



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday, 9 March 2011 at 7.00 pm

PRESENT: Councillors RS Patel (Chair), Sheth (Vice-Chair), Adeyeye, Baker, Cummins, Daly, Hashmi, Kataria, Long, McLennan and CJ Patel

ALSO PRESENT: Councillor Lesley Jones

1. Declarations of personal and prejudicial interests

None.

2. Wembley Link-Adoption of Supplementary Planning Document

The Committee received this report which asked members to consider and support the consultation responses to the draft Wembley Link Supplementary Planning Document (SPD) and the proposed changes to the consultation draft. The report also asked members to support the consultation responses, changes to the Wembley Link SPD draft and the Executive when they would consider a report asked them to adopt the SPD on 14 March 2011.

In setting out its key features, Dave Carroll (Planning Policy Manager) stated that the Wembley Link SPD would encourage new development along the Wembley Link with retail and other town centre uses including office floor space and residential uses over the ground floor retail. The SPD would also bring forward good servicing arrangements for new shops whilst limiting car parking for residential development and securing improvements to key junctions and bridges. He added that except for key locations at either end of the study area, a limit of between 4 and 8 storeys would be the norm whilst at the same time promoting food store and encouraging family housing where possible.

Dave Carroll then submitted the following responses to the consultation; in respect of Chesterfield House he stated that the height limit was an indication of the level of development that would be appropriate as indicated in the SPD and based on thorough analysis (not arbitrary) conducted by the Council and the strong concerns expressed by the public about building heights in the Chesterfield House and Copland Village areas. With respect to proposals for development of the Chiltern Railway embankment on Mostyn Avenue, he stated that the SPD contained objective to minimise the impact of development on the nature conservation area. The SSA supported higher density development including residential along the south side and made clear that only a limited amount of residential development may be considered on the north side. Dave Carroll also added that the proposed Wembley Area Action Plan covering the whole Wembley Regeneration Area which would be produced in 2011/2012 for the Committee's consideration, would set out comprehensive transportation measures including junction improvements for the whole area.

Whilst welcoming the report, Councillor Hashmi requested officers to resist developments that involved excessive height and by multi-national food stores in the Wembley area. Councillor Daly asked about measures to ensure that the wildlife corridor in the northern embankment was preserved and adequate infrastructure facilities were available. In a similar vein Councillor Long expressed a view that with the amount of development in the area there was likely to be a shortage of school places. She added that the under-usage of Ecclestone Place was encouraging various forms of anti-social behaviour. Councillor Sheth enquired about alternative provision to replace the "Triangle", a view which was echoed by Councillor McLellan.

In responding to issues raised by members, Dave Carroll stated that the proposed height was not hugely significant from existing standards and that in planning terms, there could not be a blanket refusal for applications by food stores. He added that the development on the embankment would strike a reasonable balance to ensure that the wildlife corridor prevailed and that the northern half of the embankment was largely untouched. He added that the infrastructure framework document also set out measures to address potential deficiencies in health facilities in the area. In respect of school places, he stated that in addition to working in close partnership with Quintains on how to identify land for additional school places, the Executive had also received a report on the Council's 3 year strategy for school places. Dave Carroll added that several alternative design options were being considered to replace the removal of Wembley Triangle to facilitate traffic flow. In response to Councillor Kataria's enquiry about extra car parking spaces, Dave Carroll stated that in addition to limiting parking to a 2 hour maximum, Quintain's would submit proposals for 3 car parks which would provide 600 car parking spaces.

RESOLVED:-

- (i) that the responses and changes proposed to the draft Wembley Link SPD as a result of public consultation be endorsed and recommend the Executive to adopt the Wembley Link as a SPD, supplementary to the council's 2010 Core Strategy and Site Specific Allocations DPD;
- (ii) that officers be instructed to progress the Wembley Area Action Plan to unify the various Wembley planning documents into one Development Plan Document.

3. Site Specific Allocations Development Plan Document (DPD)

This report explained that the Council had received the Inspector's report into the Examination of the Site Specific Allocations Development Plan Document of the LDF for fact checking, and that the Inspector had found the document sound subject to recommended changes being made.

Ken Hullock, Planning Policy Manager updated members that comments received following the eight week consultation were passed on to the Planning Inspector who considered them alongside representations made prior to submission. He

added that the Inspector had accepted that the changes recommended to the Council had been carried out and that the Council had demonstrated sufficient evidence to support the strategy and had shown that it (the strategy) had a reasonable chance of being delivered. He also added that officers would incorporate the changes and submit a report to Council recommending the adoption of the DPD. Once adopted, it would supersede those parts of the UDP referred to in the DPD, including the whole of the 'Site Specific Proposals' chapter.

RESOLVED:-

that the Planning Inspector's findings as set out in the non-technical summary of his report be noted.

4. Response to Mayor of London's Community Infrastructure Levy (CIL) consultation

This report requested Planning Committee to support the consultation responses on The Mayor of London's Community Infrastructure Levy (CIL) Proposals. The Mayor proposed to levy a CIL charge on most forms of development to help pay for Crossrail. This would have a significant impact of the collection of the council's S106 standard charge. The council's response strongly objected to the imposition of the levy on Brent for reasons set out in the report.

In clarifying its main features, Dave Carroll stated that CIL would be charged on new buildings of 100 sq m (GIA) or more or the creation of one dwelling, even where this was below 100 sq m. The levy would be based on the net additional increase in floor space of a development with Brent's levy being set at about £35m² of any development except developments for education/health/ and social housing. It would be payable for developments that received planning permission after the date the Charging Schedule would formally come into force. Payment of the levy would be made by developers when they commenced their developments and the Council would be required to make collections and forward the payments to the Mayor. He added that there was no indication that the rate could be negotiated in instances where a developer had been unable to afford the full payment of S.106 payments, or should the development be scaled back.

Members noted that the CIL as proposed would have significant effects on the viability of future developments in the borough because it would increase the amount sought by the Mayor and the council of between 30% and 140% of the level that was currently being required. This would mean reducing affordable housing, refusing development because both S106 and mayoral payments cannot be met or the council being required to fund key infrastructure requirements such as schools in order to receive the more intangible benefits of crossrail.

Dave Carroll added that the council did not consider that the charging structure would be fair in that it burdened authorities with less direct benefit of crossrail and penalised those boroughs creating more overall development. Instead, the Mayor should preferably consider looking at other financial mechanisms such as TIFs to fund the crossrail gap or at the very least propose a more graduated charging

system that would allow adjustment in the land and development market without destabilising the fragile development industry. He therefore urged members to support the consultation response to the mayor on CIL attached as appendix 1 to the report.

RESOLVED:-

that the consultation response to the Mayor of London regarding his Community Infrastructure Levy proposals set out in Appendix 1 to the report be endorsed.

5. Proposed Changes to Legislation and planning policy

This report summarised key proposed legislative and planning policy changes including the Localism Bill, Parking Standards policy changes, social housing reform and the New Homes Bonus for members' information.

In introducing the report, Ken Hullock (Planning Policy Manger) informed members that in order to better support the Localism Bill, the Government had decided to allow individual local authorities to determine the appropriate level of parking provision for their area. This would effectively remove the requirement for local authorities to set maximum parking limits for residential development and, instead, allow them to decide what level of parking would be appropriate based on the needs of their local community.

In respect of funding for social housing, the government had proposed a radical shake up in the procurement and funding of social housing. The proposals included the redefinition of affordable rented housing of up to 80% of open market value from the present levels of 30-50%. He added that in Brent this would result in rents increases by an average of 80% as housing association would no longer receive capital grant to fund affordable housing but would be expected to fund affordable development through higher rents.

Members noted that Communities and Local Government (CLG) were also consulting on changes to the Planning Policy Statement on Housing (PPS3). This would introduce a new definition of affordable housing including an extra category of affordable housing known as, Affordable Rented Housing.

RESOLVED:-

that the key legislative and planning policy changes as set out in the report be noted.

6. Local Issues and Development Management Policies

This report summarised a range of planning issues that had been raised as a concern for Brent, primarily by Planning Committee or other Councillors. The report discussed these in relation to the programme for the Local Development

Framework and sought the Planning Committee's views on priorities and a future programme.

Steve Weeks, Head of Area Planning brought to members' attention the following issues that had been raised in relation to the interpretation of existing policy with specific planning applications or enforcement matters.

The continuing loss of public houses which had resulted in the loss of distinctive buildings and community focal points and the ease with which use class changes between A1 to A4 can be achieved without the need for planning permission. In responding to this he stated that such changes were determined by such market factors as brewery ownership, retail competition and land values, social changes and tastes. In his view it would be difficult to predict that development management policies could significantly influence the above factors unless distinctive local planning merits can be identified.

Steve Weeks highlighted the issue often raised that basements developments could threaten the structural integrity of adjoining properties, that the inclusion of lightwells could severely harm an area's character and that the works involved could have a significant effect on the local area during construction. He stated that the Committee had normally approved applications involving basements on the basis that they were designed to minimise their visual impact on front gardens and neighbours. The Planning Committee had also recognised the potential nuisance factor and the scope of planning and environmental health to control this.

He then responded to concerns about the growth of Shisha bars and the problems they caused in terms of nuisance to local residents due to late night and open air operation and health concerns associated with the practice. Steve Weeks continued that the growth in Shisha establishments reflected demographic changes and had prompted a review in 2010 across those services which had a direct responsibility. This recognised health concerns, including for younger users, and concluded that this needed to be targeted by education and publicity. He continued that unauthorised operations were a significant planning enforcement issue.

The increase in betting offices and their link with anti social behaviour was another issue that had been raised. Steve Weeks informed members that where there had been cases of specific concerns about unlawful activity they had led to consultation with the police and the outcome determined through Licensing Committees of the Council rather than a planning decision.

Steve Weeks continues that the increase in the number of flat conversions and HMOs was a reflection in existing policies that sought to maintain family accommodation while increasing the housing stock. He added that whilst it could be possible to develop the suggestion by Councillor Jones, Lead Member for Human Resources & Diversity, Local Democracy and Consultation for adopting an upper limit on the total number of conversions, this would raise a number other matters including the following; lack of justification for a policy that discriminated between the tenure of the occupants; potential to limit housing stock.

Fast Food Outlets and Schools

This matter had been considered by the Planning Committee in November 2010 when it was resolved that it was appropriate to consider it as part of the preparation for the Development Management Policies DPD.

Councillor Lesley Jones, Lead Member for Human Resources & Diversity, Local Democracy and Consultation in addressing the Committee stated that developers were converting family houses into flats or houses in multiple occupation, sometimes without planning consent and to the detriment of the amenity and character of the areas affected. She added that in some cases refusal of planning permission did not necessarily deter developers as they were aware of the lengthy appeals process which enabled them to take advantage of rental income, avoid payment of the appropriate council tax whilst they waited for the appeal process to be concluded. Councillor Jones urged members to adopt the following measures to counteract the problem;

- percentage limit on conversions in areas where there was a problem
- identify ways to inconvenience retrospective application
- increase budget provisions for enforcement.
- request local estate agents to assist by advising prospective tenants of developments without planning permission
- provide a small proportion of Section 106 funds to be used in producing leaflets to educate residents on planning issues.

In the discussions that followed members endorsed the views expressed by Councillor Jones and asked that the issues raised by her and in the report be further explored. In noting the report, they expressed a particular concern about the plight of students and low income families who were largely the occupiers albeit victims of unauthorised conversions and emphasised the need for restrictions to be applied.

Chris Walker, Chief Planner informed members that Planning Services were making the best use of its enforcement team to achieve above targets results, liaising with local estate agents and in some cases using proceeds from the Crime Act to punish serial perpetrators. He undertook to explore the issues raised by Councillor Jones.

RESOLVED:-

that the issues outlined in the report and those raised by Councillor Jones be agreed to be considered as part of the programme for the preparation of the Development Management Policies.

7. Planning Committee Amendments to Terms of Reference

This report recommended amendments to the terms of reference of the Planning Committee with a view to reducing the overall Committee workload in recognition of reduced resources and also proposed changes to the member call-in procedure.

In introducing the report, Chris Walker (Chief Planner) stated that the main driver behind the recommendations in the report was a resource issue as a result of the loss of housing development grant and downsizing of staffing complement. As Planning Services continued to receive in excess of 1000 applications despite reduced staffing, there was a need for a review of the terms of reference. He drew members' attention to the recommendations which in the main requested the following; the determination by officers for applications with less than 20 dwellings; the number of objectors required for a decision to be made by Committee be raised from 2 to 5; unless called in by members, all applications for residential buildings be determined by officers; the number of members required for a call in be raised from 2 to 5; and to reduce the overall number of meetings from 19 to 15 (12 planning application and 3 policy meetings). Chris Walker advised members that any decision taken by the Committee would be a recommendation to full Council for endorsement after it had been considered by the Council's Constitutional Working Group (CWG).

Members extensively discussed the recommendations in the report following which they made the following recommendations to full Council to vary part of the terms of reference of the Planning Committee;

RECOMMENDED:-

- (i) the following changes to the terms of reference of the Planning Committee as set out in appendix A:
 - (a) To allow the determination of applications of more than 15 dwellings (currently 10) thus allowing Officers to determine applications of less than 15 dwellings.
 - (b) That in cases where approval was recommended, the number of objectors required to determine that the decision be made by the Committee be raised from 2 to 3;
 - (c) That all applications for alterations and additions to residential buildings be determined by officers unless they are called in by members for a decision by the Committee;
 - (d) That the number of members required to call in an application be increased from 2 to 3.
- (ii) Agreed to reduce the overall number of Planning Committee meetings from 23 to 15 per year (comprising 12 planning application and 3 policy meetings), and to confine site visits to major proposals.

- (iii) That the terms of reference of the Planning Committee include consideration of development proposals at a pre-application stage that allows for informal feedback on schemes prior to their formal submission, and that this is reflected in the Planning Code of Conduct.

8. Any Other Urgent Business

None.

The meeting ended at 10:25pm

RS PATEL
Chair