

Agenda Item 04

**Supplementary Information**

**Planning Committee on 12 June, 2023**

Case No.

22/4128

Location 776 & 778, Harrow Road, Wembley, HA0 2HE  
 Description Demolition of 2 existing dwellings and construction of 4x new three storey dwellinghouses, associated cycle and refuse storage, amenity space and boundary treatment

**Agenda Page Number: 21-24**

Amendments to proposed site plan

It has been brought to officer attention by the Council's Property Team that they consider that the land set out on the transfer particulars do not correspond with the application site boundary for the land at 776 and 778 Harrow Road. The extent of the boundary on the western and southern edges of the site as identified by the Property Team is smaller than set out within the application submission, resulting in a small part of the land potentially sitting within the park. It is understood that discussions are ongoing between the applicant and the Council's Property Team to reach a definitive position on this. The applicant considers that the entirety of the application site (with the exception of the access over which there is a right of way) falls within the land owned by them. The architects have re-confirmed that the application drawings have been based on a full topographic survey that they commissioned and that this accurately reflects what is on site.

To safeguard the planning application process, the planning officer requested that the applicant provided a boundary treatment to enclose the curtilage of the new dwellings to exclude any disputed area. An amendment to the proposed site / ground floor plan has therefore been submitted since the publication of the committee agenda report. The amendments include changes to the site boundary line on the western and southern edges which also incorporates a 1.2 metre fence indicated in blue line to sit within the extent of the site ownership as identified by the Property Team. As part of the boundary change the refuse store and front path close to the western entrance have been moved away from the enclosing hedges and additional soft landscaping added on the southern edge between the hedges and side of house No.4.

The changes are considered acceptable in terms of design and visual impact, and do not raise any concerns in relation to any other material planning considerations. It is not considered that these changes would materially change the development and if submitted initially with the application they would have been considered acceptable. As such the changes provided are considered as non-material amendments to the proposal.

Subsequently the updated proposed site plan would substitute the drawing within the decision notice both having the same drawing numbers 1463-100 Rev. E. The proposed ground floor plan with drawing number 1463-100 Rev. G would also be substituted with drawing number 1463-100 Rev. H.

Further representations

A number of further comments have been received in objection to the proposals since the publication of the committee report including comments from 4 people who commented previously. In total (including previously reported and new objections), 46 residents objected to the proposal in addition to the petition with 160 signatures, the Sudbury Court Residents' Association, Wembley Central and Alperton Residents' Association and Cllr Lorber. An objection has now also been received from the Brent Parks Forum. The objections include some issues previously raised and some additional concerns. The concerns can be summarised as follows:

Nature of Objection	Officer response
Misrepresentation occurs over the Sudbury Town Neighbourhood Plan, referred to in paragraphs 11 and 13 of the Committee Report. The application should be refused, because the proposal is for the	This is discussed within paragraphs 5-16 of the main report.

Document Imaged

DocSuppF  
 Ref: 22/4128 Page 1 of 4

redevelopment of park buildings, increasing their size, height and number of dwellings for residential use. The proposal is considered to accord with policies LGS1, LGS2 and BP1 which it does not accord with them. Sudbury Town Neighbourhood Plan, specifically policy BP1 relating to Barham Park, state:

*'Proposals for the re-use of the existing Barham Park buildings to provide a new community facility (D1 or D2 Use) or any other use that would support and complement the function of the park will be supported. Any proposals for the re-use or redevelopment of park buildings for residential use (Use Class C3) will not be supported'.*

The applicant can continue to use the two existing houses in the park, built originally as homes for park-keepers, but no longer required for that purpose, for their current Class C3 use. But that does not entitle the applicant to demolish those two houses and redevelop the site for four new houses. The definition of "redevelopment" in ordinary English usage is: 'the action or process of developing something again or differently.' The proposal should clearly be considered as a redevelopment of park buildings per BP1 policy and the Officer Report has misdirected the Committee on that point.

There are no 'very special circumstances which would support the proposed development in application 22/4128. as per original NPPF stating:

*'Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.'*

The July 2021 version under paragraph 30 is also relevant. There is no evidence that policy BP1 in the Sudbury Town Neighbourhood Plan has been superseded by policies adopted subsequently.

Therefore, policy BP1 takes precedence over any other Local Plan policies covering the neighbourhood area of which Barham Park forms a part. As a result, application 22/4128 MUST be refused.

Was the Barham Park Charity formally consulted about this Planning Application? If not should it have been?

Should any Notices required to be served by the applicant as part of this Planning Application have been served on the correct owner (Barham Park Charity) and if wrongly served on Brent Council what are the implications .

Which independent person within the Council

Compliance with the development plan policies (including the Sudbury Town Neighbourhood Plan) has been discussed within paragraphs 5-16 of the main report. The proposal has been considered in line with the Development Plan which includes London Plan 2021, Brent's Local Plan 2019-2041 and the Sudbury Neighbourhood Plan 2015.

The consultation was carried out in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, including site notices being displayed at the site and consultation letters were sent to 73 local properties, the Sudbury Town Residents' Association (STRA) and 126 people who commented on the previous applications.

The red line of the application site includes land which is a part of the park (predominantly the

<p>should have been informed/consulted about this Planning Application so that they could consider the Barham Park Charity interests (not the Council's)? Was this done and did that independent person respond to the consultation.</p>	<p>access) and the applicant have signed Certificate B declaring that they served notice on Brent Council which is the freehold owner of the land within the park.</p>
<p>Can you confirm that all land within Barham Park (including the access road to the two existing houses from Harrow Road) is owned by the Barham Park Charity and not Brent Council.</p>	<p>The freehold interest in the land surrounding the site including where the access is held by the London Borough of Brent.</p>
<p>Restrictive covenants on the land prohibiting any further development to the site</p>	<p>Restrictive covenants are not a material planning consideration.</p>
<p>The Planning Report provides details of recent Planning History but makes no mention of the planning permission for the two former "Park Keepers Cottages" sold (776 &amp; 778 Harrow Road) and which will be demolished and replaced by 4 houses (the enlarged footprint of the 4 May require extra land from the Barham Park Charity (hence the "Notice" referred to above.</p>	<p>The properties were built in the early 1970s, the circa 50 year old permission is not relevant to the consideration of this application.</p> <p>Should be noted that if there were conditions attached to it that have no longer been complied with, or it wasn't built in accordance with the original plans, the development would have become lawful because of the passage of time.</p>
<p>The Report also suggests that the land on which the two houses stand was not originally part of the Barham family's home/gardens which passed to Wembley Council in 1937. The land was acquired by John Copland over many years and his land holdings stretched from The Triangle all the way to Harrow on the Hill. Sudbury Lodge (later Barham Mansion) was built in mid 1850s and I expect that we'll before the George Barham took over the gardens were well established. The accuracy of the Planners claim that the land where the two houses stand was not originally part of the gardens and later Barham Park until the 20th century may be inaccurate and misleading in an attempt to downgrade the importance of that part of the Park. Can you give arrange for this statement to be checked and the position confirmed.</p>	<p>The report does not set out that the land did not originally form a part of the park.</p> <p>The report states that the buildings are not designated as part of the park in the local plan and London plan aside from the access and small areas around the site, but that it is in the Sudbury Neighbourhood Plan which are matters of fact rather than interpretation.</p> <p>It is likely that they were part of the original park, and that the homes were originally built for park keepers, however, the houses and their curtilages presently fall within use class C3.</p>
<p>Once the buildings are demolished the site would revert to its SINC status thus making application for residential development void.</p>	<p>The proposal is for the demolition of the existing houses and construction of the new houses. The status of the site (as Grade II SINC, adjoining an area of Grade I SINC) would not change in the period between demolition and construction. Please refer to paragraph 10-13 within the main report.</p>
<p>Lack of quality bat survey with qualified bat detection specialists/devices to be employed to provide second opinion. The survey should be carried out during night and in the early hours on number of occasions.</p>	<p>Please refer to paragraph 74- 81 with the main report.</p>
<p>Concerned at the suggestion that a Public Park is a suitable site for the small infill developments required for Brent Housing targets. It is the failure of the administration to recognise that in the present climate of rising costs those targets are unrealistic not helped by officers failing to advise of the serious risks.</p>	<p>This is discussed within paragraphs 5-16 of the main report. The report does not say that Barham Park itself is suitable for housing.</p>

A net gain biodiversity should be implemented. How will this be meaningfully achieved to enhance the site of protected Parkland/SINC?	See paragraphs 74-81 of the main report
The two houses were not always used for residential purposes. By the years 2000 the original purpose of Housing 'park keepers' had ceased. At some point around 2007 the two houses were redesigned and revamped inside and set up as a temporary Children Centre. A non-residential use was established in these "buildings". It was only some years later after they were sold that residential use was re-established. Moreover, original bequest and the Barham family's views are a Material consideration in this case as is the history and reasons behind the Covenant that was signed and agreed when sold.	The planning history does not include any consents for a non-residential use of the site. If such a use commenced, then it would have only become lawful after a period of 10 years. Based on the information available, it is considered that the lawful use of the existing properties is as dwellinghouses within Use Class C3. Restrictive covenants are not a material planning consideration as discussed above.

**Recommendation: Officers continue to recommend that permission is granted, subject to the additional amended plan and conditions as set out within the draft decision notice.**

DocSuppF