



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Wednesday 24 November 2021 at 6.00 pm

PRESENT: Councillor Johnson (Vice-Chair in the Chair) and Councillors S Butt, Chappell, Dixon, Kennelly, Donnelly-Jackson and Maurice.

### 1. Apologies for absence and clarification of alternative members

Apologies for absence were received from Councillor Kelcher.

Councillor Johnson chaired the meeting (as Vice-Chair) in the absence of Councillor Kelcher.

### 2. Declarations of interests

There were no declarations of interest made at the meeting.

### 3. Minutes of the previous meeting

**RESOLVED** that the minutes of the previous meeting held on Wednesday 20<sup>th</sup> October 2021 be approved as an accurate record of the meeting.

### 4. 21/2989 - Euro House, Fulton Road, Wembley, HA9 0TF

#### PROPOSAL:

Demolition and redevelopment of the site to provide erection of five buildings ranging from ground plus 14 to 23 storeys; comprising up to 759 residential units, retail floor space and workspace/ storage floor space, private and communal amenity space, car parking, cycle parking, ancillary space, mechanical plant, landscaping and other associated works.

Application subject to an Environmental Statement.

#### RECOMMENDATION:

- (1) That the Committee resolve to GRANT planning permission subject to:
  - (a) Any direction by the London Mayor pursuant to the Mayor of London Order.
  - (b) Any direction by the Secretary of State pursuant to the Consultation Direction.
  - (c) The prior completion of a legal agreement to secure the planning obligations as detailed in the report.
- (2) 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 report

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- (3) That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.
- (4) That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Toby Huntingford, Principal Planning Officer introduced the report set out the key issues and answered members questions. In introducing the report members were advised the application proposed the mixed use redevelopment of the site, including demolishing the existing two storey industrial building and replacing it with five new blocks (A-E) ranging from 12 to 24 storeys in height. The five blocks would be physically connected by a podium level which would create a continuous frontage around the edges of the site. Two of the blocks (C&D) would be connected at upper floor levels and would appear as a single building on the skyline. The development would provide a total of 759 residential flats with a proposed mix of 134 studio, 242 x 1 –bed, 305 x 2-bed and 78 x 3-bed units. 218 affordable homes would be made available within the scheme, with 80 of these being at London Affordable rent (all located within Block E). A further 62 units would be provided at Affordable rents and the remaining 76 units would be provided as Shared Ownership homes located across Blocks D & E. All dwellings had been assessed as meeting internal space standards as set out in Policy D6 of the London Plan and would have access to both private and communal amenity space. Replacement light industrial floor space would be provided across two large units at the base of Blocks B & D and C & E, with the remaining commercial floor space comprising of retail units mainly consolidated at the base of Block A. The proposal would also include improved public realm and the enhancement of linkages to Wealdstone Brook to the north of the site. Members were advised that the subject planning application was seeking permission for an alternative redevelopment of the site, including an increased number of residential units and additional commercial floor space, compared with the previous scheme which members had previously resolved to grant planning consent for in 2020.

In reference to the supplementary report circulated in advance of the meeting, the Principal Planning Officer drew members' attention to the correction of minor inaccuracies in the Affordable Housing tenure splits detailed with section 23 of the original report. Having considered and addressed the issues raised within the supplemental report the recommendation remained to approve the application subject to the Section 106 obligations, legal agreement and conditions listed within the committee report and referral of the application for Stage 2 review by the Mayor for London.

In response to questions from members, officers clarified that the scheme had been presented to Planning Committee for consideration as it related to a new

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application by a new developer and met the threshold due to its overall scale rather than level of any objections received.

Nigel Bidwell, the applicants representative, was then invited to address the Committee (in person) and highlighted the following points:

- The proposals would transform the site and the opportunity for this part of Wembley Park, by opening up what had been a closed, private industrial site with no public spaces and allowing the public access to the Wealdstone Brook and to be able to move through the site and spend time in one of the four new and safe public spaces.
- At the heart of the proposals was the re-provision of workspace and these had been designed to ensure they was flexible, futureproofed and desirable to a range of different occupiers.
- The carefully designed nature of the scheme. To the West of the site, the buildings had been pulled back to create the 'Welcome Space', which would provide address for the new scheme and create breathing space on Fulton Road. It would also enliven the area with retail spaces, a residential lobby and soft landscaping. South of the site would include new workspaces with a series of stepped terraces along Fifth Way with the "Goods Yard" to the east providing a hard space to manage the servicing requirements for the workspaces.
- The important aspect of the space to the north, which would involve Wealdstone Brook being opened up with extensive new landscaping, all overlooked, well-lit and with CCTV. The brook edge would also be designed to offer increased biodiversity and improve its status as a site of importance for nature conservation (SINC).
- The residential buildings above the workspace would be simply organised in a north/south orientation which would allow neighbours to the south a better aspect compared with the consented scheme.
- The residential accommodation across all tenures would be of high quality with no solely north-facing homes and with an emphasis on resident experience.
- The work undertaken to address and consider the overall architecture and massing of the buildings, which it was felt would provide a more flexible and futureproofed workspace along with high quality residential accommodation and an uplift in affordable homes.

Members raised queries including concerns around flood risk management; public safety relating to the overall layout and lighting of the site (with particular reference to the safety of women within the development); the consultation process with local residents with clarification also sought as to whether all residents regardless of tenure would have equal access to facilities and garden space.

In response to the above queries from members the developer's representatives clarified the following points:

- The applicant had understood the nature of Wealdstone Brook and whilst the channel of the brook itself did not fall directly within the application site the proposals had been designed to dramatically improve and enhance the brook

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edge increasing the biodiversity of the site, creating additional green space and an improved landscaping of the area that would also support flood risk management. Confirmation was also provided that the developer had reviewed the flood capacity provision within the design of the brook, which had been taken into account as part of the landscaping of the Brook side area and addressed through the flood risk and Environmental Impact Assessment.

- The extensive nature of the consultation and engagement process undertaken with local residents which had involved the public being given opportunities to engage with developers in the consultation period via Zoom events, newsletters and the offer of 1:1 in person meetings.
- The developers have carefully considered public safety, including consultation with the Metropolitan Police, in order to review the layout of the development and explore how to make its overall design as safe as possible. The design provided enhanced lighting with the workspace, retail and residential units designed to provide enhanced sight lines and an element of overlooking, providing natural surveillance. Provision was also included for CCTV along the Brook.
- In response to concerns that social housing residents in Block E would have restricted access to facilities and garden space, clarification was provided regarding the entrance points on different levels that had been included as part of the overall design of the scheme and dedicated access already provided for residents in Block E to communal garden space and facilities. Confirmation was provided they would be willing to explore the possibility of including access to the podium garden space from the Brook side edge for residents in Block E in line with all other residents.
- The wider regenerative and overall benefits of the proposals compared to the previously consented scheme, which it was felt would provide a more significant and flexible futureproofed workspace along with an increase in the level of high quality residential accommodation and uplift in affordable homes. The enhanced overall designed of the scheme would also enable the site to be opened up with the provision of safe public spaces and it was confirmed would be tenure blind, with one approach to architecture throughout the development.

In the ensuing discussion, members raised a number of issues including the Affordable Housing and Housing mix, design and layout, neighbouring amenity, environmental impact including flooding, drainage and sustainability. Officers then clarified a number of key points including:

- Confirmation was provided that the scheme would provide a total of 218 affordable units of which 80 would be low cost homes provided at a London Affordable Rent with 62 units at Affordable Rent and 58 intermediate homes. Whilst below both Brent and London Plan threshold targets, officers advised it had been demonstrated through a financial viability appraisal that this exceeded the maximum amount of affordable housing which could be viably provided on site and was therefore policy compliant. Further clarification was provided in relation to the difference between the use of London Affordable and Affordable Rents, with the use of both being in line with existing and emerging policy requirements.

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- In response to a councillor question around how this plan differed in carbon emissions against the previous consented scheme, officers confirmed that if the scheme was building to baseline building regulations it would emit 717 tonnes CO2 per annum. However with the air source heat pump, fabric efficiency of the insulation used and PV panels to be used in the development this would see a 49% reduction down to 352 tonnes of CO2 per annum. The measures outlined would achieve the required improvement on carbon savings within London Plan policy and would secure the necessary planning obligations in relation to the carbon offset fund.
- Addressing the issue of access for residents within Block E to a wider range of communal garden areas, officers advised they would seek to secure this through the inclusion of an additional requirement within the landscaping condition requiring the provision of access from the Brook side edge to the podium gardens for all residents.
- The breakdown by type of Shared Ownership units being provided within the scheme with suitable income caps for eligibility to be secured via the s106 agreement in order to meet the requirements of “London Shared Ownership” housing. In terms of the shared ownership tenure split, the scheme was policy compliant.
- The summary of daylight and sunlight results, with officers clarifying the different benchmarks used to assess impact. Whilst noting the comments raised by the GLA in relation to the single aspect percentage of the units and massing in relation to impact on internal daylight and sunlight, members noted that the quality of residential accommodation had been assessed as being of sufficient high quality and one that would achieve good outlook with a significant provision of dual aspect units and none with a sole north facing aspect, which had been welcomed and was in accordance with guidance in the Mayors Housing SPG. In terms of internal daylight and sunlight members were advised that the results for the scheme were comparable with those of the previous consented scheme, with it noted that the current scheme performed more strongly than the previous when measured on the basis of the more accurate daylighting (Average Daylight Factor). Additional clarification was provided in relation to the specific layout of units (B-0204; B-0304 to 1104) and design solution identified to achieve better light and outlook which would be secured via condition.
- Whilst noting that the proposed percentage of three bedroom family sized units was below the Policy and emerging Policy target of 25%, this was considered to be acceptable when assessed against the benefits associated with the increased provision of affordable homes and impact on scheme viability arising from the provision of a higher proportion of family sized homes.
- Officers assured the committee that the schemes drainage strategy and flood mitigation strategy had been carefully considered and that Thames and Affinity Water and the Environment agency had raised no concerns on the basis of the submitted drainage strategy and flood risk assessment, which would be secured by condition. It was noted that the site was located within the lowest category of Flood Zone (1) with the flood risk assessment modelled to accommodate latest projections in relation to potential flood events linked to climate change and the landscaping designed to enhance natural drainage provision with the addition of rain water attenuation tanks.

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Collectively it was considered these measures would improve rather than negatively impact any potential flood water being pushed further downstream.

- Whilst noting the shortfall in terms of amenity space against policy DMP19 the scheme had sought to maximise amenity space provision across the development with the provision of high quality external communal terraces, gardens and private balcony space along with the opening up and delivery of new publicly accessible amenity spaces at ground floor level and adjacent to Wealdstone Brook. On balance the proposed amenity space provision was therefore considered acceptable for a high density scheme.

With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendations.

DECISION: Granted planning permission subject to the conditions (as amended below) and informatives set out in the report and supplementary agenda along with:

- (1) any direction by the London Mayor pursuant to the Mayor of London Order;
- (2) any direction by the Secretary of State pursuant to the Consultation Direction;
- (3) the prior completion of a legal agreement to secure the planning obligations as detailed within the report

Condition 33 –landscaping strategy to include an additional requirement securing the provision of access from the Brook side edge to the podium gardens for all residents.

(Voting on the recommendation was as follows: For 6 & Against 1)

### **5. 20/2096 - 5 Blackbird Hill, London, NW9 8RR**

Construction of a single building up to 6 storeys to provide 45 residential units (Use Class C3), and flexible commercial/community use floor space (within Use Class E), car and cycle parking, associated landscaping, highways and infrastructure works, and provision of pedestrian and vehicular access.

RECOMMENDATION:

- (1) That the Committee resolve to GRANT planning permission subject to completion of a legal agreement to secure the planning obligations, as set out within the report:
- (2) That the Head of Planning is delegated authority to negotiate the legal agreement and issue the planning permission and impose conditions and informatives to secure the matters as set out within the report.

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- (3) That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.
- (4) That, if by the "expiry date" of this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed the Head of Planning is delegated authority to refuse planning permission.

Denis Toomey, Principal Planning Officer introduced the report, set out key issues and answered members questions. In introducing the application members were advised that the scheme was seeking to re-develop the site by introducing a new mixed use development comprising of 45 residential housing units with flexible commercial/community use occupying the ground floor. The main portion of the new build would comprise six storeys which would drop to three at the rear. Communal amenity space along with a car park would be provided to the rear of the site along with a lay-by to the front of the site on Blackbird Hill for servicing purposes. A number of amendments had been made to the proposals during the course of the application to reduce the overall scale which included reducing the original amount of residential units from 57 to 45, the introduction of additional separation distances with boundaries, a reduction in car parking spaces from 36 to 29 along with a larger communal garden and removal of a communal terrace.

In reference to the supplementary report circulated in advance of the meeting, the Principal Planning Officer drew members' attention to further correspondence from a local resident who had objected to the proposal raising concerns that those who had signed a petition also in objection to the scheme had not been notified of the Planning Committee. Confirmation was also provided that the applicant had now provided a Fire Safety report with members advised that as a result Condition 16 could be removed from the list included within the report. This had also resulted in minor changes to the proposed floor plans and modifications to the internal layouts of the proposed residential units, although these remained compliant with London Plan floor space standards. Members were advised that the modifications outlined in the supplementary report were considered to be minor and would not result in any increase in overall footprint or scale of the development. Subject to the inclusion of drawing numbers to Condition 2 and additional unit numbers to Condition 5 the recommendation remained to approve the application subject to the above amendments to conditions and completion of the Section 106 Agreement.

As no questions were raised, the Chair then invited Safae Boughaba (objector) to address the Committee (in person) who raised a number of concerns including:

- What local objectors felt to be the flawed nature of the report presented to the Committee given the objections raised in relation to the applications overall

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scale, impact on the surrounding area and residential amenity and non-compliance with a number of planning policies including Policy BH2 within Brent's Draft Local Plan.

- Current use of the site by the developers as a car park and nuisance being created for local residents as a result.
- Over intensification and overcrowding created by the overall scale of the development given the nature and size of the site and adverse impact this would have on local amenity and the adjacent St Andrew's Conservation Area.
- The impact in relation to loss of view and overshadowing on adjacent properties.
- The level of affordable housing being provided within the scheme, which was below the target set within both the current and emerging Local Plan and London Plan.

In response to questions from members, Safae Boughaba made the following points:

- Whilst supportive of development on the site she remained concerned at the level of policy non-compliance within the current application, the overall scale of the development in relation to the nature of the site and surrounding area and level of overlooking and loss of privacy to neighbouring properties and mix of housing proposed given the relationship of the design and site within an Intensification Corridor.

Gabriel Mahgerefteh (objector) was then invited to address the committee (in person) in relation to the application and raised a number of concerns including:

- The impact of the proposal in relation to overcrowding, overlooking and loss of light and privacy on neighbouring properties given its overall scale, height and lack of screening.
- The impact in terms of existing flooding and drainage problems in the area and in terms of access, parking and traffic given the existing levels of traffic on Blackbird Hill.
- The current way in which the site was being operated as a car park by the developer and impact on local residents, leading to concerns being expressed about compliance by the developer with any pre occupation conditions imposed.

In response to questions from members, Gabriel Mahgerefteh advised his preference in terms of an acceptable development on the site would be for a design of smaller scale up to a maximum 3 storeys in height and more in keeping with the character of the adjacent Conservation Area.

Greg Blaquiere representing the applicant was then invited to address the Committee (in person) and highlighted several matters including:

- The nature of the site as a vacant brownfield site identified for mixed use development within an Intensification Corridor within the Local Plan.

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- The security challenges faced in securing the site, which the introduction of the temporary car park operation had been designed to address.
- The way in which the proposed development would contribute positively to the local area by providing housing and community facilities to meet local need.
- The inclusion of 20% affordable housing, which was in excess of the maximum amount identified through the viability process and included a mix of affordability levels including London Affordable Rent, Shared Ownership and market housing.
- Whilst the scheme had been amended during the course of the application to include a reduction in residential units the level of affordable provision and tenure split had been maintained, despite an increase in financial deficit.
- All residents would have full access to the on-site amenity space, with the development tenure blind.
- The flexibility of the commercial /community use space on the ground floor.
- The environmental impact of the development had been considered (including air quality, daylight and sunlight and highways) and amendments and appropriate mitigations made where necessary to support a bio diversity improvement to the site.
- The recommendations from officers in support of the application being granted in accordance with the adopted and emerging policy framework.

Members raised queries in relation to issues around access, traffic and parking impact, design and housing mix. In response to the questions from members Greg Blaquiére supported by the applicants other representatives at the meeting made the following points:

- Whilst the level of flexible commercial/community use on the ground floor had been amended and reduced during the application process it was confirmed this would still meet the site allocation within the Draft Local Plan and provide an active frontage along Blackbird Hill, with level access.
- A parking stress test had been undertaken and in considering use of the site , it was deemed a car free development was not appropriate with the level of parking space provided (although reduced) meeting parking standards and designed to minimise impact of the development on the surrounding area.
- In response to concerns around single aspect units with less natural daylight, it was recognised that although 22 of the units would be single aspect, this had been minimised as much as possible. Design options were limited given the overall site size, with the plans designed to utilise the space available in the best way, striking a balance between maximising space and providing units with adequate lighting that would meet the necessary standards. None of the single aspect units would face directly north or south and it was felt would still benefit from good levels of outlook.
- Although recognised as not being material planning considerations further clarification was provided on operation of the current site as a car park including the security measures introduced to secure the site whilst vacant.
- Whilst noting that the level of family sized three bedroom units fell marginally short of the current target within the adopted Plan the level provided would be in accordance with the requirements within the emerging policy. It was also acknowledged that the number of family sized units within the Affordable

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Rented tenure had been reduced to one (compared to 10 within the private tenure). Whilst aware of the preference to have secured a higher number of units within the Affordable Rented tenure this reflected the overall reduction in number of residential units within the scheme (including the private market units) which had also been reflected within the viability appraisal of the scheme.

- The high level of traffic on the main road of the development was acknowledged with amendments made in order to make the road and site access as safe as possible. The road safety audit undertaken in support of the application had led to adjustments to the size of the lay by to the front of the site in order to accommodate delivery and servicing. In addition to this the developers would also be making a financial contribution to support wider highway improvements in the area.

In the ensuing discussion, members raised a number of further issues relating to traffic, road safety and site access, the level of affordable housing and housing mix, design scale and appearance, amenity space, trees and compliance with planning policy. Officers then clarified a number of key points including:

- Due to the absence of a Controlled Parking Zone (CPZ) in the surrounding streets and noting the level of objections received regarding the impact of the development on parking in the surrounding area a car free development had not been considered appropriate, with confirmation provided that the level of parking on site was considered to be acceptable in order to avoid overspill parking onto the surrounding road network. The challenging nature of existing traffic and road safety issues in the area had been acknowledged with a road safety audit having been undertaken in relation to the new vehicular access to the site. As a result amendments had been made to the lay-by at the front of the site with consideration also given to the installation of a pedestrian crossing. The proposed development had been considered by Brent's Highways & Infrastructure Team who, as an alternative to a pedestrian crossing, had identified proposals to alter the configuration of the roundabout at Blackbird Hill and Tudor Gardens in order to improve pedestrian crossing facilities as part of a wider strategic approach in the area. As a result a financial contribution had been secured from the scheme towards the wider highway improvement works proposed within the locality. Officers advised that the suggested introduction of a no right turn would also prove difficult to enforce with the overall trip generation identified through the transport appraisal for the site anticipated as low.
- In response to concerns around vulnerable residents who may have a disability, officers confirmed that the scheme would include two blue badge spaces, which met the adopted London Plan requirement with access also available via the lay by at the front of the site. The scheme would include 4 units designed to wheel chair accessible home standards. Whilst this was slightly below the percentage requirement within the London Plan the remainder of the homes would be designed to meet the accessible and adaptable dwelling standards. The development had also been designed to provide step free access to the building through clearly visible and identifiable shared entrances, including to the rear of the amenity space. It was

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confirmed that two of the accessible units would be located within the shared/affordable ownership element of the scheme.

- Addressing concerns raised regarding the tenure split in terms of London Affordable Rent and Intermediate (shared ownership) residential units when compared with the overall number of units provided, officers advised that the proposed affordable housing contribution was considered to be the maximum reasonable amount the development could offer and this had been supported by the financial viability appraisal. Following challenge by members, it was confirmed this appraisal had been subject to robust review by consultants acting on behalf of the Council.
- Confirmation was provided that the residential units proposed within the scheme would meet the London Plan floor space requirements. The daylight and sunlight report had also highlighted that all units would provide satisfactory levels of light and the overall arrangement of each unit would allow for an acceptable outlook. Whilst the amount of external amenity space on site fell marginally short of the requirements within DMP19 the overall level of amenity space was felt to be satisfactory given the provision of individual private balconies and proximity to nearby open space.
- Officers confirmed that whilst the proposal would exceed 15m in height (5 storeys) as referred to within emerging policy BD2 the 6 storey feature would mainly occupy the front element of the site with the rear element dropping to 3 storeys. Officers advised that it was felt the new build would allow for an acceptable transition and relationship when taking account of the make-up of surrounding residential properties to the rear of the site. The maximum height facing Blackbird Hill had capacity to accommodate the new build at the proposed scale and was felt to be suitable given the nature of the existing buildings along that section of Blackbird Hill and the sites relationship within the proposed Intensification corridor where new housing was encouraged. On this basis, the benefits of the scheme were considered to outweigh the limited harm of the height exceeding the general height set out within draft policy BD2.
- Confirmation was provided that the scheme would not benefit from permitted development rights.
- Officers confirmed the proposed mix of housing tenure within the scheme and whilst noting the preference to have secured a higher proportion of family sized units members were advised that the tenure mix would comply with policy CP2 of the Core Strategy and BH6 of the Draft Local Plan.
- The development had been assessed as providing sufficient separation from all adjoining boundaries and neighbouring properties within the vicinity of the application site and would not result in significant levels of overlooking. Whilst noting a minor infringement in terms of the relationship with No.1 Old Church Lane, the proposals had been assessed as complying with DMP1 and the guidance within SPD1.
- Confirmation was provided that no trees would be removed on site and the proposal would result in new trees being provided and soft landscaping to enhance the urban greening and biodiversity of the site.
- Whilst noting the concerns raised during the meeting in relation to compliance with policy requirements relating to the height of the building, mix of affordable housing and amenity space, officers highlighted the need to assess these against the overall benefits of the scheme given the location of

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the site within the Draft Local Plan as a priority growth area for housing and Intensification corridor. Given the proposed number of new residential units and mixed use aspect of the proposed development, the proposal was therefore considered to be acceptable in principle as it would make efficient use of a brownfield site and be in accordance with the objectives of policy BH2 and site allocation within the draft Local Plan.

With no further issues raised and having established that all members had followed the discussions, the Chair thanked all speakers for their contributions and asked members to vote on the recommendations

DECISION: Granted planning permission subject to the conditions, informatives and completion of a legal agreement to secure the planning obligations as set out within the report and supplementary agenda.

(Voting on the recommendation was as follows: For 4 & Against 3)

### **6. Any Other Urgent Business**

None.

The meeting closed at 8.20 pm

COUNCILLOR JOHNSON

Vice-Chair in the Chair