission 20140325\_Rev B

The following documents should be omitted from condition 1:

Olympic Way, Wembley Parcel B – Student accommodation block Sustainability Statement dated December

2013

Parcel B, Olympic Way, Wembley Energy Statement dated December 2013

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## Agenda Item 08

**Supplementary Information****Planning Committee on 9 April, 2014****Case No.**

13/3946

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Location	Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA
Description	Removal of two existing modular classroom huts and the erection of a permanent three-storey extension to the side of the existing high school sports hall to accommodate the schools 6th form building.

**Agenda Page Number: 103-118**

A Members site visit took place on 5 April 2014. Local residents were in attendance and a representative of the school. The following matters were raised during the visit:-

**1. It was said that people did not receive notification of the planning application, or the Committee site visit arrangements.**

The Council has fulfilled its statutory consultation requirement. It can be confirmed that 330 addresses were notified of the planning application on 17 February 2014. This consultation exercise involved properties on Ashley Gardens, Aylands Close, Carlton Avenue East, Forty Avenue, Highfield Avenue, Hollycroft Avenue and Preston Road.

In response to the consultation six objections have been received.

Notification of the Committee and site visit arrangements was sent only to those six representees who raised objection to the application. It is standard procedure to only notify those who have made representations.

**2. The extension will have an unacceptable relationship with neighbouring gardens, resulting in overlooking into gardens and habitable room windows and a loss of privacy.**

This subject has been discussed in detail within the main report (see paragraphs 12 - 15). For further clarity the separation distances are re-confirmed below;

- Distance from extension to edge of closest garden (17 Hollycroft Avenue) is 14.5m.
- Distance from extension to garden edge of 23 & 25 Hollycroft Avenue is 24m
- Distance from extension to directly facing habitable windows to the rear of 23 & 25 Hollycroft Avenue is 40m.

With the degree of separation to be provided the proposed extension does not conflict with planning policy, or the Councils adopted supplementary planning guidance, notably SPG17, governing the relationship of new buildings to gardens and directly facing windows. The extension is considered to have an acceptable relationship with neighbouring properties and their gardens.

**3. Sun reflecting off windows within the 6th form block will result in glare for local residents.**

With any reflective surfaces there may be some degree of glare during sunlight. It is possible that this occurs in many residential parts of the borough where you have windows directly facing one another from properties on opposite sides of the street. In this case with the level of separation involved it is not considered that the occurrence of glare would warrant refusal of permission.

**4. The proposed trees will not prevent overlooking and the school have failed to plant new trees that were a requirement of the earlier approval of the primary school.**

It is acknowledged that these trees wont obscure the views from adjoining properties of school windows entirely, but they will provide a natural buffer. Notwithstanding this and as discussed above, directly facing windows at the rear of no's 23 & 25 Hollycroft Avenue and the proposed extension are considered to be suitably distanced apart at 40 metres. However, the proposed trees will provide some level of additional mitigation further reducing the

impact of the proposal as well as providing aesthetic and environmental benefits.. The Council will have further control, through condition, over the choice of species and the size of trees at planting to ensure appropriate specimens are planted. Any damage to these trees after planting can be addressed through planning condition no 6, as there is a requirement that within a period of *five* years after planting any tree which dies or becomes seriously damaged or diseased, shall be replaced in the same positions with others of a similar size and species.

With regards to the school not planting trees that were a requirement of a previous application this matter will be raised with the school directly.

**5. It was pointed out that neighbours on Hollycroft Avenue are on slightly higher ground.**

The degree of level change is not considered to significantly impact on the proposal, or its relationship to neighbouring properties.

**6. The increase in pupils by 60 will cause noise problems for local residents.**

The proposed sixth form block is to be sited further away from the closest residential boundary than the existing modular classroom buildings, which are sited only 4.7m away. Also the extension will need to be constructed to comply with current Building Regulations concerning noise transmission. In order to do so the build will need to satisfy *Building Bulletin 93: Acoustic Design in Schools*. To comply with this a certain level of acoustic performance will be required to insulate the rooms from external noise, which will also mitigate against potential noise transmission from internal sources to outside.

The extension will support a 6th form expansion that will represent a 20% increase to the schools 6th form capacity from 300-360 pupils. Proportionally this is a 3.6% increase to the existing upper school roll. On balance it is not considered this modest increase would cause significant noise problems locally.

**7. The gated vehicle access from Hollycroft Avenue already causes problems, and this will increase.**

It is confirmed in the Construction Management Plan that the school do not propose to use the Hollycroft Avenue access for construction traffic.

**8. How will construction traffic access the site?**

As set out in the Construction Management Plan the school proposes that construction traffic will access the site via the main school entrance from Carlton Avenue East, or via Ashley Gardens. A temporary construction traffic trackway will be formed across the school grounds for construction traffic using Ashley Gardens.

**9. Clarify what happens to pupils that currently occupy the modular buildings once these are removed?**

The school confirm that the lost classroom space can be accommodated in classrooms within the main school building(s), once the 6th form have moved into the proposed extension.

**10. Confirm the height of the existing sports hall and the proposed extension.**

The existing sports hall building was approved at 10.6m high. The bulk of the proposed extension is to be set lower than this at 9.2m. With the exception of the pitched roof feature above the staircase, at the northern end of the extension, which projects above the roof of the sports hall.

**11. Copy of 3rd party letter submitted on the site visit, copy also provided to Members.**

Officers were handed a copy of a letter dated 4 June 2013 from the Head of Preston Manor School, addressed to Barry Gardiner MP. A copy of the same was also given to Members. This letter deals with the restrictive covenants that applied to this site when the primary school was built.

Restrictive covenants are not a planning matter and cannot be taken into consideration when determining a planning application. The grant or refusal of planning permission will not override any other statutory processes in respect of covenants.

**Recommendation: Remains approval**



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