



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 16 October 2019 at 6.00 pm

PRESENT: Councillors Denselow (Chair), S Butt, Hylton, Kabir (substitute for Councillor Mahmood), Kansagra (substitute for Councillor Maurice) and Sangani

Apologies for absence were received from Councillors Johnson, Chappell, Mahmood and Maurice

1. **Declarations of interests**

Queens Park Community School, Aylestone Avenue (19/1477)

Councillor Kabir declared that she was a former member of the Avenue School Trust (applicant). She therefore left the meeting room when the application was being considered and took no part in the discussion or voting in the application.

Approaches

Argenta House, Argenta Way NW10 (18/4847)

All Members received a brochure from the applicant.

Queens Park Community School, Aylestone Avenue (19/1477)

All Members received a correspondence from the applicant.

2. **Minutes of the previous meeting - 11 September 2019**

RESOLVED:

that the minutes of the previous meeting held on 11 September 2019 be approved as an accurate record of the meeting.

3. **381A-D INC, 381-397 INC and 13-20 Park Parade Mansion, Edgware Road, Kingsbury, London, NW9 (Ref. 17/2284)**

PROPOSAL: Demolition of existing buildings and redevelopment of the site to provide a replacement part 4 part 5 and part 18 storey building comprising 563m² of retail uses (Class A1, A2 A3), and 110 residential units (56 x 1bed, 30 x 2bed and 24 x 3bed) with associated car parking, cycle storage, plant and shared external amenity space at first and fifth floor level with other ancillary works.

RECOMMENDATION: To GRANT planning permission subject to:

A. Any direction by the London Mayor pursuant to the Mayor of London Order

B. Any direction by the Secretary of State pursuant to the Consultation Direction

C. The prior completion of a legal agreement to secure the planning obligations set out within the Committee reports.

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

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

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

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

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.

Ms Victoria McDonagh (Development Management Team Leader) introduced the report and answered Members' questions. Members heard that the re-development of the site accorded with its designation within the Colindale/Burnt Oak Opportunity Area, and although no affordable workspace would be provided, the re-provision of commercial floorspace at ground floor level would provide active frontage to both Edgware Road and Grove Park. She added that the scheme would deliver affordable housing of 8 intermediate (shared ownership) units, which although would be below both Brent and London Plan policy targets, had been demonstrated by a financial viability appraisal to be beyond the maximum amount of affordable housing which can viably be provided on site. The design, layout and height was considered to be in keeping with the heights of buildings in the surrounding area, with reduced height and scale nearest to the Beis Yaakov School to the south-east, which was locally listed. Ms McDonagh continued that the quality of the resulting residential accommodation proposed would be of sufficiently high quality, meeting the particular needs and requirements of future occupiers. Clarification was provided on the level of external amenity space provided which would be below policy levels, but a good standard of accommodation was considered to be provided. The size mix of intermediate units was also clarified as this was incorrectly specified in part of the main report. She also clarified that there were further on-going discussions with the GLA on sustainability issues relating to the scheme.

Mrs Jan Donovan (agent) stated that the scheme which had been amended following consultation feedback was supported by the GLA. She referenced the intermediate housing units and added that it had been demonstrated by a financial viability appraisal to be the maximum amount of affordable housing which can

viably be provided on site. She clarified that parking space provision had been reduced due to the high PTAL rating (4) of the area. Mrs Donovan continued that the scheme had been rigorously tested for air quality, daylight and sunlight with no impact on the nearby school.

In response to Members' questions Ms McDonagh explained that the basement car parking provision was removed from the scheme in order to reduce construction costs and increase viability to allow for the potential for affordable housing to be provided. She added that there would be no opportunity to convert the bicycle spaces to car parking spaces for future occupiers of the building. She also explained the extent of consultation which she added exceeded the boundaries. Members heard that Roe Green Residents' Association was not within the consultation zone for the scheme. the resulting responses received.

The Chair remarked that the design and size of the proposal fitted into the site which was characterised by properties with similar height and density. Members took note that the scheme would now provide 8 intermediate housing units, with state 2 referral to the Mayor of London and late stage reviews

DECISION: Granted planning permission as recommended.
(Voting on the recommendation was as follows: For 5; Against 0, Abstention 2)

4. Argenta House, Argenta Way, London, NW10 0AZ (Ref. 18/4847)

PROPOSAL: Demolition of the existing two storey building (Use class B1) and redevelopment to provide a 24-storey building comprising 130 residential dwellings (37 x 1bed, 75 x 2bed and 18 x 3bed) with associated car and cycle parking, provision for bin stores, landscaping and ancillary works (revised description)

RECOMMENDATION: To GRANT planning permission subject to:
Referral to the Mayor of London (stage 2 referral)
The prior completion of a legal agreement to secure the planning obligations set out within the Committee reports.

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

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

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

That, if by the “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 be granted delegated authority to refuse planning permission.

Ms Victoria McDonagh (Development Management Team Leader) introduced the report and answered Members’ questions. She informed Members that the proposal which would replace a poor quality commercial plot with a modern high density development would complement the scale of the neighbouring Wembley Point building. With acceptable layout, height, design, massing and protected views the proposal would deliver 27% affordable housing with early and late stage viability reviews which would be secured by S106 legal agreement. Clarification was provided regarding the amount of external amenity space which would be below policy levels, but a good standard of accommodation was considered to be provided. The access arrangements to the brook side garden were also discussed.

Mr Anthony Sturgess an objector enquired as to whether the proposal was up to date the new regulations regarding cladding and fire. He added that as parking in the area was mainly drop off and pick up, there was no need to introduce controlled parking restrictions.

Messrs Nick Francis, David Roach and David Bennett (architect, planning agent and applicant) addressed the Committee and answered Members’ questions. Members heard that the proposal would deliver landmark homes and provide a transformative change to the area. Mr Francis outlined the key benefits of the scheme including environmental benefits, delivery of new homes which complied with GLA requirements including play space and shared amenities and 27% affordable housing with early and late stage reviews. He added that key agencies including Environment Agency and Transport for London were engaged in the consultation. In response to the objector’s enquiry, Mr Francis stated that a Cladding Consultant had advised on the use of non-combustible material to ensure that the scheme complied with up to date fire regulations.

During question time, members raised issues relating to affordable housing, design of the project for the disabled, height of the scheme and parking in the area.

The agents responded that the affordable housing level far exceeded the level required by the Council’s independent viability assessment. It was added that the proposal would have a 24hour concierge system and that while full access to the brook side area could not be provided due to levels within the site, platform for access parts of this area were incorporated into the design. In respect of the height, Members were informed that the scheme would be similar if not lower in height than some other future developments within the area. It was added that the parking configuration was limited by the constraints of the site and whilst there were no proposals to dramatically alter the road scheme, the location was well suited to a car free development due to the site’s high PTAL rating and the encouragement for use of car clubs on site. The applicant’s transport consultant

outlined measures to improve the existing roundabout to ensure adequate turning room for vehicles.

Officers added that there were on-going discussions with TfL on contribution towards transport improvements and in addition, tools were available to respond to future demands. It was also added that the proposed development accorded with relevant planning policies and the NPPF.

In welcoming the application, Members took note that the proposal would give rise to parking issues particularly on Wembley event days. With that in view, they added a further condition to restrict parking permit and remove the rights for occupants within the development to not be entitled to parking permits within the existing Wembley Stadium Event Day CPZ and any future all year CPZ

DECISION: Granted planning permission as recommended with reference in the parking permit restriction clause to remove the rights for occupants within the development to not be entitled to parking permits within the existing Wembley Stadium Event Day CPZ and any future all year CPZ.

(Voting on the decision was unanimous).

5. Empire House, Empire Way, Wembley, HA9 0EW (Ref. 19/1973)

PROPOSAL: Erection of two additional storeys to create 9 residential flats (1 x 1-bed, 6 x 2-bed, 2 x 3-bed) including roof garden, conversion of parking undercroft for refuse, bicycle storage and 1 disabled car parking bay and external refurbishment of the existing building (revised description).

RECOMMENDATION: To grant planning permission subject to conditions.

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

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

Ms Victoria McDonagh (Development Management Team Leader) introduced the report and answered Members' questions. Having set out the description of the site and the proposal, she informed Members that since the publication of the Committee report, the total number of objectors had dropped to 7 and under the constitution, the application could have been decided under delegated authority by the Head of Planning. She referenced the supplementary report and drew Members' attention to an additional condition recommended by Environmental Health in relation to sound insulation between the office and residential floors.

Ms Ashley Whyte in objection, stated that the proposal would result in result in unprecedented density, overshadowing, loss of privacy to the neighbouring residents and out of character with the suburban context of the area. Cumulatively, the scheme would contravene the objectives of the Wembley Action Plan (WAP). She referred to an illegal structure on the site and problems with right of way to the to the shared servicing areas and rear of the site and other properties using this access. Mr Kevin Leahy, speaking in a similar vein, added that issues regarding right of way and the resulting obstruction to delivery vehicles to the site would be made worse by the proposed development.

Mr Tom Horne (agent) stated that the proposed development had been revised and carefully designed to minimise impact and deliver 9 quality homes in an accessible site. He disagreed with the objectors' allegation that the scheme would result in overlooking and loss of privacy.

In responding to issues raised, Ms McDonagh informed Members that the proposed extension at third and fourth floor levels would maintain a distance of over 18m to the rear habitable room windows in 120 to 126 Wembley Park Drive. She continued that the separation distance of the roof terrace to the third and fourth floor flats that face out onto Wembley Park Drive would maintain a distance in part of 8.5m and whilst this was marginally short of the 9m separation distance set out in SPD1 by 0.5m, such a marginal shortfall was not considered sufficient to compromise the ability of the adjoining site to come forward for redevelopment. It was considered that the proposal had addressed the previous reason for refusal, and thus would maintain adequate levels of privacy for existing residents. Ms McDonagh clarified that issues relating to the service road and the illegal structure were outside the remit of the Committee. She added that the location of the bin store was considered acceptable by the Highways Team.

In welcoming the report, Members agreed the additional condition recommended by the Environmental Health on insulation as set out in the supplementary report.

DECISION: Granted planning permission as recommended and a further condition in relation to sound insulation between the office floors and the proposed residential floors.

(Voting was recorded as follows: For 6; Against 0; Abstention 1).

6. 39A-B, 41, 43-47 Dudden Hill Lane & car park Villiers Road R/O 43-47, London, NW10 (Ref. 19/1095)

PROPOSAL: Demolition of existing buildings and erection of a part 4 storey, part 5 storey building with Learie Constantine community centre (Use Class D1) on ground floor and 26 self-contained flats above (12 x 1 Bed, 7 x 2 Bed and 7 x 3 bed), provision for balcony amenity, and associated landscaping.

RECOMMENDATION: To grant planning permission subject to conditions.

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

That the Head of Planning be granted delegated authority to make changes to the wording of the Committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

Ms Sarah Dilley (Planning Officer) introduced the report and answered Members' questions. Members heard that the community had been engaged in the design of the proposed development. She clarified that the 25 of the 26 homes provided would be provided for social rent and that the ground floor home would not be affordable. She added that interim measures would be put in place for current users during construction.

DECISION: Granted planning permission as recommended.
(Voting on the recommendation was unanimous: For 7 Against 0).

7. Queens Park Community School, Aylestone Avenue, London, NW6 7BQ (Ref. 19/1477)

PROPOSAL: Erection of a temporary single storey classroom building to provide additional teaching facilities, addition of associated single storey staff room/admin office, storage container and canopy over playing area to include mesh fence enclosure, new tarmac footpath and associated cycle storage (DEPARTURE FROM POLICY CP18 OF BRENT'S LOCAL PLAN).

RECOMMENDATION: To grant planning permission subject to conditions.

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

That the Head of Planning be granted delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such change(s) could reasonably have led to a different decision having been reached by the Committee.

Mr Damian Manhertz (Development Management Team Leader) introduced the report and answered Members' questions. He drew Members' attention to the objections raised by the residents to the proposal, highlighting the objections

submitted by MRPP on behalf of some local residents and officers' responses to them as set out in the report. He then referenced the supplementary report which provided a further clarification of staffing numbers and added that the additional of 3-part time members of staff was not considered material as to impact on the residential amenities of nearby residents beyond the existing use.

Mr Manhertz also referenced the revised planning statement and added that the alterations within the statement were rather minor. He clarified that the Planning Statement had amendments to confirm that the building would not be hired out to other users outside of the hours of use stated in the planning statement, clarifying that one part of the committee report incorrectly specified that it would not be hired out. He explained that the proposal had been tested with the requirements of NPPF and Brent Policy CP18. He set out that there was some impact on openness, but that when balancing the impacts and benefits of the scheme, officers considered that the need for SEN places and associated provision within this scheme far outweighed the potential harm to the open space. He also highlighted that the school appears to be located within a sensible location within the playing field, and the response from Sport England highlights the usability of this space and lower impact. He continued that the Council's Environmental Health officers had considered the proposal and had advised that they did not consider that a noise impact assessment was required as the proposal was not expected to give rise to undue levels of noise impact. He referenced the operational hours as submitted by the school (pupils attending from 8:50 am to 3:20 pm, with the school buildings open 7:30 am to 6 pm Monday to Friday and 8:30 am to 2 pm on Saturdays.) and recommended an additional condition restricting the use and operational hours. The presentation of this application was concluded by Mr Manhertz confirming that the application was recommended to be granted and it is considered that any harm of the temporary building and use would be outweighed by the benefits of the scheme.

Mr Alex Norman (objector) considered that the proposal would be detrimental to the enjoyment of his residential amenities. He added that the proposal would be intrusive particularly in the summer months and without any buffer, the playground noise would be rather distressing to nearby residents. Mr Norman explained that the noise created by the proposal and existing use is different to general playground noise and that it would be more intrusive. Mr Norman added that the school had not engaged with the residents to discuss their legitimate concerns including noise impact and detriment to residential amenity and urged refusal.

Mr Miles Young, objecting on behalf of some residents, alleged that the proposal breached policy CP18 and the NPPF. Mr Young referred to his paper previously circulated to all members which highlighted concerns on noise. He expressed a view that the noise impact of the proposal including mitigation measures had not been fully explored. He urged Members to either refuse the application or defer it for further investigations.

Mrs Jayne Jardin (applicant) clarified that the proposal was for a temporary use until 2021 when the new build would be ready. It would be a primary school setting with non-verbal SEN pupils and that there was no intention to increase the pupil numbers at the school beyond that specified within the application. It was

explained how the building would allow more internal sessions and explained some of the characteristics of the pupils that would be attending the school, including pupils that are not able to speak and communicate. She confirmed that the building would not be used in the evenings and weekends. In response to members' questions, Mrs Jardin stated that the school consulted with local residents. She added that in the absence of the temporary buildings, the SEN pupils would need to send to schools outside of the borough.

In the ensuing discussion, Members sought legal advice on the issues raised by the objectors to which Ms Saira Tamboo (Senior Planning Lawyer) responded that the consideration of the application was legally sound. Mr Manhertz also clarified that the location, part of an open space within the school, would be appropriately sited and that the level of potential noise would not be unduly harmful to the neighbours. In response to members, he added that any change the location [to reduce the impact on the open space] would be likely to push the temporary structure closer to the residents. Mr Manhertz continued that noise assessment was neither required nor justifiable and reiterated the operational hours of use. Members also heard that Sport England raised no objection to the proposal.

DECISION: Granted planning permission as recommended subject to the addition of a condition restricting the use and operational hours of the development approved.

(Voting on the amended recommendation was as follows: For 5, Against 1; Abstention 1).

Councillor Kabir, having declared an interest in the application left the meeting room and did not take part in the discussion or voting on the application.

8. Any Other Urgent Business

None.

The meeting closed at 8.50 pm

COUNCILLOR J. DENSELOW
Chair