



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Tuesday 24 October 2023 at
6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor S Butt (Vice Chair) and Councillors Akram, Dixon, Mahmood, J. Patel and Rajan-Seelan

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

Apologies for absence were received from Councillors Begum and Maurice, Councillor J. Patel attended as an alternate for Councillor Maurice.

2. **Declarations of interests**

There were no declarations of interests made by Committee Members.

3. **22/0784 - Wembley Point, Harrow Road, Wembley**

PROPOSAL

Redevelopment of site including the erection of 3no. buildings up to 32 storeys in height, comprising 515 residential dwellings (Use Class C3), flexible commercial floor space (Use Class E), indoor sports facility (Use Class E) and associated parking, landscaping and enabling works. Application subject to 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 laid out in the Committee report and any other planning obligations considered necessary by the Head of Planning.
- (2) The Head of Planning being delegated authority to negotiate the legal agreement 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) 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.

- (5) 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.
- (6) 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 application sought the re-development of the existing site to provide 3 new buildings varying in height and mass to deliver 515 residential homes, comprising a mix of 1,2 and 3 bedroom homes and commercial floorspace, which would include designated leisure space; intended for use by the Stonebridge Boxing Club. Significant landscaping was proposed throughout the site, which would be publicly accessible. The landscaped areas had been designed to form a part of the surface water strategy, given that the site was located in a flood risk zone. The proposal would be "car free" with the exception of blue badge parking bays for both the existing flats within nearby Wem Tower and the proposed flats. Cycle parking had been proposed to meet London Plan standards.

The Committee’s attention was drawn to the supplementary report that provided information in relation to some minor updates to the report and an additional objection received in relation to the impacts of tall buildings on television signals, traffic and pressure on local amenities. It was concluded that the concerns raised had been previously addressed within the main body of the previously published Committee report.

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 Karen Jones (agent) to address the Committee (in person) in relation to the application, supported by the scheme architects Harry Halpin and Ignacio Tirado (in person).

The following key points were highlighted:

- The site would deliver 515 new homes, with over 50% of the site provided as public open space, this represented 5000 sqm of highly landscaped public realm planting and play space.
- New pedestrian and cycle routes provided through the site would allow the local community to walk through the site on a safer route to Stonebridge Park station.
- The mixed use of the site included commercial units at ground floor level that could accommodate a range of Class E uses, with Block B providing dedicated space for community sports use, with space intended for the use of the Stonebridge Boxing Club.

- The site emphasised the creation of green links, this included the integration of the River Brent into the landscape where previously it has been hidden at the rear of the site. Extensive landscaping along the river Brent and a selection of native species would now provide soft landscaping along the Brook. As a result, the biodiversity net gain on site was over 100% (105%).
- Suitable play provision for ages 0-4 and 5-11 would be delivered on site, achieved through approximately 1,500sq.m of play space provided at ground floor level and within the private podium deck of Building C.
- Extensive collaborative work with the Council's Urban Design Team had been undertaken to achieve the desired quality of architecture.
- In closing her comments Ms Jones re-iterated the benefits the scheme would provide to both existing and future communities, and on that basis urged the Committee to approve the application.

The Chair thanked Ms Jones for addressing the Committee and invited Committee Members to raise any questions or points of clarity they required in relation to the information shared. The Committee raised queries regarding flood risk, cycle parking, affordable housing, disabled car parking and whether the scheme was tenure blind, with the following responses provided:

- Following a Committee query in relation to flood risk, the Committee was advised that following extensive hydraulic modelling undertaken, a range of mitigations had been designed to respond to any risks identified. These included an evacuation plan, the minimised footprint of the buildings and areas of void that would allow excess water to flow to the brook, as such it was felt that the proposed application would not exacerbate any flood risk and would provide a betterment to the existing site. Additionally, a Construction Management Plan would be actioned to ensure that appropriate controls were in place during the construction phase to manage the associated risks of blockages to water courses as a result of construction work.
- Following a Committee query in relation to charging provision for E-bikes, the applicant confirmed that they were happy to include this as a condition.
- The Committee raised concerns that the number of affordable units fell short of both the London and Local Plan policies that required 50% affordable housing. Given the large scale of the scheme, it was queried if there was scope to improve on the stated 24% affordable housing. In response the Committee was advised that it was regrettable that the scheme could not viably deliver more affordable units at this stage in the process, however the scheme achieved the policy target for the provision of affordable family sized homes and would be subject to the early and late stage mechanisms to capture any uplift in affordable housing provision as part of the Section 106 agreement.
- It was confirmed that there would be allocated parking pays for blue badge holders, with the allocation of these agreed via a parking management plan.
- It was confirmed that the scheme would be tenure blind.

As there were no further questions for the agent, the Chair asked the Committee if they had any questions or points of clarity that officers could respond to in relation to the information heard. Members raised further queries in relation to scheme viability and affordable housing, consultation with statutory consultees in relation to parking pressures, flood risk, daylight/sunlight compliance, air quality assessments and waste management. The following responses were provided:

- Following Committee concerns in relation to the reduction in affordable housing (when measured by habitable room) since the initial application, the Committee was advised that when the scheme was first submitted with a 35% affordable housing designation, it was submitted in line with London Plan Policy H5 Threshold Approach whereby the application was not required to be supported by a financial viability assessment. The Committee noted that following the submission of the application, a number of factors changed which affected development viability, including changes to the construction costs and finance rates together with the need to incorporate second staircases for buildings with floors 18 m in height (or greater). As such, the applicant re-examined the housing layout and mix within the scheme to ensure that it would meet new fire safety guidelines. As a result of this process, it emerged that there would need to be a reduction in affordable housing to ensure that the scheme remained viable.
- The revised proposal would now deliver 24.8 % Affordable Housing by Habitable Room (22.5 % by unit) with 15.3 % of the homes with 3-bedrooms.
- A financial viability assessment had been submitted to support the application which found that the scheme was in deficit, therefore officers considered that the amount of affordable housing proposed was the maximum amount that the scheme could viably deliver. Early and late stage review mechanisms were proposed in the Section 106 agreement to ensure that any uplift in viability was captured.
- In response to a Committee query in relation to the pressure the proposed scheme could have on existing parking issues, particularly in the vicinity of Stonebridge Park station, the Committee was advised that no concerns had been raised following contact with Network Rail and TfL as statutory consultees.
- It was confirmed that the proposed application would see a financial contribution of £546,700 towards station improvements at Stonebridge Park and £481,000 towards bus service enhancements.
- Following a Committee query in relation to the proposed development's impact on existing flood risk, the Committee was advised that the application had been accompanied by a Flood Risk Assessment (FRA) which identified that the site was at high risk for fluvial flooding, medium risk from pluvial (surface water flooding) and low risk from groundwater, sewer and artificial flooding sources. Mitigations in place included permeable paving, green roofing, a below ground attenuation storage tank and raising the Finished Floor Levels (FFL's) to ensure the building was resilient to flooding and the inclusion of a flood evacuation plan. Officers acknowledged that it was not possible to achieve Greenfield runoff rates on the site, however the mitigations would see a betterment to the site's existing runoff rates.

- In response to a Committee concern in relation to the number of single aspect units in the proposed development, officers recognised that there were a small number of three bedroom single aspect units, however this was mitigated by the units south facing position, their increased space that exceeded minimum space standards and the buildings use of a Mechanical Ventilation Heat Recovery (MVHR) system to provide passive ventilation.
- Following a Committee query in relation to the shortfalls identified in the daylight/sunlight assessments undertaken, officers advised that given the scale of the proposed development and the number of windows impacted (in the context of the number assessed), it was considered that the daylight and sunlight impacts to neighbouring buildings and external areas were acceptable when observed in the context of the scheme's wider benefits.
- In response to a Committee query in relation to the arrangements for waste management, it was clarified that bin stores were proposed at ground floor level of the two residential blocks, together with a replacement waste store for Wem Tower. Due to the size of the bin stores, it was proposed that residential waste was collected twice weekly.
- It was clarified that the application had been accompanied by an Air Quality Neutral Assessment that had concluded that no mitigation measures were required.

As there were no further questions from members and having established that all members had followed the discussions, the Chair thanked officers for responding to the Committee questions and 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 as detailed in the Committee report; and the conditions and informatives as set out in the Committee report and supplementary report. In addition, it was agreed that greater clarity would be provided in the conditions in relation to the allocation of disabled parking spaces and the inclusion of E - bike charging points.

(Voting on the recommendation was as follows: For 6 and Abstentions 1)

4. 23/1425 - 9 Summerfield Avenue, London, NW6 6JT

PROPOSAL

Proposed creation of basement level with front lightwell, single storey wraparound rear extension with internal courtyard and rear patio, loft conversion with rear dormer and 1 front rooflight, replacement of ground and first floor front windows, new front boundary treatment and associated landscaping.

RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:

- (1) 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.

Damian Manhertz, Team Leader, South Area Planning Team, introduced the report and set out the key issues. In introducing the report members were advised that the application sought planning permission of an existing two storey terraced property within the Queens Park Conservation Area to create a basement that would cover the entire width of the building and project 3 m beyond the existing outrigger, a single storey wraparound extension which infills the lightwell also creating an internal courtyard and projecting 3m beyond the rear of the outrigger and a rear dormer, less than two thirds of the width of the dwelling was proposed on the rear roofslope.

It was noted that the application had been referred for consideration by the Planning Committee as a result of three Ward Councillors raising objections and requesting that the application was determined by the Committee.

The Chair thanked Damian Manhertz for introducing the report, as there were no Committee questions raised at this stage, the Chair invited Councillor Crabb (Ward Councillor) to address the Committee (online) in relation to the application. Ahead of addressing his concerns with the Committee, Councillor Crabb clarified that as well as being the Ward Councillor, he lived locally to the application site, however, would not be personally affected by the development, therefore his comments were representative of residents, not his personal position. The following key points were highlighted:

- All three Queens Park Ward Councillors had supported the request for the application to be called in for determination by the Planning Committee as it was felt that if approved it would have a detrimental effect on the local area as well as setting a precedent for future planning applications with these concerns supported by a large number of residents.
- It was felt the plans were in conflict with the Queens Park Area Design Guide that stated wrap around extensions should not be constructed and side infills should not extend beyond the length of the outrigger.
- It was not accepted that the application should be supported purely on the basis that appeals had been successful with similar local applications.
- It was felt the Committee report was inaccurate in its suggestion that gardens in Queens Park were large, given the minimal size of the applicant's garden, it was felt that the proposed L shaped extension would have a greater detrimental impact as it would extend a quarter of a way in to the garden. This was felt to be out of proportion and harmful to the neighbouring rear property.

- The type of extension proposed would create additional noise that would be amplified to the neighbouring properties as well as creating excessive light spill.
- If the application was approved, Councillor Crabb urged the Committee to apply stringent conditions to mitigate the impact of noise and light pollution to neighbouring residents.

The Chair thanked Councillor Crabb for addressing the Committee and queried why it was felt that the type of extension applied for would create excessive light and noise pollution as opposed to a single rear extension. Councillor Crabb clarified that the size and shape of the proposed extension would amplify acoustics to neighbouring properties and excess light spill would be created from the decreased distance between the property and its neighbours to the rear. It was felt the application, if approved, could set a precedent for further applications of this nature, which would have permanent detrimental implications in terms of overdevelopment in Queens Park.

As there were no further questions for Councillor Crabb, the Chair offered Committee Members the opportunity to ask officers any remaining questions they had in relation to the application. The Committee had queries in relation to previous appeals, the potential precedent of overdevelopment and conditions for light and noise pollution, with the following responses provided:

- Officers advised that historically similar applications had been refused on the basis of the impact on the appearance and character of the building and conservation area, however following a series of successful appeals a decision had been taken to consider previous appeals as a material consideration for future applications. Consequently, a number of extensions of a similar design had been approved in the Queens Park area. It was clarified that outside of conservation areas these types of applications would be routinely approved.
- Following a Committee query regarding the precedent of overdevelopment if the application was approved, it was clarified that as a number of similar applications had been approved locally approval of the application would not set a precedent as the policy in relation to these types of developments was already established within the borough, with decisions for approval being considered on each applications' merits.
- Officers advised that it would not be possible to condition light and noise limits on a residential scheme, however if these issues became apparent, residents could report concerns to the Environmental Health Team to investigate.

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

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

5. 23/1889 - 91 Pasture Road, Wembley, HA0 3JW

PROPOSAL

Proposed first-floor side extension, rear dormer, ground-floor rear canopy and replacement of ground-floor rear window with door to dwellinghouse.

RECOMMENDATION:

That the Committee resolve to REFUSE consent.

Jasmin Tailor, 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 planning permission to construct a first-floor side extension, rear dormer, ground-floor rear canopy and replacement of ground-floor rear window with door to dwellinghouse on to the existing two storey semidetached dwellinghouse. The site was located within the Sudbury Court Conservation Area (a designated heritage asset).

The Committee was advised that the application had been refused on three previous occasions due to the excessive width of the side extension. Each refusal of the application had been appealed and dismissed by the Planning Inspectorate.

It was noted that the application had been referred for consideration by the Planning Committee as a result of three councillors who supported the application requesting that the application was determined by the Committee.

The Officer recommendation remained to refuse planning consent due to the excessive width of the side extension, as this would be considered to have a harmful impact on the character of the host property and wider Sudbury Court Conservation Area.

The Chair thanked Jasmin Tailor for introducing the report, as there were no Committee questions raised at this point, the Chair invited Barbara Carredo (applicant) and Edward Seaman (architect) both of whom attended in person to share the allocated time slot to address the Committee. Edward Seaman highlighted the following key points:

- The application before the Committee was presented after significant consideration and collaboration with Brent Council, dating back to 2017.
- The proposed small side extension had been designed to be sensitive to the architectural fabric of the ground floor extension and local context.
- The key issue of the width of the side extension was not being challenged arbitrarily; it was felt that the guidance in relation to the width of side extensions was a standard guideline that was generally applicable to semi-detached homes, however the property in question was large in size and occupied a spacious corner plot.

- It was felt that on this occasion the guidance standards should be looked at in line with the unique features of the property.

Barbara Carredo then continued, to sharing the following key points:

- It had taken many years and failed attempts to negotiate an acceptable proposal in order to obtain planning approval for the required modest side extension.
- The negotiations and previous refusals had seen the application reduce the width of the side extension repeatedly, coming down from an initial 6m width to the current proposal of 4.5m.
- It was felt at this point that no further reductions could be made by the applicant as anything smaller in width would look out of character.
- It was felt that the proposed application was not dissimilar to one that had been approved locally.
- The application was supported locally, evidenced by the large number of signatures obtained by Ms Carredo who reported that residents recognised the improvement this would make to the Sudbury Court Estate.

The Chair thanked Ms Carredo for addressing the Committee and offered the Committee the opportunity to ask any questions they had in relation to the application. The Committee queried the applicants' interpretation of the policies that had prevented the application from being approved historically. In response Ms Carredo advised that her intention was not to unduly challenge the process, however she wanted to have a complete roof on her property that remained in keeping with the local context. It was re-iterated to the Committee that attempts to compromise had been made by reducing the width of the extension with each application, however it would not be appropriate to reduce further than 4.5m as the roof would look out of place on the host building and within the character of the area. It was felt that the application should be considered in context of its unique position on the Sudbury Court Estate, with flexibility applied to the planning guidance.

As there were no further questions for the applicant, the Chair invited Councillor Maurice (in support of the applicant) to address the Committee (in person). The following key points were highlighted:

- It was felt that the proposed extension would complement the property and the surrounding area.
- It was queried whether there was bias towards bigger developers, as it was felt that larger schemes that were not policy compliant were often approved, whereas this small residential scheme had not been afforded the same policy flexibility.
- Upon summarising his points, Councillor Maurice urged the Committee to vote against the officer recommendation and approve the modest extension.

The Chair thanked Councillor Maurice for his comments and with no question raised on his representations then proceeded to invite the Committee to ask

officers any remaining questions or points of clarity they had in relation to the application. Members raised queries in relation to the pre application process and if there was any further scope for considering an increased width. The following responses were provided:

- Officers advised that they had met the applicant in pre application meetings and informed them that the Council would consider an application of a 4m wide extension to be acceptable, this was also confirmed in writing. Despite this the applicant remained adamant that they could not reduce the application width to 4m.
- In relation to the flexible application of the policy the Committee was advised that where other larger schemes had been approved with minor departures from policy, there would have been wider benefits to Brent residents to outweigh this.
- Officers felt that the application had been considered in its unique context, this had resulted in the departure from policy to offer a compromise of a 4m width.

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: Refused planning permission on the basis that the Committee felt the application was in breach of Policies DMP1 and BHC1 of Brent's Local Plan and the guidance set out within the Sudbury Court Conservation Area Design Guide.

(Voting on the recommendation was For 4, Against 2 and Abstentions 1)

6. Any Other Urgent Business

None.

The meeting closed at 8.23pm

COUNCILLOR KELCHER
Chair