

LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Wednesday 18 October
2023 at 6.00 pm

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

1. Apologies for absence and clarification of alternative members

None.

2. Declarations of interests

In relation to Agenda Item 4 (23/0989 5-6 Park Parade, London, NW10 4JH), Councillor Kelcher advised that as one of the ward councillors for Harlesden & Kensal Green he had been involved in campaigning against the application and therefore withdrew from the meeting for the consideration of that item. Councillor S. Butt (as Vice-Chair) therefore took over as Chair of the meeting for the consideration of Agenda Item 4.

All Committee members confirmed they had received approaches from the local Residents Association in relation to Item 6 (22/3669 – Kilburn Square Estate, Kilburn, London) on the agenda but confirmed they had not engaged in discussion on the application. Councillor Begum also advised that whilst one of the ward councillors for Kilburn she had not sought to take any position on the application and therefore felt able to consider the application impartially and without any form of predetermination.

3. Minutes of the previous meeting

RESOLVED that the minutes of the previous meeting held on Wednesday 9 August 2023 be approved as an accurate record of the meeting.

4. 23/0989 – 5-6 Park Parade, London, NW10 4JH

PROPOSAL

Change of use from betting office to amusement centre (adult gaming centre) and alterations to shopfront at 5 Park Parade. Retention of (reduced size) betting office and alterations to the rear elevation comprising removal of louvre vent and installation of new door at 6 Park Parade.

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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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 a change of use from betting office to amusement centre (adult gaming centre) and alterations to shopfront at 5 Park Parade. Retention of (reduced size) betting office and alterations to the rear elevation comprising removal of louvre vent and installation of new door at 6 Park Parade. The existing site currently comprised of a vacant betting shop that sat within a three storey Victorian terrace with residential properties above. The site was located within secondary shopping frontage within Harlesden Town Centre, and the Harlesden Creative Cluster. The site was located in an Archaeological Priority Area, with a site of Archaeological Importance situated to the rear boundary. The site was within an air quality management area and the Harlesden and Willesden Junction Air Quality Focus Area. The site was not listed nor located within a conservation area.

The Committee's attention was drawn to the supplementary agenda that provided information in relation to how Policy BE5 had been applied in terms of ensuring there was not an overconcentration of betting shops/adult gaming centres within town centres with the Officers' recommendation remaining to approve the application subject to the conditions and informatives as detailed in the report and an additional condition requiring formal Secured by Design accreditation prior to first occupation of the units.

The Chair thanked Damian Manhertz for introducing the report. As there were no Committee questions raised at this point, the Chair invited the first speaker Will Newton (objector) to address the Committee (online) in relation to the application with the following key points highlighted:

- Local residents were strongly opposed to the application.
- Residents were making a conscious effort to take pride in the community and would welcome positive uses of the site; however, it was felt that the proposed use of an adult gaming centre and betting shop would have a negative community impact.
- Concerns were raised that the proposed application was particularly exploitative of the most vulnerable members the community.
- There were already adult gaming centres in close proximity, therefore it was questioned why another one was necessary.
- Residents were concerned that the addition of a further adult gaming centre would exacerbate the existing anti-social behaviour (ASB) prevalent around Park Parade.
- On the basis of the concerns raised, Mr Newton urged the Committee to reject the application.

The Vice Chair (in the Chair) thanked Mr Newton for addressing the Committee and asked Committee Members if they had any questions in relation to the information shared. The Committee queried how Mr Newton felt that the proposed application would impact upon ASB. In response Mr Newton advised that by the nature of the business use proposed, the area would see an increase in the negative ASB issues that were known to be prevalent in Harlesden. The police recognised that Harlesden was an ASB hot spot in the borough and had channelled more police resources to manage this. Concerns around ASB were echoed in the recommendations the police had made in the supplementary report; therefore, it was a high level concern for local residents.

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The Chair then invited the next speaker, Anita Whittaker (objector) to address the Committee (in person) in relation to the application. Ms Whittaker introduced herself as a long standing Harlesden resident and community advocate. The following key points were highlighted:

- Referring to her position as a community advocate and member of Harlesden Town Team, Ms Whittaker's highlighted the progress made in Harlesden in recent years is seeking to enhance the area. It was felt that the proposed use of the currently vacant site would be in conflict with the recent gains made in the area.
- It was felt that with two adult gaming centres in close proximity, the addition of a further adult gaming centre was unnecessary.
- The proposed location of the application was close to several schools and a homeless support establishment; therefore, it was felt the nature of the scheme was completely inappropriate in relation to the surrounding area.
- Given that Harlesden remained an area with a high concentration of deprivation, it was felt that the development would prey upon the most vulnerable members of society.
- It was felt that the applicants' proposal to split the premises into a betting shop and adult gaming centre was an attempt to circumvent regulations.
- It was felt there was limited community benefit, and the potential harm of the proposed development would outweigh any of the schemes suggested benefits.

The Vice-Chair (in the Chair) thanked Ms Whittaker for her representation and asked Ms Whittaker for her views on the Planning Inspectorate's comments that they were not convinced that the proposal would have a harmful effect on crime, disorder and ASB in the surrounding area. In response Ms Whittaker advised that she was of the view that if approved, the scheme would undoubtedly have a negative impact upon ASB in the area, a feeling that was shared with the Safer Neighbourhood Team who agreed that the proposal would have a negative impact.

As there were no further questions at this point, the Chair moved on to invite the next speaker Councillor Mili Patel to address the Committee (in person) in her capacity as one of the Ward Councillors for Harlesden & Kensal Green. The following key points were highlighted:

- There was strong local objection from residents and Ward Councillors to the proposed application.
- It was highlighted that the application had previously been rejected then appealed by the applicant (which was dismissed) as the Inspector agreed that the proposed development would result in an exceedance of 3% of the frontages in use as adult gaming centres or pay day loan shops; resulting in an over concentration of those type of uses within the frontage.
- There was concern that the applicant was attempting to exploit the ambiguity of policy BE5 in relation to overconcentration; by their proposal to split the premises in two to provide a betting shop and adult gaming centre as two separate units. It was felt this was in conflict with the spirit of the Local Plan.
- The Planning Inspector had agreed that the proposal would result in harm to the living conditions of occupiers of neighbouring properties with regards to noise and disturbance.

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- Harlesden was recognised as having the 2nd highest amount of betting shop floorspace out of 148 district centres in London, this resulted in the Harlesden neighbourhood supporting a policy of clusters to prevent overconcentration. It was felt that the proposed application would go against this policy.
- It was felt that the scheme offered very little in benefits to residents and that the unit could be put to better use to provide family friendly commercial units that would offer more employment opportunities as well as a community benefit, without the associated harm that a betting shop/adult gaming centre would invite.
- The Council's principles in relation to gambling stated that it was necessary to promote protecting children and vulnerable adults from being exploited and harmed by gambling, given the applications location being in close proximity to schools and a homeless unit, it was felt to be highly inappropriate and against the Council's principles to approve the application.
- In concluding her comments, Councillor Mili Patel urged the Committee to maintain high aspirations for Harlesden and reject the application on the basis that there were no community benefits, the proposed application went against the Local Plan, the principles of the Harlesden Neighbourhood Plan and the recommendations of the Brent Poverty Commission.

The Vice-Chair (in the Chair) thanked Councillor Mili Patel for sharing her concerns with the Committee and invited the next speaker Councillor Chan to address the Committee (in person) also in his capacity as one of the Ward Councillors for Harlesden & Kensal Green The following key points were highlighted:

- Harlesden resident and Ward Councillors were proud of the gains made in Harlesden and wanted to ensure the Ward remained on a positive trajectory.
- It was echoed that the Brent Poverty Commission recognised that ¼ of Harlesden lived below the poverty line, in particular light of this, it was felt that another betting shop/adult gaming centre in Harlesden was not a good use of a commercial unit for the community as it exploited the most vulnerable members of society.
- Park Parade was recognised by the police as an ASB hot spot, having had a number of closure orders in relation to drug dealing. It was strongly felt that the addition of the proposed application would only exacerbate existing issues and put significant strain on the local police neighbourhood team.
- The comments submitted by Inspector from the Harlesden local neighbourhood police team highlighting the Metropolitan Police's concerns and objections in relation to the application which had been detailed in the accompanying supplementary agenda report.
- On the basis of the concerns shared in relation to the impact on residents, the exploitation of vulnerable residents and the lack of benefits to the area, Councillor Chan urged the Committee to reject the application to allow a more appropriate use of the unit that would benefit the community.

Following Councillor Mili Patel and Councillor Chan addressing the Committee, the Vice-Chair (in the Chair) invited Committee Members to ask any questions or points of clarity they had in relation to the information heard. The Committee raised questions regarding how the proposed application, if approved would impact ASB and the local community. The following responses were provided by Councillors Mili Patel and Chan:

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- In response to a query regarding the anticipated negative impacts that the proposed application could have on the community, the Committee was advised that when the previous betting shop on site became vacant, the local police neighbourhood team noted a marked decline in ASB in the immediate vicinity, this allowed them to spread their policing resources more widely to manage other issues. The police were concerned when they were informed of the latest planning application as they knew there was a high probability that they would have to increase their resources again, to the detriment of the wider borough policing.
- Following a Committee query in relation to the area of Park Parade as an ASB hot spot, the Committee heard that the police had cited evidence in relation to their concerns on this as detailed within the supplementary report.
- Councillor Chan had recently attended a Local Safer Neighbourhood Panel where the Inspector shared the locations of ASB hot spots in the area; Park Parade featured as one of the locations of ASB, this was further evidenced by the high number of closure orders on Park Parade.
- It was a concern for Councillors and the police that already limited police resources would potentially be stretched further if the application was approved.

As there were no further speakers or questions raised, the Vice-Chair (in the Chair) thanked all those who had participated for addressing the Committee, ahead of offering Committee Members the opportunity to ask officers any remaining questions or points of clarity they had in relation to the proposed application. The Committee raised questions in relation to overconcentration, the application's policy compliance, community safety and ASB with the following responses were provided:

- Following a Committee query in relation to whether the proposed applications policy was in breach of Local Plan Policy BE5 relating to the minimum number of units between each use, Members were advised that paragraph d of the policy was open to interpretation as detailed in the supplementary report. Officers acknowledged that both betting shops and adult gaming centres involved gambling, but in interpreting the policy the classification of uses within planning terms were seen to be different with the application therefore being regarded as policy compliant.
- The Committee queried if efforts had been made to try and let the unit for other uses. In response Members were advised that the role of the planning officers was to assess whether the application before them was suitable, they were not in the position to suggest that the applicant used the site in any particular way.
- It was clarified that the unit would be split down the middle to provide both the adult gaming centre and betting shop.
- Following a Committee query in relation to the proposed establishment's opening hours, it was clarified that further conditions could not be placed on future opening hours with any change in operating times having to be applied for separately.
- It was clarified that the applicant was the same owner as the other two local adult gaming centres.
- In response to a Committee query in relation to the benefits the scheme would provide, officers recognised that there were limited benefits, however it was noted that it was seen as a positive that the unit would be occupied rather than vacant. It was understood that betting shops and adult gaming centres were often seen as a negative use of commercial space, however national planning

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legislation recognised them as legitimate uses in their own right. Using the framework of the Development Plan and the information from the Planning Inspectorate, it was felt that the application was policy compliant and on this basis had received officer recommendation for approval.

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

That planning permission be refused on the basis of overconcentration of such uses, contrary to Policy BE5 Paragraph D of Brent's Local Plan.

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

At this stage in proceedings, Councillor Kelcher returned to chair the remainder of the meeting.

5. 22/3260 – 231 Watford Road, Harrow, HA1 3TU

PROPOSAL

Demolition of the existing building and the erection of building of up to five storeys to provide residential dwellings (Use Class C3); car and cycle parking; landscaping, amenity space and play area; and refuse storage and other associated works.

RECOMMENDATION:

That the Committee resolve to GRANT planning permission subject to:

- (1) The completion of a legal agreement to secure the planning obligations as detailed within the Committee report and the Head of Planning is delegated authority to negotiate the legal agreement.
- (2) That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives as detailed in the report.
- (3) That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.
- (4) That, if by the "expiry date" of this application (subject to any amendments/extensions to the expiry date agreed by both parties) the legal agreement has not been completed, the Head of Planning is delegated authority to refuse planning permission.

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The Committee were reminded that the application to be considered had been deferred at the 9 August 2023 Planning Committee due to the Committee's concerns in relation to affordable housing, scale of development, site optimisation and potential and potential planning benefits. David Glover, Development Management Manager advised that the application remained unchanged since it was last presented to the Committee, however the report now included additional comments from officers in response to the issues the Committee had cited as reasons for potential refusal and subsequent deferral. The Committee was reminded that following its previous deferral, Member's would need to consider the application based on the report and representations they were presented with at the meeting in order to support any decision to refuse or approve the application.

James Mascall, Planning Officer, North Area Planning Team, introduced the report and set out the key issues. In introducing the report members were advised that the application sought the development of a 3 to 5 storey building to provide a total of 42 new homes with the following mix; 15 x 1 bedrooms, 16 x 2 bedrooms and 11 x 3 bedrooms, 5 homes would also be wheelchair accessible. The proposal included 24 car parking spaces with vehicular access into the site to remain from the service road alongside Sudbury Court Drive and Watford Road. A communal amenity area to include a children's play area would be situated towards the south western part of the site.

The Committee's attention was drawn to the supplementary agenda that provided information in relation to an additional point of objection regarding the tree report. Officers' recommendation remained to approve the application subject to the conditions set out in the Committee report and the completion of a satisfactory Section 106 agreement.

The Chair thanked James Mascall for introducing the report, as there were no Committee questions raised at this point, the Chair invited the first speaker Ms Wilhelmina Mitchell-Murray (objector) to address the Committee (in person) in relation to the application. The following key points were highlighted:

- Concerns were raised in relation to the proposed development being out of character with the surroundings buildings.
- The site location was not within Brent's Local Plan as a priority area for new housing.
- It was questioned how planners had responded to BH4 of the Local Plan that required greater weight to be given to the existing character of the area.
- The development was felt to be of limited benefit to Brent residents and the local community as it would not provide any affordable housing that would make any impact on current levels of demand for social housing within Brent.
- It was questioned why the development was not car free when it was felt the local area was served very well by local underground and overground train services.
- Concerns were raised that the approval of the development could set a precedent for decision making on future similar applications.
- In summarising her concerns Ms Mitchell- Murray urged the Committee to consider the position of Brent residents and recognise their strong objections to the application, by refusing planning permission.

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The Chair thanked Ms Mitchell-Murray for making her representation, as there were no questions from the Committee at this stage, the Chair went on to invite the next speaker on the item, Keith Perrin, (objector) to address the Committee (in person) in relation to the application. Mr Perrin introduced himself and with the permission of the Chair advised that it would be Gaynor Lloyd speaking on his behalf to address the meeting on behalf of the Sudbury Court Residents Association with the following key points then highlighted:

- The 5 storey proposal was felt to be out of context against the existing 2 storey properties in the area and therefore a departure from policies BH4 and DMP1.
- It was felt that no weight had been given to the priorities stated in Local Plan Policy BH4 whereby greater weight would be placed upon the existing character of the area, access to public transport and a variety of social infrastructure, when determining the intensity of the development as appropriate.
- 33% of units were not compliant with BRE sunlight exposure assessments.
- 25% of units were not compliant with BRE illuminance testing.
- Any late stage review mechanism of affordable housing via the Section 106 agreement was felt to be futile given the change in economic conditions needed to support any increased viability. It was noted that the lack of viability was exacerbated by the high existing use value of the land due to the profitability of the existing business on site.
- The existing site was felt to be an important asset of social infrastructure, that supported meeting the needs of the culturally diverse population.

The Chair thanked Gaynor Lloyd and Keith Perrin for their representations and invited Committee Members to ask any further questions or points of clarity they had in relation to the information heard. The Committee queried how much impact the scale and massing of the scheme would have on neighbouring properties, given that there were some neighbouring 3 storey buildings and the 5 storey part of the proposed development would be in the centre of the site. In response Mr Perrin advised that there would be a significant impact on neighbouring properties as the surrounding buildings were only 2 storey and some were 2 storey with a dormer, however none were 3 storey properties. It was therefore felt that there would still be a significant impact caused by the excessive scale and massing of the scheme.

As there were no further questions, the Chair invited the next speaker on the item, Councillor Lorber (objector) as a local councillor to address the Committee (in person) in relation to the application. The following points were highlighted:

- Councillor Lorber highlighted concerns with the process of managing the deferral as he did not feel it was necessary to bring the original report in its entirety back to the Committee. His understanding of the Council's policy was that in cases of deferral where the Committee had been minded to refuse the application pending further explanation of the cited reasons for deferral; it was only necessary for the Committee to be presented with a report that detailed the possible planning reasons for refusal and the evidence available to substantiate those reasons.
- Councillor Lorber proceeded to remind the Committee of the reasons which had originally been cited for potential refusal of the application and its and subsequent deferral as detailed within the Committee report in relation to the applicants failure to provide an appropriate level of affordable housing and the

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excessive scale of the proposed development in terms of massing and sight in relation to the suburban context of the site.

The Chair thanked Councillor Lorber for his comments and clarified that due process had been followed, with officers addressing the planning reasons originally cited for refusal within the report for the Committee to consider. Additionally, it was felt that it was important to include the whole report to provide context and information for Members who may have been absent at the previous meeting or were attending as an alternate Member.

The Chair moved the meeting on to invite the next speaker on the item, Councillor Bajwa (as local ward councillor) to address the Committee (online) in relation to the application. The following points were highlighted:

- Councillor Bajwa had received many concerns from residents within his Ward who were in objection to the application, this was further evidenced by the 500 residents who signed a petition against the development.
- The scheme was felt to be out of character with the surrounding area.
- Although the site was not listed as a heritage site, it was in close proximity to the Sudbury Court Conservation Area.
- The scheme offered no affordable housing options, which was against London Plan targets to achieve 35% of affordable units.
- It was felt there would be very limited benefits to residents in the Northwick Park Ward.
- Concerns were raised in relation to the dangers that the construction traffic would cause in the building phase, this was of particular concern given that the area was not pedestrian friendly.
- It was felt that the existing car parking issues in the area would be further exacerbated by the development.
- It was felt that the applicant should offer further investment to support improvements to local amenity space.
- On the basis of the information shared, Councillor Bajwa urged the Committee to reject the application.

The Chair thanked Councillor Bajwa for his comments and asked if he felt there was any benefit resulting from the development. Councillor Bajwa advised that he felt the benefit was extremely limited, in his opinion, the scheme would not support residents in most need of housing and felt that any small benefits of the scheme would be outweighed by the harm it would cause.

As there were no further questions, the Chair invited the final speaker on the item, Davey Pareth (applicant) to address the Committee (in person) supported by Kieran Rushe (agent) and Sydne Langbridge (architect). The following key points were highlighted:

- The current venue was a family owned business that the family had felt privileged to provide as a community asset to Brent, however with the economic challenges the business had faced post pandemic, the applicant had come to the decision that the site required a different use.
- It was felt that re-developing the site to provide much needed accommodation in Brent would be a positive way to use the site, providing opportunities for families, young people and the local economy.

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- In light of the benefits the scheme would bring, Mr Pareth urged the Committee to approve the proposed application.

The Chair thanked Mr Pareth for addressing the Committee and invited the Committee to ask any questions or points of clarification they had. The Committee raised a query in relation to the viability of the scheme with the following response provided:

- In response to a query in relation to the variance between the viability figures identified by the Council's viability consultants and the applicant's, Kieran Rushe, agent for the application advised that although there were differences in the two figures calculated, they both demonstrated a deficit; resulting in no affordable housing available as part of the scheme.
- Following a query in relation to whether the reportedly expensive nature of the scheme was a factor in the lack of viability, the Committee was advised that the buildability costs were centralised costs, they were submitted as part of the financial viability assessment, with the consultants calculating the figures from the information received. The Committee was advised that if there were any further queries in relation to the viability of the scheme, officer may be better placed to offer a response.

As there were no further questions for Mr Pareth and his supporting team, the Chair invited the Committee to ask officers any remaining questions or points of clarity they had in relation to the application. The Committee raised queries in relation to viability, the wider benefits of the scheme and the Urban Greening Factor (UGF). The following responses were provided:

- Officers confirmed that although it was disappointing that the scheme could not offer any affordable housing, it had been thoroughly tested with viability consultants that assessed it would not be possible to provide affordable housing.
- Following a Committee query in relation to why the applicant would choose to go ahead with a scheme that was not expected to deliver a profit, the Committee was advised that it was not unusual for schemes to come in at a deficit against target profits and the economic landscape to subsequently change from the point of approval to completion; possibly offering an improved situation.
- Despite the absence of affordable housing at the planning stage, the Committee was reminded that via the Section 106 agreement a late stage mechanism would be in place to capture any possible uplift.
- In response to a Committee question regarding the likelihood of the scheme becoming viable at a later stage, the Committee was advised that the economic landscape would have to change significantly to allow the scheme to contribute towards affordable housing, a number of factors including interest rates, borrowing rates and construction costs would all be assessed within the review mechanism to ensure any increased viability opportunities were captured.
- Following a query in relation to the wider benefits of the scheme, the Committee heard that as well as the scheme providing 42 homes, with 1 in 4 being family sized homes, the application would include a financial contribution towards highway improvements and would also be subject to payment under the Community Infrastructure Levy.
- Following a question in relation to the UGF of the site, the Committee was advised that despite the removal of 13 trees to accommodate the development,

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a total of 29 new trees would be planted; resulting in a net gain of 16 trees. The scheme also included wide ranging amenity space including green roofing that would be secured via landscaping conditions. Improvements to the site achieved a UGF score of 0.46, which exceeded the requirements of policy BH4.

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 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.

(Voting on the above decision was as follows: For 5, Against 1 and Abstentions 1)

6. **22/3669 – Kilburn Square Estate, Kilburn, London**

Due to technical issues experienced in the meeting room at this stage of the meeting, which had affected the AV equipment, the Committee **AGREED** to defer the consideration of this application to a future meeting (date to be confirmed).

7. **Any Other Business**

None.

The meeting closed at 9:15pm

COUNCILLOR KELCHER
Chair