



## Planning Committee Supplementary Agenda

**Wednesday 15 November 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 J.Patel

**For further information contact:** Natalie Connor, Governance Officer,  
[natalie.connor@brent.gov.uk](mailto: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

<b>ITEM</b>	<b>WARD</b>	<b>PAGE</b>
4. 22/3669 - Kilburn Square Estate, Kilburn, London	Kilburn	1 - 2
5. 23/0024 - 2-78 INC, Clement Close, London, NW6 7AL	Brondesbury Park	3 - 4
6. 22/3124 - Newland Court Garages, Forty Lane	Barnhill	5 - 6

**Date of the next meeting:            Wednesday 13 December 2023**

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# Agenda Item 4

## Agenda Item 04

### Supplementary Information Planning Committee on 15 November, 2023

Case No. 22/3669

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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.

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A further objection has been received from a person who previously commented on the application. Within this objection, concern is raised regarding recommended conditions 3 and 4 which relate to the provision of the Affordable Housing within the scheme and the mortgagee provisions respectively.

In relation to condition 3, it is contended that:

- the scheme would not require a level of public benefit required to justify the harm associated with the breaches of policy if all of the general needs affordable are not provided at London Affordable Rent (LAR) levels; and
- that the application must be considered as submitted, and it must therefore reflect the fact that all of the general needs housing is let at LAR levels;
- That two other applications which were determined in 2022 (Watling Gardens and Windmill Court) were required to provide all of the housing as Affordable;
- That if the homes are not secured as LAR, they may be converted to “shared ownership”;
- That it would undermine the integrity of Brent’s planning system if “such a blatant abuse of that system were allowed to occur”.

With regard to condition 4, it is contended that if it is intended that the homes are let by the council, that the only mortgagor would be Brent Council and it is questioned whether Brent expects to default on any loans that are taken out to build the homes and why this condition is needed. It is also questioned whether this relates to an intention to dispose of the homes as shared ownership.

The discussion of benefit and harm is set out in the committee report, and the benefits of the scheme with threshold approach compliant level of 50 % Affordable Housing is sufficient to outweigh the harm discussed in the report.

It is also discussed in the report that conditions and obligations can only secure matters that are necessary in order to ensure that a proposal accords with relevant planning policies. This is a core principle of the planning system rather than undermining it.

Each proposal must be considered on its merits and the site specific circumstances. In relation to both Watling Gardens and Windmill Court, the proposals resulted in the demolition of some existing affordable homes. In such instances, London Plan policy disapplies the 50 % threshold approach and requires a viability assessment to be undertaken (even where a significant net increase in Affordable Housing is proposed). Rather than commissioning a viability assessment, it was proposed that all of the homes would be Affordable (therefore negating the need for an assessment). The provision of 100 % Affordable Housing was therefore required (in the absence of a Financial Viability Assessment) to accord with London Plan affordable housing policy.

While some buildings are to be demolished as a part of the current application, no Affordable Homes are to be lost. As such, the 50 % threshold approach as set out in adopted planning policy is applicable.

With regard to condition 4 (mortgagee clauses), these are standard clauses that are applied to all housing consents which include provisions to ensure suitable safeguards are in place for lenders to enable them to lend in relation to the schemes. The Council when acting as Local Planning Authority must deal with all applications in the same way irrespective of who the applicant is. Planning permissions runs with a land and therefore technically could be delivered by any party, and the Council in its role as local planning authority cannot take into account the fact that this scheme is intended to be delivered by the Council (as the developer). As such, all conditions and obligations that would be applied to a private scheme are applied to a council scheme.

#### Clarifications

Within the main report, the following is noted within one of the responses to an objection: "The proposal is not considered likely to result in a significant impact on infrastructure in terms of the services to the building. This development would be subject to the Community Infrastructure Levy which may be used to fund infrastructure required to support new development."

However, the payment of CIL would not be applicable for if all of the homes are delivered as affordable housing as intended (whilst noting that planning conditions and obligations can only require the delivery of the 50 % required for the threshold approach to affordable housing as set out in the main report). While there is unlikely to be a CIL payment associated with this scheme, when looking at development proposals within the borough as a whole, many schemes fall below the threshold levels for affordable housing (35 % or 50 %) and therefore deliver higher levels of CIL. The infrastructure requirements associated with new development are evaluated through the Council's Infrastructure Delivery Plan and local plan which examines not only site allocations (with buildings A and B being within the site allocation) but also takes into account the fact that a proportion of the new homes will need to be delivered through "windfall sites". The potential impact on local services within the borough has been considered through this process and it is considered that proposal would not have an adverse impact on the capacity of infrastructure within the locality. The delivery of affordable housing is a significant benefit within the scheme and the benefits of the development would outweigh any harm identified.

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

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# Agenda Item 5

## Agenda Item 05

### Supplementary Information

### Planning Committee on 15 November, 2023

Case No.

23/0024

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Location	2-78 INC, Clement Close, London, NW6 7AL
Description	Demolition of one bungalow and various infill developments to deliver 21 residential units (Use Class C3) consisting of five separate developments of two terraces and three flatted blocks, with associated car parking, cycle storage, and enhancements to the Estate's amenity space

#### Agenda Page Number: 81-116

#### Additional conditions

Following correspondence with Thames Water, the following additional conditions are attached to the permission:

*"No development shall be occupied until confirmation has been provided that either:-*

- 1. Foul water Capacity exists off site to serve the development, or*
- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or*
- 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.*

*Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.*

*"No development shall be occupied until confirmation has been provided that either:-*

- 1. Surface water capacity exists off site to serve the development or*
- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or*
- 3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed.*

*Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents."*

**Recommendation: Officers continue to recommend that permission is granted, subject to the additional conditions set out above and in the original committee report.**

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# Agenda Item 6

## Agenda Item 06

### Supplementary Information Planning Committee on 15 November, 2023

Case No. 22/3124

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Location	Newland Court Garages, Forty Avenue, Wembley
Description	Demolition of all garages on site to provide five new homes with associated cycle and refuse storage, resurfacing of Newland Court to provide shared vehicular and pedestrian surface, provision of on-street car parking along Newland Court, new refuse storage facilities to serve existing residents at Newland Court and all associated landscaping works (revised scheme)

**Agenda page numbers: 117-154**

#### **Additional comments received:**

Following publication of the Committee Report, three additional comments were received. One from Barn Hill Residents' Association and another from two resident who had already made representations, as such, the number of objections received remains the same.

The comments made within two of the representations request a condition to require that should any trees near to the site be affected within 5 years then they should be replanted as secured through a planning condition. Planning conditions can only control matters that take place within the development site, so any trees that are outside of the site could not be controlled through this applications outcome. It should be noted that the potential impact to trees is discussed within paragraphs 85-95 of the report, and it is set out in paragraph 88 of the report that the Council's Tree Officer considers it unlikely that roots of trees will be affected due to the impact of the existing retaining wall on likely rooting patterns.

There is additional tree planting proposed within the site and a condition securing the management of these has been included within the list of recommended conditions.

The other representations raised a number of concerns including Consultation process misleading, failure to take into account comments/concerns raised by internal consultees (namely heritage, trees and transportation), ecology/impact on protected species (including bats), loss of open space, failure to comply with UGF of 0.4, and objections brushed aside with broad brushed statements such as the potential harm is outweighed by the overall planning benefits of the scheme. These matters have been discussed within the main committee report.

#### **Additional Condition**

During the site visit Members queried the gated access onto Barn Rise and whether this gate would remain should consent be approved. Following further review with the Transport Team it is considered that the gate should be removed from Newland Court. The condition is advised as follows:

*"Prior to commencement of the development hereby approved, the access gate in situ connecting Barn Rise with Newland Court shall be permanently removed unless details have been submitted to and approved in writing by the Local Planning Authority showing alterations to (or replacement of) the gate to allow automated egress and the approved details implemented have been in full. The approved details shall thereafter be retained and maintained.*

*Reason: In the interests of highway and pedestrian safety."*

**Recommendation: Remains that the Committee resolve to GRANT planning permission with the draft conditions as set out within the main committee report and supplementary report.**

**That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters as set out within the main committee report and supplementary report.**

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