



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Wednesday, 2 February 2011 at 7.00 pm

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

ALSO PRESENT: Councillor Jim Moher, Councillor Roxanne Mashari and Councillor Carol Shaw.

Apologies for absence were received from Baker and Daly.

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

9 Storage land next to 75 St Pauls Avenue, London NW2 5TG

Councillor Cummins declared a personal interest, withdrew from the meeting room and did not take part in the discussion and voting.

### 2. **Minutes of the previous meeting - 12 January 2011**

RESOLVED:-

that the minutes of the previous meeting held on 12 January 2011 be approved as an accurate record of the meeting.

### 3. **Former Blarney Stone, Blackbird Hill, London, NW9 8RR (10/2767)**

PROPOSAL: Proposed mixed-use redevelopment of the Blarney Stone Public House, Kingsbury, with the erection of two 3-storey houses and 34 flats in 3/4/5 storeys above a retail unit of 470m<sup>2</sup> and parking partly at basement level, with associated landscaping.

RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement.

This application was deferred from consideration on 15 December 2010 due to a problem with the traffic counting mechanism which led to discrepancies in the results of the traffic count of existing vehicles travelling along Old Church Lane. This report set out the reasons why Members were 'minded to refuse' consent and discussed the implications of the Committee's resolution, having regard to the updated Supplementary Transport Assessment and maintained the original recommendation to grant consent subject to the completion of a satisfactory section 106 agreement.

With reference to the tabled supplementary report, Rachel McConnell the Area Planning Manager drew members' attention to additional objections received reiterating previous objections and a letter of complaint expressing concerns with the Council's handling of the planning application including the Council's consultation in accordance with statutory requirements; and failure by officers to challenge the validity of information provided in the Supplementary Transport Assessment. She confirmed that those matters raised had been dealt with in the main report and comments provided on the updated Supplementary Transport Assessment. In addition a response had been sent directly to the complainant under Stage 1 of the Council's Corporate Complaints Procedure. Rachel McConnell reiterated the recommendation for approval subject to the completion of a Section 106 legal agreement.

Mr Varsani an objector reiterated that the Council's consultation was incomplete and ineffective. He expressed concerns about traffic movements along Old Church Lane, associated air pollution and pedestrian safety. Mr Varsani added that the full extent of the detrimental impact of the proposed development would be borne by the adjoining Conservation Area and the Welsh Harp nature reserve.

Mr Les Gray in objecting stated that the proposed development failed to provide adequate parking facilities for retail shoppers approximately 30% of whom were expected to arrive from outside the area. He also expressed concerns about access to the site both by shoppers and service delivery vehicles.

***In accordance with the provisions of the Planning Code of Practice, Councillor Mashari***, ward member stated that she had been approached by the objectors to the application. Councillor Mashari stated that since the consideration of the application was deferred there had been little or no change and that the main objections on grounds of traffic flow and a significant harm to Old Church Lane still stood. This harm would be made worse by inadequate parking facilities for shoppers, the prospects of delivery trucks which could grind traffic on Old Church Lane to a halt. Councillor Mashari also added that the proposed development would constitute an over-development of the site and for the above reasons urged members to refuse the application.

Mr Mark Pender the applicant's agent speaking in support of the application stated that the proposed development, a landmark building, would enhance the visual amenities of the area and provide a much needed affordable housing in addition to a financial contribution via a section 106 legal agreement. He invited the Transport Consultant who clarified why it was not advisable to refuse the application on highway grounds based on traffic surveys and his observations during visits to the site.

In response to members' questions, the applicant's agent confirmed the following: that the applicant had not as yet signed up with a Registered Social Landlord (RSL) due to the uncertainty with the application; that the frontage to Old Church Lane would be re-designed with safety audit; and that the retail shoppers would be drawn from the local area. He also confirmed the applicant's willingness to accept an additional condition requiring details of surfaces to facilitate safe use by visually impaired and other users.

Mr Nawak Khokhar expressed his support for the proposed development in terms of its elevation, affordable housing and the financial contribution within the Section 106 legal agreement.

In the ensuing discussion, Councillor Long suggested an amendment to condition 11 to require the applicant to submit details of surfaces to facilitate safe use by visually impaired and other users which was agreed.

DECISION: Planning permission granted subject to a Section 106 legal agreement and to conditions as amended in condition 11 to require details of surfaces to facilitate safe use by visually impaired and other users.

#### **4. University Of Westminster, Watford Road, Harrow, HA1 3TP (10/2053)**

PROPOSAL: Hybrid planning application for the demolition of part of the University of Westminster's Harrow Campus and the erection of new buildings and refurbishment of existing buildings, comprising:

Full planning permission for the demolition of 6,980m<sup>2</sup> of existing floor space and the erection of 3,435m<sup>2</sup> of new educational floor space (Use Class D1) in new buildings ranging in height from one to two storeys, the refurbishment of existing buildings, including new external cladding, new hard and soft landscaping, improvements to the entrance adjacent to Northwick Park Underground Station and construction of a Multi-Use Games Area;  
and

Outline planning permission for a further 3,545m<sup>2</sup> of new educational floor space (matters to be approved: land use, quantum of development and means of access, with layout, scale, appearance and landscaping reserved).

RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal and Procurement.

The application was deferred at the Planning Committee on 12 January 2011 in order for members to receive a presentation on the proposals which took place last Saturday. Members noted that the previous committee report had been amended to incorporate the information set out in the supplementary report and that the conditions and draft heads of terms for the s106 had been amended accordingly. The Head of Area Planning reiterated the recommendation for approval subject to a Section 106 legal agreement.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal and Procurement.

**5. Hay Lane Special School & Grove Park School, Grove Park, London, NW9 (10/2996)**

PROPOSAL: Part demolition of the existing special educational needs schools and erection of a replacement special educational needs school, comprising a two-storey main building (Use Class D1) and ancillary two-storey short-break centre (Use Class C2), including a sports hall, swimming pool, multi-use games area, external play space and associated landscaping as amended by plans received 20/01/10.

RECOMMENDATION: Grant planning permission subject to conditions as amended in conditions 2, 5, 6, 7 10, 16, 18, 21 and new condition relating to Sustainable Drainage and informatives

Rachel McConnell, the Area Planning Manager updated members that although the English Heritage and the Environment Agency had raised no objections to the proposal, they each suggested conditions on archaeological deposits and sustainable drainage respectively, as set out in the tabled supplementary report. She drew members' attention to the list of amendments to conditions as set out in the tabled supplementary report.

Whilst welcoming the report Councillor Cummins suggested an additional condition relating to sustainable drainage to require exploration of re-use of water from drainage tanks.

DECISION: Planning permission granted subject to conditions as amended in conditions 2, 5, 6, 7 10, 16, 18, 21 and a new condition to amend new Sustainable Drainage condition to require exploration of re-use of water from drainage tanks.

**6. Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT (10/2994)**

PROPOSAL: Permission for phased development comprising Phase 1: erection of two-storey temporary school building with associated internal access road, car park, hardstanding play area, landscaping and new means of vehicular egress onto Bacon Lane (south) (3-year permission); and Phase 2: erection of single-storey permanent school building with associated hardstanding for sport and recreation, associated ancillary development and retention of means of vehicular egress onto Bacon Lane (south).

RECOMMENDATION: Grant temporary planning permission for Phase 1 decant for three years and full planning permission for Phase 2 legacy works thereafter, subject to conditions.

With reference to the tabled supplementary report the Area Planning Manager Rachel McConnell informed the Committee about a letter from the Roe Green Village Residents Association to Barry Gardiner MP reiterating the Association's ongoing concerns about the cumulative effect of various developments in relation to transportation matters and The Village School, Intergenerational Centre.

In response to the Association's request for a full wide scale Transport Assessment she stated that the application complied with the requirements of Planning Policy Guidance 13 on transportation. In respect of the impact on Roe Green she stated that the fencing required by condition 15 (further details of the hard surface sports pitches) would be beyond the existing fencing and that additional landscaping can be provided to mitigate any visual impact. She continued that as the proposed development included a proposal to render the structure, the colour of which would be agreed via condition she was satisfied that the building would meet the relevant design policies in the UDP and SPG17. She updated the Committee that a meeting with Sport England and representatives of the applicant and Kingsbury High School had been arranged in order to seek an in principle agreement between the parties. Rachel McConnell added that although the Environment Agency had no objection to the proposals they required a condition as set out in the supplementary report to secure detailed design, full justification and use of Sustainable Drainage Schemes (SuDS). In reiterating the recommendation for temporary approval, the Area Planning manager drew members' attention to a list of conditions as set out in the tabled supplementary report.

Mrs Julia Day representing Kingsbury Charity and Roe Green Nursery objected to the proposed development on grounds of traffic chaos which she felt would ensue at the junction of Grove Park and Stag Lane. She continued that with approximately 40 buses travelling in a convoy in the mornings and afternoons in an area with several other schools, the traffic impact on other motorists, the emergency services and Dial-a-Ride service would be severe.

Mr John Evans objecting on behalf of Roe Green Village Residents' Association expressed a view that the traffic movements that would result from the proposal would not be workable as it would raise safety issues. He added that the narrowness of Bacon Lane which would be used by a higher volume of traffic as parents dropped off and collected their children underpinned the Association's concerns on traffic. Mr Evans urged the Committee to defer the application until the issues raised by the Association had been addressed.

***In accordance with the provisions of the Planning Code of Practice***  
***Councillor J Moher*** ward member stated that he had been approached by members of Kingsbury Charities. Councillor J Moher stated that as the proposal would involve the re-routing of several mini-buses through Bacon Lane it would constitute a major traffic hazard with consequences for pedestrian safety. He felt that the transport impact of the proposed development had not been properly assessed and urged members to defer the application until the concerns expressed had been addressed and a full construction method statement had been submitted and approved.

Mrs Kay Johnson the Head teacher of Village School stated that the current school building did not comply with basic health and safety regulations including problems with the electrical systems and the presence of asbestos. This situation had frequently resulted in the school being closed for the safety of staff and pupils. Mrs Kay continued that the education merits of the proposal had been established and that failure to grant planning permission was likely to result in about 200 children not having a school building to go to when the new academic year begun

in September. In response to Councillor Long's enquiry about the convoy of buses, Mrs Johnson stated that although the buses would be in use between 8.30am to 9.00am and then between 9.00am to 3.30pm, they would be marshalled to ensure that any traffic impact was minimised. She emphasised that the proposal was for a temporary period only whilst construction of The Village School was being carried out.

Steve Weeks, Head of Area Planning added that conditions 18 and 19 sought to address concerns on construction and decant traffic, respectively. Whilst welcoming this Councillor Cummins suggested an additional condition relating to sustainable drainage to require exploration of re-use of water from drainage tanks.

DECISION: Temporary planning permission granted for Phase 1 decant for three years and full planning permission for Phase 2 legacy works thereafter, subject to conditions as amended in conditions 3, 11, 14, 17, 19, 20, 21, 23, 25 and the deletion of conditions 7, 9, 10 and 26 and a new condition relating to Sustainable Drainage to require exploration of re-use of water from drainage tanks.

## **7. 63 Christchurch Avenue, London, NW6 7BL (10/2452)**

PROPOSAL: Demolition of existing two-storey dwellinghouse and erection of 2 x three-storey blocks, comprising 6 dwellinghouses, and car-parking with provision of private amenity space and landscaping to site.

RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

With reference to the tabled supplementary report Andy Bates the Area Planning Manager informed members that the list of objections by Councillor Shaw which were similar to those raised by residents had been addressed in the main report. He considered the proposed private access road to be wide enough to accommodate parking and suggested an amendment to condition 2 as set out in the supplementary report to secure 2 additional parking bays and improved landscaping. Andy Bates drew members' attention to additional conditions on elevational treatment and details of landscape maintenance.

Mr Fabian Sharpe expressed his objection to the proposed development which he added would be built over rear gardens on the grounds that it would constitute an over-development of the site leading to loss of residential amenity. He added that the proposal would have an unsatisfactory relationship with the properties in the area. Mr Sharpe also expressed concerns on communication between residents and the council and alleged that as Councillor Cummins had been approached by the applicant there was a conflict on his part.

Councillor Cummins responded by saying that he had not received any correspondence from the objector and added for the record that had he received such an approach from the applicant as alleged, he would have replied that "as a

member of the Planning Committee he would not be able to enter into any form of discussion with the applicant” and would have also declared that at the meeting, in accordance with the Planning Code of Practice.

***In accordance with the Planning Code of Practice Councillor Shaw*** a ward member stated that she had been approached by the applicant and objectors. Councillor Shaw objected to the proposed development on grounds as set out in the supplementary report and also as a back garden development which would be unsympathetic to the area. In order to minimise impact on loss of privacy and amenity, she suggested an amendment to condition 2 requiring additional landscaping to the western boundary with Forest Close and use of the section 106 financial contribution for improving education and the pavements in the area.

Mr Mark Pender the applicant’s agent stated that the application which would make use of an under-use site and would respect the current building line, complied with Council policies including policy CP 17. He added that the applicant had undertaken a series of public consultations the results and comments from which had been taken into account in arriving at the final scheme. On behalf of the applicant, Mr Pender accepted the condition suggested by Councillor Shaw on landscaping.

Steve Weeks Head of Area Planning recommended amending condition 2 relating to landscaping details but noted that the scope for increasing this had been highlighted during the site visit. He advised that Section 106 financial contributions were sought to reflect strategic priorities as set out in the related Supplementary Planning Document. Although there was scope to reflect local priorities where this related to the development, however, he advised that paving repairs may be better considered under normal highway maintenance.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement and subject to further amending condition 2 to seek additional landscaping to boundary with Forest Close.

**8. 307-311 Kilburn High Road, London, NW6 7JR (10/2979)**

PROPOSAL: Change of use class from A4 and D2 to A1, A2 and/or A3 on the ground floor and the construction of 4 flats at first floor level and the erection of second floor extension to accommodate 3 flats.

RECOMMENDATION: Grant planning permission subject to conditions, informatives and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Andy Bates the Area Planning Manager reported that an additional objection had been received which took issue with the change to residential use on the ground floor. In responding, he stated that as the ground floor would not be used for

residential purposes, the objection was not a valid ground for refusal. In reiterating the recommendation for approval, he drew members' attention to an amendment to condition 5 suggested by the Director of Legal and Procurement as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions, informatives and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

**9. Storage Land next to 75, St Pauls Avenue, London, NW2 5TG (10/3252)**

PROPOSAL: Erection of Heras-style metal mesh fencing and vehicular access gate on all boundaries of site.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

***Note: Councillor Cummins declared personal interest, withdrew from the meeting room and did not take part in the consideration of this application.***

**10. Barham Park Estate, Roundtree Road/Saunderton Road, Wembley, HA0 (10/2898)**

PROPOSAL: Approval of reserved matters relating to layout, scale, appearance and landscaping, pursuant to Condition 2 of outline planning permission 09/2350 dated 17/03/10 for erection of 216 residential units (related to phases 2 & 3).

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Steve Weeks, Head of Area Planning in reference to local residents' wish for a right turn filter to be introduced at the traffic lights stated that the full Transport Assessment submitted in support of the 'hybrid' application had tested the junction capacity at Harrow Road and found that the junction would continue to operate well within capacity even when accounting for increased flows that might be expected from the estate redevelopment. Whilst he understood the residents' preference to turn right out of the estate onto Harrow Road Steve Weeks submitted that there was no requirement to upgrade the junction in order for the estates redevelopment to be acceptable on transportation grounds. He continued that in addition to the prohibitive cost of reconfiguring the junction, a right turn movement out of the estate would be unacceptable on road safety grounds. In reiterating the recommendation for approval subject to conditions and informatives, Steve Weeks drew members' attention to revised plans J, M, Q and R submitted by the applicant.



Ms Judy Miller Chair of Barham Park Tenants and Residents' Association stated that whilst she welcomed the estate re-development residents were concerned about the bus lane which would run across the junction and could result in fines as motorists waited in the bus lane before turning. In addition, access into the estate needed to be improved in the interests of pedestrian and vehicular safety before the redevelopment was completed. Ms Miller also expressed concerns about parked buses on Harrow Road and requested that part of the Section 106 financial contributions should be used to re-model the road following consultation with residents.

Rosemary Houseman the applicant's agent stated that the redevelopment was essential to the regeneration of the estate and the area as a whole. Ms Houseman continued that the applicant would maintain continuous dialogue with residents and the officers to ensure a satisfactory development was achieved.

Councillor Hashmi enquired as to whether any progress had been made on the residents' concerns expressed on the bus lanes since the consent was granted. In the same vein councillor Adeyeye also asked whether the applicant would be prepared to work with the residents to ensure that their concerns on access and transport were resolved. In responding to the above, Ms Houseman stated that the full transport plan would be submitted for approval following consultation with the residents.

In his conclusions, the Head of Area Planning whilst he understood the concerns about the bus lane, the bus lane was the responsibility of Transport for London (TfL) but that it would seem illogical for motorists to be penalised for crossing the bus lane to enter and exit the site as this was the only route available. He undertook to request the Head of Transportation to liaise directly with Ms Judy Miller on the work with TfL on the site to date.

DECISION: Planning permission granted subject to conditions and informatives.

**11. School Main Building, Brentfield Primary School, Meadow Garth, London, NW10 8HD (10/3207)**

PROPOSAL: Erection of 2 storey extension buildings to existing school incorporating new classrooms, toilets, storage rooms, school hall, kitchen and associated plant, photovoltaic panels, and educational roof garden; and landscaping changes including new external amphitheatre and proposed Multi Use Games Area, (MUGA,) ramped accesses, bin stores, parking areas and new trees.

RECOMMENDATION: (a) Grant planning permission subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report and to revised plans and conditions as amended in conditions 4, 5, 8, 9, 10, 11, 12, 13, 17, 18 and 20; and the deletion of condition 3; or

(b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

In reiterating the recommendation for approval, Steve Weeks Head of Area Planning drew members' attention to revised plans, amended conditions 4, 5, 8, 9, 10, 11, 12, 13, 17, 18 and 20; and the deletion of condition 3;.

DECISION: (a) Planning permission granted subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 details section of this report and to revised plans and conditions as amended in conditions 4, 5, 8, 9, 10, 11, 12, 13, 17, 18 and 20; and the deletion of condition 3;.

or

(b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

## **12. Planning Appeals January 2011**

Noted.

## **13. Any Other Urgent Business**

None.

The meeting ended at 9:10pm

RS PATEL  
Chair