



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Wednesday 12 February 2014 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), Adeyeye, Baker, Cummins, Hashmi, Kabir, Kataria (alternate for Councillor CJ Patel), Moloney (alternate for Councillor Aden), Ogunro (alternate for Councillor John), Powney and Singh

ALSO PRESENT: Councillor Daniel Brown, Councillor Reg Colwill, Councillor Mary Daly, Councillor Margaret McLennan, Councillor Ruth Moher, Councillor Kana Naheerathan and Councillor Carol Shaw

Apologies for absence were received from Councillors Aden, John and CJ Patel

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

Wembley High Technology College

Councillor Singh declared an interest that he lived close to Wembley High Technology College, left the meeting room and took no part in the discussion and voting in that application.

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

RESOLVED:-

that the minutes of the previous meeting held on 14 January 2014 be approved as an accurate record of the meeting.

### 3. **SKL House, 18 Beresford Avenue, Wembley, HA0 1YP 03 (Ref. 12/3089)**

PROPOSAL:

Erection of first floor extension to front of building, alterations to the front forecourt layout, reduction in width to existing vehicle access, retention of existing extraction plant/wood burner installation to the rear and change of use from office (B1a) to a mixed use with B2 (general industrial), B8 (warehouse & distribution) with ancillary office and ancillary showroom (as amended by revised plans).

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

The application was deferred by Planning Committee on 11 December 2013 for greater clarity of the environmental view including a fuller explanation on the impact of air quality and for an Officer from Environmental Health to be present at Committee when it was next considered.

With reference to the tabled supplementary, Neil McClellan, Area Planning Manager informed the Committee that in recommending approval of the proposal, due consideration had been given to the principle of the use, the transportation impacts, the impacts on the surrounding area, local air quality and residential

amenity. In addition, local objections had been reported in detail and the professional expertise of Environmental Health Officers (EHO) had been sought which confirmed the suitability of the site for the proposed use and the operation of the wood burner without causing harm to neighbouring residents.

Members heard that as the site was designated as Strategic Industrial Land it was not considered inappropriate for the proposal to be sited there and furthermore, the location of the burner to the rear of the building made it less prominent. The Area Planning Manager added that the site was within the Northfields Industrial Estate which remained protected for industrial use by the Mayor's London Plan. He continued that Transportation Officers fully supported the use with an 8m deep loading bay, as proposed. In respect of refuse storage and cycle parking, the Area Planning Manager stated that although this had been addressed, further details would be secured through Condition 10. Additionally, there existed sufficient space in front of the entrance for these to be located without obstructing parking bays.

Mr David Stock, in objecting to the proposal on behalf of Heather Park Branch Neighbourhood Watch (HPBNW) raised the following issues:

- i) Local residents had collected adequate evidence to prove that the burner was being operated after 6:00pm and during bank holidays.
- (ii) Residents were not informed about the draft permit that was issued to the applicant and that letters to the residents did not explain the burner process.
- (iii) The reduction of parking provision from 4 to 2 would compound the problems associated with parking, refuse storage and servicing arrangements caused by lorries.
- (iv) Detrimental environmental impact on residents as a result of the offensive odour and dust from the wood burner which was also soiling cars locally.

In response to members' questions, Mr Stock stated that residents were not consulted or contacted by EHO about the permit licence and the hours of operation. He continued that the applicant had flouted the permit licence by burning medium density fibreboard (MDF) on site. Mr Stock added that as filters for the burner were not being cleaned as often as they should be, offensive smells and dust were going onto cars and into lungs which could have fatal consequences in 10-15 years from now. He continued that the siting and operation of the wood burner which was between 30-50 metres away from residential properties was inappropriate.

***In accordance with the provisions of the Planning Code of Practice,*** Councillor Brown stated that he had received a communication from HPBNW group. Councillor Brown highlighted the following key concerns;

- i) The location and operation of the wood burner some 30-50 metres away from residential properties was inappropriate in view of concerns expressed about the detrimental impact of burning MDF.
- (ii) More detailed work was required on parking issues particularly as part of the space was being taken by skips.
- (iii) Hours of operation including bank holidays should be restricted in the interest of residential amenity.

In response to a member's request, the Area Planning Manager commented on parking spaces and outlook. He stated that following consultation with and a site visit by Transportation officers, they had concluded that by formalising the arrangement and reducing excessive crossover, the parking situation would be acceptable. He added that as a strategic industrial estate in the Mayor of London's Plan, the proposal would not be out of place. He drew members' attention to conditions recommended to ensure satisfactory refuse storage and bicycle parking.

Stephen Inch, Enforcement Officer, Licensing and Pollution (EOLP) attended the meeting at the request of the Committee. The EOLP stated that in his professional view whilst MDF was unpleasant to work with, he was satisfied that the wood burning system had been constructed to prevent dust escape within smoke controlled areas. He confirmed the advice reported in the tabled supplementary and added that during his unannounced visits to the site he had not observed any odour nor received complaints about smells. Stephen Inch assured members that Environmental Services would continue its involvement and monitoring of the system.

In response to a member's enquiries, Stephen Inch stated that the burner could be operated 24 hours a day and throughout the week because the hours of operation were not defined in strategic industrial cases. He also stated that the permit had not been granted as officers were awaiting the outcome of the Planning Committee and to consider further representations that may be received. He confirmed that the decision to grant the permit would not be based solely on the site's designation. He also added that the design of the burner and the filters would minimise pollution in the area.

Stephen Weeks, Head of Area Planning advised members that if the applicant failed to comply with the parking layout as set out in the main report, it would constitute a breach of condition thus providing enough grounds with which to pursue enforcement action. He therefore recommended an amendment to condition 6 to reflect that. In his closing remarks, the Chair stated that Environmental Health Officers should maintain dialogue with the residents and the applicant and seek to address all complaints brought to their attention.

DECISION: Granted permission subject to a revised condition 6 regarding car parking.

#### **4. Chalkhill Health Centre, Chalkhill Road, Wembley, HA9 9BQ (Ref. 13/3357)**

##### **PROPOSAL:**

Variation of condition 8 to enable the cafe to be used separately from the Community Centre, of full planning permission reference 05/0968 dated 29 June 2005 for erection of 14 no. 1-bedroom and 28 no. 2-bedroom flats, office accommodation for Housing Association, community centre and Brent Primary Care Trust incorporating 2 GP practices, 38 car-parking spaces, landscaping to car park, re-alignment of 1 turning-head and 1 crossover, with elevated walkway linking PCT to Asda car park, accompanied with Building, Engineering and

Environmental Report; and Design Statement and as amended by letter dated 20/05/05 with plans . STATS Geotechnical and Geo-environmental Report (no. 34962/01), subject to a Deed of Variation dated 2014 under Section 106 of the Town and Country Planning Act 1990, as amended.

**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, 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.

DECISION: Granted as recommended.

**5. Open Space Aylestone Avenue, London NW6 (Ref. 13/2490)**

**PROPOSAL:**

Full planning permission sought for creation of a multi-use games area (MUGA) within south-east corner of Tiverton Green Open Space, consisting of installation of outdoor table tennis tables, a tranverse climbing wall, walking/jogging routes, grass mounds and associated landscaping works.

RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the tabled supplementary, Andy Bates, Area Planning Manager responded to queries raised during the site visit. Members heard that the western end of the open space would have outdoor gym equipment (already installed), a cycle trackway, perimeter pathway and landscaping works to match the landscaping details submitted with the planning application. The outdoor gym would remain in its current position permanently once the works were complete. The area immediately surrounding the outdoor gym would be newly surfaced with a pathway. He continued that whilst there was no intention to erect a fence specifically around the outdoor gym, there would be a 1.2 metre high fence placed along the northern perimeter of the landscaped area which was expected to limit opportunities for dogs to enter the outdoor gym area.

The Area Planning Manager then referred to an additional letter received which reiterated the support of Aylestone Park Residents and Tenants Association (APRATA). He also referred to a letter of objection forwarded by Councillor Shaw from one of her constituents reiterating concerns raised in relation to the facility not being locked at night, the loss of general access to the open concrete area and the possibility that younger children would not have a hard surfaced area to play on in inclement weather conditions.

In response to the above issues, the Area Planning Manager stated that the MUGA would be for multi-purpose use which would allow for football, basketball and multi-sport games to be played upon the surface and would not exclude

children. He continued that whilst there may be instances of the new facility being in high demand from a range of age groups, it should not be a reason to resist providing these facilities in the first place.

***In accordance with the provisions of the Planning Code of Practice,*** Councillor Shaw stated that she had been approached by the local residents. Councillor Shaw emphasised her support for the application however, she requested that if members were minded to grant planning permission they should impose additional conditions for a responsible guardian (for example a police officer) and adequate lighting to prevent domination by older teenagers and anti-social behaviour including gang loitering, thus ensuring security of use of the facility.

Neil Martin, Project Officer and Gerry Kiefer, Head of Sports Service were in attendance. Neil Martin informed the Committee that the proposal complied with the Council's corporate strategy to provide sporting facilities for all age groups. He outlined the proposal which he added would be free of charge to all users. He continued that the omission of floodlights meant that the facility reduced the likelihood of use when it became dark which should minimise the scope for anti-social behaviour.

In response to a member's question, Neil Martin stated that as the Council's warden service was mobile it would be difficult to focus resources on this facility alone. He added that there was no evidence of gangland loitering in any of the open spaces and parks within Brent. The comments were reiterated by Gerry Kiefer, Head of Sports Service who added that in order to encourage use by a wider section of residents, there would be no formal booking system.

DECISION: Granted as recommended.

**6. BRITISH LEGION HALL, 1 Albert Road & 5 Albert Road, London, NW6 5DT (Ref. 13/3367)**

PROPOSAL:

Variation of condition 2 (approved plans) to allow minor material amendment including the increase in commercial floor space from 480msq to 590msq, of planning permission reference 12/1516 dated 04/09/2012 for outline application (all matters reserved) for demolition of existing structures on site and erection of new mixed use development comprising of 144 residential units and 480m<sup>2</sup> of commercial floorspace (Use Class A1/A3/A4) and subject to a Deed of Agreement under Section 106 of the Town and Country Planning Act 1990, as amended or equivalent.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Granted as recommended.

**7. Alperton House, Bridgewater Road, Wembley, HA0 1EH (Ref. 13/3557)**

**PROPOSAL:**

Renewal of planning permission reference 10/1631, dated 18/01/2011, for change of use of first, second, third, fourth and fifth floors of building to a mixed use as an office (Use Class B1: business) and non-residential institution (Use Class D1: non-residential institutions - education and training centres) and subject to a Deed of Agreement dated 13th January 2011 under Section 106 of the Town and Country Planning Act 1990, as amended

**RECOMMENDATION:** Grant a two-year temporary planning permission subject to conditions.

Neil McClellan, Area Planning Manager, in reference to the tabled supplementary informed members that since the original committee report was written the applicant had reached a satisfactory agreement with the three objectors who had raised concerns about the retention of the nursery element of the proposal and its proximity to their businesses. As a result of that the objectors had formally withdrawn their objections to the application.

**DECISION:** Granted as recommended.

**8. Wembley High Technology College, East Lane, Wembley, HA0 3NT (Ref. 13/2961)**

**PROPOSAL:**

Proposed new four form of entry primary school comprising 3 x 2 storey blocks and one single storey block - incorporating class rooms, multi-use hall, kitchen, library, staff and administration rooms, ancillary storage and plant rooms, and including new external multi use games area, external playgrounds, new access from East Lane, staff car parking spaces and associated landscaping and lighting.

**RECOMMENDATION:**

- (a) Grant planning consent subject to the referral of the application to the Mayor of London in accordance with part 5 of the Town and Country Planning (Mayor of London) Order 2008, and;
- (b) in the event of officers failing to agree mitigation measures that meet the requirements of Sport England, referral to the Secretary of State in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011.

Neil McClellan, Area Planning Manager with reference to the tabled supplementary, responded to the concerns raised on behalf of Sudbury Court Residents Association which referred to a High Court Judgement against a Council for failing to have due regard to the European Commission (EC) Habitats Directive. He clarified that an extended phase 1 Habitat Survey, a standard technique for classifying and mapping British habitats including the presence of protected species was conducted following the methodology of the Joint Nature Conservation Committee and the Institute of Environmental Assessment. Members heard that no nature conservation sites with statutory protection within a

1 km radius of the survey area were identified. He added that whilst a number of semi-mature and mature scattered trees were of value and cannot be readily replaced if removed two mature horse chestnut trees would be removed to facilitate the construction of the new access road. No other habitats of notable consideration were identified on site. The Area Planning Manager drew members' attention to the recommendations from the Phase I habitat and recommended the following additional conditions;

- (i) Amendments to the landscaping condition to ensure sufficient implementation of appropriate planting to compensate for the loss of any mature trees.
- (ii) Amendments to the lighting condition to limit impacts 'dark' areas/ corridors, suitable for use by foraging and commuting bats.
- (iii) An additional condition requiring the submission of a scheme to be approved and implemented prior to the commencement of work to ensure any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape

He then submitted the following responses to a number of concerns raised by local residents;

- (a) The alley way between East Court and Byron Road was a public footpath which had been identified as Public Right of Way 48 and maintained by the Council.
- (b) The Council had 5 mobile camera cars which could be sited near schools on request to help enforce school travel plans and parking management.
- (c) The applicant had undertaken checks revealing that while there were restrictive covenants on the school they were not considered to prevent the proposal from going ahead.

He explained that the distance of the proposed senior playground would be located 5 metres from the boundary with rear gardens in East Court and that the proposed junior playground would be 1.5 metres from the boundary with rear gardens in Byron Road. He drew attention to a condition requiring further details of enhanced landscaping along the sites boundaries. He added that playground noise was not raised as an issue by the Council's Environmental Health Team. Officers understood that the governors of Byron Court School had put themselves forward as a potential site for school expansion however it was not part of the current school expansion programme agreed by the Executive. The Area Planning Manager clarified that sewage infrastructure was the responsibility of Thames Water, however as the new school would require entirely new services the proposal could allow for an improvement in the sites sewage infrastructure which it was hoped would address any existing problems.

In response to concerns raised on behalf of 93 Byron Road about the potential impacts of opening a secondary access into the school from the East Court/Byron Road alley way, he submitted that a risk assessment had not been undertaken for the use of the alley way as a secondary entrance as the entrance as it was intended for year 5 and 6 pupils and only those who live in roads on that side of the school. The aim was to discourage parents from using East Court or Byron

Road as an alternate drop off to the proposed designated drop off within the Sudbury Court Pavilion car-park on East Lane. In order to secure this, he recommended an additional condition that a management plan for the proposed secondary access from the alley be submitted to and approved prior to it being brought into use and that a review mechanism be introduced that in the event of the access proving unmanageable that it be closed.

In respect of traffic, he explained that the Council's Transportation Officer had carried out further assessment of the traffic modelling around the school and confirmed the impact on local junction capacity to be acceptable, subject to the conditions set out in the committee report. The Area Planning Manager made the following corrections;

2 full temporary reception classes were currently operating within the existing secondary school (not 1 class of 28 pupils, page 91 referred).

Preston Park rather than Wembley High (page 92 referred).

Condition 10, East Lane and not College Road (page 105 referred).

Krystal Foxcroft, solicitor representing the resident at 35A Byron Road reiterated her support for the objections raised against the proposed school expansion adding that it would breach an existing covenant. She continued that the use of the public footpath would raise serious safety issues for 830 school pupils and claimed that the matter could be referred to the Local Government Ombudsman for further investigations, if permission was granted.

Keith Barker objecting on behalf of Sudbury Court Residents' Association (SCRA) stated that many of the roads around the site were narrow and with the area already congested as a result of the existing school, the proposal would aggravate the situation. He added that as parents parked to drop off or pick up children, Shelley Court and East Court, which were already heavily parked, would be reduced to single lane traffic. Mr Barker continued that the creation of a new entrance from the alleyway between Byron Road and East Court would cause congestion and disturb residents who adjoined the alleyway. He stated that the proposed 2-storey school, so close to the boundary with residential properties, would result in noise nuisance and detrimental impact on residential amenity. Mr Barker claimed that the Council had not had due regard to the EC Habitats Directive and therefore to grant planning permission would constitute a breach of a High Court ruling.

Councillor Ruth Moher, Deputy Leader of the Council and a School Governor stated that the Council desperately needed additional school places in order to comply with its statutory duty to provide education. Whilst she appreciated residents' concerns, the need for school places could not be over-emphasised in view of demographic changes including the Borough's population increases.

***In accordance with the provisions of the Planning Code of Practice,*** Councillor Daly stated that she had not been approached. Councillor Daly stated that the proposed expansion would present an unacceptable risk to local transport and could set an undesirable precedent. She felt that the travel plan was not adequately ambitious to address the potential concerns. Councillor Daly urged



members to ensure enforcement of the travel plans including pick up and drop off being made available during term time only.

***In accordance with the provisions of the Planning Code of Practice,*** Councillor McLellan stated that she had been approached by local residents and members of SCRA. Councillor McLellan stated whilst she supported the proposal for school expansion, she felt that there was a demonstrable need for traffic enforcement particularly during term time.

***In accordance with the provisions of the Planning Code of Practice,*** Councillor Colwill stated that he had been approached by local residents and members of SCRA. Councillor Colwill requested a separate report on the traffic impact of the application and a flood report on the land to be consulted upon with the residents. He added that the issues about the covenant needed to be addressed else, each member on the Committee could be surcharged and made personally responsible for any ensuing cost.

The legal representative advised that the restrictive covenant was not a material planning consideration and should therefore not be taken into account in deciding the application.

Mrs Gill Bal, head teacher of Wembley High Technology College in addressing the Committee stated that by providing a structured and disciplined working environment Wembley High had gained an established reputation for a strong focus on academic excellence. This had led to higher demand for its places and over-subscription. She added that the provision of land on which to build a primary school would provide “value for money” option and a seamless learning process within first class educational facilities.

In response to members’ questions, Mrs Bal stated that in order to control access to the alleyway, key fobs would be provided for those children who lived near to it which would be a maximum of 280. Mrs Bal continued that control of the number of children who would use the alleyway access would therefore be achieved via the admission criteria. She added that the provision of multi- use games area (MUGA) with all-weather sports pitches would be offered as compensatory package for use by schools in the area.

Sara Williams, Operational Director of Education, Children and Young People in setting the backdrop to the need for school places stated that the population census 2001 showed a marked increase in population of young children particularly in the Kingsbury and Wembley areas. This meant that the Council would be required to provide approximately one thousand (1,000) primary school places over the next five years in order to comply with its statutory duty to provide education. She confirmed that funds had been made available for the proposed school expansion.

In response to members’ questions, Sara Williams stated that in order to satisfy the administrative processes for school admissions, places for the proposed school were advertised in February and offers were to be made by 16 April 2014 for next academic year’s intake. She confirmed that nearby schools were full to

capacity. The Operational Director did not anticipate significant traffic of children from the south of the borough to the new school.

The Area Planning Manager explained that the pavilion area would be used for drop off and pick up only during term time and not as a car park. The alleyway secondary entrance would be re-modelled with a condition for boundary treatment and management of its access. He added that an effective travel management plan coupled with robust enforcement measures would address potential traffic and congestion that may ensue and reiterated the information in the tabled supplementary in relation to habitat concerns. Stephen Weeks, Head of Area Planning, echoed the above, stressed the importance of the drop off proposal and added that the wider educational case for the scheme had been made clear. Members heard that officers were awaiting a response from Sport England on a package of mitigation measures that had been provided in response to their objection. He continued that if an agreement could not be reached with Sport England then the application would be referred to the Secretary of State.

DECISION: Granted as recommended.

#### **9. Any Other Urgent Business**

None.

The meeting closed at 9.45 pm

K SHETH  
Chair