



## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Wednesday 10 September 2025 at 6.00 pm

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

#### 1. Welcome and Apologies for absence

Apologies for absence were received from Councillor Chappell.

#### 2. Declarations of interests

In relation to Agenda Item 5: 25/0357 - 37 Lydford Road, London, NW2 5QN - all members of the Committee confirmed they had received an approach from the owner of the neighbouring property (as an objector) but had not engaged in discussion or sought to take any position on the application and therefore felt able to consider the application impartially and without any form of predetermination.

No other declarations of interest were made during the meeting.

#### 3. Minutes of the previous meeting

**RESOLVED** that the minutes of the previous meetings held on Monday 4 August 2025 be approved as a correct record of the meeting.

#### 4. 25/1355 - Argenta House, Argenta Way, London, NW10 0AZ

##### PROPOSAL

Redevelopment of the site to provide a building containing residential dwellings with commercial unit on ground floor, associated vehicular access, cycle parking spaces, refuse storage, amenity space, landscaping and associated works.

##### RECOMMENDATION

That the Committee resolve to GRANT planning permission subject to a Stage 2 referral to the GLA, the imposition of the conditions and informatives set out in the committee report and the completion of a S106 agreement capturing the obligations set out in the heads of terms outlined in the committee report.

James Mascall (Principal Planning Officer) introduced the report, advising members that the application sought full planning permission for the comprehensive redevelopment of the site to provide a part 27, part 30 storey building, comprising 180 residential dwellings (Use Class C3) and 17.8sqm of flexible commercial space (Use

Class E). The scheme would also include ancillary hard and soft landscaping, cycle parking, refuse storage and plant space.

Attention was also drawn to the supplementary report circulated in advance of the meeting, which outlined a number of minor amendments to the committee report, specifically in relation to the Stonebridge Park Station financial contribution wording which had been amended to allow for the contribution of £222,750 to be used towards improvements at Stonebridge Park Station, as well as for the Stonebridge Park Station Capacity Study. It was additionally noted that a revised Third Floor Plan had also been received which proposed an agreed quantum of long-stay bicycle parking in accordance with comments from Transport for London (TFL). The quantum of provision remained in line with policy T5 standards as set out within the remainder of the committee report. Furthermore, following additional feedback, an amendment would be made to S106 Heads of Terms associated with the application which would specifically require the open space financial contribution to be used towards improvements to and the maintenance of Brent River Park, which included Tokyngton Recreation Ground, Monks Park and St Raphaels Open Space. For clarity, it was confirmed that the location of Brent River Park was located within the vicinity of the development, ensuring that prospective residents would have convenient access to nearby facilities. This provision was intended to compensate for the absence of open space onsite. The recommendation remained to grant planning permission subject to a Stage 2 referral to the GLA, the imposition of the conditions and informatics set out in the committee report and the completion of a S106 agreement capturing the obligations detailed in the heads of terms outlined in the committee report.

The Chair thanked James Mascall for introducing the report. As there were no Committee questions raised at this point, the Chair then moved on to consider a request which had been received to speak on the application and invited Sandy Walker (who had registered to speak as the applicant's representative) to address the Committee in relation to the application, who highlighted the following points:

- It was noted that the scheme would provide 180 high-quality affordable homes, thereby addressing the significant demand for affordable housing across the borough. It was emphasised that every home within the development would be affordable, with almost half designated for social rent, representing the lowest cost housing available. The proposal included 88 new social rent homes, of which 40 would comprise three-bedroom units, thereby responding to the high need for family-sized accommodation in Brent. The representative further noted that this represented a substantial improvement on the previous scheme.
- It was additionally stated that the development would create new amenity green spaces and deliver enhancements to Wembley Brook, thereby improving accessibility and attractiveness for the local community. The scheme would provide 180 square metres of public open space at ground level and 121 square metres of flexible space at first floor level, designed to offer amenities for all age groups, particularly children, and to foster a strong sense of community and belonging. The representative confirmed that the proposal would deliver a significant biodiversity gain, enhancing local ecology and transforming Wembley Brook, achieving an uplift of 160% in watercourse units and an 11% gain in habitat units. In addition, the scheme would include a small flexible

space at ground floor level fronting onto the public realm, intended for use as a local coffee shop to activate the area and strengthen community cohesion.

- It was highlighted that the proposals would act as a catalyst for the regeneration of Stonebridge Park. The scheme had been designed to initiate the regeneration of this strategically important site within the borough. It was explained that the design would reflect and respond to both the existing and emerging context, significantly improving the sense of arrival opposite Stonebridge Park Station. It was felt that the proposals would enhance the public realm and contribute to the overall improvement of the Stonebridge Park neighbourhood.
- The applicant's representative concluded by noting that they had engaged extensively with officers and the local community over the preceding two years to develop a scheme that would deliver high-quality architecture, internal and external amenity space, much-needed affordable housing for Brent, and act as a catalyst for transformation within Stonebridge Park.

The Chair thanked Sandy Walker for addressing the Committee and then 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 requested clarification regarding the applicant's confidence in delivering the proposed development, given that the site had remained vacant for several years and considering potential viability issues. In response, the applicant's representative confirmed that both the applicant and their partners were fully committed to delivering the scheme. It was stated that grant funding was being utilised and that commencement on site was required early in 2026. The representative emphasised that the intention was to proceed as quickly as possible following the grant of planning permission.
- Members enquired how the applicant intended to minimise flood risk in Wembley Brook. In response, a member from the applicant's team, (Bob Davis, Landscape Architect) explained that extensive engagement had taken place with the Environment Agency, including several discussions. It was confirmed that the proposal involved breaking out the existing concrete channel and renaturalising the Brook to restore its natural form, thereby improving hydromorphology. It was advised that soft landscaping would be introduced and terraced to mitigate flooding. It was added that a consultant had been engaged to ensure that both landscape and flood management objectives were balanced. Alex Attwood (Flood Consultant, member from the applicant's team) further reported that a comprehensive Flood Risk Assessment had been prepared for the proposals and that extensive flood modelling had been undertaken. It was confirmed that the design ensured there would be no adverse impact on flood risk within the wider borough. It was explained that measures included the careful positioning of building columns within the floodplain and ensuring that water displacement did not occur. It was stated that the drainage strategy would reduce runoff rates, thereby preventing any increase in surface water flooding. It was acknowledged that issues had arisen during initial construction works on the site, where culvert blockages caused

increased flood risk. The Committee were assured that a robust Construction Management Plan would be implemented during future works to prevent such blockages and protect residents from flooding. Laura Jenkinson (Planning Consultant, member from the applicant's team) further added that the naturalisation of Wembley Brook would reduce the likelihood of flooding downstream and confirmed that the proposals would deliver a net benefit compared with both the existing site and the previous scheme.

- Details were sought on any communication which had taken place with the Alstom Traincare Centre, given its proximity to the site. In response, Stuart Davies (Transport Consultant, member from the applicant's team) explained that the proposed highway works extended up to and included the roundabout at the junction of Point Place and Argenta Way but did not extend beyond into the unadopted private road. It was confirmed that the applicant had limited influence over that road and that any informal parking behaviour would need to be managed by its owners. It was further stated that the proposed works at the roundabout would retain the existing bus stand and would necessitate changes to double yellow lines. The Committee were informed that a raised lay-by would be created on the north side of Argenta Way to serve the development, ensuring that the scheme's needs were met without reliance on the private road. Stuart Davies confirmed that he had not personally held discussions with the Alstom Traincare Centre.
- Following up, members questioned whether a consultation event had been held, how many people attended, and what feedback had been received. In response, Laura Jenkinson (Planning Consultant, member from the applicant's team) confirmed that the applicant had presented the proposals to the Committee Review Panel on two occasions and had also presented to the Design Review Panel. It was also reported that a public exhibition had been held and that meetings had taken place with ward councillors. While it was acknowledged that attendance at consultation events had been limited, it was confirmed that all engagement had been carried out in accordance with Brent's requirements. Members expressed a desire to ensure that local residents had been considered. In response, it was confirmed that meetings had been held with local residents prior to the public exhibition. It was also noted that several attendees had been directly affected by previous flooding, and the applicant had worked with them to demonstrate how the benefits of the scheme would mitigate future flood risk.
- With reference to the committee report, which noted that the development would include a flexible community space for children aged 0 to 4 years, and highlighted that the space could be multi-use, requiring a robust management plan, members stressed the importance of providing a concrete offer for residents, including a meet-and-greet space and facilities for private bookings such as birthday parties, particularly given the scale of the development and potential future schemes. In response, Tom Banfield (Architect, member from the applicant's team) confirmed that significant effort had been made to ensure the best possible offer for residents. It was stated that Clarion had a long-standing track record in managing buildings and would adopt the same approach for this development. The applicant's commitment to fostering a

sense of community was emphasised and it was confirmed that the space would be designed to accommodate bookings for events and other resident-led activities. The Committee were assured that a management plan would be implemented to maximise the use of the space and encourage community engagement.

- Members observed the shortfall in amenity space for children aged 0 to 4 years and highlighted the need for residents to have access to a community space within close proximity to the development. Members sought a commitment from the applicant to work with officers to identify a flexible solution that would meet both requirements. In response, Laura Jenkinson (Planning Consultant, member from the applicant's team) confirmed that Condition 26 of the draft planning permission required the submission of an Amenity and Play Space Management Plan. It was explained that this plan would address matters including hours of use, booking arrangements, and measures to ensure user access to the space. It was further noted that the site formed part of a wider location that included Wembley Point, where a scheme currently being developed provided a community facility comprising 878 square metres of non-residential floorspace. This facility included a community gym and other spaces intended for public use.
- Members then moved on to question the applicant's recruitment process, given the high levels of unemployment in Brent, and assurance was sought that local residents would have access to employment opportunities arising from the development. In response, Tom Banfield (Architect, member from the applicant's team) confirmed that the applicant had been working closely with officers and that obligations under Section 106 agreements required contractors to meet specific commitments to support local employment. It was additionally stated that these requirements would be incorporated into construction contracts to ensure that opportunities were made available to local people.
- As an additional issue, members enquired whether any consultation or communication had taken place with Transport for London regarding improvements to Stonebridge Park Station, including potential contributions towards step-free access or other upgrades. In response, Tom Banfield (Architect, member from the applicant's team) confirmed that negotiations had taken place with officers and that, as part of the Section 106 obligations, a defined contribution of approximately £220,000 had been secured for Stonebridge Park Station. It was further added that this contribution would also include funding for a capacity study.
- As a further issue highlighted, members questioned why the shared ownership model had been pursued, what other models had been considered, and requested feedback on the applicant's experience with shared ownership. In response, Tom Banfield (Architect, member from the applicant's team) explained that, as a housing association, the applicant managed and operated a significant number of shared ownership homes. It was stated that considerable effort had been made to ensure that the design and mix of homes within the scheme were appropriate, balancing variety with grant requirements

and deliverability. It was emphasised that the applicant was eager to deliver the scheme and provide affordable homes for the borough, and that these considerations had informed the approach throughout the process.

Jehan Weerasinghe (Corporate Director Neighbourhoods and Regeneration) noted that shared ownership continued to be recognised as an affordable housing product. It was confirmed that the Brent Local Plan did not preclude shared ownership and that, while some boroughs adopted different policy positions, shared ownership remained acceptable was consistent with Greater London Authority (GLA) guidelines.

The Chair thanked Sandy Walker and his team 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 asked officers to provide their assessment of the quality of the architectural design and its contribution to the local townscape throughout the planning process. In response, Colin Leadbeatter (Development Management Area Manager) confirmed that the scheme had undergone both Design Review Panel and Quality Review Panel processes during the pre-application and application stages. It was noted that the proposal followed a previously consented scheme on the site with a similar footprint. It was also stated that the applicant had engaged extensively in pre-application discussions, which were reviewed through the Quality Review Panel (QRP) and Distribution Requirements Planning (DRP) processes. Both panels supported the general design principles of the building, as did the Placemaking Manager and Urban Design Officers within the planning department. It was explained that the building comprised two interlocking blocks connected through a central core and featured a rationalised, well-designed and articulated elevational treatment with a carefully considered materials palette. It was confirmed that officers considered the design to sit comfortably within its context and described it as exemplary in quality. It was noted that the building would form an attractive and well-designed gateway to this part of the borough. David Glover (Head of Planning and Development Services) further added that the development would deliver a range of new facilities to support both future residents and the existing community.
- The Chair noted the site's strategic location in terms of Public Transport Accessibility Level (PTAL) and proximity to the North Circular Road. It was questioned how the design had addressed potential air quality and noise issues arising from its location adjacent to one of the busiest roads in the borough. In response, James Mascall (Principal Planning Officer) confirmed that the application was accompanied by an Air Quality Assessment, which examined potential impacts from nitrogen dioxide and carbon dioxide. It was reported that, based on data from receptors, no air quality mitigation was required for residents. It was additionally explained that the extant consent had required mitigation for floors 3 to 6 due to nitrogen dioxide concerns based on 2016 emissions data. However, updated data indicated that nitrogen dioxide levels had reduced, likely due to decreased car usage, and therefore no mitigation

was necessary under the current proposal. Members were advised that a Noise and Vibration Assessment had also been submitted, which considered noise levels from the North Circular Road. The assessment identified that recommended internal noise levels of 35 decibels during the day and 30 decibels at night would not be met without mitigation. Consequently, specific glazing specifications were required to achieve compliance, and a condition would be imposed to ensure the development was undertaken in accordance with the assessment. Victoria McDonagh (Development Management Service Manager) further added that air quality outcomes were positive and that conditions had been secured to require a Construction Management Plan to mitigate emissions during the build phase.

- Members then moved on to focus on issues identified within paragraph 55 of the committee report and expressed concern regarding the disproportionately small entrance to the residential part of the building, asking whether improvements could be made. In response, Colin Leadbeatter (Development Management Area Manager) confirmed that this issue had been identified during the application process. It was reported that discussions with the applicant had resulted in an agreement to provide updated information on the entrance design during the discharge of conditions relating to materials. This would include details on how the entrance would be defined through materiality and colour treatments. Members were advised that, following further discussions, the wording of the condition would be tightened to specifically reference the entrance, ensuring that officers could review the detail when the condition was discharged.
- With respect to paragraph 165 of the committee report, views were sought from officers around the Healthy Streets approach. In response, Colin Leadbeatter (Development Management Area Manager) confirmed that the scheme incorporated a significant number of elements contributing to the provision of Healthy Streets. It was explained that, through the Section 106 agreement, a financial contribution had been secured for improvements to the cycle route CFR 23, which runs alongside the application site. It was additionally stated that the definition of the highways works contribution had been widened to allow additional funds to be allocated to Healthy Streets initiatives, should these be considered appropriate, particularly if a Controlled Parking Zone (CPZ) was not pursued.
- Members expressed concern regarding pressures on GP surgeries, schools and play areas, emphasising the need to ensure that additional facilities were provided and that existing services were not overburdened. In response, Victoria McDonagh (Development Management Service Manager) explained that when planning policies were developed through the Local Plan, an Infrastructure Delivery Plan was prepared in parallel. This plan assessed requirements for school places, medical facilities, community facilities and other infrastructure necessary to support the level of development envisaged. It was confirmed that officers worked closely with colleagues in the Education department to monitor school capacity and identify areas where new provision might be required, particularly within designated growth areas. An example of a new secondary school in the north of the borough by the name of North Brent

School was cited and it was noted that demand for school places varied across the borough with reductions in some areas. Members were advised that similar monitoring applied to medical facilities, referencing the inclusion of a medical facility within the Grand Union scheme. It was emphasised that infrastructure requirements were reviewed throughout the lifetime of the Local Plan. It was further explained that schemes contributed to strategic infrastructure through the Community Infrastructure Levy (SCIL), which was allocated through a separate process. While development management did not directly control this allocation, funds generated through SCIL supported infrastructure delivery across the borough. David Glover (Head of Planning and Development Services) further noted that £200,000 had been secured through Section 106 contributions specifically for play space as part of the scheme.

- Members questioned whether officers were satisfied with the proposed arrangements for waste and recycling within the residential blocks. In response, John Fletcher (Team Leader – Development Control, Transport Planning) acknowledged that the site was constrained, particularly at ground floor level. It was explained that, as with previous proposals, agreement had been reached for a bi-weekly collection service, which would reduce the amount of storage space required for waste on the ground floor. While the arrangement would require effective management and rotation of bins, it was confirmed that officers were satisfied that the proposals were workable with the additional contribution for more frequent collections. Colin Leadbeatter (Development Management Area Manager) further stated that the draft Section 106 agreement included a schedule requiring the submission, approval and implementation of a Waste Management Plan. It was confirmed that this would create a legal obligation for the applicant and that the Development Control Transport Planning Team would work with planning officers to discharge the condition.
- Clarification was sought around how issues relating to daylight and sunlight would be mitigated. In response, James Mascall (Principal Planning Officer) reported that the application was accompanied by a Daylight and Sunlight Assessment. It was noted that the development was located slightly further from Tokyngton Avenue than might typically be expected for schemes of this nature. It was confirmed that 11 properties had been assessed, with 10 meeting the Building Research Establishment guidance for daylight and sunlight. One property failed due to the presence of an external canopy in its rear garden, which had already significantly reduced daylight and sunlight levels. It was explained that, because the existing values were very low, the percentage change appeared large, although the actual impact was minimal. Colin Leadbeatter (Development Management Area Manager) further added that the site already benefited from an extant planning permission for a tall building, which was a material consideration. It was stated that the additional impact beyond what had previously been consented was extremely marginal. It was emphasised that, in weighing the planning balance, the minimal harm to one property was substantially outweighed by the delivery of a 100% affordable housing scheme, including a significant proportion of family-sized homes. It was confirmed that the relationship with adjacent developments had also been assessed and considered acceptable.

- It was questioned whether officers were satisfied with the flood risk mitigation measures included within the application. In response, Colin Leadbeatter (Development Management Area Manager) confirmed that officers were satisfied and explained that an extensive process of engagement had taken place with the applicant, the Lead Local Flood Risk Authority acting on behalf of the Council, and the Environment Agency. It was reported that the Environment Agency had undertaken detailed hydraulic modelling to assess the flood risk implications of the proposed development. It was further stated that a significant amount of work had been carried out to ensure that the proposal would not result in undue harm in relation to flood risk. It was also confirmed that the Environment Agency had concluded that the hydraulic modelling was fit for purpose and that the proposed flood risk measures were acceptable.
- Members queried whether the contribution towards a Controlled Parking Zone (CPZ) could be used for improvements to highways and for implementing parking controls in the area, including Point Place, and whether there were options for introducing control measures. In response, John Fletcher (Team Leader – Development Control, Transport Planning) indicated that the process would involve using the contribution to fund consultation on a Controlled Parking Zone. It was confirmed that implementation would require at least 50% support from the local community. It was also noted that significant development was coming forward in the area, much of which was car-free, including the current scheme, which would increase pressure on parking. Growing support for a Controlled Parking Zone was anticipated and it was confirmed that, if introduced, it would be designed to make the most efficient use of space, including the provision of parking bays and double yellow lines where necessary. While it was acknowledged that there was shortfall in disabled parking provision on the site due to its constrained layout, it was confirmed that an agreement had been reached to provide 3 disabled parking spaces along the Point Place frontage. Members were informed that this mirrored proposals for Wembley Point, which included widening Point Place and providing additional disabled parking spaces. It was further noted that once both developments were implemented, Point Place would be widened and offer improved disabled parking provision and greater flexibility for accommodating blue badge holders within 50 metres of the site. Colin Leadbeatter (Development Management Area Manager) additionally stated that the obligation relating to the Controlled Parking Zone contribution, as drafted in the Section 106 heads of terms, was sufficiently flexible to allow expenditure on highways improvements as well.

## DECISION

Having considered the application, the Committee **RESOLVED** to grant planning permission subject to:

- (1) Stage 2 referral to the GLA along with the completion of a s106 agreement to secure the planning obligations as set out in the heads of terms outlined in the committee report together with an amendment to Head of Term No 6 to reference Brent River Park and Tokyngton Recreation Ground.

(2) The conditions and informatics, as set out in the main and updated within the supplementary committee report.

(Voting on the above decision was unanimous).

## 5. **25/0357 - 37 Lydford Road, London, NW2 5QN**

### PROPOSAL

Variation of condition 2, development built in accordance with approved drawings/documents (internal and external alterations to layout, heights, footprint, ground levels, fenestration and lightwells of dwellinghouse, addition of attached water tank storage and detached bin and cycle storages, alterations to front boundary treatment, soft and hard landscaping, and arrangement of photovoltaic panels to main roof, removal of green roofs) of full planning permission 14/2952 dated 14/11/2014, for the demolition of existing office to builders' yard and erection of a 3 bedroom, three storey (including basement) dwellinghouse erection of a boundary treatment and associated hard and soft landscaping (RevisedDescription).

### RECOMMENDATION

That the Committee resolved to GRANT planning permission subject to the conditions and informatics as set out within the committee report.

Parag Dhanani (Career Grade Planning Officer) introduced the report, advising members that the application site was located within a central area of Lydford Road within the Mapesbury Conservation Area. Planning permission had been granted for the construction of a new dwelling house on the site in 2014. Whilst the dwelling house had been constructed within the site, it had not been built in accordance with the approved plans. There was an active enforcement notice in relation to the unauthorised development. The application proposed the variation of condition 2 requiring development to be built accordance with the approved drawings of the originally consented application to include changes such as internal and external alterations to layout, heights, footprint, ground levels, fenestration and lightwells of dwellinghouse, addition of attached water tank storage and detached bin and cycle storages, alterations to front boundary treatment, soft and hard landscaping, and arrangement of photovoltaic panels to main roof, removal of green roofs.

Attention was also drawn to the supplementary report circulated in advance of the meeting, which outlined minor amendments to the committee report, and related specifically to the receipt of a revised set of proposed drawings showing the correct appearance of the proposed front boundary treatment for consistency. Drawing reference numbers had also been updated within the draft decision notice to reflect the revised submitted information. Furthermore, two additional objections had been received since the issue of the committee report with matters raised that had been covered within the report, including a repeat objection from a previous representee and a briefing paper from a local resident and representative of the Mapesbury Residents Association (MAPRA). The recommendation remained to grant planning permission subject to conditions and informatics as set out within the main and

updated within the supplementary committee report. Officers presented slides taken from the drawing pack to illustrate the proposed plans.

The Chair thanked Parag Dhanani for introducing the report. As there were no Committee questions raised at this point, the Chair then moved on to consider a request which had been received to speak on the application and invited Darren Stewart (who had registered to speak as an objector) to address the Committee in relation to the application, who highlighted the following points:

- The objector began by stating that the current “as built” development, which included a reduction in the height of the flank wall in 2022, had been consistently refused planning permission, once by the Planning Inspectorate and twice by the Council.
- The speaker referred to previous reports, quoting the Planning Inspector’s report which stated that “the resulting dwelling has a discordant appearance which detracts from and therefore neither preserves nor enhances the character or appearance of the Conservation Area.”
- The speaker further cited the 2023 delegated report, which concluded that “it is not considered that the additional 3 centimetre reduction would address the previously raised concerns nor would it overcome the identified harm.”
- Reference was also made to the 2024 delegated report, which stated that “the reduction in height does not overcome the overly bulky and obtrusive form identified at appeal.”
- The speaker acknowledged that the most recent Planning Inspector’s report must be weighed as a material consideration but emphasised that this single view, which was an opinion rather than a decision, should not outweigh the detailed determinations previously made by both the Council and the original Planning Inspector in 2020, all of which concluded that the development caused harm to the Conservation Area.
- The objector asserted that the Committee was under no legal or professional obligation to follow the 2024 Planning Inspector’s view. It was noted that in 2023, despite the Planning Inspector specifically stating that the building with the reduced flank wall should be refused, the Council had allowed the application, demonstrating that the Inspector’s view, where not legally binding, was a matter to be weighed but not necessarily followed.
- In summary, the speaker stated that the Council or the Planning Inspectorate had assessed this exact development on three occasions and refused planning permission each time. The speaker urged the Committee to refuse the proposal again, as had been done previously, noting that nothing had changed since the earlier refusals and that the development continued to harm the Conservation Area.
- The speaker highlighted strong local opposition, explaining that the development had been constructed behind plastic sheeting and was met with

universal disapproval when unveiled. Following its unveiling, residents of Mapesbury had faced a continual stream of appeals and retrospective applications, including the deletion of the first retrospective application in 2023, which had attracted approximately 100 objections.

- Although 'objection fatigue' had set in, the speaker confirmed that local residents and the Mapesbury Residents Association remained unanimously opposed to the development because of the harm it caused to the Conservation Area. The speaker expressed frustration that, in an area where residents were required to adhere to strict controls over minor details of their own properties, it was unacceptable that this building, which had repeatedly and correctly been refused permission, might be allowed to remain through a process of attrition and the erosion of the Council's resolve.
- In concluding the response, the objector concluded by urging the Committee to remain consistent with previous decisions and to refuse permission for the development.

The Chair thanked Darren Stewart 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 noted that matters could deviate from policy and that the Committee were required to weigh whether any deviation created substantial harm. It was questioned, other than the visual impact of the proposed development, what substantial harm would be caused to the objector and neighbouring residents. In response, the objector stated that the Council had determined on multiple occasions that the development caused harm and did not conform with policy. Darren Stewart referred to the established policy test that a building should sit below the 45 degree building envelope measured from a height of 2 meters above the boundary. It was felt that the current structure exceeded that envelope, whereas the original 2014 proposal had not. It was further stated that the building dominated and overlooked adjoining gardens, enabled direct views into neighbouring houses, and appeared out of place within the Conservation Area.

As there were no further Committee questions raised at this point, the Chair then moved on to consider an additional request which had been received to speak on the application and invited Doug Brodie (who had also registered to speak as an objector) to address the Committee in relation to the application, who highlighted the following points:

- The objector stated that the application site adjoined their garden. The speaker and their spouse had owned their property since 1990 and had raised their family there.
- It was noted that the new building directly overlooked their garden and had a direct line of sight into rear windows of their home, including the sitting room and dining room. The speaker contended that this was a direct consequence of the height of the new building.

- The speaker explained that the gardens between Teignmouth Road and St Gabriels Road backed onto each other and were approximately 100 feet in length each, providing a total separation of 200 feet between the houses. The new building had effectively reduced this distance by half, fundamentally altering privacy. The speaker contended that with a combined separation of 200 feet the houses on Teignmouth Road and St Gabriels Road could not ordinarily see one another because the tree lines between the gardens were sufficiently high to provide privacy. By bringing the new building substantially closer to the boundary and effectively building on the border of these gardens, the relative height had been raised to the extent that no trees were tall enough to maintain privacy. The speaker felt that higher the building, the worse the loss of privacy became.
- It was further stated that the application was the latest in a series of applications in which directions and approvals issued by Brent Planning had been ignored.
- It was noted that Mapesbury was designated a Conservation Area in 1982 and argued that it could only remain so if the planning restrictions authored by Brent were enforced. The objector expressed concern that the building in question had been given approval despite being in direct contradiction to many elements of Brent Planning's Area Design Guide.
- The speaker reported that residents of Mapesbury had overwhelmingly supported Brent Planning's conservation guidance for the area, which was evidenced by a continual pattern of active objections to planning submissions concerning development at the site.
- The objector additionally stated that the initial application had been submitted by an architect on the basis of needing a family home and that, once approved, the site had been sold. The speaker asserted that the subsequent owner had constructed the building using labour housed in a wooden hut built on the site without permission on which the Planning Inspectorate were aware. The Planning Inspectorate upheld the enforcement notice dated 11 October 2021.

The Chair thanked Doug Brodie 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 questioned whether, if development were to take place on the site, the objector would accept any form of development and what character of building he would consider appropriate. In response, the objector stated that Mapesbury had been built between 1895 and 1905 and that the design guidelines had been prepared by Brent Planning in support of the original designation of the Conservation Area. Doug Brodie noted that, when the proposal had been described to the Mapesbury Residents Association (MAPRA) as a modern interpretation of the guidelines, members had considered this approach incompatible with conservation, which was predicated on maintaining established architectural features rather than reinterpreting them in a contemporary manner. It was also stated that, although

the building had now been permitted and constructed, the principal issue was that Conservation Area status was rendered ineffective unless enforcement action was taken promptly and consistently. It was highlighted that further sites within the Mapesbury estate were coming forward and that the maintenance of the Conservation Area rested with the planning department at Brent. It was further added that, if enforcement could not be maintained due to resource constraints, the Council should state this openly. It was additionally noted that the case had been ongoing since 2014 and that the property had remained vacant. Doug Brodie referred to the location plan, which showed large rear gardens with the building appearing out of place within that context. It was observed that the building had a flat roof within a Conservation Area and it was suggested that any new building should reflect the prevailing character and appearance of surrounding properties.

- The Chair observed that when Conservation Areas and other plans had been designated in the 1980s, the present housing crisis could not have been fully anticipated. It was stated that developments involving building within gardens were being approved in other wards in Brent and that a single area could not be exempted from an approach applied elsewhere. The Chair summarised the two principal strands of objection. The first was that there should be no building at all and that the land should remain as garden. The second was that some development might be acceptable, but that the current proposal was too large, of the wrong design, and not in keeping with the area. The Chair asked the objector which position he favoured. In response, the objector stated that, while he personally considered that the land should remain garden and had lived there for 35 years, he recognised that arguing for no development at all would be futile given the planning history. It was stated that the site location was inappropriate for the current building form and suggested that, if permission were to be approved, the Council should return to the parameters of the original consent. It was further noted that the building had been deliberately designed at an overscale by the architect. Doug Brodie raised a rhetorical question around whether Brent Planning would set a clear precedent that, in a contentious Conservation Area location, the minimum expectation was that any developer should adhere to the lines and parameters previously approved.

The Chair thanked Doug Brodie 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:

- In advising the Committee on the weight that should be given to the most recent appeal decision when determining the application, Paul Weeks (Senior Planning Lawyer) stated that the last appeal had been dismissed primarily due to the provision of a parking space at the front and related landscaping matters. It was reported that, in respect of design, the Inspector had differentiated the findings from the previous appeal by reference to additional evidence submitted at the later stage. It was noted that, without that information, it would have been difficult for the previous Inspector to conclude that the design was unacceptable. It was further advised that the design had effectively already been considered by an Inspector and that the sole reason for dismissal at the

most recent appeal concerned the parking and landscaping issues rather than design. It was concluded that the existence of this appeal decision represented a significant material consideration and that departing from the Inspector's findings could have repercussions in the event of a further appeal. Victoria McDonagh (Development Management Service Manager) additionally noted that the application had been referred to Committee due to the number of objections received and had therefore not been determined under delegated authority.

- The Chair questioned how much flexibility members had when determining the application in view of the legal advice provided. In response, David Glover (Head of Planning and Development Services) explained that members were required to have regard to all material considerations, including previous decisions on the application and particularly any appeal decisions relating to comparable development on the site. It was advised that decision makers could consider whether information not available to a previous Inspector was now available and whether such information might have led that Inspector to reach a different conclusion. The Committee were reminded that the Council had refused planning permission and that the subsequent appeal had been dismissed, following an earlier dismissal on a previous refusal. Attention was drawn to the most recent Inspector's report, which noted the earlier Inspector's conclusion that a reduction in the building height would not overcome the identified harm to the Conservation Area. The more recent Inspector stated that the absence of contextual analysis informed by robust evidence would have made it difficult for the earlier Inspector to conclude otherwise than that the dwelling was not appropriate for its context. Having reviewed evidence that had not been before the earlier Inspector, the more recent Inspector was satisfied that the concerns regarding dominance in the street scene by virtue of height and massing had been addressed. It was confirmed that the current submission did not contain additional information that would lead officers to a different conclusion in relation to their recommendation on this application. It was therefore advised that significant weight should be afforded to the more recent Inspector's view in respect of the relevant aspects of the scheme.
- Members questioned whether any guidance had been provided from the Conservation Officer. In response, Parag Dhanani (Career Grade Planning Officer) confirmed that the Conservation Officer had been consulted. It was reported that the Conservation Officer had considered the proposal to be of contemporary design and that the assessment provided by planning officers was sufficient in this case.
- Following on from the previous question, members queried when the Conservation Guide, originally written in the period around 1895, had last been updated. In response, Damian Manhertz (Development Management Area Manager) clarified that the Guide had been updated in 2018. It was clarified that the Conservation Officer's comments referred to the first application that had been approved. Members were informed that the Planning Inspector had undertaken a heritage assessment and applied the relevant statutory tests for decision making within a Conservation Area. Following that assessment,

officers had considered what differences needed to be made to address matters identified in the appeal decision as unacceptable.

- Assurance was sought that the Conservation Officer considered the scheme to meet the 2018 guidance. In response, Damian Manhertz (Development Management Area Manager) confirmed that this was correct and further stated that the required test assessing whether the proposal resulted in harm within the Conservation Area had been applied and that the proposal met those tests. Victoria McDonagh (Development Management Service Manager) additionally advised that in the previous appeal decision in 2024 the Inspector had concluded that the scheme was compliant with Brent's Local Plan, specifically policies DNP1 and BHC1. It was reported that the Inspector's conclusions included that the scheme sought to conserve and enhance the significant heritage asset and required the developer to complement the locality and contribute to local distinctiveness.

## DECISION

Having consider the application, the Committee **RESOLVED** to grant planning permission subject to:

- (1) The conditions and informatics, as set out in the main and updated within the supplementary committee report.

(Voting on the above decision was as follows: 4 in favour of granting planning permission, 1 in favour of refusal and 1 abstention).

## 6. Any Other Urgent Business

There was no other urgent business.

The meeting closed at 7.34 pm

COUNCILLOR KELCHER  
Chair