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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 12 February 2025 at 6.00 pm

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

1. **Apologies for Absence**

There were no apologies for absence.

2. **Declarations of interests**

In relation to Agenda Item 3: 24/2139 North Land Opposite GEC Pavilion, Pellatt Road, Wembley, HA9 8FB Councillor J Patel advised that as he had been approached by local residents and expressed a view regarding the application he would declare a personal disclosable interest clear and withdraw from the meeting for the consideration of that item.

In relation to Agenda Item 4: 24/2877 - 1 Walm Lane, London, NW2 5SN Councillor Kelcher advised that due to his publicly stated position against the provision of gambling establishments within the borough and to avoid any allegations of bias or pre-determination in his capacity as Chair, he would declare a personal disclosable interest and withdrew from the meeting for the consideration of that item.

Councillor S. Butt (as Vice-Chair) therefore took over as Chair for the consideration of Agenda Item 4.

3. **242139 - North Land Opposite GEC Pavilion, Pellatt Road, Wembley, HA9 8FB**

PROPOSAL

Construction of a five-storey residential building with landscaping, private and communal amenity areas, car parking, refuse and cycle stores and associated works

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 main committee report.
- (2) The conditions and informatives, as set out in the main committee report.

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Nicola Blake (Principal Planning Officer) introduced the planning application committee report, detailing the proposal for the construction of a 5 storey residential building with landscaping, accommodating 13 units, private and communal amenity areas, car parking, refuse and cycle stores and associated building works.

Attention was drawn to the fact that since the publication of the committee report and the passing of the deadline for the supplementary agenda, a further objection to the proposed development had been received. The recommendation remained to grant consent subject to the prior completion of a s106 legal agreement to secure the planning obligations, as well as the conditions and informatives as outlined within the main committee report.

The Chair thanked Nicola Blake for introducing the report. As there were no Committee questions raised at this point, the Chair then invited Katharina Keusch (who had registered to speak as an objector) to address the Committee in relation to the application, who highlighted the following points:

- The objector, a resident of Crown Green Mews, representing the residents of Chamberlayne Avenue, Edison Drive, Walton Gardens, and Crown Green Mews, expressed that more than 300 family households would be directly and negatively impacted by the planning application.
- Katharina Keusch provided context for the proposal:
 - The proposed development was situated on the side of a roundabout on Pellatt Road.
 - Pellatt Road served as an entry/exit point for multiple cul-de-sac residential areas: Chamberlayne Avenue, Edison Drive, Crown Green Mews, and Walton Gardens.
 - Over 300 family households were connected to these residential areas.
 - Pellatt Road was the only access point for the Sports Grounds, used by multiple football youth clubs every weekend from February to October.
 - Pellatt Road also served as an access point with a wide security-controlled gate to the local retail business park.
- In referencing the committee report dated 4 February 2025, which stated that "54 properties were consulted as part of the proposal on 8 August 2024," Katharina Keusch observed that several impacted properties were not included. Additionally, citing the committee report which specified that "A site notice was erected on 11 August," the objector questioned the location and duration of the notice, as none of the 40 immediately impacted residents she spoke to had seen it.

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- Katharina Keusch highlighted that the original planning application stated that there was sufficient parking provided on the street for residents and visitors, based on a survey conducted on 30 and 31 January at 12:30 am, showing 56 spaces. However, the objector noted that the survey was conducted outside of busy hours and not during the weekend or youth club season.
- As a resident who walked down Pellatt Road daily, Katharina Keusch guaranteed that both statements were untrue and emphasised that this concern was also raised by all residents included in the initial outreach.
- Katharina Keusch cited incidents where emergency vehicles and delivery vans could not pass through Pellatt Road, making it a health hazard.
- The objector also referenced a significant fire at the industrial park in June 2020, stating that the fire brigade would not be able to access the site or Crown Green Mews via Pellatt Road if such an incident occurred now.
- It was felt that the new development would block sunlight into multiple gardens and directly overlook habitable rooms.
- Katharina Keusch conveyed that the committee report dated 4 February 2025 stated that the distance between the two closest windows was under 16 metres, though this was below the SPD1 standard of 18 metres.
- It was perceived that the benefit of "natural surveillance" for new residents came at the expense of the privacy of existing residents, for the advantage of three new families.
- The objector raised concerns about the loss of green space and highlighted that trees and shrubs had been mislabelled and overlooked.
- In concluding their response, Katharina Keusch emphasised that the proposed development did not contribute to Brent's plans to build new family homes but was a profit-driven endeavour by a developer aiming to sell small flats at an overinflated price.

The Chair thanked Katharina Keusch 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, members inquired about the development of a natural green space, seeking views on what Katharina Keusch would have liked to see happen on the proposed site. In response, Katharina Keusch highlighted that the green space was currently utilised by families, dog

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walkers, and for picnics. It was noted that the area supported wildlife, including squirrels, hedgehogs, and birds of prey. Members heard that the green space served as a passage from the gardens to the sports ground. It was suggested that the area could be further enhanced with seating and additional greenery. It was further mentioned that there were no benches, despite requests made for them, as the property was private and not maintained by Brent Council. Katharina Keusch shared with the Committee that she had personally cleaned the area every Friday, collecting waste due to the Council's lack of maintenance.

- Following on from the previous question, members inquired whether, given the Borough's shortage of housing, Katharina Keusch would like to see any properties built on the site. In response, Katharina Keusch conveyed that the proposed piece of land was not appropriate for tall buildings, such as flats or towers. Katharina Keusch expressed no objection to social housing, noting that the majority of her neighbours in Walton Gardens lived in social housing. However, she raised concerns about the intended use of the land, pointing out that the proposed development did not include social housing.
- Members inquired about the existence of controlled parking on Pellatt Road. In response, Katharina Keusch expressed that the claim of 56 car parking spaces was a myth and explained that there was a small stretch on Pellatt Road where approximately ten cars could park, and these spaces were constantly occupied. To her knowledge, Katharina Keusch did not believe there was controlled parking in the area.
- As a point of clarification, the Chair asked whether there was controlled parking on event days within the Wembley event zone, to which Katharina Keusch confirmed that controlled parking was in place on Wembley Event Days and was increasing to cover all weekends.

The Chair thanked Katharina Keusch for responding to the Committee's queries and then moved on to invite Councillor Maurice (who had registered to speak as an objector) to address the Committee in relation to the application, who highlighted the following points:

- Councillor Maurice asserted that the consultation process was flawed, noting that numerous residents did not receive consultation letters from the Council. It was noted that while the planning department may claim that the letters were dispatched, residents reported non-receipt, a recurring issue which led Councillor Maurice to trust the residents' accounts over the officers'.
- It was conveyed that the site notice was either not erected or placed at a considerable distance from the site, which was deemed by the objector to

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be unacceptable. It was noted that this issue had occurred with previous applications as well.

- It was highlighted that daylight and sunlight measurements were not taken at points affecting the residents closest to the proposed block of flats. It was stated that residents of the dwellings where measurements were supposedly taken were not contacted. It was felt by the objector that these measurements, if taken, were potentially intended to mislead the officers and the Planning Committee.
- Regarding the character and appearance of the development, Councillor Maurice described the area as a pleasant estate comprising mainly two-storey and some three-storey flats and townhouses. It was felt that the proposed five-storey development would overshadow the entire estate, being out of character with its surroundings and not complementing the local context. It was noted that the proposed building was within 15 metres of no. 13 Crown Green Mews and would overlook habitable rooms, thereby breaching the occupiers' privacy.
- Concerns were raised around the delivery of construction materials. Councillor Maurice referenced paragraph 97 on page 22 of the committee report, which stated that construction lorries would be able to turn around at the rear of the site, and questioned this assertion, noting the lack of space at the rear unless the wall was removed and the road in Walton Gardens and Crown Green Mews was utilised, which he found unacceptable.
- On the matter of car parking, it was explained that Pellatt Road, apart from servicing Chamberlayne Avenue, Edison Drive, Walton Gardens, and Crown Green Mews, also served as an entry and exit to the Grand Union Canal (GUC) industrial estate, frequently used by heavy goods vehicles. Councillor Maurice expressed doubt around the accuracy of the car parking survey, noting that during his visit on a Sunday morning, no free spaces were available. He warned that parking on the opposite side of the road would render it impassable for larger vehicles, especially emergency services, and that parking on the pavement was prohibited.
- It was noted that the proposed development was within the Event Day Zone, necessitating assurances that residents of the proposed development, if approved, would not be entitled to parking permits.
- In concluding the response, Councillor Maurice stated that both he and local residents believed the development would bring minimal benefit to Brent while having a significantly detrimental effect on the neighbouring streets and dwellings.

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The Chair thanked Councillor Maurice for addressing the Committee. As there were no Committee questions raised at this point, the Chair then invited Councillor Kennelly (who had registered to speak as a Ward Councillor) to address the Committee in relation to the application, who highlighted the following points:

- Councillor Kennelly articulated his objections to the planning application, stating that the proposed development would be overbearing for local residents.
- It was noted that the neighbouring properties on Walton Gardens, Crown Green Mews, and Chamberlayne Avenue were approximately two to three storeys high. Councillor Kennelly questioned the rationale behind the five-storey proposal, as previous applications approved by the Committee, such as those for Preston Library and Brook Avenue, were required to be in keeping with the area's character, increasing in height as they approached zones such as the Wembley Event Day Zone. It was believed that the proposed development would stand out as overbearing.
- While it was acknowledged that 25% of the homes in the proposed development were family homes, which was policy compliant, Councillor Kennelly pointed out that the development did not address the Council's growing waiting list for housing. Councillor Kennelly also recognised the development's intention to make a SCIL contribution but questioned its benefit to the local area, noting that the homes would not be very affordable. Concern was expressed that the proposed development would invade residents' privacy on Walton Gardens and Crown Green Mews and deny them daylight and sunlight.
- Regarding parking, Councillor Kennelly noted that the road was frequently busy with little available parking space. It was highlighted that Preston Ward, while increasingly reliant on public transport, still had a significant number of residents who owned cars. The accuracy of the planning team's assessments were doubted, with it being suggested that at least 15 additional cars would be introduced to the area. Councillor Kennelly warned of the potential negative impact on small to medium-sized businesses in the business park and the challenges of managing construction logistics.
- Concerns about the loss of green space were also highlighted, acknowledging that while the land was underutilised and privately owned, its maintenance had been problematic.
- In concluding the response, Councillor Kennelly urged the Committee to vote against the proposed development due to its overbearing nature, privacy concerns, and parking issues. It was further emphasised that the community did not want a Controlled Parking Zone (CPZ) and did not wish

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the proposed development to be included in event day permits, aiming to discourage car ownership among future residents.

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:

- The Chair sought views around whether, in light of the Council's housing crisis, Councillor Kennelly would welcome a similar kind of housing development in an area where public transport was accessible and the Council could maximise the number of new houses. In response, Councillor Kennelly affirmed the desire to maximise housing development and it was acknowledged that the proposal was policy compliant regarding family housing, which was urgently needed in the Borough. However, it was noted that while London was evolving, Preston Ward remained car-dependent. Concern was expressed that the proposed development would exacerbate this issue due to the strain on public transport in the area. It was highlighted that Preston Road did not benefit from the same frequency of trains as Wembley Park. It was suggested that, given the likelihood of new residents wishing to bring their cars into the area, the Committee should ensure, as a matter of principle, that event day permits were not allowed in order to manage the situation effectively.
- Given the objections raised in relation to the height of the proposed development and its overbearing nature, members questioned what a more reasonable or suitable level of development on the site would be. In response, Councillor Kennelly proposed that any development in the area should have been capped at the same height as neighbouring properties. It was argued that exceeding this height was unnecessary and negatively impacted existing residents. Councillor Kennelly cited the Preston Community Library development, which was in keeping with the height of neighbouring properties, as a precedent and asserted that there was no need for an exception with regard to the present case.

The Chair thanked Councillor Kennelly for responding to the Committee's queries and then moved on to invite Max Plotnek (who had registered to speak as an Agent) to address the Committee in relation to the application, who highlighted the following points:

- Max Plotnek commenced by outlining the extensive engagement process initiated with the Council's offices in September 2023. Following 17 months of engagement, including three detailed pre-application meetings and several iterations of the scheme, the planning application was submitted. Prior to submission, a full consultation with local residents was conducted, resulting in significant improvements to the design quality of the proposal.

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The Agent highlighted the unequivocal support from Council officers and both internal and external consultees.

- The Agent emphasised that the proposal would significantly enhance the site's biodiversity. The site, currently of low ecological value with no protected species or habitats identified, would benefit from a 12% biodiversity net gain and a 0.72 urban greening factor score. This would be achieved through extensive landscaping, native species planting, habitat boxes, hedgehog gateways, and the addition of 29 new trees. It was noted that the site currently lacked shelter, benches, and play equipment, making it less appealing compared to nearby Preston Park and the GEC Sports Ground. It was stated that planning officers had concluded that the benefits of the scheme outweighed the loss of the land.
- Max Plotnek detailed the efforts made to ensure the proposed scheme's design was well-integrated into its setting. The placemaking manager had commended the exemplary approach to materiality, and the building massing underwent rigorous testing at the pre-application stage.
- It was stressed that the proposal included three much-needed family homes and a contribution of £91,000 towards affordable housing, exceeding the minimum viable amount identified by the Council's advisers. Additionally, a £30,000 contribution towards local traffic calming measures and a substantial SCIL payment of over half a million pounds for local infrastructure were committed.
- The Agent assured that the units would be wonderful homes to live in, with minimal impact on existing neighbours. Daylight testing showed full compliance with BRE guidance, and separation distances to neighbouring buildings were deemed adequate. It was summarised that the proposal would deliver 13 sustainable, energy-efficient homes, contributing to the Council's housing delivery target.
- In concluding the response, Max Plotnek urged the Committee to grant planning permission in accordance with the officers' unreserved recommendation, allowing the scheme to proceed and contribute to much-needed housing in the Borough.

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:

- Members were keen to seek details around the discrepancy in the financial calculations for the planning application. Initially, the developer's calculations suggested a £500,000 deficit. However, the Council's consultants reviewed the figures and found no deficit, instead identifying a

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£91,000 surplus. Upon remeasurement, the developers had calculated a £61,000 surplus and subsequently offered a contribution of £91,000, resulting in a £29,000 deficit. In response, the applicant, Adam Dainow, explained that the process had begun with hiring a viability consultant, who specialised in calculating build costs independently. The initial calculations served as a starting point until the Council presented its calculations. The Agent emphasised the high quality of the proposed homes, which included oversized flats, large outdoor spaces, and communal gardens. Willingness was expressed to pay the amount of contributions deemed correct by the Council. The significance of the Community Infrastructure Levy (CIL) for the developer was highlighted, amounting to over half a million pounds, which the Council could use for local community projects. It was noted that the total contribution was approaching £600,000, a substantial sum for the small site.

- Details were sought around the consultation process, noting objections regarding its adequacy. In response, Max Plotnek detailed the consultation process, stating that 170 letters had been delivered to 174 properties, and a community consultation was conducted on 20 June 2024. This was documented in the Statement of Community Involvement, part of the application package. The delivery of letters had been tracked via GPS, with a map showing the exact locations. It was confirmed that the roads cited in the earlier presentations at the meeting were notified of the consultation. An online Zoom meeting was held in early July 2024, with 21 registrations and 47 participants either live or watching the recorded sessions. Statistics indicated that 65% of participants had logged in via PC and 35% via tablet. There were 11 responses received in total, with 10 being from local residents and 1 from a local organisation. It was asserted that the consultation was thorough, proportionate, and inclusive, allowing participation from anywhere in the world. Max Plotnek expressed confidence in the adequacy of the consultation conducted.
- Following up, details were sought around the proportion of attendees who supported the scheme, noting that there were approximately 11 respondents. In response, Max Plotnek noted that there were nine negative comments and one neutral comment. It was acknowledged that the general sentiment was not in favour of the scheme. However, it was emphasised that the proposed scheme satisfied planning policy requirements. It was noted that local residents, like any development, would be affected to some degree. Max Plotnek believed the impacts were within acceptable limits, considering the key planning policies that needed to be addressed.
- The Chair requested examples of any design changes made as a result of the consultation, either in writing or during the Zoom meeting. In response, Max Plotnek highlighted that the massing of the development had changed significantly, with greater setbacks introduced to reduce the impact on

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residents to the north. Changes to the ground floor were noted, including the location of entrances, landscaping, and parking, which were documented in the Design and Access Statement. The Applicant, Adam Dainow, further added that each project required consideration of the appropriate scale, involving months of testing with the Council. It was highlighted that the buildings closest to the site were three storeys plus a roof, effectively four storeys in height. It was further explained that most buildings were designed with four storeys and a setback at five storeys. It was emphasised that the design respected the local context, with buildings stepping up at both entrances. It was also noted that the terraces and landscaped gardens were intended to prevent the development from becoming overbearing.

- As a separate issue, members inquired whether the reduction of the building height had been considered. In response, Max Plotnek highlighted that the proposed scheme presented was deemed acceptable and had received support from the Council's design officers. It was noted that the daylight testing met the BRE standards in full, which was considered rare for an urban location. It was argued that reducing the building massing would result in fewer homes for people in need, less money in the SCIL funds, and less affordable housing. While it was acknowledged that local residents might not have felt that they benefited directly, confidence was expressed that the building would be of high quality and set a precedent for design in the Borough.
- Clarification was then sought regarding the planting of additional trees. In response, Adam Dainow explained that the initial approach to the site was to create a landscape design. The proposed development had included a 12% increase in biodiversity, with additional trees, foliage, and planting. Adam Dainow stressed the protection of the largest tree on the site, despite the absence of a Tree Preservation Order (TPO). It was further noted that the building design concaved around the largest tree, and 29 new trees would also be planted on the site. It was believed that the efforts made had exceeded typical developer standards regarding trees and ecological credentials.
- In highlighting concerns about the distance not meeting the 18m policy, members inquired about the possibility of fitting obscure glazing to alleviate residents' concerns. In response, Max Plotnek stated that fitting obscure glazing in non-habitable rooms would be acceptable. He also expressed a desire to maintain the quality of the internal accommodation. Reference to paragraph 56 of the committee report was made, which indicated a separation distance of 15.9m towards the Chamberlayne Road flat. Slides were then presented on the distances to neighboring sites. It was noted that the south arrow indicating 50m was less than 18m, but this condition was common where roads and properties faced one another. It was believed

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that the SPD was intended to protect back-to-back distances rather than distances across roads. It was felt that windows on the road provided natural surveillance and activity, which would be lost with obscure glazing. However, openness was expressed to fitting obscure glazing in non-habitable rooms if deemed necessary during deliberations.

The Chair thanked Max Plotnek and Adam Dainow 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:

- The Chair inquired about the type of windows and habitable rooms facing directly into the proposed new development and sought officer views around why this was deemed acceptable. In response, Victoria McDonagh (Development Management Service Manager) elucidated that the windows served habitable rooms, including a living room and a bedroom in the ground floor flat, which also had windows on the sides. Observations from the site indicated that the block of flats was situated closely to the rear frontage, with limited separation distance across the road. It was noted that while the SPD provided guidance, the applicable policy was DMP1, which ensured sufficient amenity for existing residents. Although the separation distance did not meet the 18m guidance, the road frontage already had a degree of overlooking, providing natural surveillance. Adding obscure glazed windows would have negated the benefits of natural surveillance. For non-habitable rooms, active surveillance would have been preferred.
- In addressing the concerns raised by speakers regarding parking and disputes in the committee report, the Chair sought clarification on the weight given to anecdotal evidence versus the transport team's advice. In response, John Fletcher (Team Leader - Development Control) informed that a parking assessment had been conducted over two nights in January 2024, which was standard procedure for residential areas where parking conditions peaked at night. It was conveyed that the committee report clearly outlined where cars were parked and the number of spaces available. Pellat Road was found to have 38 spaces, with less than half occupied at night. The heaviest parking was in front of the site, while the stretch towards Preston Road had minimal parking. It was noted that images of parking on a Sunday were likely linked to the sports ground, but the assessment focused on night-time parking, which was the standard practice for local authorities across London.
- The Chair sought reassurance that the due process regarding public consultation had been followed. In response, Colin Leadbeatter (Development Management Area Manager) assured that the consultation process had adhered to statutory requirements. The Council had dispatched 54 letters to adjacent premises and verified the records of these letters. Additionally, a site notice had been erected on a lamp post directly

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opposite the application site, and an advertisement had been placed in the local press on 12th September 2024. It was stressed that the Council often exceeded statutory requirements in its consultation process.

- As a further issue highlighted, the Chair inquired why the height of the proposed development was deemed appropriate for the area. In response, Colin Leadbeatter (Development Management Area Manager) acknowledged that the proposed development would be taller than neighbouring properties. It was explained that changes of this nature were anticipated as housing sites were intensified, in accordance with adopted policy in the London Plan and BH4 policy on small sites and housing developments. The character of the area was considered, with comparable three-storey flatted developments on the opposite side of the road. The proposed development, staggered over the length of the site, would break up the massing, with only one part of the building being higher than the adjacent property's roofline. It was concluded that the proposed massing was acceptable, considering the Council's housing targets and the established and emerging character of the locality. Victoria McDonagh (Development Management Service Manager) further noted that policy BH4 prioritised areas with PTAL 3-6, within which the site fell. The character of priority areas was expected to evolve over the plan period, optimising site contents and intensifying use.
- Members inquired about the consideration given to having a car-free development at the proposed development site. In response, John Fletcher (Team Leader - Development Control) advised that the primary issue with a car-free development was the absence of a Controlled Parking Zone (CPZ) in the area. Although there was an event day restriction, a car-free development would not be enforceable every day of the year, resulting in numerous days when it would not be enforceable. It was noted that a condition could be imposed to restrict parking on event days if desired. It was further noted that the parking assessment had indicated spare parking capacity on the streets, thus negating the need for a car-free development. However, if members wished to impose such a condition, it could be actioned.
- Members highlighted concerns around potential obstructions caused by construction traffic on the narrow road once cars were parked on one side. In response, John Fletcher (Team Leader - Development Control) stated that an outline Construction Management Plan had been set out. It was assured that necessary restrictions would be implemented to ensure vehicles could access and manoeuvre around the site. Members heard that temporary yellow lines might be required on other sides of the road to facilitate this. Additionally, a turning head at the end of Pellatt Road, which was often parked in, could have temporary yellow lines to keep it clear for turning. Colin Leadbeatter (Development Management Area Manager)

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further added that condition 14 under the recommended planning conditions required the submission and approval of a Construction Logistics Plan by the Local Planning Authority prior to the commencement of development, which would detail the traffic movements during the construction phase.

- Details were sought around the arrangements for rubbish collection and whether the refuse collection vehicles could manoeuvre appropriately to collect the rubbish. In response, John Fletcher (Team Leader - Development Control) explained that the bin stores were located in the front corner of the site, facing the roundabout. Refuse vehicles could pull up at the entrance to Walton Gardens to collect the bins. A ramp from the bin store would facilitate loading onto the refuse truck, which would need to access Walton Gardens to serve the properties there.
- Members posed questions around whether there was sufficient signage for Event Day (EV) restrictions within the Walton Gardens area zone and if a section 106 contribution for a Controlled Parking Zone (CPZ) could incorporate the EV zone. In response, John Fletcher (Team Leader - Development Control) confirmed that the area was within the EV zone and should have adequate signage. It was stated that if there were doubts about missing signage, an investigation could be conducted to identify and replace any missing signs.
- Members raised concerns around the potential risk of setting a precedent for development on adjacent land owned by a different organisation and inquired about possible restrictions to prevent future development requests. In response, Colin Leadbeatter (Development Management Area Manager) advised that planning decisions were based on individual merits and did not set precedents. It was noted that no applications had been received for adjacent open land and that the site under consideration was significantly larger than the patch of open space on the other side of the roundabout. It was reiterated that any future applications would be assessed on their own merits. David Glover (Head of Planning and Development Services) further added that the Local Plan prioritised residential areas with high levels of public transport access for housing. The need to consider all properties for intensification to meet the Borough's housing targets was emphasised. It was further explained that each planning application site would be assessed individually, considering its geometry and suitability for new homes.
- Clarification was sought on the access points for the building and whether they would be on the side of Walton Gardens. In response, Nicola Blake (Principal Planning Officer) confirmed that all accesses would be from Pellatt Road. Slides were presented to illustrate the access points.

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- The Chair questioned whether a crossover required as part of the development would provide access to the site for residents. In response, Nicola Blake (Principal Planning Officer) affirmed that a vehicle crossover would be provided near the proposed car parking spaces, subject to agreement with highway works secured through section 106 agreements. Pedestrian accesses would be from Pellatt Road, adjoining junctions for convenience, with additional stepped access adjacent to Chamberlayne Avenue. A separate entrance for the ground floor three-bedroom units would be located near the parking and disabled parking spaces.
- The Chair, referencing the earlier views expressed by members, noted that three parking spaces would be provided on-site, and other residents would not be eligible for Event Day permits, which would be included as a planning condition if permission were granted. Some members expressed concerns about the substantial distance from bus stops and the limitation of parking spaces to three households, suggesting that parking issues related to the industrial estate could be addressed by conducting a survey on an event day. It was articulated that excluding residents from Event Day permits, considering the site's PTAL rating, was not felt to be valid. The Chair countered that there were three train stations within walking distance and a bus stop at the bottom of Preston Road. Other members added that Preston Road station was approximately a 12-minute walk, which was considered close. The Chair concluded that the transportability of the site was satisfactory, with nearby train stations and bus stops.

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 main committee report.
- (2) The conditions and informatives, as set out in the main committee report along with the inclusion of an additional condition to restrict the provision of on-street parking permits for residents for use on Wembley Stadium event days and on any other days on which a future CPZ in the area may operate.

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

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.

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4. **24/2877 - South 1 Walm Lane, London, NW2 5SN**

PROPOSAL

Change of use of basement and ground floor from vacant bank to bingo hall with alteration to front elevation at ground floor level.

RECOMMENDATION

That the Committee resolve to GRANT planning permission subject to:

- (1) The conditions and informatives as specified within the main committee report.

Parag Dhanani (Career Grade Planning Officer) introduced the planning application committee report, detailing the proposal for the change of use of basement and ground floor from vacant bank to bingo hall with alteration to front elevation at ground floor level.

Attention was drawn to the fact that since the publication of the committee report, a further objection to the proposed development had been raised which corresponded to those already received and addressed within the 'Consultations' section of the committee report. The recommendation remained to grant consent subject to the conditions and informatives as outlined within the main committee report.

The Chair thanked Parag Dhanani for introducing the report. As there were no Committee questions raised at this point, the Chair then Liam Upson (who had registered to speak as an objector) to address the Committee in relation to the application, who highlighted the following points:

- Liam Upson began by expressing gratitude for the opportunity to address the Planning Committee and represented residents who had submitted significant opposition to the plans to convert the former Lloyds Bank into a Bingo Hall.
- Reference was made to Dawn Butler, MP for Brent East, who had highlighted in Parliament that gambling facilities in Brent were more accessible than banks, supermarkets, and schools. The permit was to replace a former bank, with another bank having closed in Willesden Green this month.
- The objector noted that gambling-related harms costed Brent Council an estimated £14.3 million annually. It was argued that granting planning

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permission was a short-term measure with long-term harmful ramifications. It was believed that the permit was being provisionally granted due to weak licensing powers and a loophole in the law that did not consider a bingo hall in the same way as a bookmaker. The Leader of the Council had written to the culture secretary to raise concerns about the weak council powers to reject premise licences.

- Liam Upson pointed out that there was a large bingo hall in Cricklewood, less than half a mile away, which had applied to become an adult gaming centre and was approved. Additionally, there were numerous betting shops and adult gaming centres in close proximity to the site.
- It was felt that, despite the officer's comments, there was strong evidence linking high densities of gambling establishments to increased social problems, including financial hardship and addiction, which could lead to crime and anti-social behaviour, thereby increasing costs for the Council. It was emphasised that this decision came at a time of growing concern about safety in the area.
- Regarding the consultation process, the objector noted that neighbourhood letters were not received, and many residents had reported a lack of information. It was felt that the officer's comments did not sufficiently address the expected noise and general disturbance late in the evening on the high street, especially with a pub situated next door.
- It was suggested that the vacant bank presented an opportunity to attract businesses that would better serve and diversify the area, such as community centres, retail spaces, cafés, or cultural venues. It was believed that the proposed site would have a detrimental impact on the high street, situated in a conservation area where local community members took tremendous pride.
- In concluding the response, Liam Upson expressed that approval of the planning application would contravene the views and fears submitted by community residents and oppose the views expressed by Ward Councillor Choudry and the local MP, who represented their constituency members.

The Chair thanked Liam Upson for addressing the Committee. As there were no Committee questions raised at this point, the Chair 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:

- As an initial query, members inquired whether there would be a valid reason to object to the planning application due to the number of other gaming facilities and gambling areas within the vicinity. In response, Victoria McDonagh (Development Management Service Manager)

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explained that the planning application presented was for a bingo hall, as outlined in the committee report. It was stated that a bingo hall was considered an appropriate town centre use according to national policy, the London Plan, and local policy. It was noted that there were no policies within the local plan that addressed the overconcentration of bingo premises. Reference was made to planning policy BE5, which sought to protect against the overconcentration of potentially harmful uses in Brent's town centres. This policy specifically concerned betting shops, adult gaming centres, pawnbrokers, takeaways, and shisha cafes. The proposed planning application did not fall within these uses, and therefore, there were no planning policies addressing overconcentration in this context. As a point of fact, David Glover (Head of Planning and Development Services) added that, according to the Gambling Act, bingo was classified differently from adult gaming centres. It was further explained that the law distinguished between traditional bingo halls and bingo machines, all of which were classified under bingo uses and establishments, whereas adult gaming centres were classified separately. Additionally, planning policy BE5 did not impose any restrictions on bingo halls or bingo facilities. It was emphasised that these legal distinctions and planning policies should frame the discussions and decisions made by the Committee.

- Members raised questions around the impact of the Willesden Conservation Area on the planning application, to which Parag Dhanani (Career Grade Planning Officer) explained that the use of the building was not the primary concern with regard to the conservation area. The focus was on preserving the building fabric. It was noted that some external alterations had been proposed to the shop frontage, predominantly involving glazing panels for windows and doors. These alterations were considered not to have an adverse impact on the conservation area's built fabric.
- Members cited paragraph 4 of the committee report, which noted that limited ancillary uses could take place within the floor area, and inquired what number of bingo machines would constitute a significant use and how the Council could enforce change of uses. In response, Victoria McDonagh (Development Management Service Manager) clarified that a bingo hall use was classified as sui generis, meaning it did not fall within a specific use class and did not have permitted development rights to change to another use without planning permission. To use the premises as an adult gaming centre would require planning permission. It was further explained that determining whether there was a material change of use involved assessing the facts and degree of the situation. There was no set number of bingo machines that would result in a change of use or mixed use. Should planning permission be granted, it would be on the basis of the premises operating as a bingo hall. Any complaints would be investigated by the Planning Enforcement Team to establish if a material change of use had occurred. From a legal perspective, Susan Boucher (Planning Lawyer)

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conveyed that the term "bingo hall" was recognised in the use classes order and had been classified as sui generis since 2022. Where a bingo hall use was granted and the premises subsequently became a different use or a mixed use, this could constitute a material change of use, which would be a breach of planning control and subject to enforcement action. The Committee were required to determine the planning application based on the facts provided by officers and the land use perspective. David Glover (Head of Planning and Development Services) further emphasised that the only consideration was the use of the premises as a bingo establishment. Any minor ancillary uses must not materially change the use of the premises. It was reiterated that enforcement action could be taken if the premises were not used as a bingo hall, as consented. Members were also reminded of the distinction between planning and licensing functions, which were governed by separate procedural and policy frameworks. Under planning rules, if permission was granted the premises could be used for that purpose. However, under licensing, which has more immediate powers, as a granted licence could also be revoked.

- Members questioned whether the proposed planning application had come to the Planning Committee due to the number of objections received. In response, Victoria McDonagh (Development Management Service Manager) confirmed that the planning application had indeed come to the Planning Committee because of the number of objections. It was explained that if any planning application met the threshold to come to a planning committee, it would be referred to the Committee for determination. Otherwise, it would be handled under delegated authority. It was emphasised that any planning application would be considered in line with the development plan and planning policies.
- Members noted with interest that no issues of principle could be taken in this case due to planning law. It was noted that the application was under the sui generis category, which required consideration solely on that basis. It was acknowledged that there were principle issues around gambling, as pointed out by the objector, and that bingo was considered a form of gambling. However, it was recognised that the planning application could not be rejected on that basis at this time and needed to be based on planning reasons for refusal. It was inquired whether, if the planning application were granted and subsequently found to be in contravention, it would come back to the Planning Committee or be referred to Licensing for consideration. In response, Victoria McDonagh (Development Management Service Manager) advised that if there was a contravention in planning and a change of use occurred, a new planning application would need to be submitted for the alternative use. This application would go through the Planning Committee if it met the relevant threshold, such as receiving 8 or more objections and recommended for approval. It was further noted that

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any breach of planning would be investigated by the enforcement team, who had the authority to serve enforcement notices.

- Members inquired about the final objection received in the committee report regarding a similar previously considered application around the change of use of a bingo hall to a gaming centre. In response, Victoria McDonagh (Development Management Service Manager) explained that a material change in use would require planning permission and would need to be assessed accordingly. It was noted that licensing issues fell outside the scope of planning control.
- Concerns were raised around anti-social behaviour and the operating hours of the bingo hall, with members keen to seek details on whether it was possible to impose a planning condition to restrict the closing time, which was currently later than other similar centres. In response, Parag Dhanani (Career Grade Planning Officer) detailed that the closing time had already been restricted as a planning condition, with operating hours from Monday to Friday set at 8am. to 11pm, and from 9am to 11pm on Saturdays, Sundays, bank holidays, and public holidays. Following up, members suggested aligning the closing time for this planning application with that of bookmakers, which typically closed at 10 pm. In response, David Glover (Head of Planning and Development Services) highlighted that an 11pm closing time was common in areas with proximity to residential dwellings. It was noted that noise levels were more manageable within premises when doors and windows were closed, but more challenging outside. The Committee heard that the 11pm threshold was a common standard, marking the transition from daytime to nighttime noise levels. It was asserted that 11pm was an appropriate closing time for premises within a town centre. Damian Manhertz (Development Management Area Manager) further added that the proposed site did not have residential units above it, making it less sensitive compared to other locations. It was additionally noted that the proposed site was in a town centre with significant surrounding activity.
- Related questions were raised around whether officers had considered a 10pm closing time and then opted for 11 pm as the standard, or if the 11pm closing time was applied by default. In response, Damian Manhertz (Development Management Area Manager) informed that that the decision on closing times took into account the building's activity and the absence of sensitive uses above it. It was noted that the use would be managed under licensing restrictions and by on-site staff. The nature of the activity differed from that of public houses, which generated more noise. It was highlighted that the surrounding area included cafes, restaurants, and other places with similar operating hours, making the additional hour of operation unlikely to cause significant harm or changes to the character of the area. Victoria McDonagh (Development Management Service Manager) further noted that

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the applicant had initially proposed operating hours up to 12:30am and 1:00 am. However, officers had recommended alternative hours after considering the context of the area and local amenities. Damian Manhertz (Development Management Area Manager) further elaborated on the necessity of planning conditions to mitigate significant impacts on the surrounding area. It was emphasised that these planning conditions were essential to prevent noise disturbance and manage the comings and goings of individuals, particularly at certain times of the day when such activities could be harmful. It was clarified that restrictions were imposed based solely on the impacts assessed in planning terms.

- The Chair enumerated several advantages of the proposed planning application, such as the employment opportunities it would generate and the skills development associated with the planned electronic workshop area in the basement designated for repairs. However, the Chair expressed concerns that the committee report implied the venue might primarily function as an electronic bingo establishment, yet there were no stipulations confirming this. Observations from existing bingo venues indicated that the use of amplified sound for calling numbers could potentially lead to noise disturbances. The Chair additionally articulated concerns that the committee report lacked details on anticipated sound levels, the quantity of bingo machines, and the amplification sequence. Furthermore, there were no provisions for sound barrier defense mechanisms to mitigate noise escape. The Chair sought clarification on whether these noise levels had been considered and discussed, and if not, requested that the appropriate planning conditions be applied. In response, Parag Dhanani (Career Grade Planning Officer) confirmed that a planning condition could be added to ensure that noise levels did not exceed 10 decibels (dB). David Glover (Head of Planning and Development Services) concurred and noted that the additional planning condition could be attached as part of the planning approval process without requiring assurances from the applicants.

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 conditions and informatives, as specified within the main committee report together with an additional condition to restrict noise generating equipment and noise from the site to not exceed 10dB when measured from the nearest noise sensitive property.

(Voting on the above decision was as follows: For 4; Against 2; Abstention 1).

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5. Any Other Urgent Business

There was no other urgent business.

The meeting closed at 7.49 pm

COUNCILLOR KELCHER

Chair

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