



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 26 January 2022 at 6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor Johnson (Vice-Chair) and Councillors S Butt, Chappell, Dixon, Kennelly, Donnelly-Jackson and Maurice

Also present: Councillors

Apologies for absence were received from Councillors

1. Apologies for absence and clarification of alternative members

None.

2. Declarations of interests

No declaration of interests were made at the meeting.

All members of the Committee advised they had received approaches from both the applicant and Brondesbury Park Residents Association in relation to application 20/1411 – Queens Park Community School, Aylestone Avenue, London, NW6 7BQ.

3. Minutes of the previous meeting

RESOLVED that the minutes of the previous Planning Committee meeting held on Wednesday 15 December 2021 be approved as an accurate record of the meeting.

4. Order of Business

At this stage in proceedings the Chair advised that he had agreed to vary the order of business on the agenda. This was to enable the consideration of Agenda Item 5 (Application 21/2262 – 91 B Mora Road, London, NW2 6TB) as the first item given the limited number of speakers registered on that application. The minutes reflect the order in which the items were therefore considered at the meeting.

5. 21/2262 - 91B Mora Road, London, NW2 6TB

PROPOSAL

Insertion of 6 roof lights to main pitched roof, insertion of Juliet balcony to northwest elevation and replacement of roofing material change from sheeting to clay tiles (revised plans).

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RECOMMENDATION:

- (1) That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose the conditions and informatives as set out within the report.
- (2) That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

Lena Summer, Planning Officer introduced the report, set out the key issues and answered members questions. In introducing the report members were advised that the application related to a two-storey building within a back land site located via a service road from the southern side of Mora Road. The change of use of the building from office to residential had already gained "prior approval" and works were currently being undertaken to convert the property. The site was predominately surrounded by residential properties and four of the exterior walls formed the boundaries with neighbouring properties gardens. To the immediate east, the elevation of the building was bordered by the rear garden of 91 Mora Road. To the south, the party wall was on the boundary of the rear garden of No's 99 to 107 Ivy Road. To the west of the site, a part two, part three-storey building containing residential accommodation had recently been constructed from planning permission 17/0473 granted in April 2017. The site was not in a Conservation Area nor was it a listed building. St. Michael's Church was a nearby Grade II heritage asset that was situated approximately 25m northwest. The application being heard sought approval for the insertion of 6 roof lights, the insertion of a juliet balcony and a change in roofing material from sheeting to clay tiles.

As no questions were raised by members, the Chair then invited Mr Dunwell (as an objector) to address the Committee (in person) in relation to the application.

Before Mr Dunwell began addressing the Committee he requested permission to circulate a written copy of his speech. Saira Tamboo, Senior Planning Lawyer

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confirmed that this would be acceptable on the basis it would provide clarification for members on the issues being raised. A copy of the speech was therefore provided for all members of the Committee and Mr Dunwell then spoke to highlight the following comments in objection to the application:

- Mrs Dunwell advised that he was acting to represent the owners of an adjacent property to the site, 91 Mora Road and advised that both he and his clients felt the application to be invalid for a number of reasons. These included the application site had used part of the land at 91 Mora Road without declaring this in the proper statutory manner; a dispute regarding ownership relating to a right of way across 91b and 91 Mora Road; concerns regarding flood risk and guttering along with the size stated for the width of the side passage. These issues had been raised with the Planning Officer on which he advised a response was awaited.
- Given it was felt the applicant had not declared the use of part of the land owned by his clients or properly completed the application form it was felt this had rendered the application invalid and not determinable at the meeting.
- Concerns were also raised regarding comments in the report relating to the prior approval of application 20/1729 and discharge of conditions and as a result it was felt the application should either be declared invalid or refused or at the very least.

Members had no questions for Mr Dunwell, however sought clarification from officers regarding the issues raised on which the following responses were provided:

- Given the concerns raised Gerry Ansell (Head of Planning) advised that officers were satisfied the application was valid.
- Reference was made to plan (displayed at the meeting) showing the red line boundary on the land registry map was with officers assured that proposals within the current application and all material including the balcony fell within the existing red line boundary.
- Saira Tamboo, Senior Planning Lawyer, confirmed that officers were satisfied the applicant had provided all the necessary documentation to confirm the necessary ownership of the land relating to the application site.
- Officers confirmed that the development had been assessed against the guidance in DMP1 and was compliant. While the unique close proximity of the existing building to neighbouring gardens was noted, it was considered that the proposed additional roof lights with their restricted opening

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mechanism) and Juliet balcony complied with relevant policy and guidance and would not have an adverse impact on the neighbouring occupiers or result in loss of privacy, overlooking or unreasonable levels of noise or light pollution.

- Whilst the application proposed red clay tiles to the main pitched roof (with a mixture of slate and clay tiled roofs in the surrounding area) the applicant had stated that the corrugated roofing contained asbestos and therefore required replacing. In addressing the environmental impact it was proposed the clay tiles would improve the existing structure and complement both the red brick of the property and surroundings roof profiles.
- In relation to the previous permission, confirmation was provided that external building alterations such as those being sought in the current application would be required to be submitted separately.
- Whilst noting the concerns raised in relation to guttering members were advised that no rainwater goods had been proposed and the guttering would not be altered as part of the current application meaning the existing arrangements for drainage would remain.
- In relation to the impact on wildlife, members were advised that as no changes were being made in terms of the ecology of the site wildlife and bat surveys were not deemed necessary.

As there were no further issues raised and having established that all members had followed the discussions the Chair asked members to vote on the recommendations.

DECISION: Granted planning permission subject to the conditions and informatives as set out within the report.

(Voting on the recommendation was as follows: For 8 & Against 0.)

6. 20/1411 - Queens Park Community School, Aylestone Avenue, London, NW6 7BQ

PROPOSAL:

Construction of an artificial turf pitch, ball stop fencing with access gate/s, acoustic all weather timber fence, flood lighting units 2 x double floodlights on the half way masts and single floodlights at each of the 4 corner masts (mounted onto 6 steel columns) and a dry pond detention basin and earth bund in a designated area within the school grounds.

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RECOMMENDATION:

- (1) That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose the conditions and informatives as set out in the report and supplementary agenda.
- (2) That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

Sarah Dilley, Planning Officer introduced the report and set out the key issues. In introducing the report members were advised that the application proposed the construction of an artificial turf pitch, ball stop fencing with access gate/s, acoustic all weather timber fence, flood lighting units 2 x double floodlights on the half way masts and single floodlights at each of the 4 corner masts (mounted onto 6 steel columns) and a dry pond detention basin and earth bund in a designated area within the school grounds.

In reference to the supplementary report circulated in advance of the meeting, the Planning Officer drew members' attention to the following additional representations which had been received:

- Two further objections received from individuals who had previously commented on the application relating to use of the proposed facility during certain holiday periods and concerns regarding noise and light;
- A letter clarifying that 14 organisations as opposed to the 6 listed in the report had written in support of the application with clarification also provided that all three local ward councillors were in support of the proposal;
- Two further letters of objections from the Brondesbury Park Residents Association (BRPA) with the additional concerns raised and alternative conditions suggested set out in the supplementary report

Notwithstanding consideration of the issues raised members were advised that the recommendation remained to approve the application, subject to the conditions as listed in the main report.

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As no questions were raised from members, the Chair then invited Chris Lipka (speaking as an objector on behalf of the Brondesbury Park Residents Association) to address the Committee (in person). Before addressing the Committee, Chris Lipka sought clarification from the Chair regarding Councillor Gbajumo's request to speak at the committee as a local ward councillor in support of the application. The Chair advised Mr Lipka that it was within Councillor Gbajumo's rights as a local Ward Councillor to attend and comment on the scheme in whatever way felt appropriate in her representational role. An assurance was provided that the Committee, in making any decision, would do so on their own basis having taking account of the detailed factual information and planning guidance provided within the report and their assessment of the material planning considerations.

The following concerns and comments were then raised by Chris Lipka in addressing the Committee on behalf of BRPA:

- Local resident's anxiety and concerns were highlighted regarding the increased level of noise that would be generated if the proposed scheme were to go ahead and impact this would have on those living in the surrounding area. An independent acoustics expert had been commissioned by the Brondesbury Park Residents Association (BPRAs) to undertake a noise assessment who had concluded that noise from the site would be audible and have a detrimental on those living closest to the site.
- The level of local objections to the proposal was highlighted, as evidenced by the petition submitted by BPRAs in objection to the scheme which had contained 300 signatures. The Committee were asked to consider the breakdown in the location of these objections with most located directly adjacent to the site. It was pointed out that a significant proportion of the supporting comments for the application had come from those living outside of the immediate vicinity of the school and local area, including a number of parents at the school.
- Concern was also raised in relation to the proposed extended hours of operation for the facility up to 9pm and way in which the proposed commercial use of the site had been underplayed given the impact on local residents.
- Attention was also drawn to the alternative conditions that BPRAs had submitted for consideration, which had been designed to mitigate the concerns highlighted should the Committee be minded to approve the application. These included restrictions on the use of floodlighting, hours of

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use along with a substantial acoustic barrier and landscape management plan.

Prior to dealing with any questions on the comments made the Chair sought clarification regarding the point raised regarding the weighting of comments received in objection and support for the scheme according to location. In response, Gerry Ansell (Head of Planning) confirmed that all comments were considered and that it was not practice to differentiate in weight by location as it is the substance of those comments that would be considered in line with National Planning Policy Guidance.

In response to questions from members in relation to his comments, Chris Lipka, supported by Richard Vivian (Big Sky Acoustics – as BPRAs independent acoustic consultant) made the following points:

- Local residents felt that the application as it stood was unacceptable due to the impact it would have on residential amenity and quality of life for local residents, citing that there were other local facilities of this nature already available within close proximity such as Capital City Academy and in more appropriate locations. It was felt there was more limited local community benefit to this development.
- Whilst BPRAs had originally been opposed to any form of facility on the site they would, subject to the alternative conditions which they had submitted (as outlined in the supplementary agenda) and the inclusion of a more sustainable playing surface, now be more supportive of a facility solely for school and community use up until 6pm. The key objections therefore remained the extended hours for commercial use and the detrimental impact this would have on surrounding properties related to noise and disturbance during what were felt to be more unsociable hours and in an area with minimal noise previously generated by the site at that time.
- In terms of further clarification sought in relation to the concerns highlighted in relation to noise Richard Vivian (Big Sky Acoustics) was invited to comment on the independent noise assessment they had undertaken. He highlighted that based on his baseline assessment the noise generated by the scheme would still be audible within neighbouring properties even with the sound barrier and mitigation measures which had been proposed.

With no further questions, the Chair invited Nichola Mitches (objector) to address the Committee (in person) in relation to the application, who raised a number of concerns including:

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- The significant impact in relation to noise on neighbouring properties and for local residents generated by the proposed increased activity on the site in the evening and at weekends, particularly for those with young families or caring for vulnerable adults
- In supporting the comments and objections raised by the BPRA the main concerns related to the proposed hours of operation after 6pm in the evening for commercial use which was not felt to be acceptable from a social justice perspective given the detrimental impact on local residents in a quiet residential area as a result of the accompanying levels of noise, light and disturbance. If minded to accept the application, however, a request was made for this to be on the basis of the alternative conditions submitted by BPRA to be accepted in order to assist in mitigating the concerns highlighted.

As there were no questions from members, the Chair invited the next speaker Jim Bridgen (supporter) to address the Committee (in person) in relation to the application, who highlighted the following points:

- In his capacity as a local resident who had lived for a number of years in close proximity to the school and as a parent of children who attended Queens Park Community School Mr Bridgen expressed his support for the application. As a local resident living near a school he had accepted the noise generated and felt the proposed facility would assist in promoting a more active society with associated benefits in terms of health and wellbeing for those able to access the facility from the surrounding community.
- It was also felt the proposal would act as a potential deterrent in terms of anti-social behaviour through the increase in activity and use of the site making it a less desirable location to attract that type of behaviour.
- The impact which the scheme would also have in terms of increasing the access to good quality sporting facilities and pitches in the area recognising the shortage in provision currently being experienced within the borough.
- The importance for the school in terms of providing enhanced and fit for purpose sporting facilities at the school which could also be used to increase the sporting offer available for pupils and that would also benefit external community groups.
- The support expressed by parents and carers of pupils attending the school in terms of the benefits of the proposed facility.

In response to questions from members, Mr Bridgen made the following points:

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- As there were local playing fields in close proximity to local residents and the school there was already noise generated in the local area that was audible to residents, the noise was not excessive and he did not envisage that the addition of the pitch at the school would cause a significant increase in noise levels.
- Although Capital City Academy had similar facilities, they were not suitable for local pupils, residents or community groups to access given the distance to travel and existing demand in use of the available facilities.
- The addition of a pitch at Queens Park Community School would offer opportunities for more people to access sport, in particular young people and females who in terms of safety would benefit from a safe floodlit location.

As members had no further questions, the Chair invited the final two speakers as the applicant to address the Committee (in person) who he advised would be sharing their 3 minute allocated speaking time. Jude Enright (Head teacher - Queens Park Community School) as the applicant and Timothy Comyn (Barrister - Francis Taylor Buildings) as the applicant's legal representative drew the Committee's attention to the following points:

- The way in which the enhanced facilities would support the health and wellbeing and improve the quality of life for pupils at the school, as well as community support groups and the wider local community with the all weather pitch effectively serving as an outdoor classroom, enabling curriculum needs to be met and extended through for example the introduction of A-Level P.E.
- The school had a high percentage of pupils from disadvantaged backgrounds who did not have the privilege of a safe space to enjoy recreation time to take part in sports after school. If the proposal were approved it was felt the impact would offer positively life changing opportunities for a large number of young people.
- 14 community organisations had already expressed their support for the facility, highlighting the limited number of all-weather spaces to meet demand.
- The changes which had been made to the application in order to address the concerns raised by local neighbours which included reducing the hours of operation, lighting technology, inclusion of a sound barrier and additional; planting.
- The support for the scheme expressed by all three local ward councillors highlighting the need for provision of such a facility in the local area.

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- The scheme was in accordance with the Development Plan policies. Whilst recognising that there would be impacts in respect of ecology, noise, light and residential amenity these had been subject to detailed professional assessment which had concluded that by design, including reasonable and practicable mitigation measures, the overall impacts would be low and would not result in significant harm to living conditions. On the basis that the benefits were not outweighed by these limited impacts on neighbouring amenity the Committee were urged to approve the application in line with the National Planning Policy Framework.

In response to member questions, the following points were made by Jude Enright and Tim Comyn supported by their technical consultants:

- Clarification was provided that it would not be financially viable to go ahead with the scheme without provision for an element of commercial use. The school had committed a significant amount of funding (along with attracting Neighbourhood Community Infrastructure Levy funding) to finance the scheme that would need to be re-couped through the addition of commercial lettings over the next 3 – 5 years. It would be essential for the school to accrue their funding back in order to support further school maintenance and improvements.
- The high level of existing demand for the similar facilities at Capital City Academy, which currently operated until 10pm.
- Similar facilities in the borough had been operating without complaints regarding excess noise and it was felt the smaller facility proposed at Queens Park Community School would therefore be able to operate without attracting noise complaints.
- Whilst recognising there would be an impact in terms of noise, the concerns raised had been subject to detailed assessments and would fall within acceptable limits.
- Clarification was provided that it would not be possible to offer A-Level P.E without the proposed pitch.
- In terms of the Community Use Agreement this was the subject of a condition and the school would be looking to work with Sport England to ensure provision for community schemes during the school holidays to support as many low income and disadvantaged groups as possible. Assurances were provided that rates for community lettings would be reasonable and more affordable than other similar commercial facilities operating across the

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borough with partner organisations, particularly those catering to disadvantaged/low income groups offered discounted rates.

- The material chosen for the pitch and layout of the site had been carefully considered as an environmentally friendly option and one that would support accessibility for all groups.
- The wider community safety benefits arising from the provision of a local facility given the distance and travel time to other facilities in different parts of the borough and reduced risks associated with not having to travel outside of the immediate area.
- The confirmation provided that as a result of the noise and sound mitigations which had been proposed the level of noise generated by sporting use of the facility had been assessed as not exceeding Sports England guidelines.

Councillor Gbajumo in her capacity as the local ward councillor was then invited to address the Committee (in person) highlighting the following key points, also in support of the application:

- The support expressed for the proposed development by all three local ward councillors in a joint statement. Whilst noting the concerns highlighted in relation to noise Councillor Gbajumo felt it important to recognise that the professional assessments undertaken had confirmed noise levels would fall within permitted guidelines with the expectation that living locally to a school would also generate an element of noise.
- The proposals submitted by the applicant had been amended in an attempt to address the concerns raised and discussion undertaken locally in order to explain the mitigation measures which had been included in relation to sound and light.
- The commitment identified to continue working with the school and local residents to ensure, that subject to approval, the facility was able to operate successfully in order to support young people and community groups with the Committee therefore urged to support the application.

In response to questions raised by the Committee the following responses were provided by Councillor Gbajumo:

- Confirmation was provided the commercial use of the facility in the evening was supported by the local ward councillors in order to ensure the financial viability of the facility and that its use and associated benefits were available to as wide a range of individuals and organisations as possible.

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- Support was also expressed in terms of the wider safety benefits which had been identified in relation to use of the facility and enhance lighting, which would be supported by work already being undertaken through the Safer Neighbourhood Team.
- Whilst local ward councillors had been working with both objectors and supporters in relation to the application, she was confident the school had carefully considered the issues and concerns raised and worked to mitigate them as far as possible. In terms of moving forward the local ward councillors were keen to continue working with all residents in order to address any future issues should they arise.

In the ensuing discussion, members acknowledged the broad scope of health, social and educational benefits the scheme would bring, not only exclusively to young people, but the community as a whole if the scheme were to be approved. However additional queries were raised in relation to issues highlighted on noise, lighting, ecology and access to the scheme for disadvantaged groups. In response, officers then clarified a number of key points, including:

- Noise levels had been subject to detailed assessment with the recommendation to the Committee having taken account of both the assessments undertaken on behalf of the Council and BPRA. Members noted the outcome of these assessment as detailed within the report which had shown the average and maximum predicted noise levels (with and without mitigation) and impact on surrounding properties in terms of the average noise level criterion. This had been supported by the inclusion of a condition to ensure the installation of an acoustic barrier in accordance with the submitted details prior to first use of the pitches and maintained in perpetuity.
- Whilst acknowledging that the proposed development would result in some noticeable noise to nearby residential properties weight also needed to be given to the existing and fall back position to the site as a school playing field already being used for sports and play during the day and with no restrictions on use in the evenings and at weekends. Whilst the nature of the facility would facilitate greater use, officers were satisfied that they had responded to the recommendations to mitigate excess noise in line with the results of the various noise assessments with the level of noise impact when considering the acoustic barrier mitigation as well as restricted hours of use to 9pm having been assessed as not significant enough to reject the proposed development. Furthermore the wider social and community benefits associated with the proposed development in terms of sporting facilities,

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health and wellbeing were considered to outweigh the level of additional noise impact. In response to a further query, however, it was noted that further amendments could be sought in relation to the tree planting schedule within Condition 9 to provide more flexibility in the location of new trees and allow additional planting between the pitch and Aylestone Avenue in order to further enhance biodiversity and screening.

- In relation to lighting, following submission of the application a revised lighting strategy had been submitted, with a Light Spillage Assessment also having been reviewed by Brent's Environmental Health Team. Despite objections received the Environmental Health Team had been satisfied with the methodology used. The lighting assessment outlined that the revised luminaires continued to provide the same level of lighting on the pitch but would include built in louvres to minimize any backwards light spill. The report referred to the Institute of Lighting Professionals' (ILP) environmental zone classification system used for the categorisation of sensitive receptor locations based on typical levels of baseline obtrusive light. The results had shown that this level was not predicted to be exceeded as a result of the proposed development.
- Sky glow and light spill had also been considered but the levels identified had not been assessed to result in significant adverse light obtrusion impacts with respect to local sensitive residential receptors or harm to residential amenity of nearby properties. Conditions had been recommended to ensure the lighting was carried out in accordance with the details and mitigation submitted and to limit the hours of use.
- In terms of ecology the revised light spillage assessment was felt to have demonstrated that the impacts on local biodiversity had been suitably addressed within the proposals. A condition had been recommended for an Ecological Enhancement Statement based on the recommendations within the Ecological Appraisal which would include compensation for foraging bats. The submission of a Construction Environment Management Plan would also be subject to a condition with the overall impact to biodiversity and ecology therefore considered to be acceptable.
- In terms of transportation, confirmation was provided that the proposed development was not considered to result in harm to pedestrian or vehicular highway safety or to harmfully increase parking pressure given the parking spaces already available on site and was therefore in accordance with Development Management Policy Plans.
- Following further consideration and clarification being sought on the terms of the Community User Agreement recommended under Condition 7, officers advised that it would be possible to seek further clarification within the

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Agreement on the definition of Community Use and the availability of the facility for community use, particularly with regard to low income families as part of an amendment to the Condition.

As there were no further issues raised and having established that all members had followed the discussions the Chair asked members to vote on the recommendations.

DECISION: Granted planning permissions subject to the conditions (as amended below) and informatives as set out within the report and supplementary agenda:

Condition 7 – Community User Agreement to include clarification on the definition of Community Use, the availability of the facility for community use.

Condition 9 - Tree report/planting schedule to provide for an increase in the trees and shrubs to be included within the additional planting on site

(Voting on the recommendation was as follows: For 8 & Against 0.)

7. Any Other Urgent Business

None.

The meeting closed at 8:00pm.

COUNCILLOR KELCHER
Chair