



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Wednesday 13 December 2023
at 6.00 pm

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

1. Apologies for Absence and Clarification of Alternate

Apologies were received from Councillor Begum and Councillor Mahmood, with Councillor Chappell in attendance as an alternate for Councillor Begum.

2. Declarations of interests

There were no declarations of interests made by Committee Members.

3. Minutes of the previous meeting

RESOLVED that the minutes of the previous meetings held on Tuesday 24 October 2023 and Wednesday 15 November 2023 be approved as correct records of the meetings.

4. 23/2805 - Wembley Youth Centre and Land next to Ex Dennis Jackson Centre

PROPOSAL

Demolition of Youth Centre and the construction of a new Special Educational Needs School comprising a three-storey school building, MUGA, soft and hard landscaping, access, parking and drop off and pick up system.

RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:

- (1) That the Head of Planning being delegated authority to issue the planning permission and impose conditions and informatives as detailed in the report.
- (2) The Head of Planning being 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.

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 sought the demolition of the existing community use buildings on site in order to redevelop the site to provide a one to three storey Special Educational Needs and Disability (SEND) school, access, parking and turning area within the frontage and outdoor spaces, including a Multi-Use Games Area (MUGA) which would be situated to the southern end of the site. The site was not within a conservation area and there were no listed buildings within the site's curtilage.

The Committee's attention was drawn to the supplementary report that detailed minor amendments made to the wording of the conditions.

The Chair thanked Nicola Blake for introducing the report. As there were no Committee questions raised at this point, the Chair invited the first speaker Councillor Afzal (Ward Councillor) to address the Committee (online) in relation to the application.

The following key points were highlighted:

- Councillor Afzal acknowledged the need for additional support for SEND pupils in Brent and as such welcomed the application to provide an additional SEND school in Brent to meet the needs of children that required this specialist education environment.
- Queries were raised as to what considerations had been given to the impact of the increased footfall and traffic to the area as a result of the new school.

The Chair thanked Councillor Afzal for addressing the Committee and invited the Committee to ask any questions they had in relation to the information heard. In response, the Committee queried whether Councillor Afzal felt it would be useful for the Council to engage in further consultation with residents in relation to extending Controlled Parking Zone (CPZ) hours once it had been assessed if there was an impact on local parking from the development, particularly in terms of the extended use hours of the MUGA. In response Councillor Afzal welcomed the opportunity for further discussions to be had as and when appropriate.

The Chair then invited the next speaker, Matthew Blythin (agent) to address the Committee (in person) in relation to the application.

The following key points were highlighted:

- The application sought to meet the significant need for dedicated SEND provision in Brent.
- The site had previously been the subject of a resolution to grant planning permission for high rise residential development of up to seven storeys. In contrast the application presented would meet an acute and specialist educational need in a lower rise three storey buildings that was felt to represent a more sensitive and appropriate use of the site.

- Extensive pre application consultation had taken place with officers, residents Members and other stakeholders. These discussions had directly informed the evolution of the proposed design.
- Following engagement with the Council's Tree Officer in relation to the existing Tree Preservation Order on site it had been confirmed that, whilst regrettable, due to the nature of the development and site that tree loss would be an unavoidable consequence of delivering the school. However this would be mitigated by the provision of a comprehensive landscaping scheme to create a high quality, calming and interactive learning environment.
- The design of the building had been closely developed with the Rise Partnership Trust, who would be operating the school to ensure that the design responded to the particular needs of the pupils.
- The scheme utilised solar panels and air source heat pumps as part of a wide ranging suite of sustainable design measures that would deliver a net zero carbon building, designed to BREEAM Outstanding standards.
- The facilities would be available for community use outside of the school day.
- The layout had been designed to accommodate access for additional vehicles providing school drop off and pickups to ensure safe management and avoid issues outside of the site on the highway.
- Staff travel by car would be managed and reduced as far as possible through the adoption of an active Travel Plan and the provision of minimal on site staff car parking.
- On the basis of the application meeting the needs of SEND pupils in Brent and the wider community benefits, the Committee was urged to approve the application.

Following Mr Blythin's comments, the Committee queried the rationale for using SEND schools in Kent as a comparator to support the application's transport statement. Mr Blythin advised that the vast majority of SEND schools regardless of location and geography required enhanced mini bus and taxi services to support pupils access to school, therefore the data examples from Kent had been cross referenced with data from Brent Highways Team and demonstrated close correlation in support of the transport statement.

The Chair thanked Mr Blythin for responding to the Committee's query and proceeded to offer the Committee the opportunity to ask the officers any remaining questions or points of clarity they had in relation to the application. The Committee had questions in relation to the potential increase in number of vehicles to the area as a result of journeys to and from school, if considerations had been given to using the site to provide residential homes, revised timings to the CPZ zone, tree loss, the suitability of the premises within its residential location, Electric Vehicle (EV) charging points, affordability of community facilities and permitted hours of construction work.

The following responses were provided:

- Following a query in relation to the impact the development could have on increased traffic to the area, the Committee was advised that the

development would generate less traffic than a mainstream school or in fact if the site had been used for a residential development, as the nature of transport to a SEND school included mini buses or taxis bring a number of pupils in one vehicle. It was therefore concluded that there would not be a significant impact on neighbouring roads. In addition to this there would be staggered arrival times and an internal dedicated dropping off area within the site, that would not impact on the main highway.

- Additionally, staff would be encouraged to use public transport as the Transport Statement indicated that there would be 80 members of full-time equivalent staff with a maximum allowance of 16 car parking spaces. The parking also incorporated 2 disabled parking spaces and 2 Electric Vehicle Charging (EV) spaces.
- In response to the Committee querying why it was felt the site would be better utilised to provide a SEND school as opposed to residential homes that were equally high in demand in Brent, officers advised that following the previous plans for a residential scheme to occupy the site the DfE had advised that as the site was defined as educational land they were not minded to release it for any other use than the provision of an educational setting; therefore it would not be possible to develop the site for residential purposes. Demand for SEND provision in the borough was high, therefore it was felt the application provided support for much needed SEND places in Brent as well as the provision of community facilities and was consequently felt to be an application of wide reaching public benefit.
- It was confirmed that the current CPZ times in place would provide adequate parking controls. If parking issues presented due to community use outside of school hours, residents could request an extension to the CPZ hours at a later date.
- In response to a Committee query in relation to the proposed developments impact on neighbouring residential amenities, officers advised that the use of the premises as a school was considered to be acceptable within the residential area given that there was very little impact in terms of neighbours exposure to noise, light or overlooking.
- Following a Committee concern in relation to the loss of trees to accommodate the proposed development, officers advised that it was regrettable that trees would be lost as a result of the development. It was, however, noted that officers had given a great deal of consideration as to how tree loss could be limited but due to the nature of the site it had not been possible to avoid the loss of some trees or to re-provide all the trees lost. To partially mitigate the tree loss, staff car parking had been reduced to provide as much landscaping as possible, trees that were able to be retained would be protected via a tree protection plan during construction works and trees that were re-provided would be of increased trunk girth to achieve as much canopy cover as possible. In line with policy BG12, whereby it stated that where retention was not possible, the developers would provide new trees to achieve equivalent canopy cover. Given the significant benefits of the proposal to provide much needed SEND school places within the borough, the benefits associated with the proposal were considered to outweigh the harm as a result of the loss of some trees.

- It was confirmed that two EV charging points would be provided in line with policy, however it was agreed that additional passive provision could be provided via condition.
- Officers advised that the community facilities would be affordable and in line with other boroughs as set out in the accompanying conditions.
- Following a Committee query in relation to any noise nuisance caused by construction work, officers advised that hours of construction operation would be secured via an Environmental Health management plan to limit disruption to neighbours throughout the construction phase.

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 in the Committee report and supplementary report and the inclusion of an additional condition in relation to the inclusion of active and passive EV charging points.

(Voting on the above decision was unanimous).

5. 23/2811 - Land Rear of 390-408, High Road, Wembley, HA9

PROPOSAL

Erection of 2 purpose-built student accommodation buildings up to 20 and 22 storeys with basement level (Sui Generis) connected at ground floor level by a podium together with ancillary communal facilities, internal and external communal amenity space, cycle parking, mechanical plant, hard and soft landscaping, new public realm, play space and other associated works. This application was accompanied by an Environmental Statement.

RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:

- (1) The application's referral to the Mayor of London (stage 2 referral) and the prior completion of a legal agreement to secure the planning obligations detailed in the Committee report.
- (2) The Head of Planning being delegated authority to issue the planning permission and impose conditions and informatives as detailed in the report.
- (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, 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.

- (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.
- (5) 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 report members were advised that the proposal sought to develop a currently vacant parcel of land situated to the rear of 390-408 High Road to construct two purpose built student accommodation buildings up to 20 and 22 storeys to provide a total of 639 student bedrooms comprising of; 414 x cluster units, 161 x standard studio units and 64 x wheelchair accessible studio units; provision of 498 cycle parking spaces were proposed along with on-site servicing facilities. The northern portion of the application site formed part of a wider Site of Importance for Nature Conservation (SINC) and wildlife corridor, the site was not in a conservation area and did not contain any listed buildings.

The Committee’s attention was drawn to the supplementary report that provided clarification in relation to daylight/sunlight figures.

The Chair thanked Victoria McDonagh for introducing the report, as there were no Committee questions raised at this point, the Chair invited the first speaker Councillor Afzal (Ward Councillor) to address the Committee (online) in relation to the application.

The following key points were highlighted:

- It was questioned how further student accommodation in Brent could be justified in light of the housing crisis and Borough Plan priorities to build new homes.
- Concerns were raised in relation to the scale of the proposed development and the issues this could create in terms of overlooking and impacts on daylight/sunlight.
- It was felt that if the application was approved, any financial contributions made by the developer to support affordable housing and bio diversity should be utilised within the Wembley area.
- Queries were raised in relation to whether the proposed scheme offered any tangible benefit to Brent residents.
- It was questioned whether the units that were empty over the Summer period could be utilised to provide temporary accommodation.

The Chair thanked Councillor Afzal for addressing the Committee, as there were no questions from the Committee at this stage, the Chair went on to invite the next speaker on the item, Mr Steve Harrington (agent) to address the Committee (in person) in relation to the application. Mr Harrington proceeded to address the Committee with the following key points highlighted:

- The proposed scheme had been developed in pre-application meetings with the Council's officers, the Quality Review Panel and the GLA.
- It was felt that the scheme demonstrated high quality design and architecture, bedspaces were well proportioned alongside a range of communal amenity spaces for students to work and socialise.
- The scheme would make a financial contribution (£3.96m) for the borough to invest in social rented homes in the borough, in addition to wider CIL and S106 funding.
- A community hub space was proposed at ground floor, which would be available for local community use.
- New linear park space would be provided through the site to offer an alternative quiet space adjacent to the High Road, with places for seating and a courtyard to provide opportunities for play for children of all ages.
- Developers were committed to working with local stakeholders and to get involved with local projects to support the community.
- The proposed scheme would support pathways in to work, skills and employment for local people.
- On the basis of the additional student accommodation that was required across London, Mr Harrington urged the Committee to approve the application.

The Chair thanked Mr Harrington for addressing the Committee and offered the Committee the opportunity to ask any questions they had in relation to the application. The Committee raised queries in relation to TV signal interruptions, affordable student accommodation, considerations given to alternative uses of the site, use of the units outside of term time, the benefits of the scheme for Brent residents and E-bike charging.

The following responses were provided:

- In response to concerns raised that the height of the proposed buildings could cause disruption to TV signals, the Committee was advised that a survey of predicted impacts on TV and radio reception to neighbouring properties would be undertaken, with any identified mitigation measures secured through the s106 agreement.
- Following Committee concerns that no affordable student accommodation had been offered as part of the scheme, Mr Harrington advised that the viability of offering affordable student accommodation would have impacted the deliverability of the scheme, therefore it was felt that the financial contribution made to affordable housing in the borough was an appropriate mitigation.

- In response to a Committee query as to whether consideration had been given to utilising the site as residential accommodation rather than student accommodation, the Committee was advised that different viability and design options had been thoroughly considered before the decision was taken to use the site for student accommodation with the decision taken based on it being the viably deliverable option. It was noted that the building had been designed flexibly to offer a potential change of use in the future, if required.
- It was confirmed that the developers were open to the idea of opening up units for use outside of term time, however this would need to be explored once the buildings were in use to fully assess how this could work.
- Following a Committee question as to how the proposed scheme would benefit Brent residents, Mr Harrington advised that the provision of student accommodation in Brent would alleviate the private rented market by releasing existing housing stock. The Committee felt that this would have limited positive impact on Brent residents, querying the genuine demand for students to live specifically in Brent.
- It was confirmed that the developers were open to increasing financial contributions to support local parks, in addition to their contribution to offsite tree planting.
- The Committee was advised that there would be E-bike charging points available in the communal cycle storage areas, so that students did not need to take bikes to their rooms to charge as this could pose a potential fire hazard; it was added that the student buildings were managed, with no students permitted to bring an E-bike to their room.

The Chair thanked Mr Harrington for responding to the Committee's questions, as there were no further questions at this stage, the Chair offered the Committee the opportunity to ask officers any remaining questions or points of clarity they had in relation to application. The Committee raised queries in relation to the assessment of student housing needs in Brent, affordable housing contributions, tree loss, refuse collection, bio diversity, carbon offset funding and the scheme's impact on daylight/sunlight.

The following responses were provided:

- Following a Committee query in relation to the assessment of student housing needs in Brent, the Committee was advised that there was high demand for student accommodation across London, London Plan Policy H15 and Brent's Policy BH7 supported the delivery of purpose built student in well-connected locations to meet local and strategic needs. It was felt that the proposed scheme met the policy requirements due to the application site's accessible location, high PTAL and access to local facilities and services.
- The Committee noted that the London Plan identified a strategic need for 3500 purpose built bed spaces across London per annum, a Student Demand Assessment had been undertaken and the GLA was supportive and recognised that the proposed students accommodation would contribute towards meeting the overall London need and London Plan.

- The Committee understood that this type of housing would relieve some of the demand for conventional housing and contribute towards Brent's housing supply (at a ratio of 2.5:1 bedrooms to one conventional housing unit) as well as London Plan housing targets, however felt that Brent was at risk of overconcentration of student accommodation and although the development would contribute at a policy level towards housing targets, it did not meet the needs of Brent residents who were in need of housing.
- Following a Committee query seeking further clarity in relation to why the proposed scheme failed to offer any affordable student accommodation, the Committee was advised that as no affordable units were offered as part of the scheme the applicant had mitigated this by proposing a £3.9m Payment in Lieu (PiL) which would be secured through the s106 agreement and utilised for the delivery of C3 affordable housing in the borough. This was supported by a Financial Viability Assessment that was independently assessed and concluded that on the basis of the deficit of the proposed scheme the proposed PiL of £3.9m was considered the maximum viable amount. The Committee noted that early and late stage review mechanisms were also in place to capture any improvements in viability, in which case the PiL could increase.
- The Committee noted the processes that been undertaken to come to the PiL contribution of £3.9m to support offsite affordable housing, however felt that the contribution was not high enough to offer significant value to meeting the needs of Brent residents in securing affordable housing and did not mitigate the fact that there was not affordable units in the scheme.
- In response to a Committee query in relation to how trees would be impacted by the proposed development, the Committee was advised that no high value (Category A) trees would be removed to accommodate the development, there would be a need to remove 7 Category B trees, 39 Category C trees and 13 Category U trees, none of which were protected by Tree Preservation Orders or Conservation Area designation. The loss of some existing trees would be mitigated by the new tree planting schedule to provide 41 new replacement trees, offering a range of tree types, sizes and canopy structures, with further tree planting proposed at podium level. The proposed tree planting schedule was compliant with London Plan Policy G7 and therefore felt to be acceptable.
- The applicant had also agreed to make a financial contribution secured through the s106 agreement to enable the planting of street trees in the vicinity of the site to offset the trees lost on site.
- Following a Committee query in relation to the refuse collection arrangements, the Committee was advised that due to limited capacity there would be a shortfall in the number of Eurobins provided, however to mitigate this, increased refuse collections would be in place to suit the needs of the development, this would be secured by s106 agreement and a Waste Management Plan.
- It was confirmed that as a result of the proposed schemes landscaping, the proposal would see a net gain in bio diversity equivalent to a positive change of 61.7%, additionally a s106 contribution of £71k had been agreed to offset habitat loss.

- The Urban Greening Factor of 0.40 was in accordance with policy targets.
- A carbon offset payment would be secured through the s106 agreement and directed towards Brent carbon offset fund.
- The Committee welcome the s106 contributions that would be made if the application was approved, however felt strongly that that given the scale of the development in the Wembley area, that priority should be given to the Wembley area when decisions were made about how to use the contributions received.
- Following Committee concerns in relation to a number of shortfalls identified in the daylight/sunlight assessments the Committee was advised that in the context of student accommodation in a high density urban environment the proposal was felt to provide a good standard of internal daylight and sunlight, although it was acknowledged that levels to bed rooms, particularly at lower levels would be more constrained. Given the context of the site it was deemed appropriate to apply a degree of flexibility within the BRE guidelines and as such it was felt that any minimal shortfalls were acceptable in the context of the proposed development.
- It was noted that overshadowing was unavoidable on the type of constrained site that the proposed scheme would occupy.

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 in the Committee report and supplementary report alongside the application's referral to the Mayor of London (stage 2 referral) and the prior completion of a legal agreement to secure the planning obligations detailed in the Committee report.

(Voting on the above decision was as follows: For 4 and Against 3)

6. 23/2262 - Northwick Park Hospital, Watford Road, Harrow, HA1 3UJ

PROPOSAL

Relocation of a hospital ward, incorporating the construction of a rooftop extension to the existing Accident and Emergency Department to create the new ward with staircase links and level access covered walkway to the hospital tower building and associated infrastructure (Use Class C2).

RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:

- (1) The prior completion of a legal agreement to secure the planning obligations as detailed in the Committee report.

- (2) That the Head of Planning is delegated authority to negotiate the legal agreement as detailed in the Committee report.
- (3) The Head of Planning being delegated authority to issue the planning permission and impose conditions and informatives as detailed in the report.
- (4) 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, Team Leader, North Area Planning Team, introduced the report and set out the key issues. In introducing the report members were advised that the proposed application sought the construction of a rooftop extension to the existing Accident & Emergency Department to create a new 32-bed ward with staircase links and level access covered walkway to level 5 of the hospital tower building. The new ward would replace a 38-bed ward which had been lost in the Lister building (block K) as it had been considered unfit for purpose and removed from the hospital accommodation schedule.

The Chair thanked Victoria McDonagh for introducing the report and clarified that there had been no objections received in relation to the application, however due to the proposed scheme's size, it had met the threshold to be considered at Planning Committee.

As there were no Committee questions 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 prior completion of a legal agreement to secure the planning obligations detailed in the report and the conditions and informatives as set out in the Committee report.

(Voting on the decision was unanimous).

7. Any Other Urgent Business

None.

The meeting closed at 8:34pm.

COUNCILLOR KELCHER
Chair