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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 15 January 2025 at 6.00 pm

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

ALSO PRESENT: Suzanne Smith (External Planning Lawyer, Capsticks LLP)

1. **Apologies for Absence and Clarification of Alternative Members**

There were no apologies for absence.

2. **Declarations of interests**

There were no declarations of interest made during the meeting.

3. **24/1140 - 66 Cavendish Road, London, NW6 7XP**

PROPOSAL

Demolition of the existing residential building and the construction of a new part five, part six storey residential building, together with associated landscaping, cycle parking and refuse and recycling facilities.

RECOMMENDATION

That the Committee resolve to GRANT planning permission subject to:

- (1) The prior completion of a s106 legal agreement to secure the planning obligations as detailed within the committee report.
- (2) The conditions and informatives, as detailed in the main and updated within the supplementary committee report, along with:

Mahya Fatemi (Career Grade Planning Officer) introduced the planning application committee report, detailing the proposal for the demolition of the existing residential building and the construction of a new part five, part six storey residential building containing 23 flats (with one of the floors at basement level), together with associated landscaping, cycle parking and refuse and recycling facilities.

The accommodation would comprise 1 x studio flat; 5 x 1-bedroom flats; 11 x 2-bedroom flats; and 6 x 3-bedroom flats.

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It was highlighted that all homes would have private amenity spaces from 7 sqm in size. Communal external amenity space would be provided within a 201 sqm garden at ground level and 59 sqm roof terrace at fourth floor level. Cycle storage for 44 bicycles would be provided within an internal bike store and a bike enclosure within the ground floor communal amenity space, with both accessed from Willesden Lane. Refuse storage would also be provided within an internal store accessed from, Willesden Lane.

Attention was drawn to the supplementary report, detailing one further representation received in objection to the proposals since the publication of the committee report, amendments to the main report, and an amendment to condition 11 on the Draft Decision Notice (page 36 of the main committee report) which should refer to 23 residential dwellings within Use Class C3 rather than 33 residential dwellings. The recommendation remained to grant consent subject to the prior completion of a s106 legal agreement as well as the amended condition and informatives detailed in the main and updated within the supplementary committee report.

The Chair thanked Mahya Fatemi for introducing the report. As there were no Committee questions raised at this point, the Chair then invited Lewis Westhoff (who had registered to speak as the Applicants Agent) to address the Committee in relation to the application, who highlighted the following points:

- Lewis Westhoff began by reminding the Committee of a meeting held in June 2022 to discuss a similar proposal for 66 Cavendish Road. Since permission had been granted for that proposal, it was noted that two key changes had occurred. Firstly, the owners had acquired an additional portion of land to the rear of 64 Cavendish Road, thereby enlarging the overall site area. Secondly, and more significantly, the owners had entered into a joint venture arrangement with Goldrose Sharpe Developments to execute the scheme. It was highlighted that Goldrose Sharpe, a North London-based SME developer, had a commendable track record of delivering small and medium-sized developments of this nature. It was conveyed that these two events had catalysed the current application, prompting the team to review the previous scheme to identify enhancements and optimisations that could deliver additional public and planning benefits.
- In preparing the application, the Agent shared that the team had worked closely with Council Officers throughout the pre-application and application stages.

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The agent expressed pride in presenting a scheme that delivered a package of benefits, many of which exceeded those achieved by the previous scheme.

- Lewis Westhoff described a number of benefits that included, but were not limited to the delivery of 23 high-quality new homes, an increase of 2 units; the provision of a compliant unit mix, including 6 three-bedroom, family-sized units, an increase of 1 unit; the payment of a £150,000 contribution to the Council's affordable housing fund, offered by the Applicant in recognition of this key issue for the borough, notwithstanding the conclusions of the viability review; the provision of significantly enhanced communal amenity space for residents at the rear of the site, including a biodiversity and nature trail to protect and enhance existing TPO trees and biodiversity on site and the rationalisation of the design and footprint of the building, ensuring an easier and faster construction programme.
- The Agent emphasised that the benefits had been achieved without causing any further harm to neighbouring properties or the local environment. The scheme had represented a significant enhancement and improvement compared to the previously approved and extant scheme.
- Looking ahead, Lewis Westhoff expressed excitement about the project and noted that Goldrose Sharpe were keen, subject to approval, to move into the delivery phase. The construction team were ready to commence work, subject to the Committee's approval, with the aim of starting on-site by Spring 2025.
- In concluding their response, the Agent hoped the Committee would agree with the officer's recommendation and resolve to grant planning permission for the development.

The Chair thanked Lewis Westhoff 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, the Chair raised concerns regarding the biodiversity deficit and sought an explanation of the steps taken to minimise this deficit. The Agent responded by noting that the previous scheme had not been subject to the biodiversity net gain regulations, which had since come into force. The challenges in delivering biodiversity net gain on-site due to the nature of the scheme, as a large portion of the rear of the site consisted of green grass, was also acknowledged. It was highlighted that the team had endeavoured to maximise biodiversity on-site by introducing a biodiversity nature trail with wildlife-rich

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planting and retaining all existing trees. Additionally, all roof areas and communal amenity spaces had been covered with green roofs, and comprehensive soft landscaping had been implemented along the frontages of the site. Despite these efforts, achieving biodiversity net gain on-site was not feasible. However, the regulations allowed for securing biodiversity net gain through off-site credits, which would be addressed in the section 106 agreement. The team would collaborate with the Council's biodiversity team during the delivery phase.

- The Chair acknowledged the extant permission and the viability assessment, noting that the current scheme was larger than the previous one, with two additional homes, one additional family unit, and additional space. Details were sought around the reasons why the off-site contribution remained the same and whether an increase to £200,000 or £250,000 had been considered. In response, Lewis Westhoff explained that the viability assessment for the scheme had been influenced by several changes since June 2022, including rising interest rates, inflation, and construction costs, which had placed the scheme in a worse position compared to the previous scheme. During discussions with BNP and the Council's viability team, it was determined that the £150,000 contribution was appropriate given the scale of the deficit, as had been the case with the previous scheme.
- Members also sought further details about the removal of 18 trees on the proposed site and the replanting of only 5 trees, with it being questioned why more trees could not be supplied on-site. In response, Lewis Westhoff informed that the proposed site contained a significant amount of scrub, particularly along the Willesden Lane frontage, which included invasive species. The majority of the 18 trees being removed were not native to the area and considered invasive species. There were two TPO (Tree Preservation Order) trees on the site, one at the southwestern corner near the railway bridge and the other on the frontage, both of which would be retained. The arboriculture officer had indicated that the health and lifespan of these trees would improve by removing some of the poorer quality vegetation. In devising the landscaping scheme, the team had sought to provide as many new trees as possible. The scheme additionally included numerous small shrub plantings and various wildlife-rich species at the rear and frontage of the site. Discussions with officers had highlighted the desirability of providing more trees, and one of the section 106 obligations included a small financial contribution for planting trees in the local area and on the street.

The Chair thanked Lewis Westhoff for responding to the Committee's queries and then moved on to offer the Committee the opportunity to ask the officers any

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remaining questions or points of clarity in relation to the application, with the following being noted:

- The Member noted that the developer had acquired property no. 64, with the green space situated behind it and inquired about the management of refuse collection, given its location behind no. 64. In response, slides were presented of the ground floor plan and Victoria McDonagh (Development Management Service Manager) explained that refuse collection would be managed from Willesden Lane. The communal garden was located behind property no. 64, with bins positioned along the front of the building on Willesden Lane, allowing lorries to park on Willesden Lane for collection. David Glover (Head of Planning and Development Services) additionally noted that the rear of the site, adjacent to the railway and behind no. 64, contained one cycle store. There was also a separate cycle store (a double-stack type) which was integrated into the building.
- Members raised questions around the flood risks to the lower ground floor and the mitigation measures considered for these risks. In response, Mahya Fatemi (Career Grade Planning Officer) advised that the applicant had submitted a basement impact assessment, which acknowledged the effects on ground and surface water flooding. The assessment had concluded that the risk of flood was minimal due to the low permeability of the site, as the soil was predominantly clay. This assessment had been reviewed and deemed acceptable by officers.
- Members questioned whether Network Rail, located behind the proposed development, had raised any objections to the landscaping plans. In response, Mahya Fatemi (Career Grade Planning Officer) confirmed that Network Rail had been consulted and had provided comments, which were included in the informatives within the report. It was also noted that Network Rail had also recommended certain conditions, which had been incorporated into the conditions secured as part of the planning application. Victoria McDonagh (Development Management Service Manager) further mentioned that the trees along the railway line were existing trees that would be retained. The new trees to be planted were located within the communal garden, not along the railway.
- The Chair inquired whether the Basement Impact Survey, which covered flooding, also took into account issues such as damp and other related concerns. In response, David Glover (Head of Planning and Development Services) explained that the Basement Impact Survey primarily addressed flooding. Issues such as damp and ventilation were managed through Building Regulations. The Basement Impact Assessment did not specifically examine the potential for damp.

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It was additionally noted that the Daylight and Sunlight report assessed the light entering the basement, and these aspects were discussed within the report. It was reiterated that the survey did not specifically address the potential for damp, as this was covered under building regulations. Victoria McDonagh (Development Management Service Manager) further added that the homes at the lower ground or basement level had their own garden areas, meaning they were not entirely underground. In effect, these homes were at ground level, albeit sunken from the ground level adjacent to property no. 64. The Chair observed that the report referred to the area as a basement not as a lower ground and suggested that future applications should clarify this terminology.

- As a separate issue, members questioned whether the new design for the proposed development had been assessed for its potential impact on the conservation area. In response, Victoria McDonagh (Development Management Service Manager) confirmed that the new design had been assessed for its impact on the conservation area.
- Details were sought around the Section 106 contribution regarding the trees, specifically addressing whether the cost of £1,200 per tree for four trees would include the removal of existing tree stumps and the planting of new trees, or if it would solely cover the planting of new trees. In response, Victoria McDonagh (Development Management Service Manager) advised that there were no existing trees along the boundaries in question, and the contribution was solely for the planting of new trees. The figure of £1,200 per tree had been provided by the tree officer, who had deemed it an appropriate cost for the planting of new trees.
- In response to further questioning, the feasibility and practicality of providing affordable housing units within the proposed development was addressed. Challenges faced by developers in delivering small numbers of affordable units on-site, particularly due to the lack of interest from Registered Providers (RPs) and the complexities involved in managing such units and cost issues were also highlighted. Colin Leadbeatter (Development Management Area Manager) additionally informed the Committee that smaller individual affordable units occasionally came through planning applications, typically submitted by Registered Providers themselves. It was clarified that while small numbers of affordable units were delivered, the vehicles through which they were submitted for planning applications tended to differ.
- As a final query, members sought details about the absence of a specified figure for the Section 106 contribution related to biodiversity. In response, Victoria

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McDonagh (Development Management Service Manager) explained that the Council's Biodiversity Officer was currently working on determining an appropriate monitoring fee, which would take into account officer time over a 30-year monitoring period. This fee would be included in the Section 106 agreement. David Glover (Head of Planning and Development Services) further noted that the monitoring would pertain to on-site biodiversity gains. For off-site biodiversity credits, a regulatory regime existed whereby credits could be purchased from accredited providers of biodiversity gain. This regime included comprehensive monitoring. Therefore, it was not necessary to secure off-site biodiversity contributions in the same manner. The focus was on ensuring that on-site biodiversity gains were monitored over the 30-year period.

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

DECISION

The Committee RESOLVED to grant planning permission subject to:

- (1) The prior completion of a s106 legal agreement to secure the planning obligations as detailed within the committee report.
- (2) The conditions and informatives, as detailed in the main and updated within the supplementary committee report, subject to an amendment to condition 11 on the Draft Decision Notice (page 36 of the main committee report) which should refer to 23 residential dwellings within Use Class C3 rather than 33 residential dwellings.

(Voting on the above decision was unanimous in support).

4. 24/2180 - 17 Shelley Gardens, Wembley, HA0 3QF**PROPOSAL**

Erection of a part two storey and part single storey side extension; a single storey rear extension; hip-to-gable roof extension including rear dormer window and rooflights; gabled roof over side extension; and a front porch; partial demolition of garage; and conversion of the building into 2 self-contained flats (Part Retrospective, Part Proposed)

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RECOMMENDATION

That the Committee resolve to GRANT planning permission subject to:

- (1) The conditions and informatives, as detailed in the main committee report.

Brooke Storey Vowles (Career Grade Planning Officer) introduced the planning application committee report, detailing the proposal for the erection of a part two storey and part single storey side extension; a single storey rear extension; hip-to-gable roof extension including rear dormer window and rooflights; gabled roof over side extension; and a front porch; partial demolition of garage; and conversion of the building into 2 self-contained flats (Part Retrospective, Part Proposed).

Attention was drawn to the supplementary report, detailing two additional comments received since the publication of the committee report, which did not specifically raise an objection but were queries, and as such, the number of objections remained the same. The recommendation remained to grant consent subject to the conditions and informatives, as set out within the main committee report.

The Chair thanked Brooke Storey Vowles for introducing the report. As there were no Committee questions raised at this point, the Chair then invited William Avery (who had registered to speak as the applicant's representative) to address the Committee in relation to the application, who highlighted the following points:

- The application followed two highly productive pre-application processes and extensive dialogue with the case officer and the planning team.
- In commending the hard work of the officers involved, it was asserted that there was nothing before the committee that, when considered in the context of the enforcement history and what were believed to be non-material unrelated objections, necessitated anything other than a straightforward delegated approval for the extensions to the house and the conversion already allowed via the appeal. However, the representative acknowledged and understood the community concerns.
- The applicant representative reassured members that the applicant was committed to resolving previous breaches and to constructing the policy-compliant design. The permission was required for the property owner to begin rectifying the previous breaches, proceed with the building works, and move forward with their

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lives. The representative detailed that he had advised the applicant that the proposed design was entirely policy-compliant and expressed delight that the Local Planning Authority (LPA) concurred.

- The change of use had already been established through the appeal. The quality of accommodation had been confirmed to be policy compliant. The existing deviation from the previously approved roof design had been rectified with the twin gable design, which was fully compliant with the Supplementary Planning Document (SPD). It was noted that there was no material change to the amenity impact when compared to the 2017 approval and the allowed appeal for application reference 2022/3944.

- In concluding, the applicants representative detailed that the proposed development would result in two high-specification three-bedroom homes, contributing to the Council's housing targets. While this was a modest contribution, it was described as a contribution, nonetheless.

The Chair thanked William Avery 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 a question of clarification, the Chair sought details around the reasons for the numerous previous breaches of the planning rules. In response, William Avery conveyed that he had only become involved with the development after the breaches had occurred. Upon reviewing the scheme, he considered the roof to be very well designed and the internal accommodation to be of high quality. Despite this, the appeal had failed, and it was fully accepted that the breaches now needed to be resolved. William Avery expressed regret that the breaches had occurred but emphasised the commitment to resolving the issues. Efforts to address the breaches had been ongoing for the past year, and although the process had been slow, the goal was to obtain approval and proceed with rectifying the roof.

The Chair thanked William Avery for responding to the Committee's queries and then moved on to offer the Committee the opportunity to ask the officers any remaining questions or points of clarity in relation to the application, with the following being noted:

- Members sought clarification about the outcome of the enforcement notice that had been served upon the applicant, to which Brooke Storey Vowles (Career Grade Planning Officer) confirmed that the enforcement notice was currently at

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appeal. Following on from the previous question, members sought clarification on the decision made prior to the appeal. In response, Colin Leadbeatter (Development Management Area Manager) explained that the previous planning application regarding the roof level had been refused on design grounds as it did not accord with the SPD on residential extensions and alterations. This decision was subsequently appealed, and the appeal was upheld by the Planning Inspector. The current enforcement appeal pertained to the roof, and it was registered but undecided. This raised related questions around whether granting planning permission would resolve the enforcement appeal. Colin Leadbeatter (Development Management Area Manager) clarified that if the works were carried out in accordance with the approved plan, it would effectively resolve the issues.

- Members raised concerns around the front of the property in Shirley Gardens, specifically noting the presence of a double yellow line and the absence of a dropped curb. Clarification was requested on the management of the landscaping and the installation of the dropped curb, as well as the party responsible for bearing the associated costs. In response, John Fletcher (Team Leader - Development Control) clarified that the applicant would be responsible for paying the new dropped curb and would go through the usual process of applying to the Highways Service. Colin Leadbeatter (Development Management Area Manager) added that this arrangement had been approved by the Planning Inspector under the previous appeal, which was upheld.

- Members expressed concern about the numerous breaches of planning rules and enforcement actions over several years, and inquired about the Council's long-term strategy for handling such breaches in Brent. In response, Victoria McDonagh (Development Management Service Manager) explained that in accordance with section 73a of the Town and Country Planning Act 1990, an applicant could apply for retrospective planning permission once a development had been carried out. Any enforcement action was required to be proportionate to the breach and expedient, but the government also recognised the possibility of regularising breaches through retrospective applications and making changes to schemes to ensure policy compliance. In relation to the present application, planning permission had been granted in 2017 for extensions to a house, including a two-storey side to rear extension with a hipped roof to match the main house. The works were not carried out in accordance with the planning permission, leading to an application to retain the built structure. The roof over the two-storey side to rear extension was at an odd, pitched angle, steeper and higher than the main house roof, raising concerns among officers. The appeal was dismissed, and the Planning Inspector had agreed with the findings of officers. An enforcement

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notice was subsequently served, but the applicant sought to regularise the situation by amending the roof to two gables, in line with the current SPD. Conditions had been imposed to ensure the works were completed within 12 months, should planning permission was granted. The enforcement notice would remain in effect until the works were completed and the enforcement team was satisfied that the breach had been resolved.

- As a further issue relating to the process for dealing with unauthorised developments in alleyways or converted garages into flats members highlighted the issues of resource and capacity to support enforcement action, which the Chair advised were matters that would need to be raised with the relevant Cabinet Member, as it was not within the Planning Committee's purview to make decisions on such matters. As a final comment, members commended the enforcement team and planning officers for their efforts in handling what was acknowledged as a difficult case and bringing it into compliance, and noted the importance of compassion in ensuring that developments meet policy requirements. Colin Leadbeatter (Development Management Area Manager) additionally commended Brooke Storey Vowles (Career Grade Planning Officer) for her outstanding work in resolving the case. Proactive engagement from developers to rectify mistakes and work towards consented schemes was also welcomed by planning officers.

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

DECISION

The Committee **RESOLVED** to grant planning permission subject to the conditions and informatives, as detailed in the main committee report.

(Voting on the above decision was as follows: For 7; Against 0; Abstention: 1).

5. Any Other Urgent Business

There was no other urgent business.

The meeting closed at 6.50 pm

COUNCILLOR KELCHER
Chair

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