



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE

Held in the Conference Hall, Brent Civic Centre on Wednesday 15 December 2021 at 6.00 pm

PRESENT: Councillor Kelcher (Chair), Councillor Johnson (Vice Chair) and Councillors S Butt, Chappell, Kennelly, and Maurice.

### 1. Apologies for absence and clarification of alternative members

Apologies for absence were received from Councillors Dixon and Donnelly – Jackson.

### 2. Declarations of interests

There were no declarations of interest made at the meeting.

### 3. Minutes of the previous meeting

**RESOLVED** that the minutes of the previous meeting held on Wednesday 24<sup>th</sup> November 2021 be approved as an accurate record of the meeting.

### 4. 21/3248 – Lidding Garages, Lidding Road, Harrow, HA3

#### PROPOSAL:

The demolition of the existing garages and redevelopment to provide 3 self-contained flats and 5 dwelling houses; with associated car parking, cycle storage, refuse storage, amenity space and landscaping.

#### RECOMMENDATION:

- (1) That the Committee resolve to GRANT planning permission subject to the Head of Planning being delegated authority to issue the planning permission and impose the conditions and informatives as set out in the report.
- (2) That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.
- (3) That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

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Liam McFadden, Planning Officer introduced the report and set out the key issues. In introducing the application members were advised that the scheme proposed the demolition of the existing garages and redevelopment to provide 3 self-contained flats and 5 dwelling houses; with associated car parking, cycle storage, refuse storage, amenity space and landscaping. This was on an application site comprising of a 0.32 hectare plot of land at the rear of 1 to 31 Lidding Road, and to the south of Lidding Road adjacent to the Wealdstone Brook, which included an alleyway and 27 detached garages accessed from Gooseacre Lane.

In reference to the supplementary report circulated in advance of the meeting, the Planning Officer drew members' attention to the updated bat survey, an amended landscaping design plan and proposed amendments to Condition 2, Condition 8, Condition 12 and Condition 10. In addition, the inclusion of a further condition had been recommended requiring the approval of a Construction and Ecological Management Plan. Subject to the amended and additional conditions members were advised that the recommendation remained to approve the application.

As no questions were raised by members, the Chair then invited John Poole (objector) to address the Committee (in person) in relation to the application who raised a number of concerns including:

- The area of land within which the development was proposed had been subject to ongoing issues regarding poorly maintained foul sewer pipes and surface water pipes. The proposed plans indicated the new development would connect directly to the same foul sewer and drainage pipe network.
- Both sets of pipes had reportedly been subject to investigation by Thames Water over the past few years, who had concluded that the foul sewers and surface water sewers were working at near full capacity in normal rain events leading to potential overflow in storm conditions as had already been experienced with the foul sewer pipe spilling raw sewage on two occasions in the past year.
- That the surface water pipes that ran from Kenton Road under the proposed development and into the Wealdstone Brook frequently get blocked, this had resulted in them repeatedly failing to discharge their contents into the Brook during storm events, which had resulted in surface flooding across the proposed site and local area.
- The Environment Agency had identified the area of the proposed development as Flood Zone 3, and had initially objected to the application. Whilst these objections had subsequently been withdrawn as a result of amendments made to the application which included raising the properties higher than ground level, providing space underneath for surface water to run off and escape during flood events, objectors do not feel confident that the proposed new homes would be safe.
- That the Title Deed for the proposed development site did not include the disused garages and as a result the planning maps submitted were felt to be incorrect.
- The proposed developments were on green field sites with only units 7 and 8 on an area where the current garages existed. Units 1- 6 of the proposed development would be in green field green infill sites which it was felt went against Brent Council's environmental and biodiversity policies.

In response to questions from members, John Poole made the following points:

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- Local properties had been frequently affected when there had been heavy rain conditions which had resulted in surface water not being able to run off properly from the site due to the volume and the lack of additional capacity in Wealdstone Brook, which it was felt would be made worse by an additional development on the site
- Local residents were regularly impacted by the smell emanating from the Brook when the water was high due to the level of pollution.
- In terms of mitigating actions, local objectors felt the only way the concerns highlighted could be addressed would be for Thames Water to replace and restructure both the damaged sewer pipes and surface water pipes before any new development on this site was considered.

Kerry Royston, the applicant's agent was then invited to address the Committee (online) and highlighted several matters including:

- The application formed part of Brent's New Council Homes Programme to redevelop under-utilised sites across the Borough to provide 1,000 much needed affordable homes by 2024, with the existing garages vacant and in a state of disrepair attracting anti-social behaviours and fly-tipping.
- There had been an extensive public consultation, including a 4 week online consultation in Spring 2021, which had included local ward Councillors.
- All of the proposed new homes would be provided at genuinely affordable London Affordable Rent, which significantly exceeded policy requirements.
- Brent Council would own the properties along with their nomination rights with five of the homes being larger 3-bedroom homes, equating to 62.5% family-sized housing, reflecting the area of greatest need.
- The proposal had been designed to protect the privacy and amenity of neighbouring properties in terms of noise, daylight and sunlight and overlooking.
- All homes would exceed minimum internal space standards and benefit from dual aspect and private amenity space. The Council's Design Officer had supported the proposals and had considered them to represent an exemplar infill scheme.
- Ten car parking spaces were proposed for the development, this would be fully compliant with Brent's maximum parking standards, and the application was supported by the Council's Transportation Team.
- There were no objections from the Lead Local Flood Authority or the Environment Agency, with it considered that flood risks had been effectively mitigated and that there would be a betterment to surface water discharge.
- The proposed scheme would not be located in an area of high ecological importance with a buffer zone maintained between the new homes and the site of importance for nature conservation (SINC). The Landscape Strategy had also increased the number of trees with the proposed urban greening factor score fully compliant with policy requirements.

Members raised queries regarding the drainage strategy as part of the flood risk assessment and required further clarification around the concerns identified in relation to the foul sewer system and surface water pipes. In response to the questions from members Kerry Royston supported by the applicants other representative, architect, Marcus Nelson (also participating online), clarified the following points:

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- Thames Water had confirmed with the applicant that there was sufficient capacity within the Brook and pipe network to cope with the proposed new development, both in terms of surface water and foul water with the developer having submitted a flood risk assessment and drainage strategy including a number of flood resistance and mitigation measures providing a significant betterment in terms of surface water discharge
- Whilst acknowledging the additional dwellings proposed would generate foul waste the design of the new homes would be more efficient in terms of its discharge with approval also required from Thames Water (who owned and maintained the sewer network) prior to connection. Thames Water had confirmed that sufficient capacity was available within the existing network with the opportunity to undertake any upgrade available prior to connection to the existing network being authorised, should this be felt necessary. No comments had, however, been received at this stage from Thames Water regarding any damage or upgrade works required to the existing pipe network.
- The drainage strategy confirmed that there would also be a betterment post development as a result of the improved landscaping.

Councillor Kansagra, in his capacity as the local ward councillor, was then invited to address the committee (online) in support of the objections raised and highlighted the following points:

- Whilst recognising the need for the provision of affordable housing, support was expressed for the concerns which had been highlighted in relation to the flooding and drainage issues affecting the site.
- The brownfield status of the application was also queried in relation to the overall footprint of the development with concerns also raised that the build and design of the proposed development was out of the character with the surrounding local area.
- As a result of the concerns highlighted the Committee was asked to consider deferring a decision on the application in order to enable further clarification and detail to be sought on the overall scale of the development and further assurance to be sought from Thames Water regarding the mitigating actions to address the flooding and drainage issues identified.

No further questions were raised by Committee members in relation to the representation made by Councillor Kansagra.

In the ensuing discussion, members acknowledged the benefits of the proposed development with particular emphasis on the welcome provision of affordable council run housing. However there were continued concerns regarding the flooding and drainage issues, construction traffic to the site, the width of the accesses to the site that would be used by construction vehicles and how confirmation can be sought that checks would be completed during construction in line with the flood risk plan to ensure the voids remain clear. Officers then clarified a number of key points including:

- Thames Water had confirmed that the network had sufficient capacity to cope with the new development, both in terms of surface water and foul water.
- The Council's Drainage Officer had reviewed the Flood Risk Assessment. Whilst it had been accepted that there had been issues with drainage and flooding on the site, the proposed scheme would result in a betterment in terms

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of drainage rates at the site and was felt had effectively mitigated against the impacts of flooding events on the future residential units. The application was therefore in line with Policy SI 12 of the London Plan and similarly DMP 9A, which stated proposed schemes should demonstrate that they would be resilient to all surfaces of flooding and should not increase the risk of flooding elsewhere

- Improvements would include permeable paving to help attenuate water and Surface Water Flood Routing resulting in the surface water flow path crossing the site from north to south, into Wealdstone Brook which would mitigate the flood risk to the proposed Plots 1-6 and would ensure that flood risk was not increased outside the site boundary.
- As detailed in Paragraph 79 of the report, there would also be a betterment to brownfield discharge rates, which would consequently improve the flood risk locally.
- It was considered that the development would result in overall improved surface water drainage when compared to existing circumstances and that this was acceptable in terms of flood risk and potential impact on the local sewerage system. No objections had subsequently been received from either the Lead Local Flood Authority or Environment Agency.
- Whilst noting the concerns which had been highlighted in relation to the repair and maintenance of the local drainage and sewage pipe network and current levels of pollution within Wealdstone Brook, the Committee was reminded that these issues fell outside the scope of the application. Any works required to the existing pipe and sewage infrastructure would be matters for Thames Water to address and fund. Whilst not within the Committee's remit to seek guarantees on any work required to the network by Thames Water, there would be a need to obtain consent prior to any connection from the application site to the drainage and sewage network involving further assurance from Thames Water regarding the impact of the proposed development on the associated infrastructure.
- The split between the brownfield and greenfield element of the development site.
- In response to a query around how the construction works would be monitored to ensure compliance with the Flood Risk Assessment directive that a void must be kept between ground level at the existing flood level for Plots 1-6, officers confirmed that this would be undertaken as part of the building control requirements and through conditions with the ability to also require a verification report to ensure the construction had complied with the necessary requirements.
- In response to concerns around the impact on residents with regard to access for construction traffic to the site, officers advised that the proposed access arrangements to and within the site were considered to be acceptable and would provide sufficient space for access by emergency vehicles and construction traffic. This would also be regulated via condition with the developers required to submit a Construction Logistics Plan which would include an assessment of the access arrangements to the site and any potential mitigations that may be required.

Having considered the application and comments made at the meeting members advised that there were still a number of issues on which it was felt further clarification was required prior to any final decision being made. It was therefore

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RESOLVED unanimously by the Committee, having been moved by Councillor Johnson and seconded by Councillor Maurice, to defer a final decision on the application in order to:

- (1) Seek further details from Thames Water in relation to the impact of the proposed development on drainage and the maintenance of the sewerage infrastructure and how these would be mitigated;
- (2) Seek further details on the location of the flooding incidents identified within the Flood Risk Assessment; and
- (3) Seek further details on the proposals to alleviate concerns regarding the access of construction traffic to the site via Gooseacre Lane as part of the Construction Method Statement and Logistics Plan to be secured via condition.

### 5. 21/2705 – Land Rear of 65 Teignmouth Road, London

#### PROPOSAL:

Retrospective application for demolition of garage and proposed construction of a single-storey residential unit (Use Class C3), provision of cycle and refuse storage, associated landscaping and renewed boundary fencing.

#### RECOMMENDATION:

- (1) That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose the conditions and informatives as set out within the report.
- (2) That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

Damian Manhertz, Planning Team Leader South, introduced the report, set out the key issues and answered member's questions. In introducing the application members were advised that permission was being sought to rebuild the previous garage located on the site as a one-bedroom dwelling house, incorporating a new side extension adjacent to the boundary of 94 Dartmouth Road. There would be no change to existing access arrangements, with the site fronting onto Lydford Road. The proposal was identical in size, siting and scale to the previous consent to convert the garage into a house with extensions and alterations to the structure, with the exception of minor amendments to some details. The submission followed the demolition of the garage, which had occurred during the works to construct the dwelling which the applicants stated had not been intentional.

As there were no registered speakers on this application, members were invited to ask officers any clarifying questions. In response to member questions officers confirmed that:

- The Heritage Officer had been consulted and was satisfied that the plans for the proposed building would reflect the previous build in terms of both scale

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and design. Whilst some minor changes had needed to be made to period detailing to the roof and to enable reclaimed material to be used the current proposal was not considered to result in any harm to the conservation area or have any significant impact on the overall living conditions of neighbouring occupiers.

- The application had required consideration by Planning Committee as the threshold had been met due to the number of objections received.

With no further issues raised and having established that all members had followed the discussions the Chair asked members to vote on the recommendations.

DECISION: Granted planning permission subject to the conditions and informatives as set out within the report.

(Voting on the recommendation was as follows: For 6 & Against 0.)

### **6. Any Other Urgent Business**

None.

The meeting closed at 7.22 pm

COUNCILLOR KELCHER  
Chair