

LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

**Held in the Conference Hall, Brent Civic Centre on Wednesday 13 July 2022
at 6.00 pm**

PRESENT: Councillor Kelcher (Chair), Councillor S Butt (Vice Chair) and Councillors Akram, Begum, Dixon, Mahmood and Seelan.

1. Apologies for absence and clarification of alternative members

None

2. Declarations of interests

Councillor Maurice declared a personal interest as a customer of Utility Warehouse (agents for the application). Following legal advice it was agreed that Councillor Maurice's interest would not prejudice his decision making. Therefore he remained and participated in the meeting.

3. Minutes of the previous meeting

RESOLVED that the minutes of the previous meeting held on Tuesday 14 June 2022 be approved as an accurate record of the meeting.

4. 21/1124 – 363 Edgware Road, London, NW9 6AF

PROPOSAL

Demolition of the showroom and multi -storey carpark building and erection of a ground plus up to 19 storey building to provide residential units (Use Class C3) with commercial use (Use Class E) at ground floors, together with associated parking at basement and landscaping.

RECOMMENDATION~:

That the Committee resolve to GRANT planning permission subject to:

- (1) Referral to the Mayor of London (stage II referral)
- (2) The prior completion of a legal agreement to secure the planning obligations as detailed in points 1-14 in the Recommendations section of the report.
- (3) That the Head of Planning is delegated authority to negotiate the legal agreement indicated in the planning obligations.
- (4) That the Head of Planning is the delegated authority to issue the planning permission and impose conditions and informatives to secure the conditions and informatives as detailed in the report.

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- (5) That the Head of Planning is delegated 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.
- (6) That, if by the "expiry date" of this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.
- (7) That the Committee confirms that adequate provision has been made, by the imposition of conditions and obligations, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

June Taylor, Principal Planning Officer, North Team, introduced the report and set out the key issues. In introducing the report members were advised that the application seeks the demolition and redevelopment of a car showroom and multi-storey car park to provide 1,262sqm of commercial floorspace (Class E), comprising of five separate units arranged across the ground and upper ground floors, fronting on to Edgware Road, Windover Avenue and the rear access road. The 165 residential units on the upper floors would be arranged in four cores around a first floor podium garden for communal residential use. The development would also include a basement parking area for 59 car parking spaces in addition to parking space for motorcycles.

In closing the introduction to the application the Planning Officer drew members' attention to the supplementary report that included details of an amendment to the report as the applicant had increased the proportion of affordable housing provided by the scheme. As a result of the revised affordable housing offer the scheme would deliver 22.5% affordable housing. In addition to the supplementary report members were advised that page 21 of the report also included some minor amendments and additional information that had been received during the course of the application, that included –

- Alteration to landscaping to the southern eastern elevation , that included the removal of a tree from the front of the residential entrance on Windover Avenue.
- A revised Daylight, Sunlight and Overshadowing Assessment that included additional information.
- A revised Energy Statement, Overheating Assessment, BREEAM Pre – Assessment and Sustainability Statement that addressed the queries that had been raised by Brent and GLA officers.

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Members noted the information provided and sought clarity regarding the status of the neighbouring site to the proposed scheme, Beis Yaakov Primary School being recognised as a locally listed building and queried the impact this would have on any Planning decisions made. Officers clarified that in line with the National Planning Policy Framework the status of the school as a locally listed building meant that it was a non-designated heritage asset, not a designated heritage asset and as such the school would not be protected under the same legislation as a nationally listed building. Officers confirmed that despite the school not being a designated heritage asset a significant amount of consideration was given to its locally listed status in the planning phase.

As no further questions were raised and there were no objectors registered to address the Committee, the Chair then invited Will Kumar, Utility Warehouse (as the agent) to address the Committee (in person) in relation to the application. Mr Kumar was supported by colleagues (online) Barry Canfield - Pegasus Group, Kate Ferguson - Pegasus Group, Clare Ailward - Jefferson Sheard and Mohammed Fatade-Ogunpola - BWB Consulting.

Mr Kumar introduced the application, drawing the Committee's attention to the following key points:

- The proposed scheme offered significant benefit to local Brent residents as it would replace a currently unattractive building and provide 33 high quality affordable homes.
- The applicants had positively engaged throughout the application process with officers and local objectors to address and respond to their concerns. Discussions took place with the Beis Yaakov Primary School that neighboured the proposed scheme and the owners of Colindale Retail Park.
- The applicant had also liaised with the Community Security Trust (CST) who provided security advice to Beis Yaakov Primary School to address safety and welfare concerns, following the meeting CST has no further comments on the scheme.
- In addition to the objections that the applicant had addressed there was also strong local support for the scheme, with 102 letters of support received.
- The construction of the scheme included a Training and Employment Plan to secure employment and training opportunities for Brent residents during the construction period.
- The applicant had recently increased its affordable housing offer as part of the scheme, at its own deficit.
- The homes would be constructed to a high quality with the additional benefit of 70% of units being dual aspect, with no north facing single aspect units.
- The scheme would see Brent benefit from a CIL contribution from the developers which would support the improvements of local and regional infrastructure.

In response to Committee questions Mr Kumar clarified the following points:

- Following a Committee query regarding whether the advice from the GLA had been progressed that recommended the applicant engaged with Registered Providers to explore the use of grant funding to increase the amount of affordable housing. Mr Kumar confirmed that the viability

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consultant had attempted to engage with providers however it had been challenging as the scheme had not been approved yet and there were limited grant funding opportunities available.

- The applicant acknowledged that 22.5% affordable housing was still below the Brent strategic target of 50%, however this was the maximum the applicant could reasonably offer to ensure the scheme remained viable.
- Mr Kumar confirmed that the affordable units and the market priced units within the scheme had separate access points to support keeping the service charge area costs at a minimum. The scheme remained tenure blind, using the same high quality building material for both, with both access points appearing aesthetically the same
- In order to mitigate the scheme falling short of achieving air quality neutral status, the scheme actively encouraged the use of public transport. In addition to this the applicants were funding residents 3 years free membership to a local Car Club as well as providing electric vehicle charging points.
- Clarification was provided that adaptations had been made to the scheme following the applicants meeting with the Beis Yaakov Primary School and CST. The amendments included setting back the windows adjacent to the school and the provision of additional fixed planters on roof terraces to mitigate concerns regarding overlooking.

As there were no further questions for the agent the Chair invited Committee members to ask the officers any remaining questions or points of clarification they required. Committee members had a number of questions for officers, including queries regarding the size and scale of the scheme, the impact of overlooking on the neighbouring primary school, daylight /sunlight, environmental considerations, transportation considerations and the impact of the development on surrounding properties' reception of tv and radio services. The following responses were provided by officers:

- Officers confirmed that the BNSA2- Colindale Retail Park site allocation had been identified as being within a Tall Building Zone and suitable for tall buildings. The Committee were advised that the height of the proposed development was in line with the emerging context of the area whereby there were already a number of tall buildings around the site location, these included the 13 storey Utility Warehouse located on the Barnet side of the Edgware Road and the 19 storey TNQ development on the Brent side.
- In response to an issue raised regarding the close proximity of the proposed development to the boundaries of the adjoining sites, with particular reference to the Beis Yaakov Primary School and the impact of overlooking when taking into consideration the school's safeguarding responsibilities. Officers confirmed that in line with the privacy guidance set out in SPD1 the proposal would maintain a 9m separation gap, with the exception of 1 set of balconies that had a 7m gap to the boundary, however the balconies would look onto the front of the school site used for access and parking, therefore would not be sensitive to overlooking concerns.
- Officers acknowledged the concerns raised by the school in relation to overlooking and safeguarding and re-iterated that great consideration had been given to privacy concerns, the Committee were advised that although safeguarding was not a material planning consideration further mitigations to prevent overlooking had been incorporated into the building design

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features that included a set back on the seventh floor roof terrace. On balance it was felt that in considering the needs of the borough as set out in the Local Plan and the concerns raised that the proposal maintained adequate separation distances and was acceptable on this basis.

- Following a Committee question regarding how the school would be impacted by the scale of the building in relation to Daylight/Sunlight, officers confirmed that of the 21 windows on the southeast façade of the school that were tested for VSC., 11 of them had existing low VSC values below the BRE target. The Committee noted that 3 windows would comply with the BRE target retaining at least 0.8 times their former value, whilst the values of the remaining windows would fall to between 0.66 and 0.79 times their former value.
- Further tests were performed to analyse the overall impact on daylight distribution in the rooms affected, the tests concluded that the school hall would retain 0.86 times its former value of natural sunlight, this exceeded the BRE targets. Three of the classrooms would retain 0.78 times their former value and the remaining classroom would retain 0.72 times its former value. As such these rooms would fall only marginally short of the BRE target of retaining 0.8 times their former value of natural sunlight.
- In addition the Daylight/Sunlight assessments had concluded that the school playground would receive sunlight in line with the BRE guidance.
- It was felt that given the scale of the development and the number of existing windows that had existing low VSC values, commensurate with the high density urban context that on balance it was considered that the limited harm was outweighed by the benefits of achieving a high density redevelopment in a Growth Area.
- Officers advised that in line with London Plan Policy T6, car parking would be restricted in the proposed development. A total of 59 on-site commercial parking spaces were proposed including 2 disabled spaces for the commercial units and 57 spaces for the residential units that included 5 disabled spaces for residents. Electric charging points would be provided with the exact number being clarified in Condition 18.
- Officers confirmed that the proposal would not generate significant levels of vehicular traffic and that the applicant would provide a financial contribution towards the upgrade of Colindale Underground Station.
- To further support sustainable transport residents would be given 3 years free car club membership with a local car club, secured through the s106 agreement.
- In response to a Committee query regarding residential amenity space officers advised that all units would have access to private balconies in accordance with London Plan standards, these would be further supplemented by communal amenity space via the first floor podium garden and additional roof terraces.
- Officers recognised there would be a small residual shortfall against Policy BH13 standards in terms of communal amenity space, however it was considered acceptable in an urban context and would be mitigated by a financial contribution from the applicant to support the enhancement of local play provision. This would be secured through the s106 agreement.
- Officers confirmed that the proposed development site was in Flood Zone 1 meaning that there was low risk of flooding, a SUDs strategy was submitted that concluded there would be a 50% reduction in water run off rates. There were no issues raised by the Lead Local Flood Officer.

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- Following a Committee question regarding the impact of the proposed development on the TV and radio reception of neighbouring properties, officers advised that a full baseline survey and post construction reception measurement would be undertaken with mitigations in place if necessary, secured under the s106 agreement.
- Officers confirmed that the number of trees planted represented a significant increase in comparison to the existing site. The maturity and species of the trees would be considered with a view to maximising green screening to support privacy where possible. Further details on the size, species and maturity of trees would be secured by condition and detailed in the Landscaping Scheme.
- Officers addressed a query raised from the Committee regarding whether the minimal breach in the separation distance to an area of land on Colindale Retail Park would prejudice future redevelopment of Colindale Retail Park as the 9m “no build zone” would not have been observed. Officers shared a CGI slide with the Committee to provide further context of the development’s separation gap to the area of land where the minimal breach in the separation boundary was. Officers explained that the likelihood of the land being redeveloped was negligible due to its position and small size (25sqm), consequently it was deemed that there was no planning harm as a result of the proposed development.

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 recommendation that included the additional conditions as set out below.

DECISION:

Granted planning permission subject to:

- (1) The prior completion of a legal agreement to secure the planning obligations set out in the report and supplementary agenda;
- (2) The conditions and informatives set out in the report and supplementary agenda, as amended below;

Condition 18 – to include further clarification on the number of Electric Vehicle Charging points.

Condition 23 – to include additional details regarding the size, species and maturity of trees in the Landscaping Scheme.

- (3) Referral of the application for Stage 2 review by the Mayor of London.

(Voting on the recommendation was unanimous.)

7. Any Other Urgent Business

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None

The meeting closed at 7.34pm.

COUNCILLOR KELCHER

Chair