



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Wednesday 4 March 2015 at 7.00 pm

PRESENT: Councillors Marquis (Chair), Colacicco (Vice-Chair), Agha, Filson, Hylton, Kansagra and Mahmood

ALSO PRESENT: Councillors Hossain, Wilhelmina Mitchell-Murray, Pavey, Perrin and Stopp

Apologies for absence were received from S Choudhary

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

None.

### 2. **Minutes of the last meeting - 11 February 2015**

RESOLVED:-

that the minutes of the previous meeting held on 11 February 2015 be approved as an accurate record of the meeting.

### 3. **Bowling Club and Collins Lodge, King Edward VII Park, Park Lane, Wembley (Ref. 14/4208)**

PROPOSAL: Change of use of the bowling pavilion and adjoining land (Use class D2) into a primary school (Use class D1) also including the erection of a single storey classroom block, and part change of use of the land adjoining Collins Lodge (Use class C3) into parkland (Use class D2)

RECOMMENDATION: Grant planning permission subject to conditions.

Prior to the Area Planning Manager's introduction, Councillor Filson apologised to Denise Cheong (an objector) for comments he made at the last meeting when the application was considered that the objector was more concerned about noise to her garden rather than the interest of the park.

Rachel Murrell (Area Planning Manager) informed members that further to the deferral of the application for reasons set out in the report, no alternative site for a land swap within the park had been identified. She added that the issues raised at the last meeting had been addressed in the main report. With reference to the supplementary report the Area Planning Manager responded to additional concerns raised. In respect of the Council's procedure for disposal of buildings, she informed members that the Council's Property and Projects Department were developing a Community Asset Strategy to assist in responding to requests by other groups for community space. In terms of the planning process, any proposal for the use of the former bowling green pavilion and associated land as a

community use that fell within use class D1 would be subject to planning permission and, assessed in accordance with national and local planning policies and other material considerations. Members heard that a meeting of the Cabinet approved the principle of redevelopment of the Stonebridge Primary School which included that the school building currently let to the Welsh School be reverted back to the Stonebridge Primary School. She continued that officers in Transportation concluded that the proposal would not have a detrimental impact on the local road network, and recommended a Travel Plan be secured as part of the consent.

Rachel Murrell then responded to representations received from the Metropolitan Police Designing Out Crime Officer who raised safety and security issues due to the location of the proposed school in the park. She stated that as the school proposed to operate during the opening hours of the park (0800 to 1600 Mondays to Fridays) and children were likely to be supervised or accompanied by an adult, it was not clear how the safety risks would be more significant than for other park users.

Denise Cheong (Chair of Friends of King Edward VII Park) in objection reiterated the concerns she expressed at the last meeting and added that the Welsh School had not met the requirements for an equivalent land swap site and that there had not been a robust assessment of alternative sites. She continued that the proposed use of the park would be detrimental to a high class residential park and a community asset and would thus depart from paragraph 71 and CP18 of the Core Strategy.

In response to members' questions, Denise Cheong stated that local residents of Preston, Wembley Central and Tokyngton wards were prepared to set up therapeutic activities in the park and with that in mind, had submitted a business proposal to the Council's Head of Parks Service for her consideration. She added that the Fields in Trust would not support an application for non-sporting use of the park as there was a deed of dedication that sought to protect the park for recreational use.

Paolo Di Paolo (an objector) echoed similar sentiments adding that the application was for a private business use of a residential and recreational park. He continued that the traffic impact of the application and in particular parking provisions had not been addressed and that no tree survey had been submitted with the application.

Members raised questions about whether comparable land swap sites had been considered and the possibility of community organisations' use of the facilities within the park if the Welsh School relocated to the park. Rachel Murrell stated that officers' assessment concluded that there was limited alternative sites within the park for a land swap. She continued that Collins Lodge was considered by the Welsh School as a potential alternative site for the school but the existing building was considered inappropriate to accommodate the school. Furthermore, given its prominent location in the park, it was considered unlikely that significant extensions to Collins Lodge or a further building would be appropriate.

The following ward members addressed the Committee:

Councillor Stopp (Wembley Central) stated that he had been approached by local residents and Martin Francis (Green Party). Councillor Stopp reiterated the concerns he had expressed at the previous meeting adding that members had been presented with a false choice that there was no alternative to King Edward VII Park site for the Welsh School. In his view the site would be inappropriate.

Councillor Hossain (Preston) stated that she had received emails from residents. Councillor Hossain reiterated concerns expressed by Councillor Stopp and added that the application would aggravate the parking problems in the area.

Councillor W Mitchell-Murray (Wembley Central) stated that she had been approached by residents. She added that the security concerns raised by the Metropolitan Police Crime Officer had not been addressed and that the application would give rise to parking and traffic problems in the area.

Gwyn Richards (applicant) stated that in excess of 150 sites were considered for relocation of the Welsh School and apart from King Edward VII Park, they were all considered inappropriate. He added that the grant of planning permission would facilitate community use of the park without denying the Bowling Club its use.

In response to members' questions, the applicant submitted that the application would not give rise to car parking problems as only 10 car journeys involving drop off only were envisaged. He added that the pupils would be supervised by parents and carers at a pupil teacher ratio of 1:7 for security. He continued that the Welsh School had been excluded from the emerging master plan of the Stonebridge regeneration area and as a charity, would not be able to afford the market rent for buildings on the open market.

In the ensuing discussions, members expressed views that King Edward VII Park would be an inappropriate site as it would have an adverse impact on the community. In general they felt that the application failed to comply with Policy CP18 of the Core Strategy which sought to protect public open spaces and would thus result in the loss of a facility for a use that was not directly related to the wider use of the park or meet specific local needs. Members also expressed a view for the Council to work closely with the Welsh School with a view to identifying a suitable alternative site.

DECISION: Refused planning permission for the following reasons- failure to comply with Policy CP18 of the Core Strategy which seeks to protect public open space and results in the loss of a facility for a use not directly related to the wider use of the park or meet specific local needs.

Voting on the amended motion for refusal was recorded as follows;

FOR: Councillors Marquis, Colacicco, Agha, Filson, Hylton and Kansagra	(6)
AGAINST: None	(0)
ABSTENTION: Councillor Mahmood	(1)

#### **4. Yellow Car Park, Fulton Road, Wembley (Ref. 14/4573)**

PROPOSAL: Proposed erection of theatre (Use Class *Sui Generis*) on corner of Fulton Road and Olympic Way incorporating a restaurant, foyer, bar area, back of house facilities, and associated landscaping, bicycle parking and ancillary works for a temporary period of 10 years.

RECOMMENDATION: Grant planning permission subject to conditions listed after paragraph 75 of the remarks section of the main report.

With reference to the supplementary report, Rachel Murrell (Area Planning Manager) responded to the queries raised at the site visit. Members heard that further images for design, appearance and materials had been submitted confirming the quality of the building. She added that Community Infrastructure Levy (CIL) would become payable if permanent permission was granted. In respect of highways improvements to Olympic Way/Fulton Road she stated that as the crossing was part of the adopted highway and controlled by the Council, Transportation had been looking into various options including the possibility of reducing the speed limit along that part of Fulton Road to 20 mph, narrowing of the road and the provision of a pelican crossing. The application submission demonstrated that the proposed theatre was unlikely to result in a significant change to the traffic and parking demand. It was noted that Quintain were willing to fund the suggested improvements to the road layout.

The Area Planning Manager informed the Committee that a solar study had been submitted to show that the level of overshadowing would be relatively limited between the spring and autumn equinox. The Council's Safer Streets' officers had confirmed that the proposal was unlikely to result in noise nuisance, providing the insulation achieved or exceeded the minimum levels set out in the main reports. Members also heard that the capacity of disabled seating had been increased to 14. The Area Planning Manager then referred to a request by the MET Police that conditions be added to the consent regarding measures that may be required to ensure that the proposed development was suitably resilient to terrorism. Accordingly she recommended that an additional condition be attached to the consent requiring the submission and approval of details relating to the resilience to terrorism.

Harvey Goldsmith (applicant) and Paula Carney (agent) addressed the Committee. Members were informed that the proposed theatre would provide state of the art facilities which would attract in excess of 360,000 national and international visitors. In addition to employment the proposal would provide training and educational opportunities. It was anticipated that construction of the theatre would commence in April 2015.

Members then raised a number of questions including the application for a temporary (rather than a permanent) planning permission, disabled persons seating capacity, level of acoustics, payment of London Living Wage and employment of local persons and sustainability measurers. In response to the above, the applicant stated that Quintain (landowners) had provided him with a 10 year lease for the site with a possibility of an increase. He confirmed that the seating spaces for the disabled would be fourteen (14) which would be in excess of requirement and more than most theatres in the West End. The agent added

that robust acoustics testing had been carried out to ensure that the theatre performances could run concurrently with Wembley National Stadium events. She continued that in addition to the conditions on materials, adequate sustainability measures would be put in place including the siting of solar panels to minimise any overshadowing that could result.

In welcoming the application, members added a further condition or a legal agreement for securing local employment initiatives.

DECISION: Granted planning permission as recommended and an additional condition or legal agreement for securing local employment initiatives.

**5. 18 Neasden Lane and 450 High Road, London, NW10 (Ref. 14/4254)**

PROPOSAL: Demolition of existing Vicarage and yard, and erection of a part 5, part 6-storey building comprising a ground floor commercial unit (Use Class B1) (50sqm) and 47 residential flats (18 x 1 bed, 17 x 2 bed, 11 x 3 bed and 1 x 4 bed) with associated car, cycle and motorbikes spaces, landscaping, new metal railing fence and amenity space.

RECOMMENDATION: Grant planning permission subject to conditions listed after paragraph 44 of the main report and completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning or other duly authorised person to agree the exact terms thereof on advice from the Chief Legal Officer.

With reference to the supplementary report, Andy Bates (Area Planning Manager) clarified queries raised at the site visit. In respect of localised flooding and drainage he stated that under a Section 106 agreement, the applicant would be required to ensure that the development complied with the Code for Sustainable Homes level 4; the current site rainfall run-off rate must be maintained. He added that in terms of the threat of flooding from rivers or other watercourses, the site was located in an area of Flood Risk level 1, where the threat of flooding was at its lowest. He clarified the separation distances between the site and the adjacent Ebony Court. Andy Bates continued that the density level would be 542 hr/ha and although higher than the level in the London Plan, the PTAL in this part of the Borough is likely to rise to PTAL4 in the future as public transport improvements come forward and in the event that these take place then a density up to 700 hr/ha would be appropriate in this location. The proposed development is considered acceptable within this context.

In respect of the boundary treatment between the site and the Magistrates Court, the Area Planning Manager informed the Committee that the submitted plans and design and access statement suggested that it would be treated with a 2.5m high perforated metal fence with hedge planting along the inner edge. He continued that as the detailed design of the fence had not been included as part of the submission it would be subject to a condition requiring the submission of further details of all landscaping proposals, including boundary treatments, for approval. He added that should the proposed fence be found to have an unacceptable appearance then a more sympathetic boundary treatment could be negotiated to

discharge the condition. He continued that there was no information on potential tenants for the commercial units. He then drew members' attention to amendments to the tenure split on the proposed affordable housing: shared ownership 74%; affordable rent 26% and the revised floor plan identifying a 3-bed unit. These amended condition 2.

Nick Sutton (applicant's agent) informed members that the height of the proposal had been reduced to a 6 storey building incorporating forty seven (47) flats which accorded with relevant planning policies in terms of design and density. He reiterated the comments made by the Area Planning Manager on the boundary treatment with the Magistrates Court with further details to be submitted as recommended in condition 9. The applicant's agent confirmed that the potential tenant for the commercial unit would be a charitable organisation and that the affordable housing would be managed by a Registered Social Landlord (RSL).

In response to members' questions, the applicant's agent stated that as the area had a high PTAL rating, car parking spaces had been reduced, however, all private units would be sold with car parking spaces and a contribution would be made for Car Club in the area. He added that waste collection would not be an issue, a view that was also expressed by the Head of Planning who added that the Council's Transportation officers were satisfied with the arrangements for waste collection.

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

## **6. Any Other Urgent Business**

None.

The meeting closed at 9.35 pm

S MARQUIS  
Chair