



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Tuesday 14 January 2014 at 7.00 pm

PRESENT: Councillor Ketan Sheth (Chair), Councillor John (Vice-Chair) and Councillors Aden, Baker, Cummins, Hashmi, Hossain (alternate for Councillor Singh), Kabir and Kataria.

ALSO PRESENT: Councillors Adeyeye, Harrison and HB Patel.

Apologies for absence were received from Councillors CJ Patel and Singh.

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

Preston Park Primary School (Ref 13/2903)

Councillor Hossain declared that she was a former Governor of the school however she did not consider this a prejudicial interest and so remained present to consider and vote on this item.

Councillor Harrison declared that she was on the Governing Body of the school.

### 2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 11 December 2013 be approved as an accurate record of the meeting.

### 3. **Preston Park Primary School, College Road, Wembley, HA9 8RJ (Ref. 13/2903)**

PROPOSAL:

Demolition of existing dining room and kitchen block and the erection of a new two storey class room block incorporating replacement dining room and kitchen, a single storey extension to the existing nursery/reception year block, the removal of three temporary class room huts, increased cycle storage, new fencing, new landscaping, and the creation of a larger reception rear playground.

RECOMMENDATION: Grant planning permission subject to conditions as set out in the Committee report and revised condition 3 as set out in the supplementary.

With reference to the tabled supplementary report, Neil McClellan, Area Planning Manager informed members that the South Kenton and Preston Park Residents Association (SKPPRA) had reconfirmed their objection to the proposal on the grounds that the transport statement by the consultant Robert West was not

sufficient to meet the Department of Transport (DoT) criteria for a transport assessment for a school development of this size. In response, the Area Planning Manager stated that following an assessment by the Council's Transportation Team the majority of the assessment and its conclusions were considered to be correct. Having conducted their survey the Transportation Team acknowledged that the parking survey undertaken by Robert West overestimated the amount of on-street car parking available.

The Area Planning Manager considered that the proposal would be acceptable subject to the submission and approval of a revised School Travel Plan. Members were advised that Transport for London (TfL) had awarded Preston Park Primary a 'Gold Star' two years running for its travel plan and that the school had been recommended for a 'Platinum Star' this year. He then corrected the drawing numbers as set out in the supplementary which he added were the drawing numbers made available on the Council's website and consulted upon with residents. These amended condition 3 and superseded the drawing numbers listed in that condition.

Mr Rushe objecting on behalf of the South Kenton and Preston Park Residents Association (SKPPRA) reiterated their objection that the transport statement submitted by the consultant Robert West was not sufficient to meet the Department of Transport (DoT) criteria for a transport assessment for a school development of this size. He added that the proposed expansion of the school would create a dangerous parking situation and thus fail to meet the Council's parking standard.

***In accordance with the Planning Code of Practice, Councillor Harrison*** stated that she was on the Governing body of Preston Park Primary School and that she had not been approached. Councillor Harrison made reference to the school's track record shown by its 'Gold Star' Travel Plan and a possible 'Platinum Star'. She added that the highest construction standards would be maintained in order to ensure minimum disruption being caused to the local residents during the construction of the school buildings.

***In accordance with the Planning Code of Practice, Councillor HB Patel***, ward member stated that he was on the Governing body of Preston Park Primary School and that he had not been approached. Councillor HB Patel stated that as the school was located in a narrow and congested road residential amenity was being detrimentally affected as a result of inconsiderate parking by some parents. He continued that residents were unable to make proper assessment of the transport statement due to the length of the document and the period chosen for its circulation, during the festive period when some residents were away. Councillor HB Patel urged that if planning permission was to be granted, all conditions should be vigorously enforced. He also requested that railings be installed for the safety of the school children and to prevent accidents.

Cheryl Painting, the applicant's agent informed the Committee that the expansion of the school was to meet the growing demand for school places and that appropriate mitigation measures were in place to ensure that any detrimental impact was limited. She drew members' attention to the school's travel plan which

had been awarded a 'Gold Star'. The agent confirmed that guard railings would be introduced as part of the development.

In responding to some of the issues raised, Stephen Weeks, Head of Area Planning clarified that as Brent's parking standards set maximum (rather than minimum) standards, the parking provisions for the proposed development were acceptable. He drew members' attention to condition 1 which required the applicant to install guard railing to the front of the pedestrian access.

DECISION: Granted planning permission as recommended.

#### **4. Land rear of 270-288 Neasden Lane, NW10 (Ref. 13/3199)**

##### **PROPOSAL:**

Redevelopment of vacant land to form single storey office unit (use class B1a) with one associated car parking space and one delivery space to land off Cairnfield Avenue, NW2 and to the rear of Neasden Lane.

RECOMMENDATION: Grant planning permission subject to conditions as set out in the Committee report and additional condition requiring details of level changes as set out in the supplementary.

Rachel McConnell, Area Planning Manager in reference to the tabled supplementary informed the Committee that ground level changes across the site were not shown on the elevation plans. In order to address this and to ensure a satisfactory development, she recommended an additional condition as set out in the tabled supplementary. Rachel McConnell also clarified that in policy terms, the location of the site was considered appropriate for B1 office accommodation as it was located within a town centre and had good access to public transport.

Mr Zabihi, an objector stated that the site had been used as a service road and for car parking by local businesses owners within the area, staff and residents of 270-288 Neasden Lane and Cairnfield Court in excess of 25 years until the applicant started to take deliberate steps to prevent its use by installing entrance gates and encouraging deliberate fly tipping. He continued that the use of the site as a service road was vital for loading and unloading and urged the Council to compulsorily purchase the land. Mr Zabihi alleged that construction of the proposed development would adversely impact on the use of the service road and business activity in the area.

During questioning of the objector, Members discussed matters raised regarding the ownership of the land. The legal representative advised that ownership of the land was outside the remit of the Committee and that Members should focus on the lawful planning use rather than the ownership of the land. He added that as a general rule, a landowner can take steps to prevent the unauthorised use of his land but that where it was felt that the landowner had carried that out illegally, civil remedies including an injunction could be sought.

Jane Brumwell, an objector circulated copies of her statement that raised the following issues:

- (i) The use of the service bay would be available exclusively to the units within the proposed development and would therefore be of no use to local business owners in the shopping parade.
- (ii) Construction noise would adversely impact on residential amenities.
- (iii) Being the only open space adjacent to their homes and where local children use as a play area, by blocking the walkway adjacent to the service road, the children would be denied the facility.
- (iv) The applicant had used intimidatory tactics including illegally erecting a fence and containers, issuing of bogus parking tickets, debris, tyres and strewn glass over the parking area to prevent the use of the site as a service road.
- (v) The proposed development would not enhance the local environment.
- (vi) Although no one could confirm the ownership of the land, local businesses had been made to contribute towards the clear up of debris left on the land.

Mr Chris Veasey, the applicant's agent and the transport consultant, confirmed that the land was in the ownership of the applicant who had previously fenced it off to prevent unauthorised use. He added that he had not observed significant pedestrian or business use of the service road. He continued that the existing width of the service road would remain and that the development would result in an improvement of unused land. In response to a Member's question about the use of the land, Mr Veasey reiterated that the applicant fenced off the site to prevent endemic fly tipping and that the service road would not encroach on the activities of the local businesses.

In response to some of the issues raised, Rachel McConnell stated that the lawful use of the land was for car parking for occupiers of 312 to 314 Neasden Lane secured by Condition 3 of planning permission reference 90/2038. The condition had since been removed by a recent application under reference 13/2865 and that there were no other planning restrictions. She advised Members that a Construction Method Statement secured by condition would require the applicant to submit information to minimise the impact on the use of the service road during construction. Stephen Weeks, Head of Area Planning added that the service road was in private ownership and not a major thoroughfare. He advised that these sorts of service road existed across the Borough and had similar characteristics and that a requirement to provide a separate footpath could not be justified.

DECISION: Granted planning permission as recommended.

**5. Valiant House, 365 High Road, Wembley, HA9 (Ref. 13/3216)**

**PROPOSAL:**

Demolition of existing third floor and erection of new third, fourth and part fifth storey building with three storey rear extension and conversion into hotel, comprising 116 hotel rooms, ancillary bar/lounge, restaurant in basement, provision of 8 car parking spaces, 26 cycle stands, 5 motorbike spaces and associated parking for coaches.

**RECOMMENDATION:** Grant planning permission subject to conditions and a S106 legal agreement as set out in the Committee report and additional condition requiring alterations to provide sufficient headroom to allow coach access as set out in the second supplementary.

Neil McClellan, Area Planning Manager, tabled a second supplementary to supersede the first supplementary, which informed members that a solution to the headroom over the proposed undercroft coach parking area was feasible. He continued that the solution would require the height of the proposed part 2/part 3-storey extension to the rear of the existing building to be raised by up to 0.6 metres. This relatively marginal increase in height would provide the required 4.5 metre headroom required by coaches to access the undercroft area without significant impact on the neighbouring amenity or on the appearance of the development. The Area Planning Manager therefore recommended an additional condition as set out in the second tabled supplementary to secure the required height. He advised that this information would be subject to appropriate consultation.

**DECISION:** Granted planning permission as recommended.

**6. Planning Appeals 1 November to 31 December 2013**

**RESOLVED:**

that the schedule of appeals from 1 November to 31 December 2013 be noted.

**7. Any Other Urgent Business**

None raised.

The meeting closed at 8.30 pm

K SHETH  
Chair