



Planning Committee Supplementary Agenda

Wednesday 18 October 2023 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; 020 8937 1506

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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 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
4. 23/0989 - 5-6 Park Parade, London, NW10 4JH	Harlesden & Kensal Green	1 - 4
5. 22/3260 - 231 Watford Road, Harrow, HA1 3TU	Northwick Park	5 - 6
6. 22/3669 - Kilburn Square Estate, Kilburn, London	Kilburn	7 - 10

Date of the next meeting: Tuesday 24 October 2023

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Agenda Item 4

Agenda Item 04

Supplementary Information Planning Committee on 18 October, 2023

Case No. 23/0989

Location	5-6 Park Parade, London, NW10 4JH
Description	Change of use from betting office to amusement centre (adult gaming centre) and alterations to shopfront at 5 Park Parade. Retention of (reduced size) betting office and alterations to the rear elevation comprising removal of louvre vent and installation of new door at 6 Park Parade

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Application of policy BE5

During the committee site visit, members queried the interpretation of policy BE5 in relation to the requirement to have a minimum number of units between each use. They highlighted that the policy relates to the need to ensure that there is not an over-concentration of particular uses, and highlighted that both of the uses (adult gaming centres and betting shops) are covered by this policy and both involve gambling.

This query relates to the application of paragraph d) in the part of policy BE5 which relates specifically to betting shops, adult gaming centres and pawnbrokers. As discussed in the main report, two parts of this policy relate to adult gaming centres within town centres (with paragraph c) relating to neighbourhood parades).

The application of paragraph b) is clear within the policy. This paragraph relates to the percentage of the town centre frontage which consists of adult gaming centres, pawnbrokers or payday loan shops. When applying this part of the policy, one looks at the length of frontage occupied by units in any of these uses as a proportion of the total frontage length within the town centre. Officers confirm that the proposal would comply with this part of the policy.

The application of paragraph d) is less clear, as there is ambiguity in the wording of the policy. This part of the policy is as follows:

Betting shops, adult gaming centres and pawnbrokers will be permitted where it will result in: d) a minimum of 4 units in an alternative use in-between each.

The ambiguity is evident within the use of the word "each", with no clarity within the policy itself on whether this is each unit, or each use. The reference to "alternative use" could be interpreted as a reference to the units in-between being an alternative to the suite of uses (betting shops, adult gaming centres or pawnbrokers) or an alternative to the specific use.

When interpreting this policy, officers have looked to paragraph 6.4.39 of the supporting text to the policy. *To ensure there is not an overconcentration of particular uses within any single length of frontage the policy seeks to prevent adult gaming centres, pawnbrokers, betting shops and takeaways locating in close proximity to a unit in the same use.*

This refers to the need to avoid overconcentration of particular uses, with reference to adult gaming centres, pawnbrokers, betting shops and takeaways (with takeaways being the subject of the second part of policy BE5). There is specific reference within this paragraph of supporting text to over-concentration occurring when one of these uses is in close proximity to a unit in the same use.

It is acknowledged that both betting shops and adult gaming centres involve gambling, but in relation to the classification of uses within planning, they are seen to be different uses. Both are Sui Generis, which means that planning permission is required for any change of use to or from a betting shop or an adult gaming centre.

As set out within the committee report, when applying the policy justification set out in the supporting text to the wording of the policy itself, officers have concluded that the policy would prevent two adult gaming centres in close proximity to each other, but not an adult gaming centre in close proximity to a betting shop as would be the resultant situation in this instance should permission be granted.

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Nevertheless, the ambiguity in the wording of the policy itself is acknowledged, as is the fact that they are both gambling uses and certain impacts are comparable between the two different uses (whilst others differ).

Advertising within windows and on the premises

During the site visit, one member queried whether advertisement would be included within the frontage and whether there would be moving images which could affect highway safety. The provision of advertisements on business premises (and elsewhere) is dealt with separately through the Advertisement Regulations. Separate Advertisement Consent is required for many types of advertisement. However, some categories of advertisement benefit from "deemed consent" (i.e. an application is not required provided they meet certain criteria).

Additional objection received

An objection was received from the Met Police Designing Out Crime Officer, noting the following matters:

- That the close proximity of the public house (opposite) and off-licences either side and the nearby pawn shop can create a nurturing habitat for street drinking which in turn can increase the risk of antisocial behaviour (ASB);
- That the alleyway to the rear is not well observed and has poor natural surveillance;
- That the main entrance is recessed and provide a concealment opportunity and could be used as a toilet or to take drugs;
- That there is no mention of security in the proposal or a management plan;
- That the proposal indicates that the AGC won't be staffed and could therefore be exploited by drug dealers or users. They consider that persons should be vetted prior to entry to ensure they are of suitable age and have not been barred;
- That the windows onto the street need to allow for surveillance into and out from the centre.

They also highlight that the local policing team raised the following concerns:

- That Park Parade has the second highest figures for recorded ASB in the town centre and is a known area where robbery often occurs, and for drug offences (both possession and supply);
- That there are organised gangs of drug dealers in Park Parade taking over and using premises to conduct their activities, and that an unsupervised venue will allow this to happen out of police view;
- That last year, an operation was conducted in the High Street where a betting shop was used by a 20 strong gang to drug deal out of sight;
- That there is a nearby college and school and that their pupils frequent park parade on their way to and from the education facility and could be influenced by the venue and its clientele;
- That there is a nightclub and public house opposite;
- That the town centre already has a street drinking problem contributing to ASB, and that the betting shop venues attract street drinkers;
- That there have been 6 Closure Orders in Park Parade relating to premises causing ASB or allowing criminality.

The Met Police advise that they have a number of recommendations should the application be granted, including:

- Security rated entrance doors;
- Video and auto intercom at entrance to ensure potential guests are vetted prior to entry;
- Glazing to main façade meets BSEN standards, with a roller shutter fixed to the exterior;
- That the recessed entrances are removed or have shutters or grills to eliminate this overnight;
- That the rear escape doors are alarmed and that they have a sufficient security rating;
- That the walls and doors of any cash room are security rated;
- That any external mailbox meets specific certification levels;
- That CCTV (with complementary lighting) is provided to specific standards and maintained by certified companies;
- That intruder alarms are installed
- That the applicant liaises with the MPS North West Licensing team.

The matters raised by the Met Police are acknowledged.

In relation to visibility between the inside of the unit and the street, this is considered to be important to ensure that the units provide a good level of activity to ensure that they're not detrimental to the street environment as well as enhancing security and safety. Condition 5 requires clear and unobstructed windows above 1.2 m in height, and which prevents the placement of promotional material in the windows or entrance doors.

The proximity to other uses has been referred to, including the public house and nightclub that are opposite. The Council's planning policies do not prevent public houses and nightclubs in close proximity to adult gaming centres, and the change of half of the existing betting shop unit to an adult gaming centre in close proximity to the pub and night club is not contrary to the Council's policies.

Reference is made to this proximity and other factors potentially increasing street drinking and in turn, increasing antisocial behaviour. When considering planning applications, regard must be given to London Plan policy D11 which relates to safety and security and good design can be very effect in reducing the likelihood of design. However, it is also noted that adult gaming centres are legitimate town centre uses and are not prohibited by central government legislation, whilst street drinking is prohibited by the whole-of-borough Public Space Protection Order. The issues experienced within the town centre are acknowledged. However, over-concentration is deal with through the Council's planning policies and the application could not be refused on the potential unlawful activities of users.

Reference is also made to drug dealing from premises. A planning decision cannot be refused due to the potential for illegal activities being undertaken. However, the requirement for clear glazing would mean that it would be more difficult for those who are within the premises to be out-of-view from the street.

A number of comments have been made regarding internal security and design features, including the alarming and security rating of doors and the provision of roller shutters. Roller shutters have not been applied for and are generally not supported in town centres (except when they are internally located behind the shop window) due to the impact this has on the town centre. The presence recessed front doors can sometimes be associated with after hours urination, but given the presence of the existing recessed entrance, and while officers would not be against the removal of the recess (so that the doors are flush), it is not considered reasonable to require the removal of this in the proposal given the presence of the existing recess. In relation to internal security features and management, it is not considered that this can be controlled through the planning decision in relation to the proposed change of use.

Given the matters raised and the policy requirement to ensure that developments include measures to design out crime in line with London Plan Policy D11, it is recommended that an additional condition is attached requiring formal Secured by Design accreditation for the premises prior to first occupation.

Recommendation: That planning permission is granted subject to the conditions set out in the report and an additional condition requiring formal Secured by Design accreditation prior to first occupation of the units.

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Agenda Item 5

Agenda Item 05

Supplementary Information Planning Committee on 18 October, 2023

Case No. 22/3260

Location 231 Watford Road, Harrow, HA1 3TU
Description Demolition of the existing building and the erection of building of up to five storeys to provide residential dwellings (Use Class C3); car and cycle parking; landscaping, amenity space and play area; and refuse storage and other associated works

Agenda Page Number: Pages 43-99

Additional Objections/Comments Received

An additional representation was received following the publication of the committee report, from a person who had previously objected to the proposal. The objection largely raised concerns which have already been presented and discussed within the main committee report, including the impact of the development on the character of the area.

The additional points of objection are provided below:

Comment	Officer Response
The tallest tree within the rear garden of Amery Road properties is not evergreen.	The Tree report notes that the group to the rear within the neighbouring gardens include a mix of Leyland Cypress and Elder. These trees would not be affected by the proposal.

Recommendation:

Remains approval subject to the conditions set out in the Committee report and the completion of a satisfactory Section 106 agreement.

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Agenda Item 6

Agenda Item 06

Supplementary Information Planning Committee on 18 October, 2023

Case No. 22/3669

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

Agenda Page Number: 101-160

Additional Objections/Comments Received

Additional representations were received following the publication of the committee report, from the Chair of Kilburn Village Residents' Association, who had previously objected to the proposal. The objection largely raised the following concerns that are addressed below:

Comments were raised that the number of representations referred to in the report didn't reflect the actual number received and that the report referred to representations from individuals when some objections were from the Kilburn Village Residents Association (KVRA), who represent the estate and six surrounding streets. They also note that the KVRA are in turn supported by three neighbouring Residents' Associations and the Kilburn Neighbourhood Forum as the Kilburn Square Stakeholders Group. It is set out in the further objection that the report refers to four petitions but omits two more which were from Barratt House and Kilburn Square tower.

Officer response: The number of representations noted in the report relates to the number of individuals, or individual acting as the representative of a group. There were different people (individuals writing for a group of people) who wrote in more than once, but these are recorded as a single representation. This way of counting the number of objections is consistent with procedure which is usually used.

The report takes into account the comments in petitions from Barrett House and the Kilburn Square Tower, it is noted that the report has an error in not referring to them as petitions.

Overall, the number of objectors is considered to be accurate, and it is acknowledged that some organisations have written in to represent a number of different people.

Comments were raised on the Community Involvement that took place prior to the application being submitted.

Officer response: Pre-engagement engagement with local residents and stakeholders is encouraged but is not a legal requirement and cannot be controlled by the Local Planning Authority. Nevertheless, pre-application engagement was undertaken by the applicant and the amount of engagement and methods used as considered to be thorough. While there is often a difference in opinion on how the pre-application engagement is carried out, a judgement must be made on the application based on its own merits. The commentary within the committee report

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relates to the Community Involvement Statement that was submitted as part of the application and comments received during the course of the application.

A comment was received highlighting an error in the sunlight and daylight assessment, where Block E has been noted to be Block C.

There is a typographical error in Paras 80 to 84, where Block E is referred to as Block C. The comments within this section of the report otherwise still apply and the outcomes do not change. Furthermore, the overall living conditions of the residents Sandwood Court would remain good.

Comment have been made on the level of intensification of the site use and how the proposal relates to the Kilburn Square Site Allocation BSESA20, in the Brent Local Plan. It is contended that the Site Allocation doesn't justify the development of blocks C and E.

Officer response: The consideration of the principle of development and in particular, the indicative capacity identified within the site allocation is set out within paragraphs 1-3 and 5-6 of the main report. This makes it clear that the site allocation includes the location of block A-B and includes a discussion of the indicative capacity given in the site allocation, including information on the number of homes within the scheme that would be within the site allocation area. It does not look to justify the provision of blocks C or E through the site allocation.

The discussion of the principle of development goes on to discuss the high level of accessibility for the site and the policy definition for priority areas for additional housing. Schemes do not need to be within site allocations for housing to be supported, and as discussed in the report, the provision of new housing in this location is considered to be acceptable.

There is a correction to the report, within the officer comments on objections it should not refer to the site being within the South Kilburn Growth Area and should just refer to the site allocation within the Brent Local Plan. It should be noted that it is clarified in the Detailed Considerations part of the report that the site is not within a growth area (paragraph 2).

Fire safety concerns were raised relating to the a fire escape terminating in an undercroft parking area within the site, which the KVRA consider to be a "land use planning" issue that should be considered at planning application stage due to the displacement of parking within the proposal (if the undercroft parking could not be provided) which they contend would result no room to build Blocks C and E.

Officer response: An existing fire escape terminates into an existing parking area (albeit currently not in use) and while some changes are proposed to the layout of this parking area, the use of this area is not proposed to be changed. When considering the development does not change the use of this part of the site, the impact would be neutral. The application was submitted with a fire statement which was supplemented with additional information to cover initial concerns and the application has been assessed by the Health and Safety Executive and London Fire Brigade. Following the receipt of that information, they were content with the proposal. Furthermore, should it be found that alterations are required at delivery stage, improvements could be made to the means of escape through this area that are not likely to be non-material in relation to a planning permission and can be managed through the Building Regulations process.

Therefore, the continued use of this area for the means of escape is not considered to impact on the ability to construct blocks C and E.

Concerns were raised over paragraph 96 of the Report referring to “social rent homes” being part of the Public Interest assessment.

The report refers to the provision of the London Affordable Rent general needs homes, with this information provided in the Proposal in detail section and Housing mix and affordable housing section. However, there is an error within the summary to the daylight and sunlight section (paragraph 96) where it is referred to as Social Rent. For the avoidance of doubt, the general needs homes are proposed to be provided as London Affordable Rent as set out in the remainder of the report and the weighing and balancing of benefit and harm has been carried out on this basis.

Recommendation: Remains approval subject to the conditions set out in the report.

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