



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 23 March 2022 at 6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor Johnson (Vice-Chair) and Councillors S Butt, Chappell, Kennelly, Donnelly-Jackson and Maurice

Also present: Councillor Colacicco (online as local ward councillor) for Agenda items 4 & 5.

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

Apologies for absence were received from Councillor Dixon

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 26th January 2022 be approved as an accurate record of the meeting.

Ahead of hearing the applications Gerry Ansell, Head of Planning and Development Services informed the committee that this would be the first Planning Committee where applications were being considered under the revised Local Plan that had been approved at the Full Council meeting on 24 February 2022. The adoption of Brent's updated Local Plan had required a number of previous policies contained within the previous version to be revoked and replaced by updated policies to support the new Local Plan, which had included the Brent Core Strategy 2010, Site Allocations 2011, Wembley Area Action Plan 2015 and the Development Management Policies 2016, with the updated policies now supporting consideration of each planning application.

4. **21/4690 - Windmill Court and car park, 52 Mapesbury Road, London, NW2**

PROPOSAL

The proposal seeks to demolish the car park and 1-2 & 5-18 Windmill Court maisonettes in order to redevelop the site to provide 60 flats in two separate buildings rising to 7 storeys, to include car parking, cycle parking, access routes, refuse and recycling storage, amenity space, landscaping, boundary treatments, a substation and other associated works.

In addition the ground and first floors of the existing Windmill Court block are to be internally reconfigured and private terraces are to be provided to 2 x ground floor

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(3 & 4 Windmill Court) flats alongside associated external works including new brickwork and cladding, windows and doors.

The existing on site community room will also be refurbished and extended with associated external works including the provision of a new entrance and windows.

RECOMMENDATION~:

- (1) That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose the conditions and informatives as set out within the report.
- (2) 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, planning obligations 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.

Damian Manhertz, Planning Team Leader, South Team, introduced the report and set out the key issues. In introducing the report members were advised that the 1 hectare site was located to the south of Mapesbury Road and to the west of Shoot Up Hill on the boundary of the Mapesbury Conservation area. The application sought to demolish the car park, 1-2 & 5-18 Windmill Court maisonettes and redevelop the site to provide 60 flats in two separate buildings rising to 7 storeys. The redevelopment would also see the existing 17 storey Windmill Court block undergo significant improvements including the internal reconfiguration of the ground and first floor flats with private terraces provided to existing flats 3 & 4 Windmill Court. In addition to this new brickwork, cladding, windows and doors would be provided and the existing on site community space would be increased from 156 square metres to 194 square metres. The Committee were shown aerial views and CGI of the layout of the proposed development to illustrate how the proposed development would compare against the existing site. The Committee were advised that the accompanying addendum and supplementary agenda to the report included a correction to the public consultation section that ensured all the information was provided, further clarification on amenity space and the inclusion of suggested conditions from Thames Water. A further condition had also been added to ensure affordable housing would be delivered correctly and a correction

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had been made to reflect the number of new flats that would be constructed. Members were advised that objections against the proposed development included concerns regarding fire safety and access, tree removal and replanting, air quality, transport assessment, sunlight/daylight and the heritage impact. Officers were satisfied that concerns raised had been mitigated and addressed in the report

As no questions were raised by members, the Chair then invited Mr Richard Geldart (as an objector) to address the Committee (in person) in relation to the application.

- Mr Geldart introduced himself as the Deputy Chairman of Brent Central Conservatives and explained that he was objecting to the application on behalf of the Brent Central Conservative group and as a local resident. Mr Geldart began by referencing Brent's Local Plan and whilst recognising the rationale in seeking to prioritise the development of existing council sites, felt that the proposed application would result in significant over development on this site.
- Mr Geldart advised the committee that the existing community enjoyed living at Windmill Court and currently experienced limited social problems and benefited from the positive environment in terms of trees and green space available to them. Concerns had therefore been raised about the potential negative impact of the proposed development on the integrity and existing residential amenity of the area with the community at risk of additional social problems similar to those experienced on other large local residential estates in the borough.
- Further concerns were shared regarding the close proximity of the proposed build to the Mapesbury Conservation Area and the limited car parking options that would be available to residents. Whilst aware of the efforts to increase more active modes of travel and reduce reliance on motor vehicles Mr Geldart drew members attention to the fact that many residents living within the current block needed access to motor vehicles for their employment and other reasons and was therefore keen to ensure adequate car parking was maintained within the proposals.
- In summarising his objections Mr Geldart highlighted existing levels of air pollution within the vicinity of the development site alongside Shoot Up Hill which it was felt the development of the site would have a further negative impact upon in terms of local conservation caused by the addition of construction traffic during the redevelopment period along with concerns on existing residential amenity and parking.

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In response to questions from members in relation to his comments, Mr Geldart responded with the following points:

- Mr Geldart felt the proposal as it stood with two additional seven storey blocks was unacceptably excessive. It was felt that if the redevelopment did not impact on tree cover, low rise blocks of up to 3 floors could be an acceptable proposal.
- Whilst Mr Geldart acknowledged the challenge in both attempting to retain parking and reduce pollution his views were that given existing high levels of air pollution in the local area, tenants car use was not going to significantly impact levels of pollution and he therefore maintained his position that consideration should be given to ensuring sufficient parking provision was maintained for local residents within the development.
- Mr Geldart re-iterated that in his opinion it was far more harmful to the local environment to remove the trees proposed in the application to make way for the redevelopment against the benefits of the modern buildings being constructed having reduced carbon emissions.

As there were no further member questions, the Chair invited the next speaker Danna Cannon (objector) to address the Committee (in person) in relation to the application, who highlighted the following points:

- Ms Cannon informed the Committee that she was a resident of Windmill Court and would be speaking in objection to the application with the view that the application should be deferred or refused due to a number of concerns.
- It was felt the documents that related to the application did not include all the correct information, this had left many residents with a number of questions that were not fully addressed.
- Ms Cannon was concerned that the reports that related to the application had not addressed the 17 independently rented garages currently in use that would be demolished as part of the redevelopment.
- The proposed changes in the layout of the development would impact fire safety, Ms Cannon shared that residents believed that the proposals were not compliant with the Fire Safety requirements within the London Plan. In addition to this full consultation with London Fire Brigade had not been undertaken.

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- Ms Cannon believed that the transport assessment figures contained in the report were not accurate and that the methodology used to support the calculation of parking spaces had not been applied correctly.
- Residents were anxious about the impact on air quality as a result of the proposed removal of mature trees to make way for the redevelopment.

In response to questions from members, Ms Cannon made the following points:

- Ms Cannon echoed Mr Geldart's observation that the existing Windmill Court environment was overwhelmingly positive, children had space to play happily and safely, however if the proposed application went forward green space would be reduced impacting local children's options for play and negatively impacting on residents health due to poor air quality as a result of the removal of trees and car park adjacent to the children's play area.
- Residents were concerned about the health and safety implications of the increased traffic in terms of both air pollution and access issues with regard to there being only one access road in and out of Windmill Court.
- Concerns were highlighted that the proposals appeared to contradict existing requirements within Brent's Local Plan and Air Quality Strategy.

As members had no further questions, the Chair invited Kerry Royston as the applicant's agent to address the Committee (in person) Ms Royston introduced the application, drawing the Committee's attention the following key points:

- The application formed part of Brent's New Council Homes Programme to redevelop under-utilised sites across the Borough to provide 1,000 much needed affordable homes by 2024, it was noted that the existing maisonettes at Windmill Court were in a poor state, with deteriorated building fabric, leaking roofs, low energy efficiency and poor insulation. The car park had also attracted anti-social behaviour.
- There had been an extensive public consultation that included meetings with the Windmill Court Tenant and Residents Association, the creation of a Residents Panel and online presentations which had included local ward Councillors.
- All of the proposed new homes would be provided at either genuinely affordable London Affordable Rent or Social Rent which significantly exceeded policy requirements.
- Brent Council would own and let the properties to people currently living in the Borough and those on the housing waiting list. All tenants being decanted

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as part of the redevelopment would have the right to return to the new homes.

- 19 of the homes would be larger 3-bedroom homes, this equated to 32% family-sized housing, this reflected the area of greatest need.
- The proposal had been designed to protect the privacy and amenity of neighbouring properties in terms of noise, daylight and sunlight and overlooking.
- The new homes would benefit from a private balcony or terrace, existing communal facilities would be improved to include a new half basketball court, play area and an adult exercise area, the proposed enhancements would exceed Brent's Policy requirements on amenity space.
- The Landscape Strategy would see a net increase of trees with a total of 40 new trees being planted, the proposed urban greening factor score of 0.7 significantly exceeded policy requirements.

Members raised queries regarding the consideration given to issues of Anti-Social Behaviour (ASB) on the current site, play space and the tree removal and re-planting. In response to the questions from members Kerry Royston supported by the applicants other representative, architect, Mark Ratke (also attending in person), clarified the following points:

- Mr Ratke advised the committee that discussions had taken place with residents and design officers with regard to minimising opportunities for Anti-Social Behaviour (ASB) in Windmill Court. Following these discussions it was evident that the areas that ASB had frequently taken place in were areas where there were no overlooking from residential units, the undercroft car parking area was identified as a focal point of ASB. In order to mitigate opportunities for ASB as part of the redevelopment, mitigations would include new CCTV, improved lighting, landscaping and new buildings would overlook areas of the site at ground level to deter ASB.
- Ms Royston clarified that the play space calculations had been calculated in line with the policy guidance, this included both formal and informal play space. The proposed application would therefore exceed the minimum policy requirements.
- Following conversations with residents it was felt it was important to keep the location of the well utilised and popular play space where it was and further enhance it by providing a new half basketball court and adult outdoor gym equipment to form part of the improvements. Although there would be additional car parking spaces near the play area, health and safety

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- implications had been responded to by including gates between the car park and play space, in addition to this a landscape buffer would be created.
- In terms of concerns relating to the replanting of trees, the Committee was advised that there would be a range of different trees replanted including semi mature trees, flowering trees and fruiting trees dependant on their location on the estate, they would support structure and greening as well as carbon absorption. There would be no category A trees removed as part of the proposed redevelopment. Member concerns that it would take time for some trees to mature enough to offer the best levels of carbon absorption were acknowledged, however overall it was felt that the increased re-planting would bring a betterment to the air quality and landscaping of Windmill Court.
 - It was confirmed, given the concerns highlighted around the environmental and associated public health impact from the construction of the new build, that consideration had been given within the initial design proposals to retrofitting and refurbishment of some of the existing units , however this would not have created a significant enough net increase of housing units so had not been pursued as an option.
 - In response to a further query, the Committee was advised that there were felt to be multiple benefits to existing residents arising from the development proposals including new landscaping, the extension and refurbishment of the community centre, improved CCTV and lighting, and existing overcrowded tenants would be a priority for the new larger properties.

As no further questions were raised, Councillor Collacicco, in her capacity as the local ward councillor, was then invited to address the Committee (online) who highlighted the following key points for consideration:

- Notwithstanding the objections highlighted at the meeting, local opinion on the proposed application had generally been positive and it was felt that it would be possible to mitigate the concerns raised through conditions, including air quality monitoring and the replanting of carbon absorbing trees.
- The need to ensure that the methodology used to assess travel and parking provision did not result in a negative impact in terms of overspill parking in surrounding residential areas and ensured the necessary parking place provision was maintained.
- Fire Safety was highlighted as a paramount area of concern for residents with regard to emergency vehicle access. Councillor Colacicco therefore requested that consideration was given to the current access arrangements to Windmill Court

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As there were no member questions for Councillor Colacicco, the Chair invited members to ask officers any questions or points of clarification they may have. In response to questions raised by the Committee the following responses were provided:

- Addressing concerns around fire safety, officers confirmed that there had been significant consideration given to the issues raised and much discussion had taken place with the applicant and their fire assessor to ensure that all fire safety concerns had been addressed. It was explained that at this point in the application phase (Gateway 1) the height of the proposed new buildings met the threshold for statutory consultation from the Health & Safety Executive (HSE). As a result of the consultation further discussion had taken place with the applicant to ensure that any concerns raised could be managed through building control, internal layout and/or fabric. A condition had been added to the proposal to address the comments from the HSE. If the application were to be approved the next phase (Gateway 2) would see further more detailed assessment in terms of the necessary building control and London Fire Brigade requirements. As such at this point in the planning process officers were satisfied that the proposed development complied with D12 of the London Plan.
- Officers advised that the re development would see an overall net benefit to the local environment, acknowledging that whilst the proposals would result in the removal of 13 trees this would be offset by the replanting of 40 trees of varying size and maturity.
- In terms of concerns regarding the environmental impact of the development, the Committee was advised that the new buildings would be more energy efficient than those proposed for demolition. The new buildings would encompass energy efficient measures including solar panels and heat pumps, using much less energy and creating an environmentally friendly development.
- Officers confirmed that a detailed assessment had been undertaken relating to use the garages that were included in the application site for redevelopment.
- In line with Policy BT2, consideration had been given to the potential impact of overspill parking with overnight parking surveys being completed to assess the likely number of places needed for existing tenants to avoid potential overspill. The survey results, existing local parking controls and the application of the upper estimated car ownership figures were combined to evidence that the demand for parking spaces by existing residents would be

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met by the provision of 53 spaces proposed within the development, although the new blocks proposed had been designed to be care free. Confirmation was also provided that provision had also been included for servicing arrangements.

- In response to member concerns regarding the current fire safety evacuation advice, officers highlighted the ongoing changes in legislation resulting in more stringent strategic requirements at the early planning and design phases of developments relating to the way fire safety was considered at the initial stages of planning and design process. In terms of reassurance, the Committee was advised that the HSE had deemed the current proposals to be acceptable at this stage in the planning process with further more detailed assessment and consultation to be undertaken as part of the next stage (Gateway 2) subject to approval of the initial application.
- In relation to a member query as to whether it would be possible for the electric car charging points to be situated among the parking spaces nearest to the children's play space in order to minimise emissions directly to the play area, officers agreed that they would take the suggestion forward.

At this point in the meeting Councillor Kennelly, in view of the concerns highlighted relating to fire safety, suggested that consideration be given to a potential deferral of the application in order for the Committee to be provided with further assurance relating to the proposed arrangements and to provide an opportunity for consultation with the London Fire Brigade.

In seeking further advice from officers, the Committee were reminded of their strategic remit at this stage in the planning process relating to the assessment of fire safety issues and that no objections had currently been raised by the HSE. The more detailed assessment and consultation being sought would need to be undertaken as part of the next phase in the planning process (subject to the proposals being approved) with confirmation provided this would include building control and LFB. As a result the Chair, supported by the remainder of the Committee, advised he was not therefore minded to consider deferral of the application with it felt sufficient details were available for members to continue with their consideration of the proposals.

As there were no further issues raised and having established that all members had followed the discussions the Chair asked members to vote on the recommendations.

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DECISION: Granted planning permission subject to the conditions and informatives as set out within the report and supplementary agenda.

(Voting on the recommendation was as follows: For 5, Against 1 and Abstain 1.)

The member who voted against cited the reason being the removal of trees and the excess nature of the development having a negative impact on the quality of life of the existing residents.

The member who abstained explained that the abstention was due to fire safety concerns.

At this stage of the meeting Councillor Johnson advised that due to a clash of engagements he would need to leave for the remainder of the meeting.

5. 21/2473 - Garages & 1-30 Claire Court, Shoot Up Hill and 1-135 Watling Gardens, London, NW2

PROPOSAL

The proposal seeks the demolition of 1-11 Watling Gardens, 1-30 Claire Court and the associated podium car parking and substation and redevelopment to provide 125 flats: 80 for general needs (Use Class: C3) and 45 for extra care (Use Class:C3 (b)) in three separate buildings ranging from 3 to 14 storeys alongside access improvements, car parking, cycle parking, refuse and recycling storage, amenity space, landscaping and other associated works

RECOMMENDATION~:

- (1) That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose the conditions and informatives as set out within the report.
- (2) 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, planning obligations 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

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nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

Damian Manhertz, Planning Team Leader, South Team, introduced the report and set out the key issues. In introducing the report members were advised that the 1.4 hectare site of Clair Court sat to the South of Windmill Court and was bounded by Shoot Up Hill to the East, Wiltern Court to the north and Exeter Road (which formed part of the Mapesbury Conservation Area to the west and Cedar Lodge and Jubilee Heights to the South. The current site had 164 residential units across a number of buildings that varied from 2 – 12 storeys. The proposed application sought the demolition of 1-11 Watling Gardens and 1-30 Claire Court in order to regenerate the site to provide 125 new units of accommodation within 3 blocks, 80 for general needs tenants and 45 for extra care tenants.

The development would include 33% family sized homes, 59 parking spaces, and the provision of 8 blue badge spaces. Attention was drawn to the supplementary reports that included additional comments received which included comments on the removal of trees, this had been addressed and the tree assessment was considered acceptable to officers. The provision of community space had been corrected to 135 square metres, the bat survey had been updated and an additional condition related to the delivery of affordable housing had been included.

As there were no registered public speakers on the application, the Chair invited Councillor Colacicco in her capacity as the local ward councillor to speak (online) to share local resident's views as follows:

- Most local residents were supportive of the proposals, however there had been a small number of objections received from residents who were concerned that due to the close proximity of the NAIL block (New Accommodation for Independent Living) to the rear gardens on Exeter Road, there would be a reduction of natural light to resident's gardens in Exeter Road.
- Residents on Exeter Road would like the mature trees retained along the border and periodic flooding assessments to prevent adverse changes as a result of the development.
- Councillor Colacicco highlighted concerns relating to the parking times that would apply locally for non permit holders between the hours of 10am- 3pm, which it was felt required further review.

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The Chair responded to Councillor Colacicco's concerns with regard to permitted parking hours advising that this would require consideration as a separate issue to the planning considerations, should the development be approved. Members then went on to ask officers questions to clarify their concerns regarding tree coverage between Block C (NAIL block) and Exeter Road, pedestrian accessibility for those with mobility difficulties and lack of daylight. Officers responded as follows:

- Officers clarified the proposals regarding the removal and replanting of trees, confirming that only 9 trees would be removed to accommodate Block C and a further 75 trees of varying type, size and age would be replanted.
- Officers acknowledged there had historically been a poor record of pedestrian road safety on the junction of Exeter Road and Shoot Up Hill however improvements had recently been completed by the Highway service to improve the junction and accessibility.
- Officers advised that accessibility for tenants with mobility issues had been considered throughout the planning phase with it confirmed that access would be available to communal amenities throughout the site for all residents, including those within the NAIL provision
- In response to concerns regarding the impact of the development in terms of the daylight/sunlight assessments, officers advised that the most significant impact had been identified in relation to the residential units within 57-96 Watling Gardens although this had been assessed as attributable in part to the design of the existing properties at lower floor levels with any shortfalls on BRE targets at upper floor levels far less acute and generally to individual rooms which ensured the overall standard of accommodation was not adversely affected. Officers provided further context with regard to some properties not achieving the BRE daylight/sunlight targets, informing members that where this was the case it was largely rooms that were not primary living areas that were impacted, rather than whole properties.
- Members were advised that out of the properties in 13-56 Watling Gardens, 13 of the rooms that received daylight below the BRE target were those with balconies, noting that if the balconies were removed the target would have been achieved. In properties 57-96, 32 of the properties were dual aspect, therefore had another light source to compensate for any light lost in singular rooms.
- In terms of other design features, members highlighted their support for the provision of bbq and picnic areas within the communal amenities proposed.

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As there were no further questions from members and having established that all members had followed the discussions the Chair asked members to vote on the recommendations.

DECISION: Granted planning permission subject to the conditions and informatives as set out within the report and supplementary agenda.

(Voting on the recommendation was as follows: For 6, Against 0)

6. 21/3349 - 1 Hillway, London, NW9 7LS**PROPOSAL**

The proposal seeks the demolition of the garage and the erection of a single storey dwelling comprising of a one bedroom house to the land to the rear of 1 Hillway, including the provision of car parking, cycle parking and the insertion of a front wall to enclose the dwelling.

RECOMMENDATION

- (1) That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose the conditions and informatives as set out within the report.
- (2) 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, planning obligations 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.

Victoria McDonagh, Planning Team Leader, North Team, introduced the report, set out key issues and answered member questions. In introducing the report members were advised that the application related to the demolition of the existing garage situated in the garden of the semi-detached bungalow, 1 Hillway to be replaced with the construction of a 1 bedroom single storey dwelling with one car park space and cycle parking.

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As there were no registered speakers for the application the Chair moved straight on to deal with member questions, in response to which officers clarified the following points:

- In response to a query regarding the loss of green space, the Committee was advised that the design had been assessed as representing a good standard and one that would not result in harmful impact on the character and appearance of the local area or on the residential amenities of neighbouring occupiers in terms of noise, disturbance, daylight, sunlight or overlooking. The proposal would also provide an increase in green space which would include enhancements to the soft landscaping and a doubling of the Urban Greening Factor. As such the proposals were felt to have overcome the earlier reasons for refusal of the application on the same site.
- Officers confirmed that permitted development rights had been removed for this proposed development to ensure that there could be no subsequent additions to the floors of the dwelling.

As there were no further issues raised and having established that all members had followed the discussions the Chair asked members to vote on the recommendations.

DECISION: Granted planning permission subject to the conditions and informatives as set out within the report.

(Voting on the recommendation was as follows: For 6 & Against 0.)

7. Any Other Urgent Business

None.

The meeting closed at 8:00pm.

COUNCILLOR KELCHER
Chair