



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Tuesday 3 July 2012 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), Daly (Vice-Chair), Aden, Baker, Cummins, John, CJ Patel, RS Patel, Krupa Sheth, Singh and Cheese (In place of Councillor Hashmi)

An apology for absence was received from: Councillor Hashmi

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

None declared.

2. **Response to Department for Communities and Local Government's Illegal Landlords Initiative**

Chris Walker (Assistant Director – Planning and Development, Regeneration and Major Projects) presented this item, stating that the Government's Illegal Landlords Initiative was in response to what was perceived as a growing problem nationally, particularly in respect of 'beds in sheds' relating to the use of outbuildings in residential gardens. The Planning Service had been aware of the problem in Brent for a while and had been taking enforcement action dependent upon neighbouring residents reporting such transgressions. Chris Walker confirmed that the council had received funding of £163,745 from the Department of Communities and Local Government (DCLG) as part of a Government led initiative to tackle the problem. One of the immediate priorities involved establishing the extent of the problem in the borough. Members heard that the problem was also particularly acute in other parts of London, such as the Southall area of Ealing and also Newham, where considerable funds were being used to tackle the issue, however the council was also undertaking more action than most other local authorities. The DCLG Initiative did not propose any new legislation and was using existing powers to promote actions against landlords from misuse of outbuildings.

Chris Walker drew Members' attention to the appendix of the report that set out the measures proposed in the action plan and he explained that the approach taken would also involve increasing co-operation with other service areas and agencies. He then circulated photographs to Members that illustrated examples of outbuildings in gardens that violated planning regulations. He advised that although it was a problem that needed to be addressed, in some cases it also needed to be acknowledged that some families may be reliant on such accommodation and any subsequent enforcement action needed to be balanced by taking into account the risk that such families could become homeless. He also advised that the council had the ability to use Article 4 Directions and other Local

Development Orders that would require a landlord to seek the appropriate planning permission for larger garden buildings prior to construction. Enforcement action would also be targeted in those areas where it was identified that 'beds in sheds' developments were more frequent.

Chris Walker advised that it was not intended to divert resources from other vital planning functions and so it was proposed to use the Government funding to recruit additional staff to work on a limited programme to support the Initiative over the next 12 to 18 months. He referred to the recommendations in the report which if agreed, would be reported back to the committee in 12 months updating them on progress.

During discussion, Councillor Cummins commented that there were a number of 'beds in sheds' cases refused by the council that were subsequently approved by the Planning Inspectorate and he felt there was a need for a clear policy to be published to restrict the volume of such cases. In addition, landlords could be reminded that such developments may not be able to obtain a Certificate of Lawfulness which would present them with significant problems if they subsequently wanted to sell their property. Councillor Cummins suggested that more interagency communication was necessary to tackle the issue. Councillor Daly commented on the pressure on housing in the borough and asked if there were any other options being considered to manage this issue in view that enforcement action could lead to more families becoming homeless. Councillor Cheese stated that although he had sympathy with such families, it was important to convey the message that such developments were not acceptable as it affected the quality of life of both the family it housed and also neighbours.

Councillor John stated that the overcrowding in the borough was due to the lack of housing stock and other factors also needed to be taken into consideration, such as the changes to Housing Benefit which were likely to result in a number of families moving areas in London and place more pressure in some parts. However, a robust approach needed to be pursued with a clear message to landlords that it was not acceptable for families to be living in shed like accommodation.

With the approval of the Chair, Robert Dunwell addressed the committee. Robert Dunwell, whilst welcoming the need to take action to address the issue also referred to the shortage of housing in the borough and in some respects 'beds and sheds' was at least providing accommodation. He enquired if an estimate could be given as to the number of people who may need support from Social Services if action was taken against such developments.

In reply to the issues raised, Chris Walker acknowledged that there had been some disappointing outcomes in respect of some of the Planning Inspectorate's decisions and this could be partly attributable to some flawed thinking in some cases. However, the DCLG was working with the Planning Inspectorate to convey a clear message concerning such developments and this point was also being stressed to other agencies. Article 4 Directions would help restrict the size of outbuildings and landlords were already encouraged to obtain Certificates of Lawfulness on any proposal prior to construction, however they did not always

undertake what they had formally proposed. In respect of housing pressures, Chris Walker advised that Planning Services were taking this into due account, especially as it involved some hard to reach communities and any enforcement action being considered also needed to be mindful that children may be residing in such properties. It was not known how many people were living in such accommodation, however work was being undertaken to try and obtain a clearer picture. Chris Walker acknowledged the points raised by the committee and he concluded by stating that some cases would need to be handled with sensitivity, however the message would be conveyed that it was unacceptable for landlords to proceed with such developments.

RESOLVED:-

- (i) that it be agreed that the funding from DCLG be used to target the problem of 'beds in sheds' in the borough, including measures that are likely to reduce the occurrence of the problem in the future, such as Article 4 Directions/Local Development Orders to remove permitted development rights for outbuildings and set a lower size limit for outbuildings before planning permission is required;
- (ii) that it be agreed that a detailed action plan be developed, based on actions outlined in paragraph 3.8 of this report and appendix 1, to establish the extent of the problem in Brent and to examine and pursue the most effective enforcement action, engaging with external agencies where appropriate; and
- (iii) that a report be provided after 12 months detailing progress made and spend incurred.

3. Local Development Framework - Wembley Area Action Plan Preferred Options for Public Consultation

Ken Hullock (Policy Manager – Planning and Development, Regeneration and Major Projects) introduced the report that summarised the responses to the Wembley Area Action Plan issues and options document consultation and outlined the preferred options of the Area Action Plan with a view to including them as part of the Development Plan for Wembley. The document provided more weight to guidance about specific sites in Wembley, whilst also explaining how the preferred options were deliverable. Ken Hullock referred to the summary of consultation responses at the issues and options stage as set out in the report which included a list of the organisations that had responded. He then provided a summary of the preferred options with particular reference to the following:-

- Urban design and placemaking
- Business, industry and waste
- Town centres, shopping, leisure and tourism
- Transport
- Housing
- Social infrastructure
- Climate change

- Open space, sports and wildlife

Ken Hullock advised that there were also a number of sites identified for more detailed planning guidance for potential development. He added that some developers had already expressed an interest in respect of developing sites at the Chiltern Line cuttings north and south. Members also heard that in respect of the Brent House and Copland School site, the preference was for a large food store as this was seen as a good location for a town centre supermarket. There was also to be a new policy that would prevent any new hot food takeaways being within 400m of schools and to make up no more than 7% of the total retail units for particular stretches of roads. Transport improvements would be undertaken through a variety of measures, including junction improvements, whilst car parking standards would be tightened to encourage use of other modes especially public transport. In respect of housing, a new policy for affordable rents was proposed in line with the new Government policy that affordable rents should have regard to local market rates. Student accommodation, which was already plentiful in the area, would be capped at 20% of the new population as there was a need to provide capacity for the projected increase in population in the area in future years. Ken Hullock confirmed that consultation of the preferred options would commence in August 2012, followed by a pre-submission consultation of the Action Plan in December 2012. The formal submission of the Action Plan would take place in March 2013 and examination hearings in July 2013 with a view to formally adoption the Action Plan in December 2013.

During discussion, Councillor R S Patel enquired if there were any proposals to improve traffic flow and parking provision in Wembley High Road and increase the number of public conveniences in the Wembley area. Councillor John commented that the developer in respect of the Chiltern Line cuttings sites had been shrewd in approaching Network Rail to obtain their prior support in any proposals that may be submitted. She enquired how many parking spaces were envisaged at the Brent House site. In respect of public conveniences, although she acknowledged that there was some need for these for Wembley Stadium visitors, they were not a particularly desirable option for most people and it was important that such facilities were properly maintained. She felt that public conveniences could be better provided by ensuring that there was the appropriate match up in terms of premises such as restaurants providing such facilities. Councillor Daly added that there was a need for more female public conveniences. She also commented that that Chiltern Railways had recently been scaling back the number of trains stopping at Wembley Stadium station and sought assurances that the company were committed to Wembley.

Councillor Cummins suggested that it would be beneficial to include street names on the maps included in the preferred options document circulated to Members. He commented that some sites proposed for development could impede views of Wembley Stadium and he sought further observations in respect of this. Councillor Cummins also stated that in New Zealand, local cafes and restaurants were responsible for maintaining public conveniences and as this system worked well it should come under consideration in Wembley too. Councillor Cheese welcomed the proposals in respect of car parks to discourage use of cars and he felt that this should be emphasised to potential developers.

The Chair enquired if a betting shops threshold could be set and where was it proposed to locate the swimming pool. In respect of junction improvements, he sought confirmation as to whether Wembley Triangle would remain.

In reply to the issues raised, Ken Hullock advised that views of Wembley Stadium would be taken into account when considering any development proposals. He explained that a balance needed to be struck in respect of parking, stating that if there were too many restrictions, this could discourage retailers. It was intended to provide parking spaces at each end of Wembley High Road, with the Brent House site accommodating around 250-300 parking spaces. Members were advised that it was difficult to restrict betting shop provision as they came under the commonplace A2 use which included services such as banking. Ken Hullock added that he was not aware of any other local authority that had attempted to introduce betting shop restrictions. The proposed swimming pool location was on a site that currently had outstanding consent for student accommodation and if an alternative site was needed then a different funding source would need to be sought. In respect of Wembley Triangle, Ken Hullock advised that the favoured option was for a T junction requiring acquisition of a small piece of land involving bridge widening and it was anticipated that this could be undertaken without the need for a compulsory purchase order.

Chris Walker advised that there was on-going dialogue with Chiltern Railways and it was being emphasised to them that Wembley was a growing destination in order to encourage them to increase the number of trains stopping at Wembley Stadium station. He informed Members that Chiltern Railways were making adjustments to their timetable due to the increased traffic on the line, however they were an ambitious company who were looking at ways of increasing capacity on the line. New public conveniences were proposed off Empire Way and the public conveniences along Quintain Way were to be re-established off Olympic Way, whilst longer term other options were being considered around the vicinity of Wembley Stadium. Members noted that the public conveniences at Central Square had also re-opened. Chris Walker confirmed that there would be more food and restaurant outlets appearing in the Wembley area.

The Chair requested that larger copies of the maps enclosed with the Wembley Area Action Plan document be circulated to Members both electronically and in paper form.

RESOLVED:-

- (i) that the Preferred Options of the Area Action Plan (attached) be agreed for public consultation commencing on 13 August 2012 be recommended to the Executive; and
- (ii) that the Assistant Director, Planning & Development be authorised to make further editorial changes to the document prior to finally issuing it for public consultation.

4. National Planning Policy Framework

Alex Bird (Planning Officer – Planning and Transport, Regeneration and Major Projects) introduced the report and confirmed that the National Planning Policy Framework (NPPF) applied to all the council's decision-making in respect of planning since March 2012. The NPPF replaced nearly all existing national planning policy and guidance included in national Planning Policy Guidance notes and Planning Policy Statements which had the effect of reducing national planning policy from several hundred pages to under 50 pages. Alison Bird referred Members to the key policies in the new NPPF with regard to presumption in favour of sustainable development, core planning principles, economy, town centres, transport, housing, design, historic development, natural environment, climate change and plan-making as set out in the report. She also advised that local planning authorities may give full weight to relevant policies since 2004 for 12 months even if there was some conflict with the NPPF, whilst no consideration could be given to policies adopted before 2004 where they conflicted with NPPF or where the NPPF was silent. Such factors would have significant implications for planning matters in the borough.

RESOLVED:-

that the contents of the new National Planning Policy Framework and the implications of this for making planning decisions in Brent be noted.

5. Date of next meeting

It was noted that the next meeting of the Planning Committee was scheduled for Wednesday, 25 July 2012 to consider planning applications, with the site visit taking place the preceding Saturday, 21 July 2012 at 9.30 am when the coach leaves Brent House.

It was also noted that the next Planning Committee meeting to consider policy issues was scheduled for Tuesday, 6 November 2012 at 7.00 pm.

6. Any other urgent business

Unitary Development Plan

Chris Walker advised that a review of the Unitary Development Plan (UDP) was due to take place to consider a number of development management policies and this would involve full engagement with the committee to address the concerns that had been raised and would be discussed at the next meeting where policy issues are being considered. In particular, policies to apply to new developments would be considered where the council had learned a lot from the experiences of the last five years. There was also a need to refresh some aspects of design guidance in respect of conservation areas and a fuller discussion on design issues taking on board the committee's concerns would take place with Members at a mini workshop.

Councillor Cummins drew attention to the fact that residents who owned only a part of a building were limited by planning controls to a much smaller dormer window on rear extensions as opposed to those who owned the entire building. He felt that this was an unfortunate anomaly that was frequently raised by residents with councillors and he suggested that this issue should be considered as part of the review.

Councillor Daly felt that there should be further consideration of some of the unintended consequences of planning decisions in respect of design, for example where planning permission had been approved that had led to anti-social activities taking place. She cited an example of a bicycle shed in her ward that was being used for fly tipping.

The meeting ended at 8.45 pm.

KETAN SHETH
Chair