



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Wednesday 8 May 2024 at 6.00 pm

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

1. Apologies for Absence and Clarification of Alternative Members

None received.

2. Declarations of interests

Councillor Akram declared a personal interest in relation to Agenda Item 4 (22/3346 – 2-8 Sevenex Parade & 2A London Road, Wembley HA9), stating that as one of the councillors representing Wembley Hill ward he had been contacted by local residents regarding the application but had not engaged directly with them and had not yet come to a decision regarding the application and thus was attending the Committee with an open mind.

3. Minutes of the previous meeting

RESOLVED that the minutes of the previous meetings held on Wednesday 13 March 2024 be approved as a correct record of the meeting.

4. 22/3346 - 2-8 Sevenex Parade & 2A London Road, Wembley, HA9.

PROPOSAL

Demolition of existing buildings and erection of a six and part seven-storey building with basement level comprising residential flats (Use Class C3), ground floor commercial unit (Use Class E), associated communal space, landscaping and cycle and refuse storage.

RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:

- i) The prior completion of a legal agreement to secure the planning obligations detailed in the Committee report.
- ii) The Head of Planning being delegated authority to negotiate the legal agreement detailed in the Committee report.
- iii) The Head of Planning being delegated authority to issue the planning permission and impose the conditions and informatives detailed in the Committee report.

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- iv) 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 being reached by the committee.
- v) The Head of Planning being delegated authority to refuse planning permission 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.

Nicola Blake, Principal Planning Officer, introduced the report and set out the proposal. Members were advised that the site was located within the boundaries of Wembley Town Centre and had been classified as a Secondary Shopping Frontage within the Wembley Growth Area.

The Chair thanked Nicola Blake for introducing the report and subsequently invited Mr Paul Brailsford (who had registered to speak as the Applicants Agent) to address the Committee.

The following key points were highlighted:

- Speaking on behalf of Daejan Investments Ltd (as part of the Freshwater Group of companies) he advised that the application represented the culmination of five years work between the applicant, officers and other consultees.
- The site was located within the Wembley Growth Area and was currently occupied by a predominantly single storey flat roofed building containing 8 small commercial units of which five were currently vacant and the leases on the remaining three were due to expire in December. As such the location was considered to be a significantly underused urban site in a highly sustainable location presenting a good opportunity for redevelopment.
- The site was also located within the Tall Building Zone bordered by numerous multi storey developments with the proposals height at seven storeys therefore felt to be acceptable in respect of the character of the wider surrounding area. In order to deal with level changes across the site the proposal involved two blocks, one at six storeys and the other at seven with recessed top floors and the building arranged in a "U" form around a communal courtyard garden with additional private amenity space also provided at fifth and sixth floor roof levels.
- As a result of the proposed landscaping the site had achieved an urban greening score of 0.3 and had also provided a biodiversity net gain.

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- The shape and mass of the building had evolved with reference to BRE guidelines in order to ensure that levels of daylight and sunlight within the new blocks were appropriate and the impact on neighbouring properties was minimised to ensure they were acceptable in the surrounding urban context.
- The scheme had been designed to provide 41 residential units (including 12 three-bedroom family units) which would all met the required national space standards. Three of the proposed residential units would comply with Building Regulations Part M4(3) and the rest with M4(2).
- Whilst a detailed financial viability assessment had concluded that the scheme could not deliver any affordable housing a late-stage review mechanism was due to be secured through the legal agreement in order to capture any off-site contributions in the event viability improved during the construction phase.
- In summing up, it was felt the proposal would result in the redevelopment of an underutilised site located in a highly sustainable location that had been designed to optimise housing delivery and with no outstanding technical objections it as hoped the Committee would resolve to grant planning permission in line with the recommendations in the officer's report.

The Chair thanked Mr Brailsford for addressing the Committee and invited members to ask any questions they had in relation to the information presented. Questions were raised in relation to the viability options considered, lack of affordable housing, internal and external daylight assessment and impact of the building on surrounding properties and existing commercial use on the site.

The following responses were provided:

- In response to a query regarding alternative options considered in relation to design of the proposal that may have improved viability and provided opportunities to include an element of affordable housing, such as the possibility of extending the height of the development, Mr Brailsford felt it important to recognise the constrained nature of the site and considerable effort already made to optimise design of the scheme in terms of the available building envelope and associated daylight/sunlight impact. Whilst seeking to provide the maximum development opportunity, including the provision of amenity space, there had been a need to balance the impact in terms of daylight/sunlight across the site and on adjacent properties against the overall scale, design and massing of the proposed scheme which had resulted in the assessment (supported he highlighted by officers) that an increase in height would not be appropriate given the overall build envelope.
- In terms of the existing commercial use of the site, confirmation was provided that the existing three commercial tenants within the current site had been contacted to discuss the availability and provision of space within the proposed new development but currently no expressions of interest had been received in terms of the potential offer.

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- In response to the concerns highlighted in relation to the lack of affordable housing within the development scheme, noting the proposed uplift in number of residential units by three since the application had originally been submitted, confirmation was provided that whilst delivering a marginal improvement these additional units had not been assessed as impacting on the overall viability appraisal for the scheme in relation to the threshold for delivery of affordable housing on site. A reminder was provided, that the viability assessment had been undertaken using independent advisors appointed by the Council with a late-stage review mechanism also to be secured that would ensure any off-site contributions towards affordable housing could be captured in the event viability was to improve.
- In response to further details sought on the removal of car parking provision at basement level within the proposed development members were advised this reflected current parking standards and the desire for the development to be car free.
- Returning to explore the issue of a potential increase in the height of the proposed development, members were reminded this had not been assessed as appropriate given the overall build envelope for the development and potential impact on the light environment both for units internally and for adjacent properties.
- In response to a query on the potential use of contributions relating to the late-stage review mechanism process and this being used to acquire units on site as a means of securing affordable housing provision, members were advised that this would involve the provision of a financial contribution which could then be used as required to secure the provision of additional housing units elsewhere within the borough, including through the use of Registered Providers. Whilst recognising the process, members felt this highlighted the ongoing difficulties faced by the Council in being able to secure additional units of affordable housing, given the current pressures on viability impacting on housing development schemes across the borough as a whole.
- In addressing the issue of the internal daylight/sunlight assessment and potential for this to be improved if the height of the building was to be extended members were again advised of the balance needing to be achieved in relation to minimising the impact of the scale, height and mass of the development so that it was not overbearing on adjacent properties. It was also pointed out that increasing the height of the development would also be likely to have minimal impact on the current internal daylight/sunlight assessment, especially when taking account of the overall design of the units and also benefits arising from the provision of private external amenity space with the current proposal therefore assessed as being acceptable in relation to levels of daylight and sunlight.
- As a final issue, responding to a query on the impact of light on adjacent properties arising from the development members attention was drawn to the

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assessment of the relationship between the proposed development and neighbouring properties included within the officer's report. This had included an assessment in relation to privacy and daylight/sunlight impact and had concluded that whilst not all would achieve the BRE compliance rate the results were considered to be acceptable given the urban context of the proposal, its location within the Wembley Growth Area and Tall Building Zone current levels of lighting and overall benefits of the development in relation to the provision of new commercial floorspace and residential homes (including family sized dwellings).

The Chair thanked Mr Brailsford for responding to the Committee's queries and then moved on to offer the Committee the opportunity to ask the officers any remaining questions or points of clarity in relation to the application. Members raised initial queries relating to affordable housing, the impact on internal daylight within the development, and on external daylight and sunlight. Having asked officers to elaborate on the proposal, especially in relation to policy compliance, additional details were also sought in relation to parking and transport, air quality, commercial impact, environmental and urban greening factor compliance and ownership of the development site.

The following responses were provided:

- On the issue of viability and affordable housing assurance was provided that the application had been assessed as compliant with policies H4, H5 and H6 of the London Plan and also policy BH5 within Brent's Local Plan. In outlining the policy requirements relating to the percentage of affordable housing to be delivered members were advised that the overall target was set at a strategic level rather than on an individual scheme basis. In terms of the policy requirements for individual schemes, where these did not meet the requirements the application would need to follow the Viability Tested Route, which it was confirmed had been undertaken for the application under consideration given it had not been possible to meet the required 35% threshold for affordable housing within the London and Brent Local Plan.
- In clarifying the Financial Viability Appraisal (FVA) process, confirmation was provided that the viability evidence provided was assessed on the basis of independent professional valuation advice. The original FVA submitted for the 38 units had (following challenge by the independent consultants) concluded that the scheme would generate a deficit of £2.13m. Following the revisions to the application and increase in number of units to 41 an updated FVA had been submitted. Once again, following challenge by the Council's independent consultants, the conclusion was that whilst more favourable the scheme was still projected to generate a deficit of £1.88m meaning the scheme had been assessed as not being able to reasonably deliver any affordable housing. In line with Policy, however, both an early and late-stage review mechanism were due to be secured within the Section 106 Agreement in order to capture any of site contributions towards affordable housing, in the event viability was to improve. On this basis the application had been assessed to be policy compliant.

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- In recognising the constrained size of the envelope for development of the site, wider context of the surrounding area and that the housing mix (in relation to number of family sized dwellings included) was policy compliant under Policy BH6 the application had been felt to achieve optimal use of the site.
- In relation to the height of the building, officers confirmed that the proposal was felt to be well designed in terms of the wider urban context of other buildings within the vicinity of the site. In terms of height and massing, whilst options to extend the height of the building had been considered the proposal in its current form was considered to be appropriate for the site, limiting the potential impact on neighbouring properties by satisfying the principles of SPD1 design guide.
- In terms of seeking to maximise potential development opportunities available through individual proposals at pre application stage, officers advised that whilst seeking to secure the maximum benefit in terms of each site these would also need to be balanced against the potential impact in terms of the surrounding area and planning policy context which were matters that would then need to be assessed by the Committee in seeking to reach any decision of specific applications.
- Moving on to consider the internal daylight/sunlight assessment officers outlined the tests used to calculate acceptable levels of internal and external day and sunlight based on targets within BRE guidance. Based on the rooms tested, confirmation was provided that an overall compliance rate of 66% in relation to the relevant assessment criteria had been achieved. Members were, however, advised that the rooms which had fallen short were either Living Kitchen Dining (LKD) rooms or bedrooms with it pointed out that LKDs often tended to be deeper within residential units in order to provide adequate and usable layouts. In order to offset this, the use of artificial task lighting was used and taking account of these factors a reduced alternative daylight target was available, which if applied to the LKDs would increase the overall compliance rate to 71%. In terms of bedrooms 7 out of the 12 tested achieved results of 43-49% against the 50% target, which members were advised was felt to represent a minor loss given the primary uses of these rooms.
- Taking account of London Plan policy D6, in seeking to maximise internal space standards balanced against the provision of single aspect units, members were also advised of the need to take into account the impact of the provision of balconies as an additional contributing factor to the daylight assessment with the compliance rate increasing to 91% without their presence. Officers were, however, of the view that the positive aspect of providing private external amenity space within the development was a significant benefit and therefore considered to outweigh the harm in terms of internal daylight levels. Following concerns expressed at the meeting regarding the potential impact of internal daylight on family and disabled

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residential units, officers advised (having referred to drawings presented at the meeting) that the spread of units affected was not based on tenure type and included a mixed spread of units across the development. The access being provided to a variety of amenity spaces throughout the site was also highlighted, with a majority of these meeting BRE guidance levels of sunlight and the levels of daylight and sunlight received by the new homes and amenity spaces within the development therefore considered to be appropriate for a scheme of the density presented and recognising the standard of residential accommodation proposed, in line with the objectives of London Plan policy D6.

- In terms of daylight & sunlight impact on neighbouring properties, officers advised that the scheme had been assessed as achieving high compliance against the standard measures included within the BRE guidelines. In terms of the Vertical Sky Component this had achieved a compliance rate of 95% with the No Sky Line daylight distribution assessment being 97% compliance and sunlight distribution assessment (Annual Probable Sunlight Hours) being 98% compliance. Whilst the results of the overshadowing to gardens and open spaces test had shown three neighbouring amenity spaces to not meet BRE requirements, members were advised that these spaces were located on the lower ground floor which had been compromised prior to proposed redevelopment of the site. Whilst recognising that some windows had not achieved BRE compliance (mainly located within 447 High Road) it was felt that the scheme provided a high level of compliance overall with the results considered to be acceptable given the urban context of the proposal (including current low scale of the existing buildings) and its location within the Wembley Growth Area, a town centre and Tall Building Zone with the overall benefits of the development (including new commercial floorspace and resident homes once again felt to outweigh the limited harm identified.
- In terms of the impact of the proposed development on existing commercial floorspace, officers acknowledged that the total commercial floorspace provision would be less than currently exists, with Policy BE4 (active commercial frontages, puts a positive emphasis on mixes of frontages in the area) and BH2 (Town centres with existing commercial floor space should make sure the same level of commercial space is provided) applying in this respect. In noting the constrained location of the workshop at the rear of the site, members were advised that although provision would not be on a like for like basis, the application had provided a commercial unit on the ground floor that would face onto London Road as an active frontage allocated for commercial uses within Use Class E. Overall, the proposed development was therefore felt to provide an acceptable town centre use on the ground floor of the building within the designated secondary shopping frontage complimented by the residential units within the building and town centre location. On this basis officers advised the overall benefits of the scheme had therefore been considered to outweigh the impact of not fully re-providing the existing commercial floorspace. Whilst recognising that the size of proposed development would fall under the minimum policy requirement to secure apprenticeship placements as part of any development

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scheme members nevertheless remained keen to encourage engagement with Brent Starts.

- In response to queries raised in relation to the owner and developer of the site members were advised that these issues were not matters that could be classified as valid or material planning considerations and therefore taken into account when assessing the application. Confirmation was, however, provided that completion of any S106 legal agreement in relation to the development (should consent be granted) would include a process of due diligence around site ownership, including reference to Land Registry checks.
- Alongside concerns which had been noted in relation to the reprovision of commercial floorspace, lack of affordable housing and internal daylight and sunlight assessment further details were also sought on the position regarding the urban greening factor (UGF), given the shortfall in minimum score identified as required for a scheme of the size presented. In response, members were advised that whilst a shortfall had been identified the proposed scheme would significantly improve the UGF compared to the existing situation with the site currently only consisting of buildings and hard surfacing. Details to maximise the UGF score within the site were also recommended to be conditioned as part of any consent with members keen to ensure the maximum contribution was achieved. As part of the sustainability and environmental improvements being sought reference was also made to improvements it was felt could be made in the external boundary features.
- Given reference made to the flood risk and drainage assessment, officers confirmed the inclusion of a recommended condition within any consent in relation to the securing of sustainable drainage measures and drainage maintenance plan.
- In terms of Air Quality, members were advised that this had been assessed as Air Quality Neutral taking account of dust and vehicle emissions during construction, building emissions and proposed heating system. Whilst required to be air quality positive rather than neutral officers advised that as a result of a change in the car free nature of the development along with the inclusion of Air Source Heat Pumps (alongside the Construction Management Plan) it was considered that reasonable measure had now been incorporated to mitigate any potential air quality impact.
- As a final issue covered, officer addressed issues relating to highways and transportation with it confirmed that the site fell within an area with a high PTAL rating and the development having been revised to a car free scheme including securing the removal of rights for any future residents to on-street parking permits. Given the lack of reference to the provision of e-cycle charging points within the proposals relating to cycle parking Members advised they would also be keen to ensure these safety concerns were addressed through the relevant condition as part of any consent.

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As there were no further questions from members the Chair then moved on to the vote.

DECISION

RESOLVED to grant planning permission subject to.

- (1) the completion of a legal agreement to secure the obligations and the conditions (as amended below) and informatives set out in the Committee report; and
- (2) the amendment of Condition 18 (hard and soft landscaping) to maximise opportunities to increase UGF to 0.4 in line with policy BH4 and condition 19 (cycle parking) to look at options for provision of e-cycle points.

(Voting on the above decision was as follows: For 5 and Against 3)

5. Any Other Urgent Business

None.

The meeting closed at 7.50pm
COUNCILLOR KELCHER
Chair