



## Planning Committee Supplementary Agenda

**Wednesday 14 December 2022 at 6.00 pm**

Conference Hall – Brent Civic Centre, Engineers Way,  
Wembley, HA9 0FJ

Please note that this meeting will be held as an in person physical meeting with all members of the Committee required to attend in person.

The meeting will be open for the press and public to attend or alternatively can be followed via the live webcast. The link to follow proceedings via the live webcast is available [here](#)

### Membership:

#### Members

Councillors:

Kelcher (Chair)  
S Butt (Vice-Chair)  
Akram  
Begum  
Dixon  
Mahmood  
Maurice  
Rajan-Seelan

#### Substitute Members

Councillors:

Ahmed, Chappell, Chohan, Collymore, Dar,  
Ethapemi and Kabir

Councillors

Kansagra and Patel

**For further information contact:** Natalie Connor, Governance Officer  
natalie.connor@brent.gov.uk; 0208 937 1506

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**[democracy.brent.gov.uk](https://democracy.brent.gov.uk)**

**Members' virtual briefing will take place at 12.00 noon.**

## **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 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

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5. 22/2531 - Broadview Garages, Broadview, London, NW9	Queensbury	5 - 8

**Date of the next meeting:        Wednesday 18 January 2023**

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# Agenda Item 4

## Agenda Item 04

### Supplementary Information

**Planning Committee on 14 December, 2022**

Case No.

22/1065

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Location	Symal House and 421 Edgware Road, London, NW9
Description	Demolition of No. 421 and 423 (Symal House) Edgware Road and erection of a building of up to 20 storeys (plus basement) to provide residential dwellings, with convenience foodstore and flexible commercial units at ground floor, together with associated car / cycle parking (basement and ground floor); vehicular access (Carlisle Road / Holmstall Avenue) and highways works (including provision of delivery bay to Carlisle Road / Holmstall Avenue); private amenity space; public realm and landscaping

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#### Additional Revised Drawings

Following publication of the Committee report, the applicant has submitted a Revised Ground Floor Plan (D100 - 0531 - REV03) revised Mezzanine Level Plan (D100M - 0531 - REV03), and General Arrangement Plan (2158-ExA-00-ZZ-DR-L-100 Rev P4) which sees a reduction in soft landscaping on the Edgware Road frontage. The planting adjoining the kerb has been removed allowing for a 3m clear footway on the pedestrian footway to the highway and a 1m clear area from the building line.

Planting for trees continues to be provided on this frontage, however, it has now been provided in planters to ensure no interference with the services running beneath ground.

Brent's Transport Team and Principal Tree officer have reviewed the revised ground floor plan and accept the relocation of the planting and the arrangement of the trees as proposed. It is considered that the level of planting proposed is supported as it would not result in pedestrian obstruction and the trees proposed are of a sufficient distance from the building line allowing growth in the planters.

#### Additional Objections/Comments Received

An addition three representations were received following publication of the Committee Report. Of these only 1 was a new objector from a new address. As such, the number of objections received has increased by 1, under the consultation section the following changes are proposed:

*"In response to the consultation 44 15 objections have been received"*

Of the concerns raised within the additional representations, these have been covered within the published report. There was a comment submitted by a resident who was in the process of having Solar Panels installed, however, as these are not yet in situ and given the distance and orientation, the available sunlight through the main part of the day would be considered to be unaffected by this proposal. As such, no additional changes subject to the updates comments are required.

In addition a further consultation response was received from Health and Safety Executive who confirmed that they are satisfied with the fire safety design to the extent that it affects land use planning.

#### Updates to report

There are some minor alterations and corrections to the report as set out below.

#### Recommendations

For the Section 106 legal agreement, proposed obligation 9 includes the provision for a car-club operator. The published Committee Report set out a car-club should be provided on-site, however, this has been revised to include unless another 'alternative location as approved by the Council'. Obligation 9 now reads as follows:

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Ref: 22/1065 Page 1 of 4*

*"9. Submission and approval of Residential and Commercial Travel Plans prior to occupation of the development to achieve target of 80% of trips by non-car modes of transport, engagement with a car club operator to secure the provision of a car club on site unless an alternative location as approved by the Council where feasible and the provision of three years' free membership of a Car Club for the first resident of each residential unit."*

#### Proposal in detail

A table is shown and the proposed level of residential floorspace is indicated at 24,995sqm which has been revised since submission. The accurate level of proposed floorspace is indicated in the revised table below, along with the updated change and total rows to which this has impacted upon.

Floorspace (GIA) by use	Existing (sq.m)	Proposed (sq.m)	Change (sq.m)
Residential (Class C3)		<del>24,955</del> 20,320	+20,320
Retail (Class E(a))		1,675	+1,675
Workspace / Light Industrial (Class E(g)(ii) / E(g)(iii))	1,761	215	-1,546
Office (Class E(g)(i))	2,044		-2,044
Parking and Plant	<del>2,451</del>	2,451	+2,451
Total	3,805	24,661	+20,856

There is a further drafting error where in the following paragraph with regard to the number of 1-bed units, within the same paragraph it is referenced that there is the provision of 81. This is incorrect and a further drafting error, the number of 1-bed units is 82 and this is correct within the table beneath this paragraph.

Additionally, the number of affordable homes is noted as 52. This should read '51 affordable homes'. This is accurately represented in the remainder of the report when affordable provision is referenced.

*"A total of 252 residential flats would be provided within all three blocks, with a proposed mix of 8 studio, ~~81~~ 82 x 1-bed, 111 x 2-bed, 51 x 3-bed. ~~52~~ 51 affordable homes would be made available within the scheme".*

#### Summary of Key Issues

In point '1. Consultation', the number of properties consulted was 222, not 107 as referenced. This is accurately set out within the Consultation section of the report.

*"1. Consultation: ~~107~~ 222 properties were consulted on the proposal."*

#### Principle of Development

Within 'Paragraph. 6' the net loss of industrial floorspace is indicated as 1,276sqm. In the table set out in the 'Proposal in Detail' section this is indicated at 1,761sqm which is accurate and should replace the figure given within P.6.

*"This would result in a net loss of industrial floorspace by (from ~~1,276sqm~~ 1,761sqm to 215sqm)"*

#### Heritage Considerations – loss of Symal House

Following review of P. 34 the heritage officer has advised that this paragraph should set out that Symal House 'is not an asset of high significance'.

*"The Heritage Statement summarises the significance as 'deriving from both its architectural and historic interest, and elements of its design, including the tiling and prominent entrance under the pilotis, which give it prominence in the immediate streetscape.' The heritage officer ~~supports this view~~ has advised that this is not an asset of high significance."*

### Affordable Housing and Housing Mix

The table at 'P. 44' provides a figure of '45.' Within the 'Studio' column, this is a drafting error and has inserted a new paragraph number in this cell. There are no London Affordable Rent studios included within the proposal.

Within the same table, the percentage of 2-bed units throughout the development reads as 76.59%, this is a drafting error and the correct figure should be 44% for 2-bed units.

	Studio	1-bed	2-bed	3-bed	Total	% by habitable room
Private	8	69	88	36	201	76
London Affordable Rent	45.	13	23	15	51	24
Total	8	82	111	51	252	780
% of total units	3.17	32.54	76.5944	20.24	100	100

### Residential Living Standards

P. 149 sets out that the number of 2-bed units is 22, which is a drafting error. There are 23 x 2-bed units within the proposal.

*"The mix of homes within Block C comprises 13 x 1 bed, 22 23 x 2bed, 13 x 3 homes."*

### Cycle Parking

With regard to the cycle parking within the proposal P. 186 sets out that within Block's B and C, there are 308 cycle parking spaces, this is incorrect as there are actually 380 cycle spaces proposed within these two blocks combined.

P. 187 refers to 'Twenty short-stay Sheffield cycle stands'. This has been revised on the ground floor plan as revised and there are now 22 cycle parking spaces that are proposed to be provided.

"186. The remaining 308 380 cycle spaces for Blocks B and C, split into 3 stores, will be provided within the basement. A suitably sized lift to the basement is proposed from the entrance to Block B.

187. ~~Twenty~~ Twenty-Two short-stay Sheffield cycle stands will be provided around the building on the footway"

### Urban Greening Factor

As initially drafted the Committee report referred to the development achieving a UGF score of 0.38, while this was not representative of the original submission, the updated ground floor plan and revised Design and Access Statement 'Landscape Strategies' (pages. 46, 60 and 61) have set out that the development achieves a score 0.37. Which is continues to be acceptable as previously stated, even with the minor shortfall from 0.4 in line with London Plan standards.

*"The submission achieves a score of UGF rating of 0.38 0.37"*

### Conditions

Condition 33 is for BREEAM non-domestic floorspace and has a 'Prior to first occupation' trigger. This has been revised to 6 months post occupation as it would still be able to meet the sustainable design and construction principles that the condition is aimed to achieve.

*~~"Prior to first occupation or~~ Within six months of first occupation of the non-domestic floorspace hereby approved, and notwithstanding Condition 2, a revised BREEAM Assessment and Post Construction*

*Certificate, demonstrating compliance with the BREEAM Certification Process for non-domestic buildings and the achievement of a BREEAM Excellent rating, shall be submitted to and approved in writing by the local planning authority.*

*Reason: To ensure the non-domestic floorspace is constructed in accordance with sustainable design and construction principles, in accordance with Brent Local Plan Policy BSUI1."*

The report at paragraph. 37 makes reference to the preservation and re-use of the ceramic tiles which are present on the north and east elevations of the existing Symal House building, along with a record of the building as it currently stands. These matters were intended to be secured by way of condition, which was not included within the Committee Report as published due to administrative error. As such, the condition to be attached is set out below:

*"Prior to the commencement of the development hereby permitted, a written scheme of investigation (WSI) shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall provide details of the programme of historic building recording works to be carried out within the site, including post-fieldwork reporting and appropriate publication. The historic building recording site work shall thereafter be implemented in full in accordance with the written scheme of investigation.*

*The recording is to be carried out on the building internally and externally in accordance with Historic England's Understanding Historic Buildings to a Level 3 standard by a professional archaeological/building recording consultant or organisation with a proven track record of delivering historic building recording. No demolition or development shall take place before the historic building recording has been completed in accordance with the written scheme of investigation approved and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.*

*Reason: To ensure that the heritage of the existing building of the site are adequately documented."*

and

*"No above ground development shall commence until the satisfactory re-location of the Symal House ceramic tiles, currently located to the north and east facades of the site, to an alternative part of the site that would be publically visible, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development and thereafter retained and maintained for the life of the development.*

*Reason: To ensure that the heritage of the existing building and ceramic tiles on the frontage of the site are adequately preserved and documented."*

*With regard to the ground floor retail unit and the entrance from Edgware Road and Holmstall Avenue as indicated on drawing 'D100 - 0531 - REV03, the entrance and exit doors annotated shall be retained for the lifetime of the development to allow for an active frontage for the retail unit. The condition to be attached is as follows:*

*"The entrance and exit doors for the 1,675sqm ground floor retail unit shown approved drawing 'D100 - 0531 - REV03', shall be retained and maintained for the life of the development, unless alternative details are agreed in writing by the Local Planning Authority.*

*Reason: To ensure an active frontage for the retail unit on Edgware Road".*

**Recommendation: Remains to grant planning permission subject to the application's referral to the Mayor of London (stage 2 referral), draft conditions as set out within the main committee report and supplementary, and the prior completion of a legal agreement**

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# Agenda Item 5

## Agenda Item 05

### Supplementary Information Planning Committee on 14 December, 2022

Case No.

22/2531

Location Broadview Garages, Broadview, London, NW9  
Description Demolition of garages and erection of two dwellinghouses with car parking, cycle storage, amenity space and associated landscaping

**Agenda Page Number: 79 -103**

#### Consultation

Additional objection was received in response to the officers committee report which is summarised as below:

Nature of Objection	Officer response
Confusion over the number of homes proposed as under paragraph 92 and paragraph 2 that refers to single family sized home	This has been noted, however the description of the proposal as consulted refers to two family dwellinghouses, and the proposal when read as a whole clearly assesses the scheme with two dwellinghouses.
Affordable Housing : Due to the report recommendations under paragraph 2 refers to 'a new house' and 'single new dwelling' it has been wrongly assumed that no affordable housing condition is needed in the recommended consent to the application. However, if consent is to be given affordable condition for London Affordable Rent should be attached to this application	This has been noted , however paragraph 2 also clearly states that provision of affordable dwelling is not required for scheme of 10 or more homes and a contribution towards affordable housing is not required as the scheme is below Brent's threshold of 5-9 homes. The scheme is below both thresholds. As such the same outcome would still be relevant to two dwellings. Furthermore, as noted within the committee report the scheme would have been accepted if put forward by a private developer, and therefore when balancing the merits of the scheme, significant weight was not placed on the homes being delivered as affordable homes.
The proposed two houses as part of Brent's New Council Homes Programme has been specified to be at 'London Affordable Rent'. If the conflicts with planning policy which this application demonstrates are to be overlooked because of the planning benefits that providing two new family sized homes are said to provide, then the benefit of these homes being genuinely affordable must be protected by way of a planning condition.	The planning policy requirements for the provision of Affordable Housing for schemes of this size are set out above. The new dwellings are part of 'Brent's New Council Homes Programme' which has commitment to either build or facilitate the building of 5,000 new affordable homes by 2024, including 1,000 new council homes for Brent families. As such the overarching aim of this scheme is to provide affordable housing. However it is important to note that this application must be considered against planning policy and guidance, as set out above and in the main report. A condition as suggested within the objection would not meet the necessary tests.
A recent planning application for Rokesby Place 22/1400 was given consent subject to an affordable housing condition. That application also breached some Brent planning policies, but the argument was accepted that the benefits, including particularly 'the provision of new affordable family sized homes to meet identified need', outweighed those policy shortfalls. The same condition should be part of Broadview Garages application.	Each application is assessed on its individual merits. As noted above a condition is not considered necessary in this case,
Arboricultural Impact Assessment ("AIA") submitted	The plans submitted as part of this application

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states that T1 is growing on the site boundary however officer report states incorrectly that it is located within the application site. Drawings 1 and 2 in the AIA, showing the location of trees T1 and T2 in relation to the Broadview Garages site are incorrect. They place the red site boundary line on the south-west side of the site around one metre beyond where it should be given the fence posts on site. This gives the false impression that tree T1 is within the site, whereas it is actually growing within Fryent Country Park, even though its branches spread out over the proposed development site

shows T1 tree to be within the site close to the boundary. This would still be technically within the site boundary line shown via the red line on plans.

Council's park team have also been consulted on this aspect and it has been stated that the boundary would require surveys which in most cases accurate boundaries are difficult to be established. Nevertheless, both the applicant and Parks team of the council believe that T1 appear to be within the site boundary, erring slightly towards the garage site which both elements are owned by the council and their value have been taken into account irrespective of whether the tree is within the park land or garage sites.

This has also been reviewed by Council's tree officer where both Ash trees were identified as category B in accordance with BS5837 and so this means that they should be considered a material consideration in determining the planning application and this has been done. This has also led to the retention of one of the two trees which was originally intended to remove.

If T1 falls within the boundary of Fryent Country Park this is designated as a Local Nature Reserve and a wildlife site of metropolitan importance to London (which is a Site of Importance for Nature Conservation or SINC) and so the London Plan in G6 states where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:

- 1) avoid damaging the significant ecological features of the site
- 2) minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site
- 3) deliver off-site compensation of better biodiversity value

Given the above, whether the trees are within the garages site or the adjacent open space, the council has taken the mitigation hierarchy above into consideration (i.e. in either instance) as part of the decision process.

The Council has recommended tree replacement of similar size within the vicinity of the site as well as 3 multi-stem trees on site as per landscape plans. Also recommendations per the ecology assessment report has been conditioned for net gain and protection of existing biodiversity onsite.

Tree T1 should also not be removed as it is in breach of BGI2 and is within Fryent Country Park. If T1 is to be retained the building of the development would not be practical proposition. The removal of tree T1 does not meet the requirements of Section 197 and preservation order should be conditioned and should therefore be refused.

The tree analysis is within the remarks below 72-78.

The Council's tree officer found that the Tree Preservation Order on either of the trees is not appropriate as it is generally considered that any trees owned by the Local Authority are being managed by a responsible land owner, and as such there is no degree of risk associated with the

	<p>retention of the tree.</p> <p>Moreover, if this planning consent is subsequently granted which includes the removal of one tree, then the one tree can be removed without the need to seek separate consent under the TPO legislation which would help with the process of delivering these homes without much delay.</p> <p>The council's park team has assessed the removal of T1 tree and found this approach to be acceptable given that a replacement tree to be undertaken away from any development.</p>
Removal of G1 a hawthorn hedge along the length of the north-west boundary of the site adjoining the Jubilee Line railway bank is an integral part of Jubilee Line wild life corridor and would be in breach of Planning policy BG11.	<p>The ecology report has provided recommendations for net gain in biodiversity which has been conditioned to this application. Moreover, the landscaping plan is conditioned to enhance the biodiversity on site use of native and/or wildlife attracting species.</p> <p>The drawings propose the removal of much of the Hawthorn hedge, to be replaced at least for that section that will form the new garden boundaries, by a shrub and herbaceous boundary to mitigate for the loss.</p>
The removal of G1 would also increase the noise levels from the trains travelling along the jubilee line. These noise levels are already problem for the existing houses and that the noise level for the proposed homes as well as their garden seem likely to be intolerable. The noise condition is for prior to occupation which a strong possibility that these levels could not be achieved and new homes would be unfit for occupation. The application should be refused or postponed until the noise level assessment has been carried out.	<p>This was assessed by Council's Environmental Health Officer and the conditions proposed is thought to be achievable and therefore a noise and vibration assessment up front was not considered necessary. The main reason for this decision is that the team considered that there are houses on Broadview that are a similar distance to the railway and there are properties on Shakespeare Drive closer to the railway. The Environmental Health officers also not aware of any complaints regarding these properties. The report required by the condition would likely provide acoustic glazing specification.</p> <p>In terms of the removal of the bushes, vegetation do not tend to provide much noise attenuation; they are more of a barrier in terms of screening the railway/trains as opposed to any reduction in noise therefore the removal of the bushes should not increase noise levels in the area. That said the space would be replaced by the building (the dwellings) and that would provide more attenuation of noise as it would be a solid building.</p>
Given the site access constraint during construction the forecourt of the area would be the only place where site facilities equipment and materials could be located during the construction process which would in turn block the residents 11-14 Broadview access depriving their legal right of access.	<p>A Construction Method Statement is required at condition 8. Details of how the construction site will be set out to retain access to adjoining properties will need to be agreed within that document.</p> <p>Moreover, the houses are set 6m back from the vehicular access gates to the rear of 12-14 Broadview, which meets standards for aisle widths for turning into and out of parking spaces.</p>
Access concerns for the refuse vehicles and fire appliances . The bin stores would be built into the vegetation of Country park and would further narrow the already very narrow access driveway which was measured to be exactly 3 metres ( distance	<p>This is within remarks paragraph 55-58.</p> <p>The swept paths do not show the refuse vehicle pass the access gate mentioned and would park in front of the existing gate which has adequate width</p>

<p>between the wooden fence at the side of 14 Broadview and the hedge at the side of Fryent Country Park )</p>	<p>on site.</p> <p>Nevertheless, Council's planning team has reviewed the comment and they acknowledge in the report that the access drive is narrow, which is why alternative arrangements are proposed for fire access (sprinkler system) and refuse collection (shared bin store). The shared bin store is shown within the red line of their site, accommodated within the verge on the southern side of the access by removing a section of hedgerow. Therefore it is believed it would not encroaches on Fryent Country Park or narrows the effective width of the access.</p> <p>Despite what is shown on the D&amp;A tracking diagrams, the council would expect refuse and emergency vehicles to actually stand in front of the parking spaces at the start of the access drive, where there is more room for personnel to manoeuvre and more space for other pedestrians to pass.</p>
<p>Trying to use that space, flanked on two of its three sides by ecologically important nature reserves, for two modern 4-bedroom homes is going beyond what is practically acceptable. The two houses themselves would provide sufficient accommodation to live in, but the living conditions on the cramped site, with natural light restricted by tall trees to the south, the noise from trains for 19 hours (or 24 at weekends) a day meaning you could not open the windows to your main living and bedrooms, and inadequate space for children to play, would not be considered acceptable by most reasonable people. This application represents bad planning, and should be refused.</p>	<p>The site is a brownfield land which is currently underused and the benefit of two family units would out weigh the minimal conflict with the policies contained within the development plan as discussed explained within the report. The proposal provides more than 50sqm of private garden space for the dwellings as well as high quality internal spaces and this is the current situation for all the houses on site close to the railway as well. Conditions have been attached to this application to safeguard and mitigate for any concerns on site to achieve a good quality development.</p>

**Recommendation: Remains to Grant Consent subject to conditions as set out within the draft decision notice.**

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