



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Wednesday 16 October  
2024 at 6.00 pm

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

Also present: Councillors Kennelly (for item 4) and Councillor Chan (for item 6)

### 1. Apologies for Absence

Apologies for absence were received from Councillor Chappell with Councillor Mahmood attending as a substitute.

### 2. Declarations of interests

In relation to Agenda Item 4: 24/1335 5-6 Park Parade, London NW10 4JH Councillor Kelcher advised that as one of the ward councillors for Harlesden & Kensal Green he had previously been involved in campaigning against similar applications relating to the same site and would therefore need to withdraw from the meeting for the consideration of that item.

### 3. Order of Business

The Chair agreed to vary the order of business on the agenda to reflect that he would need to withdraw from the meeting during consideration of application 24/1335 5-6 Park Parade, London NW10 4JH (Agenda Item 4). As a result, it was agreed that application 24/1219 Garages rear of 88-98 Wrentham Avenue, Tiverton Road, London (Agenda Item 5) would be considered in advance of Agenda Item 4. The minutes therefore reflect the order in which the items were dealt with at the meeting.

### 4. Item 3. 23/3440 - 1-22 Brook Avenue, Wembley, HA9 8PH

#### PROPOSAL

Permission was sought for the demolition of all buildings and structures and comprehensive redevelopment of the site to provide two linked blocks of between 6 and 15 storeys (including mezzanine storey) comprising large scale purpose built shared living (LGPBSL) units (sui generis) and two linked blocks of between 4 and 9 storeys comprising residential units (Use class C3), ground floor commercial/community use units (Use class E/F), ancillary facilities and shared internal and external amenity space, associated highway works, blue badge parking, cycle parking, refuse stores, landscaping and access arrangements.

#### RECOMMENDATION

(1) That the Committee resolve to GRANT planning permission subject to:

## PLANNING COMMITTEE

16 October 2024

- (a) Stage 2 referral to the GLA along the prior completion of a legal agreement to secure the planning obligations as detailed within the report.
  - (b) the conditions and informatives set out in the report (as updated within the Supplementary report); and
- (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 the 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.
  - (4) 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

Sean Newton (Development Management Planning Manager) introduced the report, detailing the proposal for the demolition of all existing buildings and the erection of two pairs of linked blocks. Blocks A and B were to be 6 to 15 storeys high and would comprise large shared living units. Blocks C and D were to be 4 - 9 storeys high and would include residential units, ground floor commercial/community spaces, and various facilities. The plan also included highway works, parking for blue badge holders, cycle parking, refuse stores, landscaping, and access arrangements. The total net internal floorspace (NIA) of the development was 19,583 sqm, comprising 12,696 sqm for the co-living element and 6,887 sqm for the C3 dwellings. The proportion of C3 floorspace equated to 35.2% of the total provision, thereby satisfying the minimum threshold of 35%. Additionally, the proposed tenure mix was policy compliant, with 70% allocated to low-cost social rent and 30% to intermediate rent. The proposal, in terms of affordable housing, satisfied the requirements of the London Plan and the Local Plan, subject to an early-stage review mechanism with the Committee's attention also drawn to the corrections and clarification provided within the Supplementary report circulated in advance of the meeting, including an update on cycle parking provision and on which the recommendation remained to grant planning permission, subject to the conditions (as updated) and completion of a s106 Legal Agreement and Stage 2 referral to the GLA.

The Chair thanked Sean Newton for introducing the report and with no clarifying questions from the Committee, then invited Councillor Kennelly (as a local ward councillor who had registered to speak in support of the application) to address the Committee. The following key points were highlighted:

## PLANNING COMMITTEE

16 October 2024

- The site was located within the Wembley Growth Area with the proposed use in accordance with Brent's Local Plan site allocation.
- In light of the current housing emergency, support was expressed for the need to increase the level of affordable and social rented accommodation within the borough.
- Support was expressed for the layout and access of the proposed development along with the provision of communal amenity and play space.
- Attention was drawn to sites in Alperton where significant redevelopment including the opening of access to the canal had supported inward investment across the area, which it was hoped could also be achieved in relation to this site.
- Whilst supportive of the application, challenges around parking along Brook Avenue were highlighted, particularly in relation to the impact on Stadium event days. As a result, Councillor Kennelly advised he was supportive of the car free element of the proposed development with the need for accessible cycling provision and a local CPZ to apply on non-event days also emphasised. The contribution towards a CPZ was therefore seen as a positive step, although the need for implementation to be for the benefit of those residents in Brook Avenue and the immediate surrounding area was also highlighted as a means of managing parking demand.
- Support was also expressed for the proposed widening of the street, which it was felt would also increase the space available to encourage other active travel measures including staggered parking provision, cycle lanes, traffic calming and additional tree planting and street furniture. Moving forward, it was suggested that if footfall on Brook Avenue increased, investment in footpaths and pavements would be necessary with a s.106 contribution from the developer towards this investment also recommended.

The Chair thanked Councillor Kennelly for addressing the Committee and invited members to ask any questions they had in relation to the information presented, with the following being noted:

- In outlining the commercial use of driveways for parking by properties along Brook Avenue on event days, it was suggested that developing a car-free area could reduce street traffic. As an initial query, the Chair sought details around whether there were any additional benefits associated with this. The response confirmed that driveways had been used to create additional parking on event days, and it was felt that the space could be better maximised through the Brook Avenue development for housing.
- It was observed that Brook Avenue was on the route of a proposed new cycle quiet way, as part of the strategic cycle network, with the Chair seeking views on the potential benefits in terms of the development proposal. In response, Councillor Kennelly advised that any contribution made through the scheme

## PLANNING COMMITTEE

16 October 2024

would be welcome, including the potential to establish one side of the road as parking and the other side as a cycle lane. Regarding parking provision, he expressed a desire to collaborate with officers and developers to ensure the management of parking was supported alongside wider active travel measures for the benefit of all existing residents and residents within the scheme.

- Views were then sought on whether it was felt that making the development car-free, would still leave the current primary issues of traffic and parking unresolved. In response, Councillor Kennelly expressed concern that residents were increasingly worried about parking provision, particularly with the rise in Wembley event days, with the car-free element therefore providing an opportunity to create a safer and greener space for residents, especially with the addition of the cycling highway which had the potential to tackle some of the concerns being expressed.

As there were no further questions from members, the Chair proceeded to invite Max Plotnek (who had registered to speak as the applicant's planning consultant) to address the Committee. The following key points were highlighted:

- The scheme had undergone a collaborative and proactive process over the last 2 years with Brent's planning, design, and highways officers, the Design Review Panel, the GLA, local residents, and the Environment Agency.
- The scheme had been designed to deliver a series of benefits, including a significant contribution to the Council's annual housing target equivalent to 387 homes, of which 100 would be affordable.
- The high-density nature of the scheme was considered appropriate for the site, which was allocated for 450 dwellings in the Local Plan and located within the Wembley Growth and Opportunity Area.
- The co-living concept provided a new housing product enabling individuals to live independently in well-designed studio apartments with supporting shared facilities that provided the added benefit of promoting social interaction and community events.
- Unlike other co-living schemes, however, this would provide both co-living residents and affordable housing tenants with a strong connection to nature through heavily landscaped gardens.
- The scheme sought to provide a high-quality design that satisfied Brent and GLA guidance and which was well designed and managed with homes offering good access to light, outlook and amenity spaces in a sustainable location close to excellent transport links at Wembley Park.
- The design aimed for low energy consumption and would significantly exceed the minimum environmental targets being designed to achieve EPC A, WELL Building Standards Platinum Certification, an urban greening factor score

## PLANNING COMMITTEE

16 October 2024

almost 50% above the minimum requirement, increased tree canopy cover as well as biodiversity net gain.

- In summary, the scheme was felt to offer a range of planning benefits, including the addition of 100 affordable homes, complemented by an alternative housing product designed to create a mixed community, high-quality and professionally managed co-living homes fostering a sense of social cohesion, and a positive regeneration outcome including a new public square with community play facilities for all age groups. This would also generate significant financial contributions through s106 and CIL as well as providing job creation during both the construction and operational phases of the co-living building with the Committee reminded that on the basis of the assessment provided the application had also been supported by an officer recommendation for approval.

The Chair thanked Max Plotnek for addressing the Committee and invited members to ask any questions they had in relation to the information presented, with the following being noted:

- As an initial query, further details were sought regarding whether the developers would collaborate with the Council to open the public space to cyclists and other active travel users, and how the development would impact the pavement to facilitate more active travel on the road. In response, Robert High (PRP Architects also attending in support of the applicant's planning consultant) explained that the proposals for the Brook Avenue development included exploring a cycle lane as part of the Healthy Streets assessment, with plans to show a cycle lane at both ends of Brook Avenue. The developers expressed their willingness to collaborate with Brent, highlighting the benefits that the scheme would deliver, including improved footpaths without crossovers, enhanced greening, and the integration and servicing of blue badge bays. Max Plotnek also reminded the Committee that the developers had committed £100,000 as part of the s106 package towards Healthy Streets improvements.
- In highlighting the proposal would involve the demolition of 22 properties, the Chair sought further details as to whether the applicant had already acquired the relevant properties and, if not, was confident they would be able to secure ownership to enable the development to proceed should permission be granted. Confirmation was provided that the vast majority of the properties were under the applicant's ownership, with the Committee advised that negotiations with the remaining property owners were ongoing. Confidence was expressed that the developers could achieve the plans, given that much of the site was already secured.
- As a further issue raised in relation to timescales, the Chair was keen to seek details on the anticipated duration of the proposed new build given the potential impact of the ongoing development being undertaken at an alternative site on Brook Avenue. In response, the Committee was advised that construction was expected to take approximately 2.5 to 3 years, as outlined in the Construction Management Plan.

## PLANNING COMMITTEE

16 October 2024

Following on, clarification was sought on the timeline for commencing the development works on site should planning permission be granted. In response, Max Plotnek advised that this would depend on the legal agreement and various s106 obligations being secured along with necessary conditions being fulfilled, which it was estimated could take up to 12 months to complete. In terms of managing the impact of the construction work, the Committee was advised of the robust nature of the Construction Management Plan which included a range of measures to minimise and mitigate against any disruption to neighbours and the surrounding area.

- Further clarification was also sought on the plans for community play space provision, including the age groups that would be catered for and whether the spaces would be accessible to other local residents as well as tenants given the shortfall in private amenity space identified. In response, Robert High advised that the affordable housing element of the development would have a private courtyard with a range of play areas for different age groups. Care had been taken in relation to the placement of play areas, especially for those aged 0–4. The development would also include nature trails along the brook with the central square, which would be open to the public, including a range of facilities and a youth space including a social hub with Wi-Fi access.
- Members were keen to seek details on whether any surveys had been conducted to determine the demand for co-living in Brent. In responding, Max Plotnek advised that a co-living needs assessment had been conducted in support of the application to evaluate demand. It was noted that co-living was effectively transitioning people away from traditional family housing, which was often rented by small groups or used for flat shares. Instead of creating new demand, co-living shifted existing demand from one type of housing to another, thereby freeing up family homes. On the basis of the assessment undertaken, he advised that the developer was therefore confident of the level of demand for co-living accommodation as an alternative housing product.
- Following on, members also queried how the rental prices for co-living units compared to the private sector, HMOs, and other types of accommodation. The Committee was informed that co-living allowed individuals wishing to live independently to rent a small studio flat at a lower price than a one-bedroom apartment. The fixed prices included council tax, internet, and gym membership, which helped renters with budgeting. Additionally, there was security of tenure and the provision of 24-hour security was also particularly popular for reasons of safety.
- Referring to the composition of 100 affordable housing units, members sought clarity on the tenure mix of the 70:30% split. In response, clarification was provided that the mix involved 70% low cost social rented units and 30% as an intermediate affordable housing product. In terms of being able to offer 100% low-cost social rented units the Committee heard that the appraisals had been based on a 70:30 split, which was the tenure mix

## PLANNING COMMITTEE

16 October 2024

required by policy. It was noted that changing the mix at this stage would be difficult.

- Continuing on the issue of affordable housing, members sought further details about the rationale behind the decision to propose co-living units alongside affordable homes and whether consideration had been given to increasing the level of low cost rent affordable housing provision. In response the Committee was advised that the current proposal had been designed to satisfy the adopted tenure split with co-living recognised as a housing choice and counted towards the housing supply ratio as per London Plan Policy. The provision of 100 affordable housing units would satisfy the required 35% on-site target given the size of the development and was therefore also policy compliant.
- As a more general issue, questions were raised about whether developers had considered different alternatives for the site. Members were advised that different options had been considered but the applicant had felt the nature of the site would support a mixed use incorporating a community of co-living (for which demand had been identified) and affordable housing. It was noted that, at this stage, a Registered Provider (RP) had not yet been appointed to manage the affordable units.
- Reference was made to the community amenity facilities that were due to be provided in the main courtyard area within the central square, with members requesting a more detailed plan for their implementation. The applicant's representatives highlighted that the centre of the scheme featured an open space extending from Brook Avenue to the brook. This area included various play and seating areas. At the southern end of the site, there would be additional landscaping including a platform overlooking the brook.
- As a final question, further clarity was sought on the financial contribution towards TFL infrastructure improvements totalling £130,000 which it was confirmed related to bus service enhancements in the vicinity of the site.

The Chair thanked Max Plotnek and Robert High for responding to the Committee's queries and then moved on to offer the Committee the opportunity to ask officers any remaining questions or points of clarity in relation to the application, with the following key points covered:

- Further details were sought on flood risk mitigation with members noting the site was immediately adjacent to Wealdstone Brook. In response the Committee was advised that the site fell within a flood zone in relation to both fluvial and surface water with protection of, and access to, the Brook being a key element of the scheme alongside the flood mitigation measures. The application had included a Flood Risk Assessment which had been reviewed and assessed by the Environmental Agency. The rear of the site and garden area would be regraded to provide greater capacity in case of flooding. Sustainable drainage systems, including the introduction of water butts, would be implemented to help manage rainfall. As further clarification

## PLANNING COMMITTEE

16 October 2024

officers advised that the reprofiling had also allowed for some underground storage containment for surface water flooding. Work had been undertaken with Lead Local Flood Authority (LLFA) to ensure that the surface water runoff from the proposed development was at a greenfield rate. Therefore, it was believed that the development would not pose a risk of exacerbating any flooding incidents. In continuing the response, it was further noted that the Environment Agency had initially raised objections to the proposals due to insufficient details on capacity and storage. However, the applicant had collaborated with the Environment Agency to address these concerns, leading to the withdrawal of their objections from a flood perspective and the proposed drainage strategy (subject to conditions) considered acceptable in terms of being able to sufficiently attenuate water and reduce the risk of flooding.

- Further details were sought regarding the way in which the shortfall identified in relation to private amenity space had been addressed within the application. In response the Committee was advised that whilst the shortfall in private amenity space had been acknowledged this was felt to have been offset by the quality of space that had been provided, which was considered to be acceptable and to have met or exceeded London Plan standards and was of a size, shape and depth to encourage use. Reference was also made to the communal space proposed within the development alongside the access available to nearby parks and other community space including Olympic Way and public open spaces in Wembley Park. Policy targets outlined in BH13 were referenced, highlighting that both the numerical and qualitative aspects of amenity spaces were crucial. Overall, officers had determined that the development site met quantity and quality standards within policy and the Council's adopted Residential Amenity Space and Play Quality SPD. This had included an assessment in respect of the requirement that where sufficient private amenity space could not be achieved to meet full policy requirements the remainder should be applied in the form of communal amenity space including proximity and access to nearby public open space.
- In noting that the site was not currently included within a Controlled Parking Zone (CPZ) but did require resident permits to park on Wembley Stadium event days further clarification was sought on the implementation of the proposed CPZ for non-event days in the area for which a financial contribution of £100,000 had been secured. In noting that the development would be car free (except for the provision of blue badge spaces) members were also aware of the potential overspill parking that was often associated with the implementation of CPZ within surrounding streets that were not included with officers confirming that determining the extent of any CPZ would require consideration to be given to the size of the consultation area and feedback received as a result on the streets to be included. It was also noted that due to the lack of a CPZ covering Brook Avenue, residents for nearby developments that were subject to "car free" agreements were currently able to circumvent that by parking on-street (other than on Stadium event days) which is why it had been considered important to seek to secure funding for the implementation of a CPZ via a s106 Agreement.



## PLANNING COMMITTEE

16 October 2024

- Assurances were then sought to ensure that standards were met so that the nearest residential house to the application site 23 Brook Avenue, would not experience undue overlooking or blocking of sunlight. Regarding Block A, which was situated closest to 23 Brook Avenue, members were advised of the plans to pull that Block further away from the boundary by approximately 5 metres. It was noted that the windows on the flank of 23 Brook Avenue did not serve habitable rooms and the primary windows were on the front and rear, so sufficient sunlight would still be achieved to meet standards with officers referring to the site plans in order to provide further clarification and a condition also proposed that would require the flanking window to be obscure glazed for privacy. The applicant had also submitted a Daylight and Sunlight assessment to demonstrate the impact of the development on surrounding existing properties, which had identified that whilst the majority of neighbouring properties would not experience significantly adverse impacts to daylight some would experience a reduction. When considered against retained values, however, the deviation from guidance had not been assessed as excessive with the scheme also seeking to maintain reasonable separation distances and step down in height to neighbouring properties in order to minimise any significant adverse effects whilst also looking to maximise use of the site for housing purposes. As such, given the considerations outlined and the wider planning benefits of the scheme (including the delivery of new housing) the proposal was, on balance considered acceptable in this respect.
- In recognising the number of comments received from statutory consultees, further details were sought on the way in which the comments raised by the GLA (Stage 1 response) in relation to the shortfall in net biodiversity gain (BNG) would be addressed in seeking further on-site opportunities or by securing a financial contribution. Confirmation was provided that the proposed development had been designed to secure a net BNG of 1.73%, which fell below the 10% target outlined in London Plan Policy G6. It was, however, pointed out that the application had been submitted prior to the mandatory 10% net gain requirement having come into force, meaning that Policy BGI1 would apply. The Biodiversity Impact Calculation Report indicated that the existing site had 11.29 habitat units, which post development would increase to 12.78 habitat units, resulting in an uplift of 1.49 habitat units or a 13.15% net gain in biodiversity. Whilst the proposed plans would result in the loss of urban trees and gardens this would be compensated by the creation of an urban biodiverse green roof, garden, rain garden, grassland and 42 new urban trees. As such the development was considered to comply with Policy G6 of the London Plan and Local Plan Policy BGI1 with conditions to be imposed to ensure details of the landscaping and biodiversity enhancements were secured to achieve the net gain BCG.
- Members then moved on to focus on the response from officers to the comments raised by the Metropolitan Police regarding concerns relating to anti-social behaviour. Officers advised that these concerns had primarily related to the provision of the youth space and wi-fi hub in the public square given the potential open access. As an assurance, members were advised

## PLANNING COMMITTEE

16 October 2024

that whilst it would be possible for the public to access the square, password access would be required to use the wi-fi as a means of seeking to address the concerns raised.

- As a further query, the Committee inquired about the oversight of individuals entering the co-living space and whether an operational management plan had been put in place. In response officers advised that co-living arrangements were required to adhere to the London Plan, including the criteria specified in policy H16 and the more recently adopted London Plan Guidance for large-scale purpose-built shared living. As part of this a draft Operational Management Plan had been provided detailing how the co-living element would be managed, which would also be secured through the s106 legal agreement and would be required to comply with the H16 criteria policy and London Plan Guidance. In terms of potential nomination rights it was noted that these would only be available in relation to the affordable housing element of the scheme.
- In response to further details being sought on the opportunities taken to maximise the level of affordable housing provision within the scheme, members were advised of the balance needing to be achieved in relation to the cumulative impact of the development. Whilst the site was located within the Wembley Opportunity Area the current design had been developed to mitigate against any adverse impacts on the surrounding area resulting from the proposed increase in height including variants to the massing to mitigate neighbouring overbearing impacts and design features to prevent overlooking. The current proposals with regard to the level of affordable housing provision also satisfied the requirements of the London Plan (H4: Delivering Affordable housing; H5 Threshold approach to applications & H6 Affordable housing tenure) in terms of the approach used to maximise the delivery of affordable housing with the level and tenure mix proposed meaning the scheme had satisfied the policy requirements enabling a fast track route. The current maximum proposed height had also been assessed as acceptable in terms of the overall design, scale and bulk of the proposed development and having regard to the distance to neighbouring properties.
- In response to further clarification on the use of CIL and s.106 contributions towards the pavement improvements along Brook Avenue (including potential use the CIL contribution from Wembley Park Gardens) officers advised that the development proposals already included the provision of disabled parking bays and loading bays where the current footway existed, the widening of the highway into the site, and the establishment of a new footway along the entire development frontage. In terms of CIL contributions it was currently estimated the scheme (subject to approval) would generate between a £3 - £3.2m CIL contribution, which could be utilised by the local authority to deliver community infrastructure projects across the Borough and would be in addition to the £100k financial contribution also due to be secured through the legal agreement towards Healthy Street improvements in the vicinity of the site aimed at providing improvements to traffic calming, surfacing, pedestrian amenity, provision of a cycleway, planting and street furniture as additional benefits to the car free development. Members were

## PLANNING COMMITTEE

16 October 2024

also advised that the proposed scheme would reinstate the existing current footway crossovers providing further opportunity to improve the street for active travel.

Details were also sought regarding the need to secure provision of a cycle route, with the Committee advised that the applicants Healthy Streets Assessment had included a proposal for a 1.5m wide cycle lane which it was noted remained a priority for integration as part of the Healthy Street improvements and would be supported by the proposals to widen the highway along the site frontage due to be secured through the s38/278 agreement.

- In response to details being sought on the relationship between the height of the scheme and other developments near Wembley Park on the opposite side of Brook Avenue officers confirmed that whilst the proposed scheme was situated just outside the Tall Building Zone only part of the proposed development would constitute a tall building as defined in policy with the proposed development designed to step up its height gradually from 4 to a maximum of 15 storeys. When considered against the Forty Lane Intensification Corridor and emerging character of Brook Avenue including the development on Matthews Close and adjacent to Wembley Park Station officers therefore felt the proposed development would not appear out of context with the applicant having also submitted an assessment that considered the long views from surrounding streets and the impacts on the immediate frontage. On this basis, officers had concluded that a taller building in the proposed location would be both appropriate and acceptable.
- In terms of the management of traffic and parking on Stadium event days, officers advised this impact would be limited by the car free nature of the development alongside the traffic management and parking restrictions already in place on event days. In terms of access, during any construction phase the applicant had submitted a Construction Logistic Plans which would be secured through condition in order to detail the measures in place to minimise the impact on the surrounding transport network which officers advised would include event days.
- Recognising the relationship between the proposed development site and Wealdstone Brook, given its contribution to the wider ecological network as a designated site of importance for nature conservation and also as a wildlife corridor, details were sought on the measures included to manage this element of the scheme and ensure the necessary mitigations in relation to protected habitats and species. In response, the Committee were informed that the applicant had submitted a Preliminary Ecological Assessment, Further Bat Survey, Biodiversity Audit and Arboricultural Impact Assessment which had all been assessed as acceptable by the Ecology Officer. The Preliminary Ecological Assessment had included a number of recommendations designed to enhance biodiversity which would be secured via condition. A River Conditions Assessment had also been conducted to evaluate the existing quality of the waterway in the brook, confirming that

## PLANNING COMMITTEE

16 October 2024

there would be no change to the existing condition of the brook as a result of the development.

- In response to further details being requested on the waste management provision within the proposed scheme officers confirmed that the bin storage provision for the dwellings located at the front of the building would satisfy requirements. In relation to the co-living blocks revisions had been made to the refuse stores and level of provision per resident increased. Whilst below the total level required the arrangements were felt to be acceptable based on the provision of twice weekly collections by a private contractor and an assessment with similar schemes in the surrounding area.
- Further assurance was sought in relation to the s.106 contribution secured in relation to the implementation of a CPZ scheme in the vicinity of the development site with members keen to ensure opportunities were taken to the maximum the contribution obtained. In response, members were advised that the opportunity had been taken to secure funding towards the provision of CPZs for a majority of developments within the vicinity of the site with an additional residents parking scheme in place on Stadium event days meaning the level of contribution secured was felt to be sufficient to enable the necessary consultation to proceed ahead of any potential implementation.
- In noting that not all land required for the development to proceed was currently in the ownership of the developer, details were requested on how that would be addressed and whether the use of Compulsory Purchase powers may be deemed necessary. Officers confirmed that this remained a civil matter between the developer and relevant landowners involved. Should it not be possible for agreement to be reached between the relevant parties and planning permission be granted, it was confirmed that the permission could not be implemented unless the developer had acquired all of the individual plots that formed the application site. In terms of the use of Compulsory Purchase powers these would only be considered as a last resort and would require the developer to have approached the Council with a specific request (which was not currently the case). The Council would then need to consider whether the request justified use of Compulsory Purchase powers having assessed against the relevant criteria and procedures.
- Referring to the issues highlighted by the GLA and TFL as part of the statutory consultee process, details were sought on the way in which measures had been secured within the development proposals to address concerns relating to the scheme leading to a car dominated landscape and alignment with the Healthy Street principles in terms of space and access available for pedestrians and cyclists. In response, officers advised how the comments submitted had been used to support ongoing discussion with the applicant regarding enhancement of the proposals which had included the reinstatement of existing drop kerbs and the widening of pavements outside the active frontage of the site alongside limiting on street parking for blue badge holders with the securing of opportunities for the provision of a cycle lane, additional planting and landscaping and other Healthy Streets

## PLANNING COMMITTEE

16 October 2024

measures to contribute to a better street environment also highlighted, supported through the Travel Plan secured as part of the application.

- In response to further details being requested in relation to securing support for car club membership to be included as an element within the Travel Plan, members were advised that membership would be expected to be open to residents within both the co-living and affordable accommodation units within the scheme. Whilst a car club was already in place on the same street it had been suspended during the pandemic and was therefore in the process of being reinstated with the development seeking to fund resident membership for at least two years to encourage use and one car park bay to be provided for use by the car club, with use being driven by demand.
- As a final issue raised, confirmation was provided that the provision of a single loading bay for the commercial unit was felt to be sufficient.

As there were no further questions from Members, the Chair then moved on to the vote.

### DECISION

**RESOLVED** to grant planning permission subject to:

- (1) Stage 2 referral to the GLA along with the prior completion of a legal agreement to secure the planning obligations as detailed within the report; and
- (2) The conditions and informatives as set out in the main Committee report, as updated within the supplementary report.

(Voting on the above decision was as follows: Unanimous in favour)

### **5. Item 5. 24/1219 - Garages rear of 88-98 Wrentham Avenue, Tiverton Road, London**

#### PROPOSAL

Proposed demolition of existing garages and erection of two residential units with landscaping, private, and communal amenity areas, cycle and refuse storages and associated works.

#### RECOMMENDATION

- (1) That the Committee resolve to GRANT planning permission subject to the conditions and informatives set out in the report, and additional condition detailed within the supplementary report to restrict access to the sedum roof above ground floor level.

## PLANNING COMMITTEE

16 October 2024

- (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 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) introduced the report, with the development proposal involving the demolition of 19 existing garages and erection of two three-bedroom family sized residential homes with landscaping, private and communal amenity areas, cycle and refuse storages and associated works. The Committee's attention was also drawn to the supplementary report, which included details of an additional comment received in objection to the proposals since publication of the main committee report along with the recommended inclusion of an additional condition to restrict access to the sedum roof above ground floor level. Subject to inclusion of the additional condition alongside those outlined within the main report officers advised that the recommendation remained to grant planning permission.

Clarifying questions were raised around the significance of the shortfall in the separation distance between the development and the habitable room windows of neighbouring properties on Wrentham Avenue, which comments raised in objection had highlighted was only 13.8 metres and less than the minimum 18 metres required by SPD1. In response, officers advised that this requirement related to directly facing habitable room windows with the ground level of the application site generally set below the rear gardens of Wrentham Road and the proposed dwellings maintaining a height and volume that sat below a 45-degree line from the rear edge of the gardens on Wrentham Avenue. In addition, the rear habitable windows of Wrentham Avenue were positioned more than 14 meters away from the boundary, with the massing and height therefore felt to have complied with SPD1 guidance and the bulk of the proposed buildings not considered to create a detrimental impact in terms of the sense of enclosure or outlook of nearby occupiers and the 45 degree compliance also mitigating against any overshadowing on the gardens of nearby dwellings.

The Chair thanked Mahya Fatemi for introducing the report and then invited John Keutgen (who had registered to speak in objection to the application) to address the Committee.

The following key points were highlighted:

- As a starting point, it was felt that the supplementary report had failed to address most of the objections and issues raised in response to the main committee report.

## PLANNING COMMITTEE

16 October 2024

- It was pointed out that the garages were not used solely for storage, with at least 15 in use as workshops and art studios, and it noted that there had been a shortage of, and demand for, such facilities in the area.
- With reference to the distance of only 13.8 metres from the rearmost habitable room windows of neighbouring properties on Wrentham Avenue, it was felt that the 18 metres required by SPD1 Principle 5.2 had been breached with it pointed out that the drawing showing compliance with the 45 degree angle in Principle 5.1 appeared flawed, as it had indicated that the garden level was 1.8 metres above the site level, whereas it was only 0.43 metres, and at that level the 45 degree requirement would not have been met. Additionally, it was felt that the height of the boundary wall had also been incorrect.
- In terms of concerns regarding loss of light, it was pointed out some gardens only received direct sunlight in the early morning, and it was felt that the structure would completely block that light. Concerns were also raised in relation to loss of outlook.
- In noting that the Design & Access Statement had referred to the development being car-free, given the presence of three stations and seven bus routes within a 10-minute walk, it was pointed out that only half of the flats comprising 88-98 Wrentham Avenue had off-street parking with on-street parking therefore limited. It was also felt that the parking survey conducted had overestimated the available parking on Tiverton Road with the reasons for the development to be car-free therefore unclear. The opportunity was also taken to highlight that the stair lift on the plans appeared only to be able to accommodate a Class 1 wheelchair, excluding those with Class 2 or 3 mobility scooters from accessing the site.
- Regarding the noise and vibration report, it was pointed out this had been based on a study undertaken over four days at a single location and only in dry conditions. On this basis it was not felt to have complied with the Professional Practice Guidance on Planning and Noise. Based on previous longer term studies it was noted that approximately 70 diesel-hauled freight trains operating 24/7 had produced high levels of vibration and noise. Additionally, there had been 318 passenger trains each day from 6 am to 1 am with freight trains also frequently held idling at the signal opposite the site. This had resulted in levels of 100dB(A) or more having been measured at the site with the propagation and levels of vibration also dependant on climatic conditions.
- In relation to air quality, concerns were also expressed that the LAEI map indicated the railway as a pollution corridor, with nitrogen dioxide levels bordering on the legal annual mean limit due to diesel locomotives, which also emitted substantial levels of particulates. Further to this, it was noted that passenger trains emitted particulates from brakes and wheels.
- Concerns were also raised in relation to soil stability, with previous analysis at various depths having demonstrated the subsoil in the area to be highly

## PLANNING COMMITTEE

16 October 2024

susceptible to volumetric changes related to moisture content. Tree T1 and others were considered responsible for the desiccation of the subsoil, while the unpredictable levels of annual rainfall might not suffice to rehydrate the soil. Live roots of tree T1 had been found at 11 metres, and experts had attributed damage to the boundary wall and the garage at 88 Wrentham Avenue to those roots.

- Given the concerns highlighted the suitability of the site for the type of development proposed was therefore questioned although confirmation was provided that whilst significant objections remained in relation to the first-floor elements of the scheme should members be minded to grant permission a single-storey development would be deemed more acceptable.

Whilst there were no clarifying questions from members, the Chair advised that he welcomed the clarification which had been provided in relation to a single storey development being more acceptable as a development concept and then proceeded to invite Jonathan Ellis (who had registered to speak as a representative of the applicant) to address the Committee.

The following key points were highlighted:

- The record of the development company who had submitted the application in delivering housing schemes across North and East London, including several developments within the Borough.
- The work undertaken with planning officers through the pre-application and into the detailed design process to produce a scheme in line with local and national planning policy. This had also included engagement with ward councillors and local area action groups including the Aylestone Park Residents and Tenants Association.
- It was pointed out that the proposals were for the redevelopment of an underutilised brownfield site, originally designed solely for garaging but which was now prohibitive for most modern vehicles. Transport consultants had also confirmed that the removal of the garages would significantly improve highway safety, particularly as there was no opportunity to exit the site within a forward gear and the proposals also involving the full reinstatement of the existing dropped kerb.
- The proposals were fully compliant with local planning policies and all BRE guidelines regarding distances from boundaries and the necessary angles required. Confirmation was also provided that through the detailed design process there would be no overlooking at first floor level to the houses on Wrentham Avenue and no roof terrace.
- The careful design of the proposals in collaboration with arboriculturists and tree officers within the Council, along with support and advice from Structural Engineers to confirm the limited impacts on trees.



## PLANNING COMMITTEE

16 October 2024

- Numerous ecological surveys, both daytime and evening, had been undertaken as requested by officers, confirming compliance with all local and national requirements.
- It was noted that the site was not situated within a priority employment area. While a few local businesses may use the premises for storage, there were numerous alternative facilities available within the Borough's designated employment areas, rather than in residential zones.
- The significant under supply of housing across the country was acknowledged and it was emphasised that the NPPF fully supported infill development opportunities, such as the proposed development with the need for well-designed family housing within the Borough also highlighted.
- On the basis of the comments and issue highlighted, the Committee were therefore encouraged to support the officer recommendations and approve the planning application.

The Chair thanked Jonathan Ellis for addressing the Committee and with no clarifying questions raised then moved straight on to offer the Committee the opportunity to ask officers any remaining questions or points of clarity in relation to the application, with the following key points covered:

- Given the location of the site adjacent to a conservation area clarification was requested on the potential impact of the development in relation to preserving the character of the Queens Park Conservation Area (QPCA) located to the south of the site. In response, it was highlighted that, given the constraints of the site a majority of the development would not be visible from the Conservation Area or street scene and would occupy the footprint of the existing garages. The first-floor elements would be constructed using lightweight materials which would ensure the development maintained a minor volume presence within the area. The limited views of the scheme and use of lightweight timber for the first floor would ensure minimal visual impact with officers of the view that the development was therefore considered to preserve the character and appearance of the adjacent conservation area.

As further detail, given the boundary of the conservation area at the south of the site was the boundary of the railway and the properties on Tiverton Road it was considered that the siting of the scheme would limit views from within the Conservation Area and whilst there were some views from the gardens and properties on Wrentham Avenue, the developments lower elevation significantly mitigated the impact on public visibility. The materials employed were also intentionally designed to avoid appearing overly prominent or dominant from a distance, thereby ensuring a more neutral impact. As a result, officers had determined that the overall impact on the appearance of the Conservation Area would be neutral and not adversely affect its character or appearance. This assessment had been supported by the Council's Heritage Officer who had taken the view that there would be a neutral impact and did not consider it to cause harm to the heritage asset of the conservation area.

## PLANNING COMMITTEE

16 October 2024

- Further details were sought on the assessment undertaken in relation to the development not adhering to traditional building styles and impact of its design and appearance on the overall character and appearance of the surrounding area. In response the Committee was advised that there had been no specific requirement for the proposed build to possess a traditional appearance with another building in the surrounding area also providing a different appearance from the more traditional buildings in the vicinity. Although the building had not been designed to mirror neighbouring properties in terms of material selection, its distinctiveness was encouraged as innovation and new designs were valued. Similarly, the design, materials, and overall appearance of the proposed site on Wrentham Avenue were deemed acceptable and appropriate by officers with the proposals considered to represent a good standard of contemporary design within the infill site.
- Further clarification was sought, following the concerns raised as part of the objections to the application in relation to loss of light and outlook, on the proposals impact in relation to residential amenity. Officer advised that based on their assessment of the proposals these were not expected to result in a harmful impact on the residential amenities of neighbouring properties in terms of noise and disturbance, daylight and sunlight or overlooking to any immediate adjoining properties having regard to the provision in SPD1. It was further stated that, in accordance with the small site policy, officers had determined that optimising the use of the site was an appropriate design-led approach to deliver two family-sized homes on an underutilised site.
- Regarding the impact of vibrations and noise, members were keen to seek details on the measures being taken to address the concerns identified, with members advised that the applicant had submitted a noise and vibrations assessment, reviewed by environmental officers. It was noted that a condition attached to the application included external detailing of the façade and double glazing, which would prevent any noise and vibration for the future occupants and ensure that the construction as well as the build was suitable and met recommended internal and external noise levels. Assurance was also provided that Network Rail had been consulted with a number of conditions included as a result to ensure the proposal was not likely to result in any harmful increase in noise from the railway.
- As a final issue, members sought clarity on whether there would be any CIL contributions regarding the Wrentham Avenue development to which the response confirmed there would be.

As there were no further questions from Members, the Chair then moved on to the vote.

DECISION

## **PLANNING COMMITTEE**

16 October 2024

**RESOLVED** to grant planning permission subject to the conditions and informatives as set out in the Committee report, and additional condition detailed within the supplementary report to restrict access to the sedum roof above ground floor level.

(Voting on the above decision was as follows: Unanimous in favour)

Given the interest declared by Councillor Kelcher at the start of the meeting on the following item he withdrew from the meeting at this stage in proceedings and Councillor S. Butt (as Vice Chair) took over as Chair for the remainder of the meeting.

### **6. Item 4. 24/1335 - 5-6 Park Parade, London, NW10 4JH**

#### **PROPOSAL**

Change of use from betting shop (Use Class Sui Generis) to amusement centre (adult gaming centre) (Use Class Sui Generis).

#### **RECOMMENDATION**

1. That the Committee resolve to GRANT planning permission subject to the conditions and informatives set out 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.

Sarah Dilley (Principal Planning Officer) introduced the report, detailing the proposal for a change of use from betting shop (Use Class Sui Generis) to amusement centre (adult gaming centre) with the Committee advised that the existing site was previously in use as a double fronted betting shop and no external alterations were proposed. In recommending the application for approval members were advised the proposal had been assessed to comply with Policy BE5 of the Brent Local Plan based on the weight given to the planning application and appeal history on site.

As there were no clarifying questions from members, the Vice-Chair proceeded to invite local Councillor Chan (who had registered to speak as a local ward councillor in objection to the application) to address the Committee.

The following key points were highlighted:

- In highlighting concerns and objections raised in relation to the previous application for the same site, the opportunity was taken to remind members

## PLANNING COMMITTEE

16 October 2024

of what was felt to be the significant harm created by gambling and the overconcentration of adult gaming centres and other gambling premises in the vicinity of the site. This was deemed to be profoundly detrimental not only to local residents and businesses but also to vulnerable individuals residing in the area, who would likely frequent the proposed establishment if permission were granted with the concerns highlighted based on both qualitative and quantitative grounds.

- Given that Harlesden had already been recognised as one of the main gambling centres across London reference was also made to the concentration of existing gambling facilities situated within a 500-meter radius of the application site and its proximity to a homeless support facility providing assistance to a large number of vulnerable individuals with similar objections also raised concerning the previous application by local residents, businesses, and the police.
- In noting that the Planning Inspector had not supported the Local Authority view in considering the appeal and overturning refusal of planning permission on the previous application in relation to the impact on crime, antisocial behaviour and disorder it was felt these remained valid concerns with the proposal likely increase antisocial behaviour, crime, disorder, littering, noise and nuisance as well as impacting on the vitality of business in the surrounding area.
- In view of the concerns outlined along with the wider social impact relating to the unsuitability of the location, the Committee was once again urged to reject the planning application or, if not felt possible to defend that position (recognising that the previous appeal decision would form a material planning consideration) to impose stringent restrictions on any approved application.

The Vice-Chair thanked Councillor Chan for addressing the Committee and invited members to ask any questions they had in relation to the information presented, with the following being noted:

- In noting the previous planning history relating to the site and outcome of the most recent appeal decision by the Planning Inspector which had upheld an appeal seeking to overturn refusal of the previous planning application involving the sub division of the property as a betting office and Adult Gaming Centre, further details were sought on the what the objectors felt should form the main basis of any reasons for refusal. In seeking further clarification the Committee were mindful that the basis of appeal decision in relation to overconcentration of use, location, noise and nuisance, crime disorder and anti-social behaviour and also national and local planning policies, including BE5 of the Local Plan would need to be taken into account when considering the current application. In response, Councillor Chan felt that in practice there was little distinction between different types of use involving an adult gaming centre, betting shop, or a gambling centre as the functional impacts were all the same. Whilst urging the Committee to consider refusing the application on the basis of the concerns raised the need to consider the relevant planning considerations was also recognised and if that was

## PLANNING COMMITTEE

16 October 2024

therefore felt to be unfeasible (based on the material planning considerations identified) he advised his preference would be for the Committee to at least consider imposing stringent restrictions on operation of the premises to safeguard the most vulnerable residents in Harlesden.

In considering the extent of any restrictions that it might be possible to impose the Committee received further legal advice on the criteria that would also need to be taken into account, if seeking to apply additional conditions, which included the need to ensure they were necessary, relevant to planning considerations, pertinent to the development, enforceable, precise, and reasonable in all other requests. Members were also reminded of the need to consider the distinction between planning and licensing functions, which were governed by separate procedural and policy frameworks. In terms of the operation of gambling premises, it was highlighted that the Gambling Commission was responsible for setting out the Licence Conditions and Codes of Practice (LCCP) applicable to operators of Adult Gaming Centres with monitoring and enforcement conducted by local authority licensing officers and the Gambling Commission's licensing officers. It would therefore be this regulatory, licensing, and enforcement framework under which any restrictions on operation of the premises would need to be imposed as they were responsible for facilitating safe gambling as a leisure activity while protecting children and vulnerable individuals and ensuring no association with anti-social behaviour and criminal activity.

As no further issues were raised, Councillor Chan was thanked for responding to the Committee's queries and the Vice-Chair then moved on to offer the Committee the opportunity to ask officers any remaining questions or points of clarity in relation to the application.

The following key points were highlighted:

- As an initial query, members sought clarity on the extent to which the opening times of the proposed adult gaming centre could be limited, particularly given the proximity of the site to a homeless support service and local schools. In response, members were advised that the development had been assessed based on its proximity to residential sensitive receptors with regard to the proposed operating hours, use and previous appeal decision and planning history. On this basis, a condition had therefore been proposed to restrict operational hours between 8am and 10pm which had been more restrictive than previously applied and was considered reasonable for the proposed use and size of the premises along with the submission and approval of a sound insulation condition.

In response to further questioning, members were advised that separate hours could be established under the Licensing regime based on specific considerations. The Licensing regime evaluated the nature of use and the impact associated with the proposed hours although compliance with both Planning and Licensing regulations would still be required.

## PLANNING COMMITTEE

16 October 2024

- In response to a further query, Members were advised that should they be minded to refuse planning permission the applicant, as they had done previously, would have the right to appeal the basis of that decision meaning clear and valid reasons for any refusal would need to be provided. Should any appeal succeed, members were reminded there would also be a risk of costs being awarded against the Council.
- As a separate issue, further details were sought on the potential restrictions it would be possible for the Committee to consider applying in relation to the operation and the premises and type of use proposed. In response, members were advised that in terms of operational use these would be matters that fell within the remit of the Licensing and Gambling regime with the planning application including a condition for an unobstructed storefront, considering the vitality and viability of the town centre and restrictions on the hours of use for the premises. The advantages of the licensing regime in being able to monitor and regulate operational use were also outlined given the dynamic nature of the licensing enforcement and review mechanisms in place which were designed to be more flexible and responsive to the operation of the premises under the licensing requirements.

As there were no further questions from Members, the Vice-Chair then moved on to the vote. Whilst recognising the concerns raised, members were reminded of the need to ensure any decision made was taken on the basis of the relevant planning considerations and reflected consideration (as material planning considerations) of the previous appeal decision.

### DECISION

On this basis it was **RESOLVED** to grant planning permission subject to the conditions and informatives as set out in the Committee report.

(Voting on the above decision was as follows: For 6 and Against 1).

### 7. Any Other Urgent Business

None.

The meeting closed at 8.15 pm  
COUNCILLOR KELCHER  
Chair