

LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

**Held in the Conference Hall, Brent Civic Centre on Wednesday 8 February
2023 at 6.00 pm**

PRESENT: Councillor Kelcher (Chair), Councillor S Butt (Vice Chair) and Councillors Akram, Begum, Collymore, Mahmood, Maurice

1. Apologies for absence and clarification of alternative members

Apologies for absence were received from Councillors Dixon and Rajan-Seelan. Councillor Collymore attended as an alternate member.

2. Declarations of interests

None.

3. Minutes of the previous meeting

RESOLVED that the minutes of the previous meeting held on Wednesday 14 December 2022 be approved as an accurate record of the meeting.

4. 22/3256 - 646C Kingsbury Road, London, NW9 9HN

PROPOSAL

Change of use of the ground floor from professional services to place of worship (Use Class F1(f)) and community hall (Use Class F2(b)) and replacement of windows with doors to front elevation.

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, 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.

PLANNING COMMITTEE

8 February 2023

Mahya Fatemi, Senior Planning Officer, North Area, Development Planning Team introduced the report and set out the key issues. In introducing the report members were advised that the application sought the change of use of the ground floor of the existing property from professional services to a place of worship (Use Class F1 (f) and community hall (Use Class F2 (b) and replacement of windows with doors to the front elevation. The site was not located within a conservation area and there were no listed buildings within the site's curtilage. It was clarified that the prayer space was limited to 40 worshippers and would serve to meet the needs mainly of local employees who required a designated place to pray during business hours.

The Committee's attention was drawn to the Supplementary Report that responded to further objections made regarding the operational hours, the agent re-confirmed that the hours of use would be 12pm – 9pm and as such the recommendation remained to grant consent as per the Committee report and decision notice.

As no Committee questions were raised at this point, the Chair invited Mr Mohammed Azad (as an objector) to address the Committee (in person) in relation to the application.

Mr Azad introduced himself to the Committee as a local resident and business owner before raising the following key issues:

- Mr Azad advised that his premises where he had conducted his business for the past 24 years was located directly in front of the application site.
- Mr Azad felt that parking issues had increased significantly since the new owners of the application site acquired the premises approximately 4 years ago.
- There were ongoing issues in relation to parking along the access road, Mr Azad explained as there were limited allocated parking spaces, vehicles were frequently double parked and regularly blocked the access road.
- Mr Azad advised that this was a source of frustration for him, as there had been multiple occasions where he had been unable to move his vehicle to collect his children from school as he had been blocked in.
- Mr Azad closed his comments by advising the Committee that he had no objections to the applications proposed use of the premises as a place of worship, his only issue was that he felt the increased number of visitors to the location would undoubtedly exacerbate the existing parking issues.
- Mr Azad sought assurances that the parking would be adequately managed if the proposed application was granted planning permission.

The Chair thanked Mr Azad for his contribution and invited Committee members to ask any questions or points of clarification they may have in relation to the issues raised. Members raised queries regarding the parking issues along the access road. During the discussions it was clarified that the access road was a private road therefore the Council were unable to enforce parking restrictions however there was potential for the space to be managed by a private parking company. The Chair advised that further detailed discussion regarding parking issues would be addressed by officers later in the meeting.

PLANNING COMMITTEE

8 February 2023

As no further questions were raised the Chair invited the next speaker Naran Gajparia (objector) to address the Committee (in person) in relation to the application. Mr Gajparia introduced himself as a local resident of 35 years before raising the following concerns:

- Mr Gajparia advised the Committee that the application site's surrounding area of Kingsbury Road was subject to heavy traffic and congestion, he was concerned that if the proposal was approved there would be an increase to visitors in the area which would exacerbate the existing traffic issues.
- Mr Gajparia explained that there was high footfall in the area due to the high numbers of pedestrians using the local supermarket and tube station. He felt that there could be an increased risk to pedestrians trying to cross the busy road because of the increased traffic to the area.
- It was felt that there was not adequate parking provision to manage the increased visitors to the application site.
- Mr Gajparia closed his comments by re-iterating that he was not opposed to the site being used as a place of worship, his issues were related to the increased traffic and safety issues that he felt would be exacerbated if the planning permission was given, as such he felt the proposal would be better suited a different location.

The Chair thanked Mr Gajparia for his representation, the Committee noted that Mr Gajparia's points reinforced the concerns raised by the previous speaker and as such had no further questions.

The Chair moved the meeting on to invite Councillor Kabir in her capacity as Ward Councillor to address the Committee in person as a supporter of the proposed application. Councillor Kabir expressed her support as follows:

- Councillor Kabir advised the Committee that although she was aware that objections had been received, through her work as a Ward Councillor she had heard directly from many residents who were supportive of the proposed application.
- It was highlighted that there were increasing numbers of Islamic based businesses and shoppers visiting Kingsbury Road, therefore it was felt that a local place of worship was accessible to the community of employees and visitors who required a space to worship during the day and evening.
- It was highlighted that the mosque would serve a small number of local worshippers during business hours, therefore it was unlikely to attract additional vehicles to the area and due to its small scale, it was unlikely to create a noise nuisance or negatively impact local residents and businesses.
- It was felt that any parking spaces needed in addition to the facilities 6 parking spaces could be adequately met by available local on street parking, Kingsbury Station car park and the local supermarket car park.
- Concerns were expressed regarding the conditions specified in the report in relation to no amplified noise and the restricted hours of use from 12pm to 9pm. Councillor Kabir felt that worshippers should be able to access prayer facilities flexibly when required, it was also noted that during Summer time sunset prayers would need to take place after 9pm. Additionally it was felt

PLANNING COMMITTEE

8 February 2023

that having no scope to use amplified noise at all was an unfair and unnecessary restriction. Councillor Kabir questioned if the applicant had been asked to compromise on timings and amplified noise or if these conditions had been put forward with the original application.

The Chair thanked Councillor Kabir for her contributions and reassured the Committee that the points of concerns raised by Councillor Kabir would be addressed by officers in the latter part of the meeting. The Chair proceeded to invite the final speaker on the item, Mr Murtaza Poptani, Sterling Planning, (agent) to address the Committee (online) in relation to the application. The following key points were shared:

- The Kingsbury town centre was recognised as home to a large and diverse community. As demonstrated in the planning statement, the surrounding area was well served by temples, gurdwaras, churches and synagogues. However, there were no Muslim prayer facilities in the immediate locality. The closest prayer facility was a 30 minute walk away.
- The Kingsbury town centre accommodated a number of Muslim owned businesses, employees and visitors who came to dine and shop. However, there were no local prayer facilities for the Muslim community. This had resulted in people having to pray in unsuitable locations such as within their businesses, restaurants and shops which was impractical.
- The proposed application would not operate as a fully functioning mosque. The main prayer hall covered only 68 square metres and would have a maximum occupancy of 41 people. This could not be exceeded due to its physical size.
- The unit would only be used as a prayer space during work/business hours when people were away from their homes, this was reflected in its opening hours from 12pm to 9pm.
- The site was within a high public transport accessibility zone and within walking distance of the community it would serve. The surrounding area was characterised by businesses that were open to and beyond midnight. The proposed place of worship would not require any external plant or amplified sound and would cause no disturbance to any neighbouring dwellings.
- The planning officers report had already addressed that the principle of a place of worship in this town centre location was acceptable and due to its central location, proximity to public transport and the level of car and cycle parking provided, no highways issues had been raised.
- In summary, the proposal would deliver vital social infrastructure playing an important role in supporting Brent's diverse community, helping to promote social inclusion and cultural wellbeing within a sustainable location.

The Chair thanked Mr Poptani for addressing the Committee and asked the Committee if they had any questions or points of clarification following the information heard. In response the Committee raised queries regarding parking management, managing the number of worshippers, hours of use and amplified sound. The following responses were provided:

- In response to concerns regarding parking management, Mr Poptani reiterated that the proposed application could accurately be described as a

PLANNING COMMITTEE

8 February 2023

prayer room rather than a full time mosque. There would be no fulltime Imam and although the capacity was for 41 worshippers, it was unlikely that it would regularly reach full capacity. In addition, the facility would mainly serve local workers in the area, therefore there was not expected to be an increase in cars already in the local area as it was expected that most worshippers would walk to the facility.

- It was highlighted that at busier times a parking marshal would be employed to support the parking management, the Committee noted there were ample local car parks available for use including the Kingsbury Station car park and local supermarket car park.
- Mr Poptani added that communication would take place with neighbouring residents and businesses to avoid issues with parking.
- In relation to the restricted operational hours, Mr Poptani advised that the hours requested reflected the light use of the facility and further illustrated the minimum impact the development would have on the local community.
- Mr Poptani confirmed that amplified sound was not requested as part of the application as it was felt that the small size of the prayer room would not require amplified sounds, additionally the applicant was conscious that they did not want to cause any disturbances for neighbours.

As members had no further questions for Mr Poptani, the Chair thanked Mr Poptani for his contributions before inviting 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 the conditions on restricted hours of use, amplified sound and parking and traffic management. In response to the issues raised by the Committee the following points were discussed:

- The Committee sought clarification on the presentation of the balance of public support and objections in terms of the outcome of the consultation process as laid out in the Committee report. Officers advised that the Committee report aimed to provide a balanced view of the outcome of the public consultations.
- In response to a Committee query regarding the basis of which hours of operation had been agreed, officers confirmed that the hours of use had been suggested by the applicant, additionally the agent has been contacted to clarify the hours ahead of the agenda being published. The Committee were advised that it was not unusual for applicants to initially suggest shorter operational hours for a new facility to minimise the impact felt by the local community. Once a new facility was established the applicant would be able to make an application to extend the operational hours.
- The Committee felt it would be beneficial to adapt Condition 6 – Hours of Operation to provide further flexibility to the hours of operation to allow for administrative and cleaning tasks to take place. The adaptation was agreed by officers to take forward as a revised condition.
- In response to a Committee query regarding the basis of the condition that stated there should be no amplified noise used in the facility, officers confirmed that the applicant had not requested the use of amplified noise as part of their application. The Committee highlighted that although it was not requested by the applicant, it would be helpful to have some flexibility around this condition to allow reasonable amplified

PLANNING COMMITTEE

8 February 2023

sound to ensure that if and when necessary a small speaker could be used to play a speech without this constituting a breach in condition. Consequently, officers agreed that Condition 4 could be revised to allow the use of reasonable amplified sound.

- The Committee sought clarification on the Class Use of the premises, officers confirmed that the area of the building that would be used as a place of worship would be Use Class F1(f) and the Community Hall would be Use Class F2(b)
- Following prior concerns raised with the agent regarding parking management, the Committee were reassured that the Car Parking Management Plan set out arrangements for the pre booking of the on site parking spaces, car parking enforcement measures, the provision of information to staff and visitors highlighting alternative options for car parking in the area and full monitoring of the operation of the plan with a view to funding additional signage and parking enforcement if required. Therefore it was felt that adequate mitigations had been put in place to minimise disruption to local residents, businesses and highway safety.

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 in the Committee report and supplementary report, with further amendments to be made to Condition 4 to allow the use of reasonable amplified sound and Condition 6 to allow flexibility to the hours of operation to allow for administrative and cleaning to take place

(Voting on the recommendation was unanimous)

5. 21/2290 - 30,30a and 31 Stilecroft Gardens, HA0 3HD

PROPOSAL

Partial demolition of 30 and amalgamation with 30A and erection of 3 terraced houses on the garden space at the rear, creation of a side vehicular access and associated refuse, recycling and cycle parking facilities and hard and soft landscaping

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

PLANNING COMMITTEE

8 February 2023

- (3) 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, 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 existing site consisted of a set of 2 semi detached houses and 1 detached house on the southern side of Stilecroft Gardens, located within the boundaries of the Sudbury Neighbourhood Plan. The site laid partly within land that was liable to surface water flooding. The designated open space and local green space of Vale Farm was located to the south of the site.

The application did not have a supplementary report, however the Committee's attention was drawn to a late objection made by the Sudbury Town Residents Association (STRA) in relation to outbuildings, however this was deemed not applicable as the proposal was for dwelling homes as opposed to outhouses.

The Chair sought clarification on the section of the report that referred to current site having "deep gardens" and as such they were recognised as being more suitable locations for this type of development and if there was a specific measurement of what could be defined as a "deep garden". In response the Committee were advised that there was no specific measurement or policy and that the term was a judgement made by officers.

As no further questions were raised by members at this point, the Chair invited Mr Hallam Moore (objector) to address the Committee (in person) on behalf of the Sudbury Town Residents Association (STRA) in relation to the application. The following key points were highlighted:

- It was not felt that the site was appropriate for the proposed application as the site did not fall within a designated growth area and there was no affordable housing provided as part of the development.
- It was highlighted that the National Planning policy restricted residential gardens being used for the type of development proposed and as such it was felt that this should be given greater consideration by the local authority in this case.
- Gardens in the area were prone to water logging throughout Winter and during periods of heavy rain, the proposed development was across the natural watercourse for the area and would increase the risk of flooding on the proposed development and surrounding properties.
- The STRA felt that the development did not meet the local planning policies BH2 or BH4 and on this basis along with the other concerns raised felt the application should be rejected.

The Chair thanked Mr Moore for his contribution to the meeting, as no questions were raised by the Committee the Chair proceeded to invite Mr Andy Hollins,

PLANNING COMMITTEE

8 February 2023

Hollins Planning (agent) to address the Committee (online) in relation to the application, with the following key points highlighted:

- The National Planning Policy Framework, the London Plan and Brent's Local Plan encouraged the development of small windfall sites as they could be built quickly and make a valuable contribution to the borough's housing targets.
- The site was unique in that the gardens were uncharacteristically deep, allowing for the 3 houses to be comfortably accommodated without appearing cramped or harm the living conditions of neighbours, therefore it was felt that the development would not set a precedent for the future development of any other garden land in the vicinity.
- The proposed homes and been designed to be aesthetically in keeping with the area.
- The rear of the site backed onto the locally listed Vale Farm Sports Ground. There was a small belt of trees that separated other gardens from the playing fields, it had been agreed with officers that a financial contribution was provided to extend and supplement this area with additional tree planting to include the planting of semi mature trees to provide a landscape buffer between the proposed homes and the sports ground.
- A minimum gap of 24m would be retained between the front of the proposed houses and the rear of the houses on Stilecroft Gardens to ensure there would be no undue loss of privacy.
- In terms of concerns raised by neighbours regarding anti social behaviour, the Committee were advised that the proposed access would benefit from natural surveillance. In addition to this the applicant was willing to provide a lighting scheme for the access which would be designed to ensure no light spill into neighbouring gardens.
- In summarising the benefits of the proposed development Mr Hollins urged the Committee to approve the application for 3 much needed family sized homes in Brent that were policy compliant.

The Chair thanked Mr Hollins for his representation and invited Committee members to raise any queries or clarifying points they may have. Queries were raised with regard to flood risk, emergency vehicle access and Electric Vehicle Charging Points (EVCP) –

- In response to a Committee query on the inclusion of EVCP's as part of the scheme, Mr Hollins advised that due to the small size of the scheme Electric Vehicle Charging Points were not required, however the applicant would be happy to secure this via condition.
- In relation to a concern raised by the Committee regarding the accessibility of emergency vehicles reaching the site, the Committee were assured that the access road was wide enough for a fire appliance to access the site, however exiting the site would be more challenging. To mitigate this the properties would be fitted with sprinkler systems therefore avoiding the need for fire appliances to enter the site, as all properties would be within 70m of Stilecroft Gardens.
- In response to a Committee concern regarding increased flood risk, Mr Hollins advised that following the applicants submission of a Flood Risk Assessment, Brent's Flood Officer had confirmed that the site was at low

PLANNING COMMITTEE

8 February 2023

risk of tidal, fluvial, surface water, sewer and reservoir flooding. Additionally the Committee were informed that SuDS improvements to the site that included the implementation of rainwater harvesting tanks and a crate system attenuation tank would reduce surface water run off on the site by 98% for a 1 in 100 year storm event, therefore providing a significant betterment on the current site.

The Chair thanked Mr Hollins for responding to the Committee's questions. As there were no further questions for Mr Hollins, the Chair invited the Committee to ask officers any further questions they had in relation to the application. The Committee requested further clarity on flood risk, car parking, emergency vehicle access, refuse collection, construction management plan and the future use of the dwellings. The following key points were discussed:

- In relation to the flood risk concerns, the Committee sought assurances that all mitigations had been considered to limit any impact on neighbouring residents. Officers re-iterated the significant betterment the site would benefit from as a result of the SuDS measures that would be put in place, as detailed in the Flood Risk Assessment and Condition 9 of the report. Officers went on to highlight that the Flood Officers were satisfied with the Flood Risk Assessment and the mitigations that would be in place having confirmed that the proposal aligned with Policy BSU13 and BSU14 of Brent's Local Plan. Consequently, officers were satisfied that suitable mitigation had been considered with regard to managing flood risk.
- Given the low PTAL 1 rating of the site, the Committee queried whether there could be demand for additional car parking. Officers advised that the site was served by a local bus route and that the overall car parking allowance for the development of 3x properties was 3x spaces based on standard set out in the London Plan. The Committee noted that Stilecroft Gardens was not defined as a heavily parked street.
- The Committee were advised that to support an access way to the rear of the new dwellings, additional margins of 300mm on each side would be required, this would result in the relocation of the two existing car parking bays to the west of the site. The changes to access and parking with a reinstated footway were secured through Condition 5 and Condition 11 as detailed within the report.
- In response to a Committee question regarding refuse collection for the new properties, it was confirmed that a bin store along the access road was accepted as being a suitable means of avoiding refuse vehicles needing to access the site. It was felt it was acceptable for residents to pull their bins up to the collection point on Stilecroft Gardens.
- The Committee discussed that although the small size of the development meant that it was not a policy requirement for the development to be accompanied by an energy assessment, but it was felt that as previously discussed with the agent a Condition should be sought to provide the Electric Charging Vehicle Points.
- The Committee were advised that a Construction Management Plan would be secured to limit disruption for residents, this would include vehicle access and timings.
- In response to Committee concerns regarding the future use of the proposed dwellings and the potential for any of them to be converted into

PLANNING COMMITTEE

8 February 2023

HMO's the Committee heard that an Article 4 direction is in place so that permitted development rights are removed for such conversions. Therefore, the conversion of the property into an HMO would require a separate Planning application.

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 with the additionally verbally agreed conditions.

DECISION: Granted planning permission subject to the prior completion of a legal agreement to secure the planning obligations as set out in the report and the conditions and informatives as set out in the Committee report with the inclusion of additional conditions to provide details of lighting along the access road and the provision of EVCP for the new homes.

(Voting on the recommendation was as follows – 5 For, Against 2)

6. 22/3273 - 5 Stanley Avenue, HA0 4JA

PROPOSAL

Proposed two first floor rear extensions to building.

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, 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.

Denis Toomey, Principal Planning Officer, North Area Development Team introduced the report and set out the key issues. In introducing the report members were advised that the application sought permission for two first floor rear extensions to the building. The application property consisted of a two storey end of terrace property on Stanley Road, the site was not within a Conservation Area and the property was not listed. The Committee was advised that the proposal would not change the use of the building. A

PLANNING COMMITTEE

8 February 2023

Certificate of Lawfulness for the existing use was considered lawful in relation to the use of the building as a mosque on the ground floor with residential accommodation on the first floor.

As there were no registered speakers for the application, the Chair invited Committee members to ask any clarifying questions or raise any concerns they had with the officers in relation to the application. The following points were discussed:

- Following a Committee question in relation to the permitted rights of the homeowner, officers confirmed that this property did not have permitted development rights due to the nature of the use, hence the requirement to submit this application for planning permission.
- Following a Committee question regarding the use of the proposed extension to the property, the Committee were advised that the extension would support both the residential use of the dwelling and provide additional space in the prayer area.

As there were no further questions 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 report

(Voting on the recommendation was unanimous.)

7. Any Other Urgent Business

None.

The meeting closed at 8:16pm.

COUNCILLOR KELCHER
Chair