

# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Wednesday 15 November 2023 at 6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor S Butt (Vice Chair) and Councillors Akram, Begum, Chappell, Dixon, Maurice and Rajan-Seelan.

### 1. Apologies for absence and clarification of alternative members

Apologies were received Councillor Mahmood, with Councillor Chappell attending as an alternate.

### 2. Declarations of interests

In relation to Agenda Item 4, Councillor Begum advised that whilst one of the ward councillors for Kilburn she had not sought to take any position on the application and therefore felt able to consider the application impartially and without any form of predetermination.

In relation to Agenda Item 7, Councillor S.Butt also advised that as the ward councillor for Kingsbury he had been approached in relation to the application via casework, however he had not personally dealt with the issue and therefore felt able to consider the application impartially and without any form of predetermination.

### 3. Minutes of the previous meeting

**RESOLVED** that the minutes of the meeting held on Wednesday 18 October 2023 be approved as an accurate record of the meeting.

### 4. 22/3669 – Kilburn Square Estate, Kilburn, London

#### PROPOSAL

Demolition of Former Kilburn Square Clinic, 13-15 Brondesbury Road, substation, footbridge and garages and redevelopment of site to provide extra care flats (Use Class C3b) and general needs flats (Use Class C3) in 4 buildings alongside access routes, car parking, motorcycle parking, cycle parking, refuse and recycling storage, amenity space, landscaping, playspace, boundary treatments, alterations to the entrance to Varley House, refurbishment of the existing podium parking area and other associated works.

#### RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:

- (1) That the Head of Planning being delegated authority to issue the planning permission and impose conditions and informatives as detailed in the report.

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- (2) The Head of Planning being 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.

Curtis Thompson, Planning Officer, South Area Planning Team, introduced the report and set out the key issues. In introducing the report members were advised that the application would see the re-development of the site to provide 139 units within four blocks ranging between 5 and 8 storeys in height. The development would also see a range of associated works including access routes, car and motorcycle parking, cycle parking, refuse storage areas, amenity spaces, landscaping and boundary treatments.

It was clarified that where report paragraph 130 had referred to the volume of communal amenity space, the figure provided was actually in relation to the provision of play space, not the total amenity space.

The Chair thanked Curtis Thompson for introducing the report. As there were no Committee questions raised at this point, the Chair invited the first speakers Margaret Von Stoll (objector) and Zahia Allawa (objector) to address the Committee (in person) in relation to the application, as Ms Von Stoll and Ms Allawa had indicated that they were sharing the allocated time slot, the Chair agreed for them to address the Committee consecutively with Ms Von Stoll speaking for 2 minutes and Ms Allawa speaking for 1 minute. Ms Von Stoll introduced herself as a member of the Kilburn Village Residents Association (KVRA) before she proceeded to highlight the following key points:

- There had been significant dialogue between the KVRA and the applicant's team in an attempt to compromise on a scheme acceptable to existing local residents. Despite these attempts, however, it was felt that the scheme presented to the Committee represented overdevelopment and lacked community support.
- It was felt that a smaller scheme that comprised of Blocks A and B would be acceptable as it would still support the provision of new homes in Brent without the need to remove trees and green space.
- Concerns were raised that the construction of blocks C and E would see the removal of amenity space, which would put further pressure on existing and future residents in accessing adequate amenity space, which was vital to emotional and physical health and wellbeing.
- It was felt that the consultation and pre-engagement process had been inadequate.
- In summarising the points raised and in light of the lack of community support, Ms Von Stoll urged the Committee to reject the application.

Ms Allawa then addressed the Committee, with the following key points highlighted:

- Concerns were expressed that Block E would significantly affect the daylight to residents in Sandwood Court, where Ms Allawa and her family resided.

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- Ms Allawa shared concerns that the lack of natural daylight impacted by the proposed Block E would have a detrimental effect on the health, wellbeing and living conditions of Sandwood Court residents.
- Residents were unhappy with the proposed scheme in its current format.
- On the basis of the concerns shared, Ms Allawa supported the calls made for the Committee to reject the application.

The Chair thanked Ms Von Stoll and Ms Allawa for addressing the Committee and invited the Committee to ask any questions they had in relation to the representations made. In response, the Committee sought further clarity on how many residents were being represented by the speakers and the concerns raised in relation to the loss of light with the following response provided:

- It was clarified that the speakers were representing the views of the local residents opposed to the scheme, this included the KVRA and the residents of surrounding streets that had expressed their objections via a number of petitions submitted.
- Ms Allawa confirmed, as a resident of Sandwood Court herself, that the building had existing issues with limited natural light, therefore it was felt that this would be exacerbated by the construction of Block E which would create additional overshadowing.

The Chair then invited the next speaker, Keith Anderson (objector) to address the Committee (in person) in relation to the application. Mr Anderson introduced himself as the Chair of the KVRA, before he proceeded to highlight the following key points:

- It was felt that the shortfall in daylight to existing residents as a result of the construction of Block E was unacceptable, this was echoed by 14 of the 24 Sandwood households who had signed a petition submitted to the Council against the development.
- The scheme was felt to be in breach of Brent's Climate Strategy by removing green and mature trees.
- The loss of green space would be particularly detrimental, as Kilburn was recognised to have the greatest green space deprivation in Brent.
- The scheme did not meet Urban Greening Factor (UGF) minimum standards.
- It was felt there were a number of policies that had either been breached or lacked adequate evidence to demonstrate compliance, including overshadowing, on-street parking, community services notably GPs, clashes of architectural styles and harm to the Kilburn Conservation Area.
- Concerns were raised in relation to the existing high population density in Kilburn and limited amenity space, both of which would be intensified by the proposed scheme.
- Block C was highlighted as a major concern, given the number of additional households which would significantly impact the density problem as well as transforming the open aspect currently enjoyed by neighbours opposite in Victoria Road.
- It was felt that more consideration should be given to the lack of community support the scheme had received.
- Blocks C and E were collectively the biggest concerns, a scheme that comprised of only Blocks A and B was felt to be more acceptable.
- The "Green Lung" concept was a key community asset; supporting residents health and wellbeing.

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- In summarising the concerns raised, Mr Anderson also urged the Committee to reject the application.

Following Mr Anderson's comments, the Committee required clarity in relation to the concerns raised regarding the conservation area and what objectors felt would be an acceptable scheme. The following responses were provided:

- The Committee was advised that the harm was felt to be in the inconsistency between the architectural styles and character as well setting of the Conservation Area.
- A smaller scheme with only Blocks A and B was felt to be less harmful to the existing estate and therefore more acceptable to existing residents.

The Chair thanked Mr Anderson for addressing the Committee and proceeded to invite the next speaker on the item, Councillor Georgiou (objector) as a local councillor to address the Committee (in person) in relation to the application.

The following points were highlighted:

- Councillor Georgiou supported local views that the scheme proposed did not meet the needs of residents.
- It was felt that in respect of the high level of housing demand in Brent, particularly for genuinely affordable housing, the proposed scheme would do little to provide enough of the type of housing that was needed in Brent.
- The New Accommodation for Independent Living (NAIL) units were unlikely to impact on a reduction on the housing waiting list.
- It was felt the London Affordable Rent (LAR) units were not in reality affordable for many residents and were costed significantly higher than social rent levels.
- Should partial sale also be required to ensure viability of the scheme, concerns were raised that this could lead to tenure types that were entirely unaffordable and therefore put the stated aims of providing 100% affordable housing in jeopardy.
- If the scheme were approved, it was felt a planning condition should be added to ensure that 100% affordability was achieved with a split of 70% social rent and 30% other.
- It was felt the current condition in place that proposed 50% affordability was unacceptable.
- Should it be required, it was recommended that any future tenure switches be referred back to the planning committee as these would radically change the scheme being delivered, with the argument that the benefits of the scheme outweighing the harm would no longer apply.
- On the basis of the concerns raised, Councillor Georgiou urged the Committee to reject the application as it stood and proposed that the applicant engaged comprehensively with the community to offer a more palatable compromise scheme that delivered 100% affordable housing or a smaller scheme that would deliver a different tenure mix with less harm to existing Kilburn Square residents.

Following Councillor Georgiou's comments, the Chair required clarity as to whether it was his preference that the scheme offered greater affordability or was re-designed to offer a smaller scheme. In response Councillor Georgiou advised that a smaller scheme that was more acceptable to existing residents with genuinely

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affordable homes would be ideal, however it was re-iterated that if the scheme being presented to the Committee was guaranteed at 100% affordable, it would be difficult for anyone to challenge the extensive benefits that would provide.

The Chair thanked Councillor Georgiou for addressing the Committee and proceeded to invite Councillor Molloy (Ward Councillor) to address the Committee (in person) in relation to the application.

The following key points were highlighted:

- Councillor Molloy advised that he was speaking on behalf of both himself and Councillor Conneely as local Kilburn ward councillors.
- In acknowledgement of the housing need in Brent and the socio-economic status of many residents across the borough, the LAR units were felt to be a welcome addition to the regeneration in Kilburn and the provision of more homes in Brent.
- Further positives of the scheme included the family sized homes and the NAIL units, which were a preferable alternative to residential care for vulnerable residents.
- It was acknowledged that there had been some resistance to the proposed scheme, mainly from owner- occupiers in the surrounding streets. However, it was felt the main basis of these objections in terms of overcrowding and population density should not be given further weight, particularly in light of the housing demand in Brent and London's density as a whole compared with other big cities.
- The attempts made to reduce the overall scale of the scheme since the plans were first submitted.
- Kilburn councillors wanted to support a scheme that would meet the needs of the community and therefore urged the Committee, subject to viability, to condition the maximum amount of affordable housing that was possible.

Following Councillor Molloy's comments, the Chair asked the Committee if they had any questions in relation to the information heard, the Committee proceeded to query if Councillor Molloy felt the existing green space was underutilised and his response to the residents who may lose natural light to their homes if the scheme was approved. The following responses were shared with the Committee:

- Councillor Molloy advised that the green space was not actively in use by the community and had been condemned by the Kilburn Square Co-Operative. Therefore, it was not felt to be a loss to existing residents as it was unfit for purpose.
- Following the concerns raised in relation to residents potentially losing natural light, Councillor Molloy highlighted the extensive benefits of the scheme and felt that the benefits of the scheme would outweigh any minimal harm.

The Chair thanked Councillor Molloy for addressing the Committee and answering their questions and proceeded to invite the final speaker on the item Stefanie Dodson (agent) to address the Committee (in person) supported by a team of in person and online specialist colleagues on hand to answer any specific questions the Committee had.

The following key points were highlighted:

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- The proposal for the Kilburn Square Estate was the result of extensive resident and public engagement since 2020. The engagement programme ensured that as many stakeholders as possible were aware of, understood and provided input into the proposals throughout. This has included meetings with the Kilburn Square Estate Tenant Management Organisation, the creation of a Residents Panel, newsletters, regular estate drop-in sessions, door-knocking, exhibitions, virtual meetings, a website and the creation of a fly-through. Briefings also took place with local ward Councillors.
- All 99 general needs homes would be London Affordable Rent and all 40 extra care homes would be capped at Local Housing Allowance. Therefore, providing 100% affordable housing.
- The policy significantly exceeded policy requirements with the provision of 27% family-sized housing. All units met or exceeded the relevant space standards and all units in the extra care block met the HAPPI design regulations.
- The scheme would see the use of high quality materials that responded to the existing estate architecture.
- The proposal had been designed to protect the privacy and amenity of neighbouring properties.
- A specialist daylight and sunlight report had been submitted in support of the application, with the results considered acceptable.
- 86 car parking spaces would be retained on site catering for existing residents 22% of which would be accessible spaces. The new homes would be car-free and future occupiers would not be eligible for parking permits within the CPZ.
- All the proposed general needs housing units would have access to their own private amenity space in the form of balconies or ground floor terraces which would meet the London Plan's minimum standard.
- The proposal included 4,608 sqm of communal amenity space which included play space provision. The new play space would provide a considerable uplift in terms of quality and accessibility.
- The proposal included a detailed landscaping strategy for the site which was supported by the Council's Tree Officer. The landscape strategy would see a net increase of trees, with a total of 56 new trees being planted.
- A Fire Statement had been submitted which addressed all of the points raised by the Health and Safety Executive and accorded with London Plan policy.
- The proposed infill development to provide 139 new homes was supported by planning policy.
- In closing her comments Ms Dodson urged the Committee to support the officer's recommendation for approval and application for much needed affordable homes in Brent.

The Chair thanked Ms Dodson for addressing the Committee and invited the Committee to ask any questions or points of clarification they had in relation to the information heard. The Committee raised queries in relation to overlooking and daylight/sunlight, specifically in relation to Sandwood Court with the following responses provided from Ms Dodson and Ian Thody (Daylight/Sunlight Consultant, who was present as an online participant).

- The Committee was assured that Block E would be built to the North of Sandwood Court and as such there would be no overshadowing present.

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- As there were no affected windows in Sandwood Court within 90 degrees of due south of the proposed development a daylight/sunlight assessment was not deemed necessary as there would be no significant impact on Sandwood Court.

The Chair thanked Ms Dodson and her team for addressing the Committee and responding to the query raised. As there were no further questions for the agent the Chair invited the Committee to ask officers any further question or points of clarity they had in relation to the application. The Committee raised queries in relation to affordable housing, daylight/sunlight assessments, car parking, urban greening factor and consultation with the following responses provided:

- Following a Committee query in relation to why the application stated the scheme would provide 100% affordable housing when the condition only required 50%, the Committee was advised that London Plan policy which was also reflected in local planning policies required 50% affordable housing if a scheme was on publicly owned land. As such, 50% was the amount that could be required in a planning decision. Brent Council as the applicant were committed to delivering a 100% affordable scheme, the condition of 50% was not a reflection of the Council's intent, however, was simply the standard wording used in an application for a development on public land.
- If the Committee felt the degree of harm from the development required a greater level of benefit, it was at the Committee's discretion to require a condition of 100% affordable housing in order to outweigh any perceived harm.
- It was highlighted that the Council (as the applicant) were committed to this being a 100% affordable scheme and were unlikely to renege on that commitment, therefore the Committee did not feel it was necessary to request 100% affordable housing by condition.
- In response to the concerns raised in relation to the daylight/sunlight impacts, with particular reference to Sandwood Court, the Committee was advised that there were no daylight impacts. There would be some impact in terms of sunlight, however it was felt that within the context of the urban environment any minimal shortfalls were acceptable.
- It was clarified that the underground car park would be utilised once work to make the space safe and functional had been undertaken, this would be managed by the Building Regulations team.
- 18 Electric Vehicle charging points would be provided, along with disabled wide bays in line with policy.
- The scheme would achieve an urban greening factor (UGF) of 0.34, which was recognised as a shortfall of the minimum required score of 0.4. This was balanced with the proposal also providing new communal amenity areas for blocks A and B, whilst improving the communal amenity space across the site. Given the high density and the wider benefits of the scheme, the shortfall in UGF was felt to be justified.
- The Committee was advised that thorough consultation had been undertaken as detailed in the Committee report and in line with policy.

As there were no further questions from members and having established that all members had followed the discussions, the Chair asked members to vote on the recommendations.

DECISION

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Granted planning permission subject to the conditions and informatives as set out in the Committee report and supplementary report.

(Voting on the above decision was as follows: For 7 and Against 1)

### 5. **23/0024 – 2-78 INC, Clement Close, London, NW6 7AL**

#### PROPOSAL

Demolition of one bungalow and various infill developments to deliver 21 residential units (Use Class C3) consisting of five separate developments of two terraces and three flatted blocks, with associated car parking, cycle storage, and enhancements to the Estate's amenity space.

#### RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:

- (1) The Head of Planning being delegated authority to issue the planning permission and impose conditions and informatives as detailed in the report.
- (2) That the Head of Planning is 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.
- (3) 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.

Neil Quinn, Principal Planning Officer, South Area Planning Team, introduced the report and set out the key issues. In introducing the report members were advised that the existing site comprised of a large residential estate, providing a mix of 2 and 3 storey flatted blocks, bungalows and maisonettes. The estate was not in a conservation area nor was it listed or in close proximity to a listed building. The proposed application sought the demolition of one bungalow to provide a net increase of 20 homes.

The Chair thanked Neil Quinn for introducing the report, as there were no Committee questions raised at this point, the Chair invited the first speaker Ms Deborah Eppel (objector) to address the Committee (in person) in relation to the application.

The following key points were highlighted:

- Concerns were raised that the application failed to comply with national and local planning guidelines, including policy SPD1 and a breach of the 18m minimum separation distance, whereby some new properties would only be

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14m away. It was felt this would create overlooking and was in conflict with Article 8 of the Human Rights Act, which states that a person had the right to respect for their private and family lives.

- The application breached BRE targets in the case of 50 Milverton Road and 12 flats in Clement Close.
- The Committee report stated that the rooms impacted were 10 sqm kitchens and therefore were too small to be considered habitable. This was felt to be inaccurate as many of the 10 sqm kitchens doubled up as dining rooms.
- The scheme was not policy compliant in terms of affordable housing provision.
- Concerns were raised that the calculations used in the application were inaccurate, notably: the Urban Greening Factor (UGF) calculation, which was believed to be lower than calculated and as such did not meet the minimum required threshold and constituted a further breach in policy.
- The size of the play area was based on the projected occupancy of the new dwellings, however as many children already living on the estate were not included in the profiling the proposed area was more than 55% below the requirements set in London Plan Policy S4.
- The parking calculation had made no provision for the staff and visitors of 1 Clement Close.
- Further concerns were raised in relation to poor public transport accessibility, high flood risk, and the removal of 14 mature trees at a time of a recognised climate emergency.
- On the basis of what were felt to be a number of inaccuracies in the Committee report and policy breaches throughout the application, Ms Eppel urged the Committee to reject the application.

The Chair thanked Ms Eppel for addressing the Committee, as there were no questions from the Committee at this stage, the Chair went on to invite the next speaker on the item, Ms Belinda Siggers, (objector) to address the Committee (in person) in relation to the application. Ms Siggers introduced herself as a long term resident of Clement Close who would be speaking on behalf of fellow residents in Clement Close, particularly those living with disabilities and vulnerabilities.

The following key points were highlighted:

- It was felt that the application failed to acknowledge and recognise the additional needs of the Clement Close community, particularly the 12 disabled residents at 1 Clement Close, and the presence of discriminatory elements within the proposal.
- The proposed 2 metre pavement on the Eastern side posed a serious safety hazard for residents who relied on sighted guides and wheelchairs.
- Concerns were raised in relation to the potential impact on the mental health of residents as a result of the loss of green spaces.
- In terms of environmental impact, there was concerns that the loss of canopy coverage in Clement Close would undoubtedly lead to a deterioration of air quality. This was felt to go against Policy S11 of the London Plan on "Improving Air Quality" and the government's "Clean Air Strategy 2019.
- Residents were supportive of the Council's efforts to address housing deficiencies, however this particular application was not felt to have been appropriately considered particularly with regard to the unique needs of existing disabled and vulnerable residents.

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- On the basis of the concerns shared, Ms Siggers also urged the Committee to reject the application.

The Chair thanked Ms Siggers for addressing the Committee, as there were no questions from the Committee at this stage, the Chair invited the next speaker on the item, Mr Ollie Cooper (agent) to address the Committee (in person) in relation to the application.

The following points were highlighted:

- The application was part of Brent's New Council Homes Programme, which sought to address the level of housing demand and the number of residents living within temporary accommodation in the Borough by building new homes within Council owned sites, that met the needs of Brent's residents.
- The proposal would complement the character of the area through the provision of 21 high-quality homes – all for London Affordable Rent. 7 of these homes (33%) were family sized, which exceeded the policy requirement.
- The Applicant had engaged in extensive discussions with officers in evolving the proposals, with all dwellings designed to meet and exceed key housing design standards, being dual-aspect whilst meeting M4(2) compliance in the majority of instances to ensure inclusivity for all. Private amenity space was also provided for all units with a mix of balconies, patios and planting, with any shortfall of provision considered as negligible by officers.
- The proposals resulted in the modest loss (approximately 7%) of the Estate's open space, albeit substantial enhancements were proposed to the retained open space, these included two large areas of landscaped play space for use for existing and future residents.
- There would be a net increase in the number of trees on site.
- The proposals delivered a policy compliant Urban Greening Factor score of 0.407.
- The scheme had been carefully designed to respect the amenity of neighbours. For example, the windows had been designed so that the new homes could not see into the gardens or windows of the neighbouring properties. The size of the proposed buildings replicated what was currently on site and had been supported by the Planning and Urban Design Officers.
- The applicant had submitted a Daylight and Sunlight assessment in support of the application, which confirmed that the proposals were compliant with the professional guidance in terms of impacts on the daylight and sunlight levels received by the surrounding properties.
- The Highways Officer had confirmed that the provision of 88 parking spaces across the development was acceptable, considering census data and survey evidence.
- Cycle parking was provided for all the units in line with London Plan standards, promoting sustainable travel.
- The proposal was considered to align with the Development Plan as a whole – particularly according with the overarching objective of delivering new and affordable family homes within existing residential locations.
- On the basis of the benefits of the scheme Mr Cooper urged the Committee to approve the application in line with the officer recommendation.

The Chair thanked Mr Cooper for addressing the Committee and asked officers if they had any questions or points of clarification in relation to the information heard.

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The Committee raised queries in relation to accessibility and tree removal, with the following responses provided:

- Following a Committee query in relation to what steps had been taken to make the new units accessible and if there were any potential impacts on accessibility for existing residents, the Committee was advised that the development would meet the majority of M42 Accessibility Building Regulations.
- In terms of policy M43 wheelchair accessible units the proposal was overproviding, with the provision of 21 units, equating to 14%.
- Pedestrian access would be improved across the site, with the addition of 2m wide footpaths to increase accessibility for pedestrian and wheelchair users.
- During the construction phase a construction management plan would be in place to minimise disruption for existing residents.
- It was confirmed that 20 trees would be re-planted to provide enhanced screening and replace the 14 trees lost to accommodate the development, a landscaping condition would be in place detailing the maturity of the replacement trees.

As there were no further questions for Mr Cooper and his supporting team, the Chair invited the Committee to ask officers any remaining questions or points of clarity they had in relation to the application. The Committee raised queries in relation to trees, Urban Greening Factor, play space, cycle parking, car parking and flood risk, with the following responses provided:

- Following a Committee query in relation to the quality of the trees lost to accommodate the development, the Committee was advised that trees classified as category A or B were considered significant and should be retained where possible. An Arboricultural Impact Assessment (AIA) had been submitted and identified that a number of mature trees on the site would be impacted by the proposed development. In total one Category B, 12 Category C and one Category U trees were to be removed to facilitate the development. The council's tree officer had been consulted on the proposals and had reviewed the submitted AIA, following this the arboricultural officer had requested to be involved closely in protection works for Tree T1 which was a category B tree.
- Whilst it was acknowledged that the proposal resulted in some impacts such as the loss of trees and open space across the site, officers considered that taking the development plan as a whole, the proposal was considered to accord broadly with the development plan, and having regard to all material planning considerations, should be approved subject to conditions, as the benefits of the scheme were considered to outweigh any less than substantial harm to the trees within the gardens of neighbouring properties.
- Officers confirmed they were satisfied that the UGF score was accurate.
- Following a Committee query in relation to whether the maximum amount of play space had been provided, to account for existing and future occupants, the Committee was advised that although there was an overall shortfall of 28sqm of external amenity space for the proposed units across the scheme, this was balanced by the total existing estates 5,570 sqm of communal usable amenity space; the Committee also noted that some properties had their own private amenity space. As such the shortfall was considered to be negligible (an average of 1.3 sqm per flat) given the sizeable existing communal amenity

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space as a whole. Therefore, the scheme was considered to be acceptable, meeting the broad objectives of policy BH13 policy and Brent's Residential Amenity and Place Quality SPD.

- In terms of bin storage, it was clarified that Blocks A and C were independent homes and had their own bin stores, Blocks D and E were not affected and Block F would have a separate bin storage unit, large enough to accommodate existing and future occupants use.
- Following a Committee query in relation to car parking provision, the Committee was advised that following car parking surveys, and census data received the proposed provision of 88 car parking spaces was considered to accommodate future demand, with surplus available for visitors. The proposals would therefore accord with Policy T6 of the London Plan and Policy BT2 of the Local Plan.
- In relation to a Committee query regarding the flood risk assessment, officers advised that a Drainage Strategy had been prepared that set out details of the greenfield run off calculations, as part of this rainfall was proposed to be attenuated through the introduction of a green roof reducing the existing brownfield runoff rate, thereby alleviating flood risk. In addition, it was proposed to raise the ground floor finished floor levels to 300mm above existing ground level to provide further mitigation.

As there were no further questions from members and having established that all members had followed the discussions, the Chair asked members to vote on the recommendations.

### DECISION:

Granted planning permission subject to the conditions and informatives as set out in the Committee report and supplementary report.

(Voting on the above decision was unanimous)

## 6. **22/3124 – Newland Court Garages, Forty Lane**

### PROPOSAL

Demolition of all garages on site to provide five new homes with associated cycle and refuse storage, resurfacing of Newland Court to provide shared vehicular and pedestrian surface, provision of on-street car parking along Newland Court, new refuse storage facilities to serve existing residents at Newland Court and all associated landscaping works (revised scheme)

### RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:

- (1) The Head of Planning being delegated authority to issue the planning permission and impose conditions and informatives as detailed in the report.
- (2) That the Head of Planning is 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

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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.

- (3) 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.

Nicola Blake, Principal Planning Officer, North Area Planning Team, introduced the report and set out the key issues. In introducing the report members were advised that the proposed application sought the demolition of all the garages on site to provide five new family sized homes. The application site comprised of 34 garages across the northern side of the service road of Newland Court. The site was adjacent to Barnhill Conservation Area, a designated heritage asset. The section of Forty Avenue that fronted Newland Court was designated as an Intensification Corridor within Brent's Local Plan and to the east of the application was the boundary of the Wembley Growth Area.

The Chair thanked Nicola Blake for introducing the report, as there were no Committee questions raised at this point, the Chair invited the first speaker Mr Marc Etukudo (objector) to address the Committee (in person) in relation to the application.

The following key points were highlighted:

- Concerns were raised that objections made in relation to specific queries had been ignored by officers.
- It was felt that the proposed application had been based on misinformation and unreliable, out-dated reports in order to fast track the application.
- It was felt that the Council's Ecological Report was flawed and inaccurate as there were discrepancies in the report in relation to ecological surveys undertaken.
- Concerns were raised that a follow up ecological report advising that the bat surveys were conducted at the wrong time of year and which had identified species of bats (protected by the Wildlife and Countryside Act 1981 and regulations Act 1984) found in the trees by the garages had not been considered by officers.
- Concerns were raised that a number of trees in the Arboricultural Report had been categorised incorrectly.
- It was felt that consideration and consultation with disabled residents had not been undertaken.
- It was felt that the proposed development would exacerbate existing parking issues.
- Concerns were raised in relation to the loss of green space for existing residents and the potential impacts this would have on health and wellbeing.
- There were existing issues in relation to limited bin storage for residents, which it was felt would be further exacerbated by the proposed development. In addition to this it was felt unacceptable that some residents would have to walk further to a newly allocated bin store to dispose of their waste.

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- In summarising his concerns and the perceived negative impacts that the proposed development would have on both existing and future residents, Mr Etukudo urged the Committee to reject the application.

As there were no Committee questions at this stage, the Chair thanked Mr Etukudo for addressing the Committee and proceeded to invite the next speaker on the application Ms Judith Morrison (objector) to address the Committee (online) in relation to the application. Ms Morrison introduced herself as a resident of neighbouring Grendon Gardens before sharing her concerns with the Committee.

The following key points were highlighted:

- The Committee was reminded that Barn Hill Estate, including Grendon Gardens was recognised as a heritage asset.
- In line with the National Planning Policy Framework (NPPF) Brent was required to assess the significance of the proposed development on heritage assets to minimise any conflict, which it was felt had not happened.
- Plans to remove seven trees (T2, T5, G7, T9, T10, T11, T12, T20) situated in the gardens of Grendon Gardens ignored the boundary between Newland Court Estate (i.e. the retaining wall) and put Brent Council in direct conflict with Grendon Garden residents. If proposals were agreed, residents would be forced to take action to protect their trees.
- In addition, it was highlighted that the G7 group of trees were located within the boundary of a property in Corringham Road and the resident had not agreed to the removal of these trees.
- It was felt the report was inaccurate in its suggestion that there would be minor harm to the heritage asset because the trees would mostly hide the view of the new homes. This was felt to be inaccurate as the trees would not provide cover in the Winter, or any cover at all if they were removed.
- Concerns were raised in relation to the root protection of existing trees that could be damaged by the development.
- It was felt that if the proposal was approved it would cause substantial harm to the Conservation Area, and therefore go against Local Plan policy BHC1.
- Ms Morrison disagreed with the statement made in the report that concluded that minor perceived harm from the development was mitigated by the public benefits, as it was felt that the harm was significant.
- Concerns were raised in relation to limited amenity space.
- On the basis of the concerns raised in relation to policy breaches and the harm to trees and the Conservation area, Ms Morrison also urged the Committee to reject the application.

The Chair thanked Ms Morrison for addressing the Committee and offered the Committee the opportunity to ask any questions or clarifying points they had in relation to information heard, the Committee raised queries in relation to the impact of the proposed development on existing views and tree removal, with the following responses provided:

- In terms of concerns relating to the new development impacting on views of the Conservation Area as a heritage asset, the Committee queried why the views of any new development would be worse than the existing garages. In response the Committee was advised that the concerns were in relation to the fact that there would be significant cut back and or removal of trees, therefore

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it was felt the view would be starkly different and not in keeping with the context of the area as a heritage asset.

- In response to a Committee query regarding the location of some of the trees due to be removed, it was clarified that some of the trees that were scheduled for removal fell within the boundary of existing residential gardens which given the concerns and objections highlighted it was felt made the development unviable.

The Chair thanked Ms Morrison for responding to the Committee questions and proceeded to invite the next speaker on the item Councillor Georgiou (objector) to address the Committee (in person) in relation to the application.

The following key points were highlighted:

- Councillor Georgiou explained that he had been asked to represent the views of the residents of Newland Court after they had met with him to share their concerns about the proposed development.
- It was felt there were a number of inaccuracies in the report that the Committee should consider in reaching their decision.
- Given the number of letters of objection sent to officers, it was questioned why the Committee report stated that the majority of residents expressed support for the proposed development. This was felt to be misleading with the proposed application strongly opposed by local residents.
- It was felt the proposed development would have a huge impact on the estates' trees, biodiversity and existing parking issues.
- The site neighboured the Barnhill Conservation Area, therefore it was felt that this should be strongly taken into consideration by the committee in reaching any decision, given the considerable destruction to mature trees proposed to accommodate the development.
- A 2023 ecological report had identified at least three protected bat species living in the trees by the garages. Destruction of this important habitat would mean that the Council was in breach of the Wildlife and Countryside Act 1982 and Regulations Act 1984.
- It was felt that the report did not adequately address parking issues, as it did not appear to take into account the existing limited parking on the estate.
- Concerns were also highlighted in relation to the overall financial viability of the application.
- On the basis of the concerns raised Councillor Georgiou urged the Committee to reject the application due to the legitimate planning concerns raised by local residents and the potentially significant impact on residents' quality of life.

The Chair thanked Councillor Georgiou for addressing the Committee and with no questions raised by the Committee in response to his representations then proceeded to invite the final speaker on the item, Mr Ollie Cooper (agent) to address the Committee (in person).

The following key points were highlighted:

- The application site was in a designated priority location for residential homes.
- The proposal complemented the character of the area through providing five high-quality family sized homes, all for London Affordable Rent. The scheme also supported Brent's objective of directing housing growth to Public

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Transport Accessibility Level (PTAL) areas of three to six; Newland Court was PTAL 4.

- The applicant had engaged in extensive discussions with officers in evolving the proposals, with all houses designed to meet and exceed key housing design standards, having outlook on either three or four sides, whilst meeting the necessary accessibility standards.
- Each house had its open private amenity space, this included patios and planting. Enhancements to existing open space across the wider site were also proposed, providing community benefits.
- It was acknowledged that the tree officer had some objections related to future pressure for potential pruning. The trees to the north were protected by their Conservation Area designation, and therefore consent would need to be given by the Council for any future pruning works. Previous pruning works of the trees had also affected their health, therefore they would require future management in any event. In addition, the scheme included six more trees than were currently on the site.
- The scheme had been carefully designed to protect the amenity of neighbours.
- The application was fully compliant with professional guidance on daylight and sunlight.
- The scheme was supported by the Council's highways officer in respect of proposed car parking. Cycle parking was provided for all the units in line with London Plan standards, promoting sustainable travel.
- The proposal was considered to align with the Development Plan as a whole and most importantly would support the Council's overarching objective of delivering new, affordable, family homes at sustainable locations.
- On the basis of the benefits the scheme would offer, the Committee was urged to approve the application.

At this stage in proceedings, the Committee agreed to apply the guillotine procedure under Standing Order 62(c) and extend the meeting in order to enable the remaining business on the agenda to be completed.

The Chair thanked Mr Cooper for addressing the Committee and as there were no questions from the Committee then invited questions to officers and points of clarity to be sought in relation to the information heard. The Committee raised queries in relation to car parking, tree boundary lines, refuse bins, the conservation area and wildlife, with the following responses provided:

- Following Committee concerns that the existing issues of limited parking in Newland Court would be exacerbated if approval was given to the new development, the Committee was advised that overnight car parking surveys had been undertaken to assess the parking need and availability of on street parking. The results of this demonstrated that 28 cars were parked in Newlands Court overnight. It was acknowledged that there was a shortage of available on street parking in the area, therefore it was recommended that the five new homes were made subject to a car free agreement, removing the right of future residents to on street parking permits in any existing or future Controlled Parking Zone. A car parking management plan would also be in place to manage the issue of parking in the access road as it was not an adopted highway, therefore parking restrictions were not enforceable under highway regulations.

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- Following a discussion to support increased car parking capacity it was agreed that a condition could be added to explore the feasibility of the provision of echelon (angled) parking on the southern side of the access road.
- The Committee required clarity as to whether the trees that were proposed for removal could be removed if they were located within the boundary of existing residential gardens who owned the land as opposed to the Council. It was clarified that on the updated Arboricultural report it was demonstrated that the trees sat within the boundary of Newland Court, therefore Council owned land. It was also clarified that boundary issues were not a material planning consideration for the Committee.
- The Committee queried if there was evidence of bats roosting. In response officers advised that following a Preliminary Roosting Assessment and an Evening Emergence Survey, there was no evidence of bats roosting.
- Following a question in relation to the management of refuse bins, the Committee was advised that the proposals included the provision of bin stores directly accessible from the street with gates opening inwards from the highway, as required under the 1980 Highways Act. The refuse plan was not felt to be detrimental to existing residents.
- The Committee required further clarity regarding the site's relationship with the adjoining Barn Hill Conservation Area, defined as a designated heritage asset. Officers advised that in line with National Planning Policy Framework (NPPF) the impact of the proposed development on the significance of the conservation area as a designated heritage asset had been considered in the application. Due to the close proximity of the site to the Barn Hill Conservation Area and Fryent Park, a heritage statement had been submitted to assess and identify if there was any harm with the Council's heritage officer having concluded that any minor perceived harm was mitigated by the public benefits that resulted from the scheme's delivery of five affordable homes.

As there were no further questions from members and having established that all members had followed the discussions, the Chair asked members to vote on the recommendations.

### DECISION:

Granted planning permission subject to the conditions and informatives as set out in the Committee report and supplementary report and an additional condition requiring the submission and approval of details demonstrating the evaluation of the feasibility of the provision of echelon (angled) parking on the southern side of the access road to increase parking capacity and the implementation of those spaces and any associated work, if feasible.

(Voting on the decision was as follows: For 6, Against 1 and Abstentions 1)

### 7. **23/0841 – 1 Hillside, Kingsbury, NW9 0NE**

#### PROPOSAL

Retrospective application for retention of single storey rear extension with patio and hip to gable roof extension with rear dormer and three front rooflights to the existing dwellinghouse including proposed construction of new two storey dwellinghouse adjacent to 1 Hillside with rear dormer and juliet balcony roof extensions, new front rooflights, subdivision of rear garden, front boundary treatment, relocation and

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extension to vehicle crossover for off-street car parking spaces, associated landscaping, cycle and refuse storage.

### RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:

- (1) That the Head of Planning being delegated authority to issue the planning permission and impose conditions an informatives as detailed in the report.

Jasmin Tailor, Planning Officer, North Area Planning Team, introduced the report and set out the key issues. In introducing the report members were advised that the application site related to a two storey semi-detached dwellinghouse, located on the western side of Hillside, Kingsbury. The existing dwellinghouse was located in a residential area and was currently undergoing building works to include a single storey rear extension and other roof extensions and alterations. The application site also included land to the north which was within the ownership of the applicant but outside the curtilage of the existing dwellinghouse.

The Chair thanked Jasmin Tailor for introducing the report, as there were no questions from the Committee at this stage, the Chair proceeded to invite the first speaker on the item Christine Kingham (objector) to address the Committee (online) in relation to the application.

The following key points were highlighted:

- Local residents strongly objected to the proposed new build.
- The Public Transport Accessibility Level (PTAL) for this location did not align with the appropriate standards for new builds. As an area with a PTAL rating of 2, it was not a priority area for targeting new housing.
- As outlined in UK planning laws, adherence to PTAL requirements was crucial to ensuring sustainable and accessible developments. The proposed project, falling short in this regard, raised concerns about the potential strain on transportation, infrastructure and accessibility with housing developments in Hillside previously refused on this basis.
- Existing car parking issues would be exacerbated by the addition of a further household.
- The proposal to create a terrace row of houses contradicted the existing neighbourhood structure, which primarily consists of semi-detached houses. This terracing effect would disrupt the harmonious architectural layout and character of the community.
- Queries were raised in relation to the boundary lines of the proposed development.
- Urban Greening had not been considered in the report, nor had the applicant submitted information to comply with policy D12A for fire safety, therefore posing a risk.
- On the basis of the concerns raised, Ms Kingham urged the Committee to reject the application.

The Chair thanked Christine Kingham for addressing the Committee and asked the Committee if they had any questions or clarifying points to raise, the Committee

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raised queries in relation to the perceived strain on local transport, the style of housing and the boundary issues raised with the following responses provided:

- Following the Committee querying the impact that one additional household would have in terms of adding pressure to local transportation, the Committee was advised that this had been recognised as a concern in previous applications which had resulted in another development of this type in Hillside being refused planning permission.
- It was clarified that the proposed development would impact on the character of the area, as it would create a terrace, which was not in context with the current street scene.
- In response to a Committee query in relation to the boundary issue raised, the Committee was advised that despite planning officers having assessed the concern raised residents were not satisfied that the matter had been resolved.

As there were no further questions at this stage, the Chair invited the final speaker on the item, Ray Reilly (agent) to address the Committee (in person) in relation to the application.

The following key points were highlighted:

- The application would provide a good quality four bedroom family home in a residential area, it had been designed to fit in within the general character and appearance of the houses on the street including the existing house immediately adjacent.
- It would provide a very good standard of living accommodation with one car space max at the front as requested by highways, two sections of garden to the rear and the side totalling 80sqm, compliant with Council policy.
- There would be no direct impacts on neighbours including future occupants of the original house itself.
- The scheme complied with the 35% reduction in emissions required by building regulations.
- An Urban Greening Factor (UGF) of 0.4 could be achieved with a combination of permeable paving, planting, grassed areas and green roofs.
- Concerns in relation to the boundary had been addressed by the applicant who had legally checked the position and arranged for topographers to plot the correct boundary line on the site to show the correct location of the boundary fence. This was corrected as demonstrated by the red line boundary on the site plan.
- On the basis of the benefits the development would provide, Mr Reilly urged the Committee to approve the application.

The Chair thanked Mr Reilly for addressing the Committee and advised that the details of how the UGF would be achieved would need to be submitted in line with conditions.

In response to a Committee queried as to why an application of this size and nature was being considered at Planning Committee, it was clarified that the application had needed to be referred as it met the threshold in terms of the number of objections received.

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As there were no questions for officers and having established that all members had followed the discussions, the Chair asked members to vote on the recommendations.

**DECISION:**

Granted planning permission subject to the conditions and informatives as set out in the Committee report.

(Voting on the decision was unanimous).

### **8. Any Other Urgent Business**

None.

The meeting closed at 9:36pm

COUNCILLOR KELCHER  
Chair