



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Wednesday 10 June 2020 at 6.00 pm

PRESENT: Councillors Denselow (Chair), Johnson (Vice-Chair), S Butt, Chappell, Hylton, Maurice and Sangani.

ALSO PRESENT: Councillor Daly, Councillor Gbajumo, Councillor Wilhelmina Mitchell Murray and Councillor Stephens.

Apologies for absence were received from Councillors Mahmood.

- 1. Declarations of interests**
- 2. Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 10<sup>th</sup> June 2020 be approved as an accurate record of the meeting.

- 3. 19/1241 Car Park next to Sudbury Town Station, Station Approach, Wembley, HA0 2LA**

PROPOSAL: Re-development of existing car park for the erection of two blocks of residential dwellings, with associated residential amenity space, refuse storage, cycle parking, landscaping and other ancillary works, together with re-provision of disabled car parking bays nearest to Station Approach to serve Sudbury Town Underground Station (DEPARTURE FROM POLICY CP21 OF BRENT'S LOCAL PLAN).

RECOMMENDATION: That the Committee resolve to GRANT planning permission subject to:

- A. Any direction by the Secretary of State pursuant to the Consultation Direction
- B. The prior completion of a legal agreement to secure the planning obligations set out within the Committee reports.

That the Head of Planning be granted delegated authority to negotiate the legal agreement indicated above and to issue the planning permission and impose conditions and informatives to secure the matters set out within the Committee reports.

That the Head of Planning be granted 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.

That, if by the application "expiry date" the legal agreement has not been completed, the Head of Planning be granted delegated authority to refuse planning permission.

The decision on this application was deferred from the last meeting when Members were minded to refuse it because of its failure to provide an appropriate level of Affordable Rented housing to meet an identified local need contrary to policies. The Chair reminded Members to focus on the reasons for being minded to refuse the application and any new information that might have arisen since the last meeting.

Neil Quinn (Principal Planning Officer) introduced the report and answered Members' questions, focussing on additional information since the last meeting and referenced the supplementary report. He highlighted the applicant's proposal to resolve the concerns expressed by members regarding the housing mix by increasing the financial contribution for off-site delivery of affordable rented homes to £600,000 to enable the provision of six 3-bedroom family homes. The applicant had also included an additional Blue Badge space on the site, closest to the main entrance and next to Building A without affecting the layout of the proposed buildings. Highways officers had reviewed this and considered it acceptable in terms of its size and position. He added that officers would encourage an early review of the CPZ.

Mr Paul Lorber (in remote attendance) spoke on behalf of Sudbury Town Residents' Association (STRA), answered Members' questions and reiterated objections to the scheme for several reasons including the following;

- Loss of parking facility which would deny disabled persons step free access to Sudbury Town Station.
- Loss of parking which would result in displacement parking in a heavily parked area to the detriment of residents.
- Lack of servicing facilities and deliveries to the site.
- Over-development of the site that would add to pressure on local facilities.
- Excessive height to the detriment of neighbouring properties and contrary to the local plan for the site.

In conclusion, Mr Lorber urged members to refuse the application and ask the applicant to review the scheme for a smaller development that would be more suitable for the area.

Mr Samji Meghani (in remote attendance) spoke in Gujarati through a translator on behalf of STRA, in objection to the application and answered Members' questions. Mr Meghani echoed the loss of car parking and the resulting congestion particularly around Sudbury roundabout and nearby streets. The situation that would worsen because of the recently consented scheme for the former Keelers

Garage site, could not be addressed by the proposed CPZ as the latter would give rise to displacement parking.

Mrs Carol O'Connell (in remote attendance) objected on grounds of height, loss of privacy, minimal access to the development and obstruction to emergency vehicles and lack of family homes at affordable rents.

Councillor Daly (in remote attendance) addressed the Committee and answered Members' questions. She urged the Committee for refusal and raised several objections including the following:

- Failure to address policy CP21.
- Loss of car parking particularly for persons with protected characteristics and blue badge holders.
- Amenity space deficiency.
- Inadequate servicing provision and inappropriate access to the site.

Councillor Stephens (in remote attendance) addressed the Committee, answered Members' questions and raised several concerns on the scheme including the following:

- Loss of parking which could result in parking displacement to residential streets particularly for blue badge holders.
- Lack of disabled parking space for commuters.
- The proposal failed to comply with Development Management Policy DMP12 and other adopted policies including the Local Plan.
- Lack of private external amenity space

Mr Lee Jay (an owner of Pocket Living Property in Haringey) spoke (in remote attendance) in support of the application and answered Members' questions. Mr Lee highlighted the affordability and design quality of the applicant's properties. In his view, the development would assist in the recruitment and retention of key workers. Members heard that the communal roof space compensated for the lack of private outside amenity space in the applicant's properties. He continued that pocket residents were typically more concerned about getting on the property ladder than the ability to own a car.

Mr Marc Vlessing (applicant in remote attendance)) stated that the proposed scheme for 52 properties with priority sales to local keyworkers would be key in the Borough's ability to recruit and retain such workers. He highlighted the substantial increase in financial offer with an offsite payment of £600,000 to deliver six family sized, affordable rent homes in a more appropriate location in the Borough. This would represent a dent in the viability of the scheme but a testament to the partnership commitment with Transport for London (TfL). Mr Vlessing appreciated the concern felt by local residents about TfL's irreversible decision to close the car park but added that it was part of the London Mayor's Housing and Healthy Streets programmes.

In the ensuing discussions, Members made the following points;

- Loss of heavily used car park that could result in parking displacement.
- Lack of family sized dwelling units.
- Lack of amenity space for future occupiers of the scheme.
- The site was inappropriate for the proposed development.
- Lack of facilities for servicing vehicles.
- Departure from Development Management Policies and Local Plan

Officers submitted the following advice in response:

- That the site had been allocated for residential development but that the height and proximity of the proposal to neighbouring properties arose from its specific circumstances.
- The site was suitable to residential development but not for family sized homes, hence the applicant's increased offer of £600,000 for off-site family homes.
- Financial contribution was available for CPZ reviews in Brent and Ealing areas in order to extend its geographical spread.
- The station car park was owned by TfL which had decided to close it.
- In highways terms, the turning courtyard would be adequate for use by servicing and maintenance vehicles to the site without impact on local streets.

With no further issues raised, the Chair, having established that all members had followed the discussions, asked members to vote on the recommendation. Members voted by a majority decision to refuse the application for the reasons stated below.

DECISION: Refused planning permission contrary to officers' recommendation for the following reasons:

The proposal would fail to provide an appropriate level of Affordable Rented housing to meet an identified, local need within the Borough, as well as failing to provide an appropriate mix of unit sizes within the development. This would be contrary to Core Strategy (2010) policies CP2 and CP21, Development Management Policy (2016) DMP15(b), policies 3.11 and 3.12 of the adopted London Plan (2016) and policy H6(a) of the Draft 'Intend to Publish' London Plan (2019).

Voting on the officers' recommendation for approval was recorded as follows:

For:	Councillors Chappell and Hylton	(2)
Against:	Councillors S Butt, Johnson, Maurice and Sangani	(4)
Abstention:	Councillor Denselow	(1)

#### **4. 19/3092 Ujima House, 388 High Road, Wembley, HA9 6AR**

PROPOSAL: Demolition of the existing building and erection of a new building up to a maximum height of 39.6m comprising up to 5,000sqm residential floorspace (Use Class C3), up to 600sqm of flexible workspace (Use Class B1A, B and C),

with ancillary cafe (Use Class A3) up to 600sqm ancillary floorspace, associated hard and soft landscaping, wheelchair car and cycle parking.

RECOMMENDATION: To resolve to grant outline planning permission, subject to the Stage 2 referral to the Mayor of London and the conditions and informatives recommended in this report.

That the Committee resolve to GRANT outline planning permission subject to:

1. Any direction by the London Mayor pursuant to the Mayor of London Order
2. Any direction by the Secretary of State pursuant to the Consultation Direction

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions to secure the matters set out within the Committee reports.

That the Head of Planning be granted 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.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

This application was deferred from the last meeting of the Committee held on 6 May 2020 to allow officers to consider a late letter of objection sent on behalf of the owners of the adjoining building (Lanmor House, 370 High Road) objecting to the proposal.

June Taylor (Principal Planning Officer) introduced the report and answered Members' questions. She informed the Committee that since the deferral, a further letter of objection had been received on behalf of the owners of the adjoining building (Lanmor House) and part owner of No. 26 to 29 Ecclestone Place, setting out in more detail the grounds of the objection. Members heard that officers had addressed the matters raised by the objectors within the main report and further amplified within the supplementary report to which she referenced. She highlighted that officers would assess the scope for overlooking and other issues raised, at the reserved matters stage of the application.

Mr Thomas Darwall-Smith (in remote attendance) read out a statement on behalf of Jaine Lunn, a resident and co-freeholder of 26-29 Ecclestone Place Golftemp Ltd, the owners of Lanmor House. She requested deferral of the application raising the following concerns:

- The original application which residents were asked to consult on was 8 storeys not the 11 currently proposed.

- Daylight/ Sunlight Assessment's accuracy with respect to 26-29 Ecclestone Place
- Noise and Vibration report's accuracy regarding impacts of piling and demolition.
- The need to widen and strengthen the proposed access road prior to commencement of any work.
- The need to widen and strengthen the proposed access road prior to commencement of any work.

Mr Darwall-Smith (representing the owners of Lanmor House) echoed similar sentiments particularly with respect to the Daylight Sunlight Assessment, suggested that these issues went to the heart of the matter and could not be addressed through reserved matters, and raised a legal issue that alleged the Council had failed to meet a legal expectation set up by consultation correspondence dating back to 2018.

Maire Grogan and Sam McDermott (applicant and agent in remote attendance) addressed the committee and answered Members' questions. Ms Grogan informed Members that in designing the scheme the applicant had held four public consultation events and extensive engagement with the local community and their positive feedback incorporated. Residents of Lanmor House were included in leaflet drops informing residents of these events. The outline proposal would activate the High Road with workspace, a café and the residential lobby at ground floor level and apartments with significant private amenity in the form of a balcony and access to the communal roof terrace.

Prior to Members' discussions, the Chair invited Saira Tamboo (Senior Planning Lawyer) to advise the Committee on the legal issues raised by Goldtemps, the solicitors acting for the objectors. Saira advised that in her view the Council as a Local Planning Authority had complied with its statutory requirement for consultation and community engagement. Members then invited officers to clarify other issues raised relating to the need to strengthen the road for construction traffic, affordable housing and tenure mix and employment space. Officers submitted the following responses:

- The Construction Logistics Plan at the reserved matters stage would address the road widening and strengthening including those to the rear of Ecclestone Place, and alternative arrangements should this not be possible.
- The daylight and sunlight report submitted with the application was acceptable taking into account the flexibility afforded by the BRE guidance and the NPPF policy.
- Recommended condition 9 would secure the affordable housing and tenure mix.
- The current office floor space was not commercially let, and on balance, officers consider that the provision of the proposed quantity of flexible B1 floorspace on the site would respond better to current demand and would

contribute to strategic regeneration aims for Wembley High Road more effectively than providing a greater quantum of traditional office floorspace.

- That the consultation had not been undertaken for an 8-storey building, but that re-consultation had been undertaken early in the application as the description initially referred to a height of 39m AOD rather than 39m.

With no further issues raised, the Chair, having established that all members had followed the discussions, asked members to vote on the recommendation.

DECISION: Granted planning permission as recommended subject the Stage 2 referral to the Mayor of London.

(Voting on the recommendation was as follows: For 7, Against 0).

#### **5. 19/2804 Chancel House, Neasden Lane, London, NW10**

PROPOSAL: Demolition of existing buildings and construction of a secondary school with sixth-form arranged in a 5 storey building incorporating a multi-use games area (MUGA) at roof level and incidental works to include landscaping, play-areas, means of enclosure, access and car and cycle parking (Departure from Local Plan, however site allocated for education use in emerging Brent Local Plan 2019 - BSSA19).

RECOMMENDATION: Grant planning permission subject to 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 Services and Procurement.

That the committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure the planning obligations set out within the Committee reports.

That the Head of Planning be granted delegated authority to negotiate the legal agreement indicated above.

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out within the Committee reports.

That the Head of Planning and Development Services be granted 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.

Mr Damian Manhertz (Development Management Team Leader) introduced the report and answered Members questions. He drew Members' attention to amendments to conditions 2 and 4 as set out within the supplementary report and highlighted that the Council had identified the site as suitable to accommodate a school.

Mr Rory McManus (agent in remote attendance) summarised the engagement with the Council including the pre-application process in identifying a suitable site for a secondary school to meet the growing demand for school places within the Borough. He referenced the good transport facilities for the site.

Ms Gil Bal (CEO/Executive Headteacher of Wembley Multi-Academy in remote attendance) addressed the Committee and answered Members' questions. She informed the Committee that Brent place planning strategy identified that by 2022/23 an additional 18.8 secondary forms of entry would be required in Brent, equivalent to 2 or 3 new secondary schools. This application for a new secondary school - North Brent School is one of those schools required. She highlighted the academic achievements of Wembley MAT highlighting the importance to have a school building that would allow Wembley MAT to fulfil the ambitions for our students. Members heard that the interplay of flexible staggered times, good public transport accessibility, bicycle facilities and engagement with TfL on Coach Management Plan would ensure that the school will not give rise to transport problems in the area.

In the ensuing discussions, members raised issues relating to transport generation, the impact on the housing estate opposite to the site including potential anti-social behaviour and asked officers to clarify the measures in place to address them. Members noted the following measures outlined by Mr John Fletcher (Highways) to minimise transport impact:

- Due to good transport links, the area had a PTAL rating of 3 and coupled with a robust Parent/School contract, would discourage parents to drive to the site.
- Draft Travel Plan submitted with the application would be further developed in addition to the applicant's engagement with TfL on Coach Management Plan. The car park to the rear of the site would also provide servicing facilities and a single coach parking for school trips.
- The vigorous enforcement of existing CPZ would assist in preventing parents from parking near the school and within the housing estate. It was unlikely that the school would give rise to anti-social behaviour in the area.

Members noted the responses but added that as an additional measure to encourage alternative forms of transport, condition 17 be amended to require the provision of 170 instead of 78 cycle spaces on site. This was agreed.

With no further issues raised and the Chair, having established that all members had followed the discussions, asked members to vote on the recommendation.

**DECISION:** Granted planning permission as recommended with amendments to conditions 2 (plans) and 4 (arboricultural report) as set out within the

supplementary report and an additional amendment to condition 17 to require the provision of 170 secure cycle spaces on site.  
(Voting on the recommendation as amended was as follows: For 7, Against 0).

**6. 19/4434 Pharamond Garages, rear of 258-262 Willesden Lane, Willesden, London**

PROPOSAL: Demolition of the existing garages and redevelopment to provide a four storey building comprising 10 self-contained flats with associated car parking, cycle and refuse storage, amenity space and landscaping.

RECOMMENDATION: Resolve to grant planning permission subject to conditions as set out within the Committee reports.

That the Head of Planning be granted delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters within the Committee reports.

That the Head of Planning be granted 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.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Damian Manhertz (Development Management Team Leader) introduced the report and answered Members' questions. He referenced the supplementary report highlighting amendments to address the issues regarding the proximity of balconies to the adjoining gardens and amendments to the first floor layout. He added that to address the privacy issues, the plans had relocated and re-sized balconies.

Rebecca Woolf (in remote attendance) objected to the proposed development for several reasons including the following;

- Loss of privacy to Chatsworth Road residents.
- Loss of outlook
- Loss of residential amenities in terms of usable shared outdoor and communal space. This would be necessary with the restrictions arising from Covid-19 pandemic.
- Potential problems with boundaries and lack of Party Wall Act notice.
- Inadequate provision of parking spaces and electric charging points.
- Detrimental impact on residents and access for emergency vehicles during construction.

Councillor Gbajumo (in remote attendance) speaking in a similar vein echoed the above. She added that whilst she was in favour of affordable homes, the application had not addressed residents' concerns.

Kerry Csuka (agent, in remote attendance) addressed the Committee and answered members' questions. She informed Members that the application for 10 genuinely affordable including larger family-sized homes at London Affordable Rent was the result on extensive consultation and feedback from residents. She added the following points;

- The proposed 4-storey building would be lower in height than the adjacent 6-storey Pharamond building and its height and massing further minimised through a flat roof and recessed top floor.
- The design would protect the privacy and amenity of neighbouring properties and would be maintain an 18-metre separation distance.
- The submitted daylight and sunlight report confirmed that neighbouring properties would retain acceptable levels of daylight, sunlight and outlook.
- Re-provision of spaces, 1 on-site garage, 1 wheelchair space and 11 electric vehicle charging points, compliant with Brent's maximum parking standards.
- Eleven low quality trees proposed to be removed would be replaced with a comprehensive landscaping and tree replacement strategy for 25 trees.
- Over 1,000 sqm of communal amenity space would also be retained and enhanced, through the provision of seating, new planting areas and opportunities for children's play.

Members asked the Team Leader to respond to the issues raised during which the following points were noted;

- Issues relating to the Party Wall Act was not a material planning consideration.
- Planning decisions are made in accordance with the Development Plan and other relevant planning policies and guidance and that the current restrictions from the pandemic do not hold significant weight.
- The application would provide adequate separation distances to ensure the privacy and amenities of other neighbours.
- Adequate turning circles have been provided to enable access for emergency and refuse vehicles

With no further issues raised and the Chair, having established that all members had followed the discussions, asked members to vote on the recommendation.

**DECISION:** Granted planning permission as recommended and subject to the amendments to condition 2 and the removal of condition 25 as set out within the supplementary report.

(Voting on the recommendation as amended was as follows: For 7, Against 0).

**7. 19/4484 365 High Road, Wembley, HA9 6AA**

PROPOSAL: Construction of a rooftop structure to provide an amenity space to hotel (Use Class C1).

RECOMMENDATION: That the Committee resolve to GRANT planning permission and to grant delegated authority to the Head of Planning to issue the planning permission and impose conditions as set out within the Committee report and informatives as considered necessary.

That the Head of Planning be granted 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.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Victoria McDonagh (Development Management Team Leader) in remote attendance introduced the report setting out the key issues of the application and answered members' questions.

Mr Simon Fowler (agent, in remote attendance) addressed the Committee and answered Members' questions. He added that the application would provide an outdoor amenity space with an enclosure to the existing terraced areas, accessible from within the existing building. Members heard that to ensure there would be no adverse daylight and sunlight impacts as well as issues resulting from noise and disturbance, the applicant had agreed to a management plan via a planning condition.

Councillor Mitchell-Murray (ward member) in remote attendance declared that she had been approached by the applicant. Speaking in support of the application, Councillor Mitchell-Murray added that the applicant had addressed all of the concerns she had about the application.

With no further issues raised and the Chair, having established that all members had followed the discussions, asked members to vote on the recommendation.

DECISION: Granted planning permission as recommended in the main report. (Voting on the recommendation for approval was as follows: For 7; Against 0).

**8. 19/1099 192A Ealing Road, Wembley, HA0 4QD**

PROPOSAL: First floor rear extension and loft conversion to incorporate 4 new flats, three side dormer windows, proposed rooflights, first floor rear terrace area, provision of internal cycle storage, creation of refuse storage to ground floor with installation of new side ground floor door, increase in height to single storey rear projection and alterations to fenestration.

RECOMMENDATION: That the Committee resolve to GRANT planning permission and to grant delegated authority to Head of Planning to issue the planning permission and impose conditions and informatives to secure the matters set out within the Committee report.

That the Head of Planning be granted 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.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Victoria McDonagh (Development Management Team Leader) introduced the report and answered Members' questions. Members mostly welcomed the application except for Councillor Sangani who dissented on the grounds that the proposal could result in anti-social behaviour and fly tipping.

With no further issues raised and the Chair, having established that all members had followed the discussions, asked members to vote on the recommendation.

DECISION: Granted planning permission as recommended in the main report.  
(Voting was recorded as follows: For 6, Abstention 1)

**9. Any Other Urgent Business**

None.

The meeting closed at 10.00 pm

COUNCILLOR J. DENSELOW  
Chair