



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Monday 12 June 2023 at 6.00 pm

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

### 1. Apologies for absence and clarification of alternative members

Apologies for absence were received from Councillor Rajan-Seelan, with Councillor Collymore present as an alternate.

### 2. Declarations of interests

The Chair confirmed that all Committee members had received approaches from several sources objecting to Item 4 – 22/4128 – 776 & 778 Harrow Road, Wembley, HA0 2HE.

Councillor Akram and Councillor Butt advised that the applicant and signatories on the petition submitted in objection to the application had connected with them via social media through their work as Councillors.

Councillor Begum advised that she had registered a gift received from the owner of the applicant company, it was confirmed that the gift received was below the level required for it to be treated as a registerable interest and did not therefore need to be treated as a personal interest under the Member Code of Conduct. The gift had however been registered for transparency.

### 3. Minutes of the previous meeting

**RESOLVED** that the minutes of the previous meeting held on Wednesday 10 May 2023 be approved as an accurate record of the meeting.

### 4. 22/4128 – 776 & 778, Harrow Road, Wembley, HA0 2HE

#### PROPOSAL

Demolition of 2 existing dwellings and construction of 4x new three storey dwellinghouses, associated cycle and refuse storage, amenity space and boundary treatment.

#### 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.

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- (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.
- (3) That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

Mahya Fatemi, Planning Officer, North Area Planning Team introduced the report and set out the key issues. In introducing the application, the Committee were advised that the application site comprised of a pair of semi-detached dwellinghouses located along the north-west corner of Barham Park, adjacent to the railway tracks for Network Rail services in Sudbury.

The Committee's attention was drawn to the supplementary report that provided information regarding amendments to the proposed site plan. It had been brought to officers' attention by the Council's Property Team that they considered that the land set out on the transfer particulars did 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 was smaller than set out within the application submission, resulting in a small part of the land potentially sitting within the park. The Committee were advised that discussions were ongoing between the applicant and the Council's Property Team to reach a definitive position on the site boundary. The applicant felt that the entirety of the application site (with the exception of the access over which there is a right of way) fell within the land owned by them. The architects had re-confirmed that the application drawings had been based on a full topographic survey that they commissioned and that this accurately reflected what was 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 had therefore been submitted since the publication of the committee agenda report. The amendments included changes to the site boundary line on the western and southern edges which also incorporated a 1.2 metre fence indicated in the 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 had 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 were considered acceptable in terms of design and visual impact and did not raise any concerns in relation to any other material planning considerations. It was 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 were considered as non-material amendments to the proposal.

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The supplementary report also included additional comments that were received from objectors after the report had been published.

The Chair thanked Mahya Fatemi for introducing the report and requested clarification in relation as to whether it was the red or blue boundary line shown on the plan that should be considered by the Committee. Officers confirmed that it was the boundary line shown in blue on the plan that should be considered by the Committee as this was the line that the property team believed was within the site curtilage.

As no further Committee questions were raised at this point, the Chair invited the first speaker, Ms Christine Harvey (objector) to address the Committee (in person) in relation to the application. Ms Harvey introduced herself as a local resident and business owner representing residents concerned with the proposed application and proceeded to highlight the following key points:

- Barham Park was a local green space defined as a Site of Importance for nature conservation and home to a significant array of wildlife. It was raised as a concern that the proposed development could have a detrimental impact on the ecology and biodiversity of the park.
- It was felt that the proposed development was not sympathetic to the existing site due to its increased massing, the use of untreated timber cladding which was liable to deteriorate and the patinated zinc roof, that could add to noise pollution.
- Concerns were raised that the application site boundary included the area of access from Harrow Road to the development site, which was not included in the applicant's Land Registry Title Deeds, therefore it was queried whether consent should be sought from the Barham Park Council Trustees.
- The site had previously suffered from surface water flooding, concerns were raised that the proposed development would build over some permeable green space, therefore the existing risk of surface water flooding would only be exacerbated if the development was approved.
- It was felt that the Committee report did not include thorough analysis of the impact of the noise and vibration levels for the site, given its close proximity to the Chiltern Main Line railway. The Committee were advised that the Barham Village residents with homes backing on to the railway had reported distress and concerns caused by the existing building vibrations.
- In summarising her comments Ms Harvey re-iterated her concerns that the application did not thoroughly consider the historical and conservation nature of the site, the ecological impact of the development, the overbearing nature of the design and the increased flood risk.
- Ms Harvey advised that local residents acknowledged that the current properties were in disrepair and were no longer fit for purpose, however due to the concerns shared and what was felt to be a lack of consultation with key stakeholders in the local community, it was felt that the proposed application should be refused.

The Chair thanked Ms Harvey for sharing her concerns with the Committee before asking the Committee if they had any questions or points of clarity to raise in relation to the information heard. The Committee sought one point of clarification in relation to whether Ms Harvey felt that the current dwellings could be brought to

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a habitable state with remedial works. Ms Harvey stated that she believed the level of disrepair would require a vast amount of work and was not opposed to the re-development of the dwellings, however it was felt strongly among local residents that the proposed application was too overpowering for the local environment and that a more sympathetic development would be more suitable.

As no further questions were raised by the Committee, the Chair proceeded to invite the next speaker Councillor Lorber (objector) to address the Committee (in person) in relation to the application. The following key points were highlighted:

- A covenant was in place to protect the site and restrict further development, it was felt that although the covenant was not a material planning issue, the Committee should give weight to considering the significant history of the land and building and the wishes of the Barham family whose ancestors had historically gifted the park to the Council.
- It was felt that the Sudbury Town Neighbourhood Plan and policy BP1 had not been fully considered as part of the application, as BP1 stated that any development of any of the buildings in the park was to be refused. It was felt that given the high level of resident involvement in producing the neighbourhood plan with the Council, it should be adhered to. It was felt that minimising the agreed plan would undermine community confidence in working collaboratively with the Council in the future.
- Concerns were raised that the report was misleading to suggest that the dwellings to be redeveloped as part of the proposed development were not park buildings. The buildings were historically Barham family homes, then park keepers' buildings, therefore it was felt that the buildings should be considered as park buildings.
- It was felt that weight should be given to the National Planning Policy Framework that stated local communities through local and neighbourhood plans should be able to identify sites of particular importance to them.
- Councillor Lorber summarised his points and urged the Committee to consider Brent Council's core strategy, the Sudbury Town Neighbourhood plan and the covenant in place. On the basis of the points made, Councillor Lorber urged the Committee to refuse the application.

The Chair thanked Councillor Lorber for his contribution to the meeting and offered Committee Members the opportunity to ask any questions or clarifying points they had. The following points were discussed:

- The Committee queried why it was felt that the proposed scheme would be detrimental to the park when the application was to develop the dilapidated dwellings to provide family homes. The new homes would not encroach upon the park or affect any of the activities and space that was currently enjoyed by visitors to the park. In response Councillor Lorber advised that the scheme would affect park activities as during the construction phase there would be significant disruption to the park including multiple deliveries and the sound and disturbance caused by the construction work and the possibility that access could be affected. Additionally, it was felt that the proposed scheme's massing was overbearing and would encroach upon park space.
- The Committee questioned whether Councillor Lorber felt that the current properties could be restored to a good enough condition for new residents

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or to provide a community facility. Councillor Lorber advised that in his opinion, given that the properties were originally residential homes with the right remedial works he felt they could be effectively renovated.

As there were no further Committee questions at this point the Chair invited the next speaker on the item, Councillor Benea (objector) to address the Committee (in person) in relation to the application. The following key points were highlighted:

- The site of the proposed development in Barham Park was a site of significant local importance within historical parkland that was held in high regard by the community.
- Historically the site had been subject to 10 planning applications, all but one had been rejected due to concerns that the park would be negatively impacted.
- Concerns were raised that the proposed development would negatively impact the ecology of the park, following a superficial ecological survey being undertaken by the applicant whereby the ecologist recommended a more extensive survey after finding evidence of pipistrel bats in the park.
- The site was in an area of moderate to severe flooding, with the surrounding area recognised as an area susceptible to surface water flooding as a result of inadequate drainage. It was felt that the proposed development would exacerbate these existing issues.
- Chiltern Railway advised the applicant of the disruptive impacts of noise and vibration to future residents due to the proposed dwellings close proximity to the railway line. Existing residents had already shared their concerns in relation to this and the fact that the new buildings timber frames would increase the noise and vibrations already present. It was felt that there were not enough mitigations in place to address the impact on existing properties.
- It was unclear if either the trustee, Brent planning authorities or the applicant had consulted with or sought advice from The Charity Commission.
- In summarising the issues raised Councillor Benea requested that the Planning Committee considered the concerns raised by residents and in doing so, refuse the application.

The Chair thanked Councillor Benea for her representation and offered the Committee the opportunity to ask any questions or points of clarity they had in relation to the information heard. The following points were discussed:

- The Committee queried how realistic it was to assume that the current local residents would be affected by additional noise nuisance following the construction of the proposed dwellings. In response the Committee were advised that residents felt strongly that there would be a significant impact from increased noise and vibrations as a result of the construction of the proposed development.
- The Committee queried why it was not seen as a benefit to have 4 large new family sized homes, Councillor Benea advised that whilst welcoming new family size homes in Brent, it was also important to balance the needs against existing residents and how they would be impacted by any new developments.

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As there were no further questions for Councillor Benea, the Chair moved the meeting on to advise the Committee that Councillor Ketan Sheth (Ward Councillor for Wembley Central where the proposed development was situated) was unable to attend due to a clash of meetings, however he had sent a written statement that was read to the Committee raising the following key points:

- Acknowledgement was given to the housing crisis and the need to build new homes; however it was felt that there were some key planning points in relation to the proposed application that required further consideration.
- Sudbury Town Residents' Association was the first to engage with the Borough in drawing-up a Neighbourhood Plan in consultation with the local community and planning officers. In 2015, the Sudbury Town Neighbourhood Plan was put to voters, and the community, in its area, with more than 900 people voting to accept it. The Council then adopted the approved Plan, and it remained within Brent's Local Plan policies for the Sudbury Town Neighbourhood, which included the location for the proposed development.
- An important new designation, Local Green Spaces, was introduced in legislation for Neighbourhood Plans. This allowed communities to identify and protect green areas of particular importance to them. The Sudbury Town Neighbourhood Plan, at policy LGS1, identified four Local Green Spaces, one of which was Barham Park. Local Green Spaces had the same protection in planning law as Green Belt land.
- The Neighbourhood Plan's green spaces policy BP1 was very clear about the nature of that protection, which was applicable to Barham Park. It stated: 'Any proposals for the re-use or redevelopment of park buildings for residential use (Use Class C3) will not be supported.'
- 776 and 778 Harrow Road were park buildings. Originally, they were built within the park as homes for park-keepers. The proposal in the new planning application is seeking to demolish these park buildings and redevelop the site to provide four residential townhouses.
- Despite the benefit of providing new homes, it was felt that it would be wrong to approve the application, in its current form as it was clearly contrary to the Local Green Space policy BP1, which takes precedence over any contrary Brent planning policies, and would undermine the fundamental purpose of this Neighbourhood Plan.
- It was felt that the current application should be reconsidered, and a revised application be fully encouraged, which would provide a like-for-like replacement.

Following Councillor Ketan Sheth's statement being heard, the Chair invited the final speaker on the item, Rupert Wheeler (agent) to address the Committee (in person) in relation to the application. The following key points were highlighted:

- Mr Wheeler felt the Committee reports provided a thorough description of the proposed development therefore advised that he would use his allocated time to respond to some of the queries raised so far.
- Mr Wheeler reassured the Committee that the site boundary line was supported by an accurate topographical survey, therefore the applicant was confident that the physical site plan was correct.

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- It was acknowledged that the current buildings on the site were sub standard and were not constructed to the standard that would now be expected of new homes. It was clarified that since the applicant had purchased the site in 2011 the same tenants had occupied the homes; therefore it was not the case that the applicant had allowed the properties to fall in to a derelict state.
- The re-development of the site would provide an opportunity to offer good quality sustainable homes with enhanced thermal and acoustic performance.
- It was not felt that the development would increase flood risk to the area, however the proposed dwellings would benefit from raised floor levels to provide increased protection from existing flood risk.

The Chair thanked Mr Wheeler for addressing the Committee and invited Committee Members to ask any questions or clarifying points they had in relation to the information heard. The Committee had one query in relation to details relating to the covenant of the site, Mr Wheeler advised that he was unable to comment on this as it was not considered to be a material planning consideration, however he went on to highlight an additional point that the re-development of the site would not result in any loss of public park space.

The Chair then invited Committee Members to ask officers any remaining questions they had in relation to the application. The Committee had questions in relation to policy consideration, the site's covenant, flood risk, scale and heritage and park access. The following responses were provided:

- In response to a Committee query in relation to what policies were considered as part of the application process, officers advised that the London Plan, Brent's Local Plan and the Sudbury Neighbourhood Plan were all taken in to consideration as part of the application process. It was confirmed that there was no hierarchy with equal weight being given to the policies within each plan. Officers acknowledged that it was possible that there could be different interpretations of some points in the plans, however officers had used their judgement and concluded that when weighing up the different policies against the proposed application, there was no harm associated with the proposal overall.
- The Committee queried what consideration had been given to ensuring that the park entrance gates were kept clear and unobstructed by parked vehicles. Officers advised that measures could be taken to mitigate these concerns and would be secured via condition.
- Following on from the concerns raised by objectors with regard to flood risk, the Committee required further information regarding the flood risk assessments undertaken and planned mitigations. Officers confirmed that the site fell within Flood Zone 1 (low risk of flooding), however was designated as a Flood Zone 3a for local surface water. A Flood Risk Assessment was submitted with the application that highlighted that the site benefitted from an existing drainage network, with surface water drainage going into the public surface water sewer system. Measures to reduce the risk of flooding included an attenuation tank a hydro brake (or similar system) fitted to slow down the rate of water runoff into the sewer and raising the floor level by 300mm. The assessment demonstrated that the mitigations included to minimise flood risk would ensure that the development was resistant and resilient to flooding with a 65% betterment

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on the existing runoff rate in a 1 in 100-year flood Overall officers were satisfied that the development would improve the site flood risk and not exacerbate the existing situation.

- In response to Committee concerns in relation to the scale and design of the proposed development, officers advised that the design had been considered in line with London Plan Policy HC1 that required any proposals affecting heritage assets and their settings to be sympathetic to the assets and their surroundings. The Heritage Officer had confirmed that materials and orientations of the building would form an association with the park, not encroach on to park land and be in keeping with the character of the park. Despite the proposed homes being 1 storey taller than the existing 2 storey homes, the Heritage Officer concluded that the overall scale and design would not be out of keeping with the character of the park and would not harm the significance or setting of the park.
- In response to a Committee query regarding what action could be taken if the proposed development did encroach on to park space, officers advised it was secured via condition that this could not happen, if there were breaches found the parks team would not permit the development.
- Following the concerns raised by objectors that the proposed development was in conflict with the Sudbury Town Neighbourhood Plan, LGS1 (Local Green Space), LGS2 (Barham Park) and BP1 (Barham Park) as they stated that any proposals for the re-use or redevelopment of park buildings for residential use would not be supported. Officers clarified that the scheme related to the development of existing houses and their gardens that were already within Use Class C3 and therefore did not result in the loss of any land that falls within the park use. Additionally, it was felt that the buildings were houses and not “park buildings.
- In response to a Committee query regarding whether consideration should be given to the covenant in place for Barham Park, Saira Tamboo, Senior Planning Lawyer confirmed that the presence of a covenant was not a planning consideration for the Committee.
- The Committee drew officers’ attention to a previously approved planning application in Sudbury Town that had seen the Council receive a £10k contribution designated to supporting disability access into Barham Park. The Committee felt that if the proposed development were approved it would be a good opportunity to use the funding previously acquired to undertake the work to improve disability access to the park. Officers advised that they would liaise with the Infrastructure Team to explore this further.

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 an additional condition requiring the submission and approval of further details detailing measures to prevent vehicular parking within the curtilage of the dwellinghouses and the implementation, retention and maintenance of those measures.

(Voting on the recommendation was as follows: For 7 & Against 1)

### 5. **22/4180 – University of Westminster, Watford Road, Harrow, HA1 3TP**



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### PROPOSAL

Proposed erection of temporary sports hall (Use Class: E(d)) for period of 9 years on existing concrete slab east of main University 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 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.
- (3) 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.

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 proposal was for the installation of a temporary sports hall at Westminster University's Northwick Park campus. The proposal would occupy existing hardstanding which had access to services, and as such, no further groundworks would be required. The temporary structure would be in use for approximately 9 years, after which it would be dismantled to enable the completion of the consented Northwick Park Masterplan.

The site was not situated within a conservation area and there were no listed buildings within the site curtilage.

As there were no speakers who had requested to speak on the item, the Chair advised the Committee that the application was presented to the Planning Committee due to its size. Committee Members were then invited to ask officers any questions they had in relation to the application. The Committee had one question regarding the temporary nature of the construction, officers advised that the site formed part of the wider Northwick Park Masterplan, which encompassed broader redevelopment. Plans were displayed to the Committee to provide greater context of the plan. The Committee were advised that the temporary sports hall would be constructed to continue to provide on site leisure facilities while other permanent construction works were going ahead.

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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 recommendation was unanimous)

### **(6) Any Other Business**

None.

The meeting closed at 8.14pm

COUNCILLOR KELCHER  
Chair