



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Wednesday 25 July 2012 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), Daly (Vice-Chair), Baker, Cummins, Hashmi, John, CJ Patel, RS Patel and Krupa Sheth

Also present: Councillor Shafique Choudhary and Councillor Michael Pavey

Apologies for absence were received from Councillor Aden and Singh.

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

None declared.

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

RESOLVED:-

that the minutes of the previous meeting held on 20 June 2012 and 3 July 2012 be approved as an accurate record of the meetings.

### 3. **All Flats at Jubilee Heights, Shoot Up Hill, London, NW2 (Ref: 12/0817)**

PROPOSAL: Variation of condition 2 (development to be carried out in accordance with approved plans) to allow minor-material amendment comprising:  
- provision of 1 x 2 bedroom and 4 x 3 bedroom flats (instead of 5 x 2 bedroom flats) of full planning permission 11/1307 approved under appeal dated 27/02/12 for Erection of a 5-storey building, comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights.

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.

Rachel McConnell, Area Planning Manager reminded the Committee that the application was for a minor material amendment to a scheme that had been approved subject to Section 106 legal agreement.

Councillor Hashmi enquired as to whether a Section 106 legal agreement had been signed and also whether the application would attract a Community Infrastructure Levy (CIL). Rachel McConnell responded that a new Section 106 legal agreement to mitigate the impact of the development would be issued and that the application would be subject to CIL.

Mr David Alton, the applicant's agent stated that although CIL came into effect in April 2012, he did not believe that the application which was for a minor amendment would be subject to CIL as it would not involve any increase in footprint. In response, Steve Weeks, Head of Area Planning, confirmed the Council's views that both an increased Section 106 agreement contribution as well as CIL were required but added that it was up to the applicant to appeal against CIL for the application if he deemed it appropriate

DECISION: Agreed as recommended.

#### **4. Asda, Forty Lane, Wembley, HA9 9EX (12/1268)**

PROPOSAL: Proposed automated four-pump petrol filling station and canopy within car park, ancillary control unit structure, relocated lamp post and CCTV post, realignment of access road and footpath and associated hard and soft landscaping works.

RECOMMENDATION: Grant planning permission subject to conditions and informatives as amended in condition 6.

Rachel McConnell, the Area Planning Manager started by confirming that the traffic data used Highways and Transportation officers was collected in January 2009 and not 2008 as stated in the report. With reference to the tabled supplementary report, she highlighted the following salient aspects of the application:

##### Highways

The applicant had provided data which was consistent with the 2009 data used by the Highway and Transportation officer to assess the application and that the resulting assessment confirmed their view that the increase in traffic on local roads and junctions could be accommodated and that the implications on the Bridge Road/Forty Lane junction at peak times was not such as to warrant refusal of the application

##### Car park

The survey of the car park by the applicant showed that while it was well used, the reduction in parking capacity would not result in problems outside the site.

##### Gradient of the exit ramp:

Further details of the exit ramp to establish the gradient had been secured by condition (5) which would require the details of the exit ramp to be approved before any works could commence.

##### Highway and Pedestrian Safety

Highway and Transportation officers' records showed that of the 10 personal injury accidents for the period February 2009 to January 2012, one involved a fatality and one a serious injury but all occurred prior to 2011 and involved right-turning vehicles at the junction. As a result of measures taken to improve visibility, that particular problem had been addressed and consequently officers were satisfied that the additional traffic generated by this proposal would not result in any material harm to highway or pedestrian safety.

#### Changes to road along Empire Way

Officers were satisfied that relevant and robust data had been provided to properly assess the likely impact of the proposal on traffic flows along Forty Lane. She clarified that at an estimated increase of about 2%, the additional traffic flows were not considered to be significant.

#### Health and Safety

Members learnt that the applicant would be required to obtain petroleum licence from the Fire Brigade, the Petroleum Licensing Authority, prior to commencing any works. The licence would be issued for three years with annual inspections to ensure that the development was carried out in accordance with the relevant guidance. She added that the Fire Brigade Petroleum Officer had confirmed that the distance to the residential properties was likely to be acceptable.

#### Health considerations:

Members noted that the applicant would also need to obtain an Environment Permit from the Environmental Health department, which would consider the impact of the petrol filling station on the environment and on people's health. Rachel McConnell added that modern petrol stations such as proposed, would require far higher standards of vapour control and emission reduction to help minimise health impacts.

#### Landscaping

She drew members' attention to the revised condition 6 as set out in the tabled supplementary report to reflect the fact that it was not feasible to provide additional trees along the eastern boundary of the site. Officers would however seek additional shrub planting of Horse Chestnut trees along that boundary instead.

Mr Bob Kitchen, a local resident, in objecting to the proposed development stated that it would lead to increased traffic and congestion at the junction of Forty Avenue and Bridge Road, resulting in increased risk to pedestrian safety. In order to minimise this impact he suggested that the applicant should be required to provide access and exit through the rear of the car park.

Mr Martin Francis circulated an illustration of the development and speaking on behalf of the governing body of Chalkhill Primary School expressed concerns on traffic impact on the safety of pupils walking to and from the school as a result of the proposal. He added that the situation would be made worse with the planned expansion of school places in the area which would also generate additional traffic in the area. Mr Francis requested that the report be deferred to enable the issues he had raised to be addressed.

Mr Robert Dunwell speaking in support of the application stated that as a result of the closure of the Texaco petrol station on Forty Avenue, the proposed development would provide a further amenity in the area. He requested that a

temporary planning permission for three years be issued to Asda to encourage an early release of the funds of S106 funding related to Wembley aimed at improving the junction of Bridge Road and Forty Avenue

***In accordance with the Planning Code of Practice, Councillor Shafique Choudhary***, a ward member stated that he had not been approached in connection with the application. Councillor Shafique referred to a scientific study which he said confirmed that airborne organic elements from benzene and traffic pollution could cause cancer. In this particular case, the proposal would detrimentally affect the health and safety of the occupants of the nearby residential properties which were less than 50 metres away (instead of 100 metre distance) from the site as well as contaminate grocery foods in the Asda store.

Councillor Sheth, Chair, enquired as to whether the scientific study referred to could be made available to the Committee and also asked Councillor Choudhary to clarify the link between the proposed petrol station and the health and safety issues to which he had referred. In response, Councillor Choudhary stated that he could circulate the report to members of the Committee. He added that the close proximity of residential properties and the fact that vaporisation could settle on foods provided the link between the proposal and the health issues he had raised.

***In accordance with the Planning Code of Practice, Councillor Pavey***, ward member stated that he had not been approached in connection with the application. Councillor Pavey claimed that the transport evidence submitted by the applicant relied on implausible business models which had not been rigorously analysed. He continued that the proposal would result in increased traffic and congestion due to its proximity to residential properties and at a time when the Local Education Authority was embarking on school expansion programmes in the area. The expansion was likely to over-stretch Bridge Road and Forty Avenue junction. The situation would be made worse as Asda, a multinational company, was likely to compete to attract customers by their pricing policy.

In response to the Chair's request for evidence to support his claims, Councillor Pavey referred to Asda's price comparison website as his source adding that in order to generate sales Asda would undercut its petrol prices which could disproportionately increase traffic.

In addressing some of the issues raised by Councillor Choudhary, Steve Weeks (Head of Area Planning) stated that health issues from the operation of a petrol station were a well-known issue and that modern facilities were designed to reduce airborne pollutants. He added that the application had been assessed by Transportation officers with the conclusion that there was no robust argument for its refusal on grounds of significant increase in traffic flows. He continued that due to the significant physical work that would be involved, it would not be appropriate to grant a temporary planning permission.

During members' discussion, Councillor Daly enquired whether in view of the uniqueness of the site taking into account the proposed new school buildings and the traffic arrangements in the local area, the Committee could make a recommendation for improvements to the Bridge Road and Forty Avenue junction. Councillor Hashmi observed that the former Texaco site on Forty Avenue was located close to residential properties and local schools without reported any detrimental impact.

In responding to the above, Steve Weeks, Head of Area Planning advised that whilst there could be a need for the Council to resolve the problems at the junction, it was not within the Committee's remit to make a formal recommendation but that if the application was approved he could informally pass on members' comments to the Head of Transportation.

DECISION: Granted planning permission as recommended with additional changes to condition 6 requiring replacement of Horse Chestnut trees if required and delegate authority to Head of Area Planning to agree variation to deed of agreement for application 98/0413 relating to car parking if deemed necessary.

#### **5. Frynt Primary School, Church Lane, London, NW9 8JD (12/1297)**

PROPOSAL: Demolition of existing single storey buildings on the eastern and western sides of the site (toilet block, canteen and teaching blocks) and erection of new two storey block along the main south elevation of the school and the western edge of site to provide additional classroom accommodation and a new school sports/multi use hall, with associated hard and soft landscaping to facilitate expansion from 2 form entry to 4 form entry. (Revised Description – proposed temporary construction site access via Holly Grove during construction period removed from proposal)

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Mrs Joyce Thompson objected to the proposed development on behalf of her aged mother who lived in Laburnum Grove on the following grounds:

- (i) Due to its overlooking and over-bearing impact, the proposal would result in loss of privacy.
- (ii) The 2-storey aspect of the buildings would result in loss of outlook.
- (iii) There would be loss of light and sunlight to an unacceptable degree to the bathroom.
- (iv) With increased number of pupils, the proposal would result in noise pollution throughout the school day.
- (v) The demolition and clearance in preparation of the site and the construction of the buildings would cause dust, dirt and debris pollution to her mother's garden resulting in loss of residential amenity.
- (vi) Detrimental impact on the foundations of her mother's property which would result in loss of value of the property.
- (vii) The proposal would result in detrimental impact on her aged mother's health and quality of life.

In response to Councillor CJ Patel's enquiry, Mrs Thompson replied that her mother's house was between 6 to 9 metres away from the proposed site.

Mr Paul O'Brien, the applicant's agent circulated illustrations of the scheme. He submitted that Fryent Primary had been identified by the Council for its primary school expansion programme which would expand it from a two-form to four-form entry school and assist in addressing the shortage of school places. He continued that the scheme which complied with the Supplementary Planning Guidance 17 (SPG 17) and play space standards had been carefully considered to ensure that any loss of amenity to nearby residents was kept to the minimum. Mr O'Brien considered the objections on grounds of construction and demolition as management issues that would be addressed as part of the conditions.

Steve Weeks, Head of Area Planning reiterated that the scheme complied with SPG17 requirements and that it would provide seventeen (17) car parking spaces including a dedicated space for the disabled. He also clarified the relationship of the proposed buildings to the boundary with Laburnum Grove in response to queries raised by members

DECISION: Agreed as recommended.

**6. MIRACLE SIGNS & WONDERS MININSTRIE, Church Road, London, NW10 9NR (12/1093)**

PROPOSAL: Demolition of the existing building and erection of a new building consisting of D1 use on the ground floor and 47 residential units on seven upper floors.

RECOMMENDATION: Refuse planning permission.

With reference to the supplementary report, Steve Weeks, Head of Area Planning clarified that the application had been considered in the light of the National Planning Policy Framework (NPPF) and found to be unacceptable for the reasons set out in the main report including design, increased floor plan, massing, bulk and height.

Councillor Cummins sought clarity on the recommendation for refusal in the light of the borough's housing shortage. Steve Weeks replied that the Committee had previously resolved to support a smaller scheme which did not present the problems associated with this larger proposal.

DECISION: Refused as recommended.

**7. 79 Chamberlayne Road, London, NW10 3ND (12/0967)**

PROPOSAL: The erection of a single storey rear extension and the conversion of the basement storage area into a self-contained flat.

RECOMMENDATION: Grant planning permission subject to the conditions, informatives and 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.

DECISION: Planning permission granted as recommended.

**8. Barham Primary School, Danethorpe Road, Wembley, HA0 4RQ (12/1315)**

PROPOSAL: Erection of two storey extensions to the existing main school building, creation of new pedestrian access at southern boundary with One-Tree-Hill Recreation Area, demolition of single storey nursery building to provide additional parking, and reconfiguration of hard and soft play areas and landscaping across the site to facilitate expansion of the school from 3 form entry to 4 form entry.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Neil McClellan, Area Planning Manager informed the Committee that the application which complied with SPG17 would enable the school to expand from 3-form to 4-form entry school (630 to 820 pupils). A new access via Roundtree Avenue would be created to encourage 'walk to school'.

DECISION: Agreed as recommended.

**9. 107-109 Ealing Road, Wembley, HA0 4BP (12/0417)**

PROPOSAL: Proposed demolition and reconstruction of existing two-storey retail unit in order to create a three-storey retail unit incorporating a new shop front, new basement, new second floor providing 965 sqm of gross floor space including, A1 retail, ancillary storage, office and staff facilities, covered refuse storage area, new trees and an 8 metre servicing bay to the rear.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

The Chair asked Neil McClellan, Area Planning Manager, to comment on the objection to the application that the increase in the height of the building would harm the character of the area and change the face of Ealing Road. Councillor Cummins remarked that traffic and congestion would result as offices were created above shops.

Neil McClellan, Area Planning Manager, responded that the application would instead represent a positive improvement on the existing building without necessarily generate increased traffic.

DECISION: Agreed as recommended.

**10. Mitchell Brook Primary School, Bridge Road, London, NW10 9BX (12/1298)**

PROPOSAL: Demolition of former caretaker's house, erection of part two, part single storey extension to existing school, including a third storey plant room, comprising new dining hall, sports hall, reception area, kitchens and offices,

reorganisation and refurbishment of existing building and external play areas to facilitate expansion from 2 form entry to 3 form entry.

RECOMMENDATION: Grant planning permission subject to conditions and informatives and the receipt of full revised plans incorporating the amendments received.

With reference to the tabled supplementary report, Neil McClellan, Area Planning Manager updated members that amendments had been received that would remove the tower located above the stair core, extend the proposed pitched roof area, lower the height of the first floor accommodation to the front of the building and reduce the bulk of the extension.

DECISION: Agreed as recommended.

**11. Planning Appeals 1 - 30 June 2012**

RESOLVED:

that the appeals for 1 – 30 June 2012 be noted.

**12. Any Other Urgent Business**

None raised at this meeting.

The meeting ended at 8:32pm

COUNCILLOR Ketan Sheth

Chair

Note: At 8:15pm the meeting was adjourned for 5 minutes