



Planning Committee

9th March 2011

Report from the Director of Regeneration & Major Projects

For Action

Wards affected:

All

Local Issues and Development Management Policies

1.0 Summary

- 1.1 This report summarises a range of planning issues that have been raised as a concern for Brent, primarily by Planning Committee or other Councillors. It discusses these in relation to the programme for the Local Development Framework and seeks the Planning Committee's views on priorities and a future programme.

2.0 Recommendations

- 2.1 That the Planning Committee notes the issues outlined in this report and agrees that they should be considered as part of the programme for the preparation of the Development Management Policies

3.0 Background

Local Development Scheme (LDS)

- 3.1 The Planning Committee endorsed a revised LDS covering the production of Brent's Local Development Framework (LDS) on 20th October 2010. This was agreed by Executive in December 2010. The LDS sets out the initial adoption of the Core Strategy followed by the production of Site Specific Allocations Development Plan Documents (DPD) which give more detailed planning guidance for more significant development sites in the Borough. Both these DPDs will be supplemented by a Wembley Area Action Plan, and then a Development Management Policies DPD. When all of these documents are adopted the UDP will have been replaced as the local Development Plan for the borough.
- 3.2 There is a separate report on the agenda which updates the LDS's progress and outlines the progressive sequence of DPD's. In practice, the initial programme has been prolonged and a primary reason for this was the need to review the Core Strategy after the first Inspector's examination. However, its production also reflects agreed priorities in terms of the need for guidance where significant change is envisaged as well as the resources required to service the production of the LDS. This was specifically acknowledged by the

Planning Committee in November when considering a referral from the Health Select Committee on the issue of planning policy and take away restaurants.

Local Issues

- 3.3 The following issues have usually been raised in relation to the interpretation of existing policy with specific planning applications or enforcement matters.

Loss of Public Houses

Perceived Issues

- 3.4 That there is a continuing loss of facilities for those sections of the community who value them for the purpose for which they were designed, that these can involve the loss of distinctive buildings and community focal points and that the Use Classes Order 2010 allows pubs (Class A4) to change to restaurants/cafes (A3), financial services (A2) and retail shops (A1) without the need for planning permission.

Discussion

- 3.5 Brent has experienced similar trends to other areas. These include the demolition or conversion of freestanding pubs to other Class A uses and the creation of smaller pubs/bars, often by converting former shops in town centres and local parades. In addition to such market factors as brewery ownership, retail competition and land values, social changes and tastes are also key factors in this changing picture. It is difficult to predict that development management policies could significantly influence the above factors unless distinctive local planning merits can be identified.
- 3.6 Existing policy (UDP CF3) seeks to retain Community Facilities where there is planning control but identifies this as publicly available function space rather than the bar itself. In any event, S106 contributions are usually sought to offset such losses where they can be identified. Where control over demolition exists, policies seek the retention of distinctive buildings or a high quality replacement. Most recently, these issues were highlighted in the agenda report dealing with the former Betsy Brogans (once The Hopbine) in East Lane.

Basements

Perceived Issues

- 3.7 That basements can threaten the structural integrity of adjoining properties, that the inclusion of lightwells can severely harm an areas character and that the works involved can have a significant effect on the local area during construction.

Discussion

- 3.8 These issues have been rehearsed during a number of applications in recent years, particularly in the south of the Borough. The Planning Committee have normally approved applications involving basements on the basis that they are designed to minimise their visual impact on front gardens and neighbours. This discussion has included reference to structural issues as well as the practice in other authorities although none of these is understood to have a policy with prevents them. The Planning Committee has also recognised the potential nuisance factor and the scope of planning and environmental health to control this.

- 3.9 If there are grounds to control basements beyond the current interpretation of policy then these are likely to relate to the specifics of an area. Conservation Area Design Guidance would be the most effective forum to discuss these issues but, to be effective, would need widescale local support. Issues such as obstruction and harm related to skips would be best reviewed as part of the issue of licences.

Shisha Bars

Perceived Issues

- 3.10 That these are likely to cause problems of nuisance for local residents due to late night and open air operation and that there are health concerns associated with the practice.

Discussion

- 3.11 The growth in Shisha establishments reflects demographic change. Problems with several sites prompted a review in 2010 across those services which have a direct responsibility. This recognised health concerns, including for younger users, and concluded that this needed to be targeted by education and publicity. However, the improved liaison does not necessarily assist businesses in setting up new ventures as, for example, controls over smoking establishments are often difficult for establishments to comply with. Unauthorised operations are a significant planning enforcement issue and almost always relate to new uses in shop premises or a change in the way that a café or restaurant operates.
- 3.12 The above review has informed the interpretation of existing planning policy covering the protection of shopping areas and residential amenity. The approach is to try and assist businesses, usually retrospectively, to redesign and reduce seating areas and to operate more restrictive hours in locations where existing policy allow non retail uses. Shopping parades on busier streets and with wider footpaths may offer scope for businesses which can operate with smaller outdoor semi- covered areas although temporary planning permissions for later hours may need to be considered where there are residential properties above.

Betting Shops

Perceived Issues

- 3.13 That there is a link between betting shops and serious anti-social behaviour.

Discussion

- 3.14 There has been a general increase in the number of betting shops although existing planning policies are generally effective in limiting the number of non retail uses. However, new establishments in some areas where operators perceived demand can create local concerns over the number in a particular shopping area. Retail policies are generally supported on appeal unless a property has been vacant for a while or an Inspector feels that the policy of protecting an areas vitality and viability is unlikely to harmed by an additional betting shop. Similar issues apply to 'amusement' centres.
- 3.19 If there have been cases of specific concerns about unlawful activity then is has led to consultation with the police. However, the outcome is more likely to influence a licensing rather than a planning decision. The degree of any lower level anti-social behaviour is not known and would be unlikely to support a generally restrictive planning policy.

Increase in the number of flat conversions and HMO's

Perceived Issues

- 3.20 A review of the issues behind this concern has been provided by the Lead Member for Human Resources and Diversity, Local Democracy and Consultation. It focuses on the effect that a high number of conversions from houses to flats and HMO's may have on particular residential streets in terms of parking and activity as well as the affect on local community cohesion. She stresses the scale of unauthorised activity that occurs and the implications of a significant increase in shorter term rented accommodation. She refers to scope for local authorities to consider Development Orders to limit such changes and recognises that effective enforcement needs to be adequately resourced.

Discussion

- 3.21 The above issues have a reflection in existing policies that seek to maintain family accommodation while increasing the housing stock. However, while it may be possible to develop the suggested idea of adopting an upper limit on the total number of conversions, this does raise a number other matters. In particular, it is unlikely that there could be justification for a policy that discriminated between the tenure of the occupants and this may limit an important way of increasing the housing stock where normal standards can be met. It also raises the issue of not being able to quantify the unknown number of unauthorised premises without a significantly increased level of investigation by a number of Brent's regulatory services.

Fast Food Outlets and Schools

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

4.0 Financial Implications

- 4.1 This report does not propose any change to the agreed or projected costs of preparing the LDF.

5.0 Legal Implications

- 5.1 The preparation of the LDF is governed by a statutory process set out in the Planning and Compulsory Purchase Act 2004 and associated Government planning guidance and regulations. Once adopted the DPD will have substantial weight in determining planning applications and will supersede part of the UDP.

6.0 Diversity Implications

- 6.1 Statutory public consultation is required when preparing DPD's and an Impact Needs / Requirement Assessment (INRA), which assessed the process of preparing the Core Strategy and Site Specific Allocations DPD, was prepared and made available in November 2008.

7.0 Staffing/Accommodation Implications

7.1 There are no staffing or accommodation implications arising directly from this report.

8.0 Environmental Implications

8.1 Many of the issues discussed above have a range of potential environmental implications. These would need to be further assessed during the preparation of the Development Management Policies DPD.

9.0 Background Papers

Brent Core Strategy July 2010
Unitary Development Plan 2004 – Saved Policies

Contact Officers

Any person wishing to inspect the above papers should contact;
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