



Supplementary Planning Committee

Wednesday 10 March 2021 at 4.00 pm

This will be held as an online virtual meeting

Details on how to access the link in order to view proceedings will be made available online via the following link: [Democracy in Brent](#)

Membership:

Members

Councillors:

Kelcher (Chair)
Johnson (Vice-Chair)
S Butt
Chappell
Dixon
Kennelly
Maurice
J Mitchell Murray

Substitute Members

Councillors:

Ahmed, Dar, Ethapemi, Kabir, Lo, Sangani and
Shahzad

Councillors
Colwill and Kansagra

For further information contact: Joe Kwateng, Governance Officer
joe.kwateng@brent.gov.uk; 020 8937 1354

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:
democracy.brent.gov.uk

Members' virtual briefing will take place at 12.00 noon.

The press and public are welcome to attend this as an on online virtual meeting. The link to attend and view proceedings will be made available online via the following link: [Democracy in Brent](#).

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences**- Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party or trade union).

(b) The interests a of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM		WARD	PAGE
3.	20/2844 Olympic Way and land between Fulton Road and South Way including Green Car Park, Wembley Retail Park, 1-11 Rutherford Way, 20-28 Fulton Road, Land south of Fulton Road opp Stadium Retail Park, land opp Wembley Hilton, land opp London Design Outlet	Tokyngham	1 - 2
4.	20/1163 1 Burnt Oak Broadway, Edgware, HA8 5LD	Queensbury	3 - 6
5.	20/1164 1 Burnt Oak Broadway, Edgware, HA8 5LD	Queensbury	7 - 8
6.	20/3502 167 Preston Hill, Harrow HA3 9UY	Preston	9 - 12

Date of the next meeting: Monday 29 March 2021

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Agenda Item 3

Agenda Item 03

Supplementary Information

Planning Committee on 10 March, 2021 Case No.

20/2844

Location	Olympic Way and land between Fulton Road and South Way including Green Car Park, Wembley Retail Park, 1-11 Rutherford Way, 20-28 Fulton Road, Land south of Fulton Road opp Stadium Retail Park, land opp Wembley Hilton, land opp London Design Outlet
Description	Variation of conditions application (under Section 73 of the Town and Country Planning Act 1990) to vary parameter plans 04-13 and the listing of these replacement plans under revised conditions 4, 5, 15, 16 and 25 of hybrid planning permission reference 18/2214 (dated 17 August 2018) which varied parameter plans 04-12 and conditions 4, 5, 15, 16 and 25 to hybrid planning permission reference 17/0328 (dated 26 May 2017) which varied parameter plans 04-13 and conditions 4, 5, 15, 16 and 25 to hybrid planning permission reference 15/5550 (dated 23 December 2016) which comprises the demolition of existing buildings and redevelopment of the site to provide up to 420,000 sqm (gross external area) of mixed use floorspace. (See previous application record for full description of development). This application is accompanied by an Environmental Impact Assessment.

Agenda Page Number: 15 - 82

Additional representation received:

Following publication of the committee report and agenda, an additional representation was received from a resident, reiterating previous concerns raised regarding the need for Brent to ensure that sufficient sites are available for the school places that will be needed, particularly as part of major new developments such as those at Wembley Park. Further assessment was requested regarding a potential school site being reserved on the North East Lands.

This has been discussed in detail within the Consultations section of the committee report (page 26 - 27).

Having also received this representation, the Lead Member for Education, Business, Employment and Skills wrote to the resident providing reassurance that the Children and Young People's Department is appropriately engaged with Regeneration and Planning on these issues. He highlighted that the school place planning strategy projections are very clear on the sufficiency of primary school places across the borough as a whole in the years ahead. He further explained that Cabinet keeps the analysis of school place demand under annual review and is confident in the plans that are in place, which will ensure any need for additional places as part of the Wembley Park development is met.

Recommendation: Remains to Grant planning permission subject to conditions and informatives as set out in the report.

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Agenda Item 4

Agenda Item 04

Supplementary Information

Planning Committee on 10 March, 2021 Case No.

20/1163

Location	1 Burnt Oak Broadway, Edgware, HA8 5LD
Description	Partial demolition, restoration and extension of former bingo hall (Use Class D2) to create a part-7, part-8 storey building to provide co-working space and purpose-built shared living units (Use Class Sui Generis), café (Use Class A3) with ancillary facilities and associated shared amenity space, landscaping, cycle and disabled parking.

Agenda Page Numbers: 83-122

Amendments to main report

Within the 'proposal in detail' section on page 87 of the report, the first paragraph incorrectly refers to the range in studio floorspace figures and the number of wheelchair accessible rooms. This should read as follows:

"A total of 125 studio flats would be provided, ranging from 17 sqm to 35 sqm in size, and including 13 wheelchair accessible rooms."

The table under paragraph 84 of the report (pages 105-106) has also been updated to reflect the above figures in relation to the proposed scheme.

Within the 'summary of key issues' section on page 88 of the report, paragraph 8 on Highways and transportation should refer to a financial contribution of £63,000, rather than £100,000. This is also clarified in paragraph 91 of the main report.

Within the 'statutory consultees' response section on page 90 of the report, the issues raised by LB Barnet's objections are discussed in more detail within paras. 43-45 of the report.

Paragraph 24 of the report has been amended to read as follows (emphasis added):

*"24. Each unit would be of a good size and layout, **with the majority** measuring at least 25 sqm, with a number of them being larger in order to cater for wheelchair access (13 in total, adjacent to the lift cores on floors 1-5) and to provide a range of unit types. The units provide sufficient space for a fold up bed, sofa, desk, full depth wardrobe, overhead storage and en-suite bathroom, with a significant number also served by a full width private balcony. The development also proposes that two studios can be converted into a larger 50sqm unit, however this would be controlled through the section 106 agreement so that they could not become self-contained units in their own right."*

Paragraph 27 of the report has been amended to refer to Policy H16 of the London Plan (2021).

Paragraph 29 of the report has been amended to correct the amount of proposed café floorspace to 165 sqm.

Paragraphs 32-33 of the main report (page 98) read incorrectly due to a formatting error. For clarity, these paragraphs should read as follows:

"32. Policy H16 goes on to state that this contribution should:

- be equivalent to 35 per cent of the units (when not on public sector land or industrial land appropriate for residential uses), to be provided at a discount of 50 per cent of market rent.*
- All large-scale purpose-built shared living schemes will be subject to the Viability Tested Route set out in Policy H5 'Threshold approach to applications', however,*

developments which provide a contribution equal to 35 per cent of the units at a discount of 50 per cent of the market rent will not be subject to a Late Stage Viability Review.

33. *Essentially, the development is therefore subject to the same viability tests as a conventional Use Class C3 housing scheme in this regard. A Financial Viability Assessment (FVA) has been submitted with the application, and this concludes that the proposed development would generate a deficit of approximately £7.7m below the benchmark profit, and therefore the development could not viably provide any cash in lieu contribution to affordable housing elsewhere in the borough."*

Paragraph 47 of the report incorrectly refers to the submission of an Environmental Statement. The final sentence of this paragraph has been removed.

The final sentence of paragraph 58 of the report has been amended to refer to 'dwellings', rather than flats.

Paragraph 71 of the report has been corrected to refer to the '*rear gardens of properties to the west/south-west at Limesdale Gardens.*'

Conditions

Following review of the committee report, the following additional conditions are recommended to be attached to the draft planning permission:

'23. The development hereby approved shall contain 165 sqm of commercial use at ground floor which shall not be used other than for purposes within Use Class A1 or A3 (Class E(a) or E(c) from September 2020) unless other agreed in writing by the Local Planning Authority, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification).

Reason: In the interests of proper planning and to ensure the adequate provision of active frontage within this part of the Burnt Oak Town Centre.

24. Details of a scheme setting out the collection and storage of waste and recycled materials for a relevant building shall be submitted in writing to and for approval by the Local Planning Authority prior to first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

The scheme shall address:

1) Waste and recycling collection frequency, following liaison with Brent's Waste Management Team

2) The collection storage areas

The details shall be implemented as approved prior to the occupation of the development, and maintained thereafter.

Reason: to protect the amenity of the locality.

'25. Notwithstanding what is shown on the approved plans, the entrance doors along the Burnt Oak Broadway frontage must not open outwards over the highway.

Reason: In the interests of highway and pedestrian safety.'

Recommendation: Officers continue to recommend that permission is granted, subject to the legal agreement and amended conditions and informatives set out above and in the original committee report.

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Agenda Item 5

Agenda Item 05

Supplementary Information

Planning Committee on 10 March, 2021 Case No.

20/1164

Location	1 Burnt Oak Broadway, Edgware, HA8 5LD
Description	Listed building consent for partial demolition, restoration and extension of Grade II listed bingo hall (Use Class D2) to create a part-7, part-8 storey building to provide co-working space and purpose-built shared living units (Use Class Sui Generis), café (Use Class A3) with ancillary facilities and associated shared amenity space, landscaping, cycle and disabled parking.

Agenda Page Number: 123-142

Amendments to main report

Within the 'statutory consultees' section on page 129 of the report, LAMAS' comments have been amended to reflect the fact that the condition for archaeological mitigation works relates to the portion of the development site immediately west of the existing building, rather than to the western part of the site itself.

Conditions

Following review of the committee report, condition 5 of the draft listed building consent has been amended to read as follows:

"No works shall be undertaken until a structural report and analysis has been submitted in relation to the following elements of the proposed internal works:

- 1. Showing that the balcony can take the weight of the new screens/glazing within the balcony.*
- 2. Showing that the roof and supporting structures of the existing building can support the proposed three-storey roof extension*

This shall be submitted to and approved in writing by the Local Planning Authority, through the submission of an application for approval of details reserved by condition, and thereafter carried out in accordance with the approved details.

Reason: To safeguard the historic fabric and the special architectural character and interest of the listed building.'

Recommendation: Officers continue to recommend that listed building consent is granted, subject to the amended conditions and informatives set out above and in the original committee report.

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Agenda Item 6

Agenda Item 06

Supplementary Information

Planning Committee on 10 March, 2021 Case No.

20/3502

Location	167 Preston Hill, Harrow, HA3 9UY
Description	Demolition of dwellinghouse and erection of a three storey building comprising 6 self-contained flats, hard and soft landscaping to front creating two off-road parking spaces, extended crossover, refuse and cycle storage to front and subdivision of rear garden

Agenda page number 143 – 164

Neighbour objections

The introduction to the 'Summary of Key Issues' section of the report refers to 16 neighbour objections having been received. However, this number included multiple comments from one objector, and comments were received from 15 objectors, as highlighted under "Neighbour objections" in the Summary of Key Issues and the Consultation section of the report.

Further comments from two neighbouring properties have been received following publication of the committee agenda. These are from neighbours who have already objected and so do not affect the number of objections as stated above. The issues raised are summarised as follows and considered below.

- Loss of light, nuisance and impact to 165 Preston Hill, including the wide facing windows and communal spaces;
- That the recommendation doesn't reflect the Planning Inspector's previous decision, and the proposal represents minor amendments to the previous refusal;
- That in comparison, the redevelopment of 163 Preston Hill was limited to 2 storeys and 4 flats when that site is on a larger corner plot with better access and amenities;
- That there is a reliance on the 2011 census for parking data which is out of date;
- That the application refers to parking for 2 cars, not 1;
- That double yellow lines have just been painted in the local streets, reducing on-street parking, and this hasn't been taken into account;

Previous applications and appeals relating to this site

As noted in the 'Relevant Site History' section of the report, a previous application ref 19/1774 was made for householder extensions to the existing dwellinghouse on the site. This application was refused by the Local Planning Authority on 22 July 2019 and subsequently dismissed on appeal by the Planning Inspectorate on 21 November 2019. The neighbour comments suggest that, as the current application is for a building of a similar size and scale, it should be assessed in the same way as the previous application.

Each application must be considered on their own merits. However, previous decisions and appeal decisions can be material considerations.

The 2019 application was for extensions and alterations to the existing house (rather than demolition and redevelopment), and in line with adopted policy and guidance, the impact on the character of the host dwelling together with the surrounding area was considered. The scheme looked to reflect the design approach of the adjoining Brent Hotel and incorporated substantial extensions to both sides, the rear and the roof including a number of dormer windows. Officers considered the proposal to be poor in terms of its design and appearance, resulting in a bulky, prominent and unsympathetic form of development which would fail to respect the proportions of the host dwellinghouse and pattern of residential development in the area.

The Inspector agreed that the proposal "would detrimentally alter the character of the host dwelling resulting in a disproportionate appearance more akin to larger, more intensive use types such as the hotel and apartment building referenced. This would consequently harm the character and appearance of the host dwelling by unduly increasing the bulk of the property relative to its intended use as a family dwelling house and would interrupt the legible pattern of small scale residential dwellings in the area."

The Inspector's report emphasises the distinction between individual family homes and larger buildings intended for more intensive uses. The surrounding area contains examples of both and, as the current

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Ref: 20/3502 Page 1 of 3

proposal is not for extensions to the dwelling but for a more intensive residential use, it is considered appropriate to assess it against the guidelines set out in the Brent Design Guide SPD1 and in the context of other buildings of a similar scale within the area.

A subsequent application for the demolition of the existing house and construction of a new building of six flats on the site was refused by officers on 3 September 2020 (ref 20/1844). This is considered to be directly relevant to the current proposal. Paragraphs 3, 11, 16 and 27 of the main report set out the relevant differences between the two applications and summarise how the current proposal is considered to have addressed the reasons for refusal of the previous application.

Impact on 165 Preston Road

The neighbour comments refer to loss of light, nuisance and impact to the business at the adjacent property 165 Preston Hill, due to the proposed building being larger than that existing. This concern was raised previously and is noted in the summary of neighbour objections in the 'Consultation' section and addressed in paragraph 15 of the report. However, within the additional comments, the objector refers to a breakfast room sectioned off from the kitchen at the rear, with a double glazed glass door for light at the side which would be blocked out by the development, in addition to a room at first floor with only one window to the side, another room at first floor with one of two windows to the side and another room on the second floor where the windows are dormers to the side.

No.163 has been extended following an application for full planning permission (ref 01/1228), which was refused by the Council on 9 August 2001 but subsequently allowed on appeal by the Planning Inspectorate on 30 January 2002. It is currently in use as a hotel (Use Class C1). Reference has been made to the approved plans submitted for that application to determine the layout of the property.

The approved plans show a ground floor window in the middle of the flank elevation facing onto 167 Preston Hill, serving a bathroom. There are two first floor flank elevation windows, serving a bathroom and a shower room respectively. Finally, there are two dormer windows in the roof on the flank elevation, with one serving a toilet. The other window serves a hotel room which also has a window facing to the rear. Site photographs provided by the agent also support the conclusion that there are two small flank elevation windows at both first and second floor. No ground floor flank elevation windows are visible in these photographs or in online images of the property, however this flank elevation is already screened by the existing building at 167, which has a single-storey side extension set off from the shared boundary by 0.85m to provide a side passageway which is gated.

It is considered that light to the ground floor flank elevation window at 165 would already be impacted by the existing single-storey side extension and rear outbuildings at the application site. The proposed building would be deeper than the existing building, but this additional impact would be reduced by the removal of the outbuildings, whilst the proposed building would be at a distance of 1.2m from the side boundary at ground and first floors and 2.1m at second floor, which would also help to mitigate impacts on the ground floor window caused by the additional height and bulk. As noted above, the approved plans indicate that there are no primary habitable room windows on this elevation, and this point has been confirmed in previous case officers' site visits.

Furthermore, it should be noted that a hotel is not considered to be a residential use as it does not provide permanent residential accommodation. Consequently the standards and guidance for impacts on residential properties set out in Brent's supplementary planning documents do not need to be applied to this property. Impacts on daylight and sunlight are considered, but they are not given the same degree of weight as similar impacts on permanent residential accommodation.

Previous applications relating to 163 Preston Road

The neighbour correspondence refers to "a neighbouring site at 163 Preston Hill, situated on a much larger corner plot site, with better access and amenity was approved after numerous attempts for a maximum of 4 flats with the proposed building profile to be retained in line with the residential detached and semi detached homes on the existing street scene which was a key consideration and requirement for approval".

A similar comment was noted in the 'Consultations' section of the main report, with the following officer response: "Each application is assessed on its own merits against current adopted and emerging policies. Four units were proposed and approved under Ref 19/3057 and the assessment of a case does not generally consider whether an additional number of units beyond that proposed would be acceptable. No previous applications for a larger number of units on that site have been made."

It should be clarified that two previous applications were submitted for a new development comprising seven homes, but were subsequently withdrawn (reference 14/1666 and 14/3657). Both applications featured three-storey buildings with additional basement accommodation. The site at 163 Preston Hill is 470sqm approx in size, whereas the application site is 403sqm approx in size, however whilst the site area is one factor that can influence the number and size of homes that can be provided on the site, other detailed design considerations and matters such as the design of the scheme and the quality of accommodation proposed also need to be taken into account. Each scheme must also be considered on its merits, and the design, appearance and layout of those proposals, together with their relationship with surrounding properties materially different from the proposal relating to No. 165.

It is also important to note that the policy context continues to evolve and that this affects how applications are assessed over time. For example, the two withdrawn applications referred to above would have been determined with reference to the 2011 London Plan as part of the adopted development plan. Policy 3.4 of this document provided specific numerical ranges to guide the density of new residential developments (the density matrix). The current 2021 London Plan Policy D3 emphasises the need to make the best use of land by following a design-led approach to optimise the capacity of sites, and the lack of any reference to specific densities allows scope for higher densities to be achieved.

Parking provision

Neighbour comments have drawn attention to waiting and loading restrictions on Preston Hill, which came into operation on 9 November 2020 although the double yellow lines indicating this have only recently been marked on the ground. Officers were unaware of these restrictions when the committee report was published, but have since been made aware of the extent of the changes.

As discussed within the main body of the committee report, based upon 2011 census data showing car ownership averaging 0.5 cars per flat in this area, the six flats proposed are estimated to generate demand for three parking spaces. Two spaces would be accommodated on site, leaving one car to park on-street. The committee report was written on the basis that this car would be able to park along the site frontage, as the applicant's parking survey shows no demand for on-street parking along this stretch of Preston Hill at night. However, this is no longer the case with the introduction of the double yellow lines.

The applicant's parking survey counted the number of cars parked on-street overnight on two nights in May 2020, in order to assess spare capacity. This identified an average of about 35 spare on-street parking spaces within about 200m (5 minutes walk) of the site. This would now fall to about 25 spaces due to the introduction of the double yellow lines. The spare capacity can be found largely in Preston Hill (between The Mall and Belvedere Way), with some spare capacity in Kinch Grove. These spaces are not as conveniently located as parking along the site frontage would have been. However, they are considered to be sufficiently close to be accessible for future residents. It should be noted that the NPPF states that proposals should only be refused on transport grounds where the impact is severe. The proposed development would generate demand for one on-street parking space in an area that is not particularly heavily parked (given that most properties in the area have off-street parking) and this is not considered to be a severe impact, even after these yellow lines have been installed.

The objector has also questioned the use of 2011 census data to estimate car ownership. As is apparent from the date of the census, this data is now around 10 years old. While there may have been some change in the average levels of car ownership, given the number of spaces shown to be available in the local streets, this is not expected to be to a degree that would result in excessive levels of local on-street parking.

Recommendation: Remains to Grant planning permission subject to conditions and informatives as set out in the report.

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