



## **LONDON BOROUGH OF BRENT**

### **MINUTES OF THE PLANNING COMMITTEE Wednesday 14 December 2022 at 6.00 pm**

PRESENT: Councillor Kelcher (Chair), Councillor S Butt (Vice-Chair) and Councillors Akram, Begum, Dixon, Mahmood, Maurice and Rajan-Seelan

#### **1. Apologies for Absence and Clarification of Alternate Members**

None.

#### **2. Declarations of interests**

None.

#### **3. Minutes of the previous meeting**

**RESOLVED** that the minutes of the previous meeting held on Wednesday 16 November 2022 be approved as an accurate record of the meeting.

#### **4. Order of Business**

At this stage in proceedings the Chair advised that he had agreed to vary the order of business on the agenda. This was to enable the consideration of Agenda Item 5 (Application 5 22/2531- Broadview Garages, Broadview, London, NW9) as the first item given the number of speakers registered on the application. The minutes reflect the order in which the items were considered at the meeting.

#### **5. 22/2531 - Broadview Garages, Broadview, London, NW9**

##### **PROPOSAL**

Demolition of garages and erection of two dwelling houses with car parking, cycle storage, amenity space and associated landscaping.

##### **RECOMMENDATION~:**

That the Committee resolve to GRANT planning permission subject to:

- (1) That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives as detailed in the report.
- (2) That the Head of Planning is delegated to make changes to the wording of the committee's decision (such as to delete, vary or add conditions,

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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.

- (3) 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.

Victoria McDonagh, Team Leader, North Area Planning Team introduced the report and set out the key issues. In introducing the application, the Committee were advised the application sought the demolition of garages and the erection of a two dwelling houses with car parking, cycle storage, amenity space and associated landscaping, members were advised that the site had been identified within the New Council Homes Programme to build on land already owned by the Council. The site was in an area of development to the west of Broadview, Fryent Way and currently comprised of an existing garage site that contained two blocks of garages that served properties along Broadview. To the east, the site shared a boundary with residential properties ranging from two to three storeys tall, with the Jubilee Line running to the west of the site. The majority of the site was within recognised Site of Importance to Nature Conservation (SINC) Grade 1, and the railway line was designated as a wildlife corridor and SINC Grade 1. Fryent Country Park, which was located to the south of the application site and recognised as a designated Open Space and Metropolitan Open Land (MOL). It was also a local nature reserve. The site did not fall within a conservation area, nor did it contain any listed buildings, although Fryent Country Park was designated as a locally listed park.

The Committee's attention was drawn to the supplementary agenda that provided information regarding additional objections received with particular regard to the homes being provided at affordable rent and to seek clarity on whether the tree T1 was growing within the application site. Concerns was also raised that any replacement tree would not be of a sufficient size and quality to replace the tree(s) lost as part of the development.

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As no Committee questions were raised at this point, the Chair invited the first speaker, Alastair Mellon (objector) to address the Committee (in person) in relation to the application, the second speaker, Alnoor Najak also indicated that Mr Mellon would be speaking on his behalf. As such Mr Mellon was allocated 6 minutes covering both his and Mr Najak's allocated times to address the Committee. Mr Mellon proceeded to draw the Committee's attention to the following key points:

- Mr Mellon introduced himself to the Committee as a representative of the objectors to the application. In doing so he shared the objector's frustrations that it was felt the communication throughout the consultation period had been unsatisfactory due to requests for further meetings with officers being denied, difficulties obtaining updated reports and website accessibility issues that hindered further up to date information being readily available.
- A major concern for objectors was in relation to seeking clarity on whether trees T1 and T2 fell within the boundary site or not. Mr Mellon drew member's attention to the Architectural Report that stated the trees were outside of the boundary line, whereas the Waterman Report stated that one tree was on the boundary line. It was felt that until absolute clarity had been confirmed as to whether the trees fell within the site boundary or not a decision should not be made.
- It was felt that the EB7 report that addressed the daylight/sunlight impacts were completed on the basis that both T1 and T2 were going to be removed. However following amendments to the report that now stated that T2 was going to be retained, the EB7 report was out of date and would need to be repeated to explore the true impact, as the retention of the tree was likely to affect the results of the assessment.
- Mr Mellon reported that consultees had not been made aware and kept up to date with the amendments to retaining tree T2.
- Mr Mellon queried whether root protection in the area of T2 had been considered as this was not clear from the report, it was suggested that it should be conditioned if T2 did fall within the site boundary.
- Local residents had raised concerns that the car park on the proposed site was vulnerable to flooding, reporting that this was further impacted by a stream running approximately 7-8 metres to the rear of the site however the flood risk assessment stated that the area was not liable to flooding. This statement was contested by objectors, therefore it was felt the matter should be further explored as a material planning issue. Sketches were

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shown to members to inform greater insight in to the distance of the site to the stream.

In response to the concerns raised by Mr Mellon and Mr Najak, Committee members sought some points of clarity on the flooding issues raised and what objectors felt would be acceptable on the proposed site. In response the Committee were advised that there had been significant flooding issues, confirmed by Mr Najak who recalled an event whereby visitors to his home were not able park due to the flooding of the car park. In terms of what would be an acceptable scheme, Mr Mellon felt that refurbishing of the garages would be more suitable rather than trying to develop homes on the site, whilst acknowledging the need for family homes, it was felt that this particular site was not suitable.

As the Committee had no further questions for Mr Kakar, the Chair invited the next speaker on the application, Councillor J Patel (Ward Councillor) to address the Committee (in person) in relation to the application. Councillor J Patel proceeded to share his concerns as follows:

- Following concerns raised by residents, Councillor J Patel confirmed that he had undertaken a site visit and seen first-hand the issues raised by residents, including the ambiguity of where trees T1 and T2 fell in terms of the boundary line. It was also noted that it would not be feasible to plant a replacement tree of similar size and maturity in place of any trees that were lost to accommodate the development.
- Concerns were raised that given the small space the homes would be built upon there would not be adequate room for refuse and fire vehicles to access the homes, as a result the new homes refuse bins would be located near Broadview Road, Councillor J Patel queried whether this may increase the likelihood of rubbish being dumped on the road.
- Councillor J Patel raised the lack of parity with regard to the Council's approach to tree removal as he noted that residents in his ward had been refused permission to make a dropped kerb as it could damage nearby tree roots, however whole mature trees were being considered for removal as part of the proposed scheme.
- In summarising his concerns Councillor J Patel re-iterated the issues raised as areas of concern adding that he felt there would be a detrimental ecological impact to the local environment as a result of the development. In addition to this he did not support the building of new homes in close proximity to the Kingsbury curve section of track as the noise created from

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the train line was already causing problems for local residents. Overall, he felt that the application represented poor planning and should be refused.

As there were no further queries raised the Chair thanked Councillor J Patel for his contribution and moved on to invite Lucy Howes (agent, Maddox Associates) to address the Committee (online) supported by Sam Rafferty (architect, FBM Architects) (online) in relation to the application, drawing the Committee's attention to the following key points.

- The current site comprised of brownfield land containing eight underutilised garages as illustrated on the submitted drawings in the Committee's agenda pack.
- Fryent Country Park was located to the south of the site with Kingsbury Underground Station located a short walk to the north east of the site. The surrounding area was residential in character and comprised a mix of two to three storey houses.
- The proposed development sought to complement the character of the area through the provision of 2 new high-quality, 4 bedroom, affordable family homes whilst significantly enhancing the existing appearance of the site.
- The site was situated within close proximity to Kingsbury Town Centre further supporting the principle of redevelopment in line with Brent's Local Plan, London Plan, and the NPPF.
- In terms of design, the applicant had engaged in extensive discussions with Officers in evolving the proposed scheme. As a result the homes were designed to meet and exceed key housing design standards, being dual-aspect whilst meeting M4(2) compliance to ensure inclusivity for all.
- The houses also included high-quality, private amenity space for the enjoyment of future occupiers.
- The scheme had been carefully considered to be respectful of the existing context, using the Brent Design Guide SPD1 as its founding principles. The facades had been specifically designed to complement the surrounding homes, whilst the profile and window placement design had been informed by and complied with relevant principles within the SPD, with regard to overlooking and privacy.
- It was felt that the design of the homes would enhance the setting of Fryent Country Park.
- The applicant had submitted a Daylight and Sunlight assessment in support of the application which confirmed that the proposals were fully compliant

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with the BRE guidelines in terms of impacts on the daylight and sunlight levels received by the surrounding properties.

- The proposal would provide two off-street car parking spaces, in line with planning policy requirements
- One unprotected tree would be removed to facilitate the proposals. Three new trees were proposed on site, with a further additional tree proposed off-site, resulting in an overall uplift. A landscape buffer was also included along the frontage and rear gardens to further enhance opportunities for biodiversity
- In closing remarks it was felt that the proposal was considered to align with the Development Plan as a whole, particularly in terms of achieving the overarching objective of delivering new, affordable, family homes at sustainable locations in the borough.

The Chair thanked Ms Howes for her representation and invited Committee members to raise any queries or clarifying points they may have. Queries were raised with regard to the boundary line of the development, tree removal, flooding, refuse and noise. Responses were provided as follows –

- It was confirmed that the boundary illustrated in the plans with a red line was bound by fences on the actual site.
- Clarification was provided that T1 that sat on the site boundary would be removed. There would be three additional trees planted on site and one further tree would be planted off site.
- Committee members were advised that although a refuse vehicle could not directly access the proposed homes, additional bins would be located near 14 Broadview Road, residents of the new development would need to bring their refuse there in order for their refuse to be collected.
- It was confirmed that a flood risk strategy was in place that included permeable paving that minimised surface run off water and an attenuation tank would be fitted to collect excess water.
- Committee members were reassured that internal modifications to the windows design would be secured by planning condition to minimise excess noise created from the close proximity to the train line.

As members had no further questions for the agent, the Chair invited members to ask officers any questions or points of clarification they may have in relation to the application. The Committee raised queries in relation to whether trees T1 and T2

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fell within the boundary line, refuse and fire vehicle access, flooding and the ecological impact of the proposed development. In response to the issues raised by the Committee the following responses were provided:

- In response to a Committee query seeking clarity on the issue of the boundary lines and tree location in relation to the removal of the tree T1, the Committee were advised that written approval had been received from the park team following their site visit to confirm that they agreed that T1 was on the boundary and were satisfied with the plan to remove T1 and the replacement planting, with the caveat that the grounds would require a survey as accurate boundary lines were often difficult to establish. On the basis of the confirmation from the parks officer it was deemed acceptable to proceed with the application.
- Officers confirmed that due to the narrow width of the road to the proposed dwellings it was not possible for a refuse vehicle or fire vehicle to directly access the properties. However this had been mitigated by the provision of shared bin storage alongside the access drive, approximately 30m from the turning circle on Broadview, it was recognised that this was slightly beyond the usual 20m distance, however the distance was in line with the existing houses at 9-14 Broadview.
- It was acknowledged that the maximum 45 m access distance for fire appliances would be exceeded, however British Standards allowed for a 90 m access distance for two-storey dwellings, provided that a sprinkler system was installed. Based upon the proposal to install the new homes with a sprinkler system it was considered that adequate measures were in place to meet Building Regulation Guidance and London Fire Brigade Guidance and as such was compliant with policy D12A of London Plan 2021.
- Officers confirmed that the proposed new homes would have 2 parking spaces in line with the London Plan, due to the small scale of the scheme there was no requirement to have Electric Vehicle Charging points or allocated disabled parking bays included as part of the scheme,
- Following a Committee query regarding concerns objectors raised in relation to flooding, officers advised that the site did not lie within a flood risk area, however in line with BSUI4 (On Site Water Management and Surface Water Attenuation) whereby it was stated that minor schemes should make provision of an appropriate SuDS scheme to achieve greenfield run off rates and ensure that surface water run off was managed as close to its source as possible, a drainage strategy would be in place and would provide a betterment to the current sites drainage. The Drainage

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Strategy included the use of permeable surfacing across the terrace within the development and underground storage tanks to reduce the risk of flooding and control the discharge of water runoff on site, small rain gardens, green/brown roofing and the use of water butts would see a reduction of 0.7l/s.

- In response to a Committee query regarding the impact of the proposed scheme on bio diversity of the site particularly within the context of part of the proposal being on the boundary of a Grade 1 Site of Importance to Nature Conservation Fryent Country Park and also next to the SINC Grade 1 railway line and a wildlife corridor, officers advised that consideration had been given to the ecological value of these sites and mitigations would be in place following recommendations from the Ecological Impact Assessment. Measures to protect the ecology in and around the site included a Construction Environmental Management Plan to be in place in advance of the proposed construction and to avoid light spill in to the neighbouring SINCS's a light strategy would be followed to mitigate the potential impact to the wildlife corridor and SINCS close to the site.

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 set out in the Committee report and supplementary report.

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

### 6. **22/1065 - Symal House and 421 Edgware Road, London, NW9**

#### PROPOSAL

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



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### RECOMMENDATION~:

That the Committee resolve to GRANT planning permission subject to application's referral to the Mayor of London (stage 2 referral) and the prior completion of a legal agreement to secure the planning obligations as set out in the Committee report and any other planning obligation(s) considered necessary by the Head of Planning.

Nicola Blake, Principal Planning Officer, North Area Planning Team, introduced the report and set out the key issues. In introducing the report members were advised that the application site was approximately 0.5 hectares in size and fronted on to Holmstall Avenue, Edgware Road and Carlisle Road, it contained the three storey office building of Symal House on its northern side. The site was located within the Burnt Oak and Colindale Growth Area, adjacent to a Locally Significant Industrial Site and close to the edge of Burnt Oak Town Centre. The application proposed the demolition of Symal House (a locally listed building) and 421 Edgware Road, the petrol station and tyre, exhaust and brake centre to allow for the redevelopment of the site to construct three new blocks ranging from 3 storeys to 20 storeys in height to provide a total of 252 residential flats and industrial workspace.

The Committee's attention was drawn to the supplementary agenda that set out some additional objections received, however these objections raised no new concerns and had already been assessed within the Committee report.

As no Committee questions were raised at this point, the Chair invited Henry Courtier (agent), Pegasus Group, supported by Andrew Cooper, (applicant) Sheen Lane Developments and Shahmeer Khan, (architect) Base Associates to address the Committee (in person) in relation to the application, drawing the Committee's attention to the following key points:

- The Committee were advised that the applicant, Sheen Lane Developments were a London based developer with a proven track record of housing delivery across Greater London and specifically within the borough of Brent, most notably in the delivery of 346 apartments and ground floor commercial space within their scheme at 1 Olympic Way in Wembley.
- With the site identified as part of the Burnt Oak and Colindale Growth Area, it was felt the development would make optimum and efficient use of

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brownfield land that would sit amongst a number of other new buildings on a stretch of the Edgware Road which was also undergoing transformation.

- The proposed development would provide 252 much needed homes, along with ground floor retail space and the associated employment opportunities to serve the local area.
- As well as providing a convenience food store, smaller independent commercial units and market housing, the scheme would deliver 51 affordable homes, equating to 24% when measured by habitable room. These units would all be provided as London Affordable Rent and included a mix of 1, 2 and 3 bedroom properties. This level of affordable housing had been agreed with the Council's viability consultant and the S106 agreement would be subject of both early and late stage reviews to capture any future uplift.
- The design of the scheme formed three distinct blocks of accommodation centred around a shared podium terrace, with the tallest block being 20 storeys in height. This element of the site was located within the Council's designated tall building zone where there were already a cluster of tall buildings. The height and building form had been rigorously assessed through Townscape Visual Impact analysis and deemed acceptable.
- A key benefit of the proposal was the opportunity to create an active frontage onto Edgware Road through the inclusion of the retail and employment units, which would generate pedestrian activity throughout the day and evening.
- The generous and increased pavement widths of the scheme allowed opportunities for public realm and landscaping enhancements, with over 100 trees to be planted across the site.
- Urban greening had been optimised and the scheme had been assessed as having a biodiversity net gain of over 300%.

Committee members raised a number of queries in response to the agent's presentation, regarding tenure mix, employment opportunities, parking and affordable housing, with the following responses provided:

- Mr Courtier clarified that although Block C had been allocated as the block that would contain the affordable units of accommodation, the scheme was tenure blind, therefore would be built to the same specifications as Blocks A and B. All blocks regardless of tenure would have access to shared amenity space at podium level.

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- It was confirmed that there were no specific figures on how many employment opportunities would be created yet as part of the scheme, however given the volume of retail space, smaller commercial units and job creation through the construction phase there would undoubtedly be increased opportunities for employment within the community. Further assurances regarding the training and employment offer to Brent residents as a result of the scheme were secured within the S106 agreement.
- In response to a Committee query regarding the impact of introducing a supermarket retail unit as part of the scheme whilst there was already a similar supermarket in close proximity, it was confirmed that officers had found this to be acceptable as retail competition in retail was seen positively in planning term as prices may decrease for customers.
- Following a Committee question regarding parking spaces, Mr Courtier confirmed that 32 parking spaces would be available on the ground floor for retail customers with a further 4 staff parking spaces in the basement. As the residential element of the scheme was “car free” the additional 16 residential disabled parking bays at basement level that accounted for 6% of total provision for the units exceeded London Plan minimum requirements of 3% of disabled parking.
- The Committee queried why the affordable housing offer appeared low at 24%, given that the Brent target is that 50% of new homes within a new scheme would be affordable. In response Mr Courtier explained that viability assessments had been completed and officers had agreed that 24% was the maximum viable amount of affordable housing that could be provided on this particular scheme.

As members had no further questions the Chair invited members to ask officers any questions or points of clarification they may have in relation to the application. The Committee raised a number of queries in relation to the Tall Building Zone (TBZ), transport considerations, bio diversity and urban greening, daylight/sunlight assessments, and a healthy street assessment. In response to the issues raised the following responses were provided:

- The Committee required clarity regarding which parts of the development fell within a TBZ. Officers confirmed that Block A was not located within the TBZ, however it was situated between the TBZ and a designated town centre where the policy stipulated that the general height of buildings can be up to 15m high. Blocks B and C were located within the TBZ and in line with the Local Plan Policy for building height to step down towards the edge

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of a TBZ, Block B would go down to 10 storeys to bridge the gap between the town centre and TBZ, this ensured the scheme was policy compliant.

- In response to a number of queries regarding transport considerations, officers confirmed that the site had a PTAL rating between 3 and 4 and was well served by local bus routes.
- Officers advised that there would be 504 cycle spaces provided for the site as a whole at both ground floor and basement level. In terms of car parking, in line with the residential part of the development being car free with the exception of the 16 disabled bays it was deemed that the amount of residential parking proposed was acceptable as the site had good access to public transport and was within a Controlled Parking Zone (CPZ). There were nearby streets that were not covered by a CPZ, however as they were not residential roads, overspill parking from the proposed development was unlikely to cause an issue. Additionally officers confirmed that through the S106 agreement the right for residents of the new development to be entitled to parking permits that would cover existing and any future CPZ's operating within the locality would be removed in order to minimise the impact of overspill parking.
- It was confirmed that 20% of the residential parking spaces would have active electric vehicle charging points, with the remaining spaces having passive provision.
- Officers confirmed that in line with the Mayor's Healthy Streets approach, outlined by London Plan Policy T2 the proposed public realm enhancements as part of the scheme included wider footways, planting, seating and short stay cycle parking. Officers went on to advise that following a Healthy Streets Assessment that found damaged footway and tactile paving, a new footway was proposed along the entire site frontage, as well as a new pedestrian crossing secured via S278 works.
- The Committee queried whether there would be adequate room for vehicles to turn left out of Lidl on to Holmstall Avenue through to the width restriction and whether consideration had been given to measures to mitigate hold ups created from vehicles needing to complete multiple manoeuvres to get through the restriction, such as a no left turn restriction being put in place. In response officers advised that this would be explored further in the S278 works and would include a review of the location and design of the speed restrictions situated within Holmstall Avenue adjacent to the site and to remedy any identified issues.
- Officers advised that although the Urban Greening Factor (UGF) achieved a score of 0.38, which was marginally below the London Plan requirement of

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0.4, officers felt that the level of urban greening had been optimised as much as possible given the constrained nature of the site, however further exploration would be undertaken to see if there were further options to improve the UGF through the use of permeable paving, landscaping and air source heat pumps. The Committee noted that despite the low UGF rating, the scheme achieved a bio diversity net gain of +307.1% through a number of measures that included the provision of two bat boxes, species rich flowering lawn and deciduous and evergreen trees.

- It was confirmed that as part of the redevelopment of the site six trees in total would need to be removed, however the replacement tree planting scheme would see 109 new trees being planted, which was recognised as a significant uplift on the current situation.
- Officers confirmed that the scheme had been assessed as air quality positive therefore no further mitigations were needed to manage the air quality of the scheme.
- In response to a Committee query regarding the maximum number of affordable housing that could be achieved through the scheme, officers advised that the applicant had submitted their financial viability assessment that indicated the figure of 24% affordable housing, this was reviewed independently by the Council and BNP Paribas whose conclusions were in line with the applicant's, the Committee noted that through the early and late stage review mechanism any potential uplift in affordable housing could be identified and secured within the Section 106 agreement.
- Following a Committee query regarding the impact of the height of the buildings in terms of daylight/sunlight it was confirmed that given the scale of the development and the number of windows affected, it was considered that the impacts on existing windows were acceptable with the high density urban context of the scheme. On balance it was considered that the planning benefits of the scheme outweighed the limited amount of harm to neighbouring amenities.
- In response to a Committee concern that 66 out of the 156 rooms tested in Block C would fall short of BRE recommendations, it was clarified that of these 66 rooms, 29 were living/kitchen/dining rooms and as such they were larger than average and would be fitted with artificial task lighting. It was therefore considered that a more appropriate target for these type of rooms would be 150 lux rather than 200 lux, when applying the 150 lux target a further seven rooms would meet the BRE guidelines.
- Officers acknowledged that there were some shortfalls in the new homes achieving full BRE compliance however the shortfalls were considered

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acceptable in the urban context with the scheme providing good quality accommodation in line with policy D6 of London Plan and policy DMP1 of Brent's Local Plan.

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 Mayor of London (stage 2 referral) and the prior completion of a legal agreement to secure the planning obligations as set out in the Committee report and supplementary report subject to the inclusion of the following highways works within the planning obligations referred to in paragraph 12 of the Recommendation section of the report: the review of the location and design of the speed restrictions situated within Holmstall Avenue adjacent to the site and any required changes to those restrictions.

(Voting on the recommendation was unanimous)

**7. Any Other Urgent Business**

None.

The meeting closed at 7.54 pm  
COUNCILLOR KELCHER  
Chair