

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

15 November, 2023
06
22/3124

SITE INFORMATION

RECEIVED	7 September, 2022
WARD	Barnhill
PLANNING AREA	Brent Connects Kingsbury & Kenton
LOCATION	Newland Court Garages, Forty Avenue, Wembley
PROPOSAL	Demolition of all garages on site to provide five new homes with associated cycle and refuse storage, resurfacing of Newland Court to provide shared vehicular and pedestrian surface, provision of on-street car parking along Newland Court, new refuse storage facilities to serve existing residents at Newland Court and all associated landscaping works (revised scheme)
PLAN NO'S	Please refer to condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_161793</p> <p><u>When viewing this as a Hard Copy</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "22/3124" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and attach the following informatives in relation to the following matters:

Conditions

1. Three year commencement rule
2. In accordance with approved plans
3. Affordable housing
4. Restriction of PD rights for dwellinghouses
5. Water Consumption
6. Obscured glazed
7. Drainage Strategy compliance
8. Ecology report compliance
9. Bin, cycle and parking compliance
10. External amenity compliance
11. Non-Road Mobile Machinery
12. Car free development
13. Construction Method Statement
14. Construction Environmental Method Statement
15. Tree Protection Measures
16. External Materials
17. Hard/ soft landscaping and lighting details
18. Car park management
19. External lighting

Informative

1. CIL liability
2. Party Wall Act
3. Building Near Boundary
4. Asbestos
5. Fire Statement
6. Construction hours

As set out within the draft decision notice

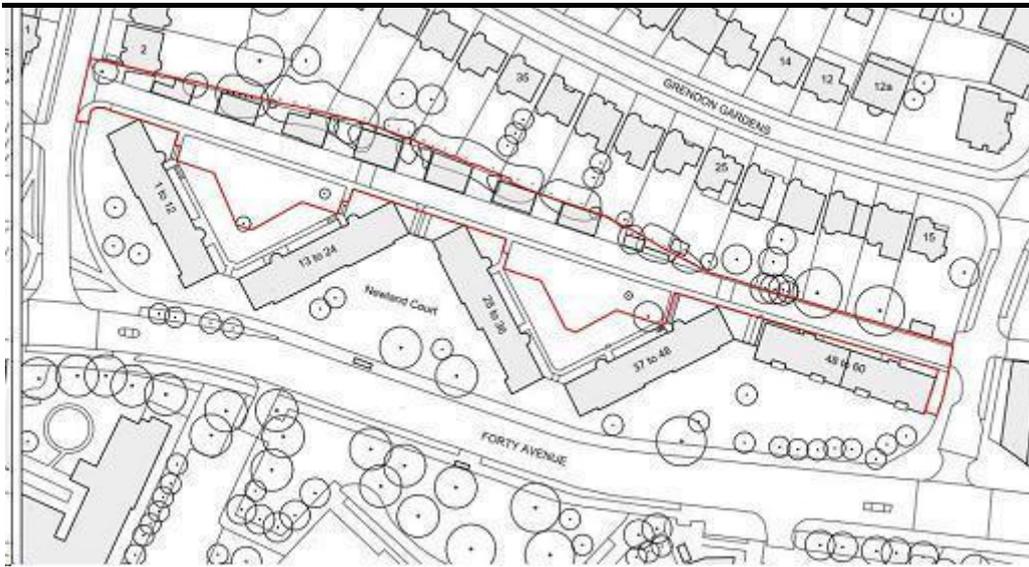
1. That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied 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.

2. 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.

SITE MAP

	Planning Committee Map
Brent	Site address: Newland Court Garages, Forty Avenue, Wembley
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This map is indicative only.



PROPOSAL IN DETAIL

Demolition of all garages on site to provide five new homes with associated cycle and refuse storage, resurfacing of Newland Court to provide shared vehicular and pedestrian surface, provision of on-street car parking along Newland Court, new refuse storage facilities to serve existing residents at Newland Court and all associated landscaping works.

Amendments since submission

The application has been amended in response to feedback from council's internal consultees. Notably, this included concerns from the Council's Urban Design and Heritage Officers in relation to the impact of the new home closest to the corner with Corringham Road, transportation officer in relation to parking overspill, whereby the removal of residential units and additional car parking along Newland Court was recommended. The tree officer also raised concerns regarding the future maintenance of trees. In response to the above concerns the application was reviewed with the total number of residential homes within the site reduced alongside several other resultant changes. These main changes are summarised below:

- Units 01 and 07 have been omitted from the proposals. As such, the total number of units has been reduced from seven to five units – now comprising 3 x 3-bedroom 5 person units and 2 x 4-bed 7 person units.
- The removal of two residential units has allowed for a substantial increase to car parking. In total, 28 on-street car parking spaces are now re-provided as part of the proposals (in comparison to 12 under the original planning application).
- The private amenity areas serving the proposed units have been increased in size (again as a result in the reduction to the total number of residential units).
- The location of the bin stores has been revised to more convenient locations for existing/future residents.
- The total number of trees and tree groups proposed for removal to accommodate the proposals has been reduced from 13 to eight trees and tree groups. These are all low-Grade C trees and tree groups. 14 new trees will be planted across the site.
- 15 existing trees and tree groups will be retained, with additional protection measures proposed for five of these trees and tree groups which will be affected by the proposed works. This is summarised in full within the supporting Arboriculture Impact Assessment Addendum (March 2023) (as prepared by Waterman).
- The reduction in the total number of residential units aims to minimise maintenance of trees whilst enhancing the outlook for future residents.
- Further landscaping has been incorporated at the entrance of the scheme, enhancing outlook and a sense of arrival for residents and visitors.
- 1.7 metre footpaths are also provided either side of the proposed one-way street, allowing additional green space to communal green areas of Newland Court to be maintained.

All technical reports have also been updated based on the above amendments.

EXISTING

The Newland Court estate fronts Forty Avenue and contains 60 residential units, with a 5.2 m wide service road with a 1.8 m wide footway at the rear linking Corringham Road and Barn Rise. Pedestrian access is provided via the service road, with the blocks turning their backs onto Forty Avenue. On the northern side of the service road are a series of 34 garages in rows of 1, 2 or 3, with each row fronting its own courtyard accessed from the service road. Otherwise, parking mainly consists of parallel car parking along one side of the service road, which provides about 36 spaces. The application site comprises the 34 garages across the northern side of the service road of Newland Court, the service road itself and areas of landscaping between the residential blocks.

The site is adjacent to Barn Hill Conservation Area, a designated heritage asset, sited to the north of the application site. The section of Forty Avenue that fronts Newland Court is designated as an Intensification Corridor within Brent's Local Plan and to the east of the application is the boundary of Wembley Growth Area.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

Representations Received: Representations were received from 45 objectors. A number of issues were raised including the impact of the development on the trees within Barn Hill Conservation Area (a designated heritage asset), accuracy of the submission, design and massing, wildlife and ecology, flood risk, parking reduction, highway and anti-social behaviour, safety concerns, noise, mental health impact as well as equalities. The objections have been considered and are summarised in more detail below and discussed in the report.

Principle of Development: The London Plan and Brent's Local Plan recognise the role of small sites in the delivery of new homes that are needed in the borough. The site has a Public Transport Accessibility Level (PTAL) of 4 and is within a priority area for housing. The general principle of residential development is supported in this location, contributing towards the Council's housing targets. The site abuts Barn Hill Conservation Area on the northern boundary of the site. The demolition of the existing garages is considered acceptable. The buildings are not listed or located within the conservation area.

Highway impacts: The proposed homes would be within an area with good PTAL of 4 for public transport. There are approximately 36 parking spaces within the access road and 34 garages. A total of 28 parking spaces are proposed to be re-provided for the existing occupiers to accommodate the number of spaces identified within the parking survey. The proposed dwellings would be "parking permit restricted". Transportation officers have reviewed the proposal and consider that the proposal is not likely to result in significant overspill parking on the surrounding streets. The new homes would be provided with secure and covered cycle parking as well as refuse storage facility improvements for existing and proposed residents.

Residential amenity: The proposal would not result in a significant impact on the residential amenities of neighbouring occupiers in terms of noise and disturbance, daylight and sunlight or overlooking to any immediate adjoining residential neighbours having regard to the provisions in SPD1 and the BRE guidance relating to the consideration of daylight and sunlight.

Design and appearance: The proposal is considered to represent a good standard of design within the site and would not result in a harmful impact on the character and appearance of the local area or Barn Hill Conservation Area on the border of the site.

Trees, landscaping and ecology: The total number of trees and tree groups proposed for removal to accommodate the proposals is eight trees and tree groups. There are concerns with the canopy of trees mostly G6, G3 and G4 over the proposed development in terms of future increased frequency of pollarding and maintenance, however the potential harm is outweighed by the overall planning benefits of the scheme. Landscaping and fourteen new trees have been provided with a practical layout within the communal green areas and garden areas. The proposal would have a Urban Greening Factor (UGF) score of 0.225 which falls short of the London Plan and Brent target of 0.4. The significant planning benefits in delivering additional family housing within the Borough in a sustainable location in buildings of high quality design with considered landscaping is considered to outweigh the non-compliance with this particular policy. An ecology impact assessment has been submitted as part of this application as well with recommendations that have been conditioned as part of this application.

Flood Risk: Some minor parts of the site at the entrance of first and second garages as well Newland Court landscaped communal area lie within Flood Zone 3a for surface water flooding. The applicant has provided a Flood Risk Assessment with number of measures to be included ensuring that the development would be resistant and resilient to flooding. The site currently is mostly impermeable and the proposed recommendations would provide improvement for surface water runoffs on site. The drainage layout and the greenfield run off discharge rate to 2.6 l/s for the 1 in 100 year storm event per report has been deemed satisfactory.

RELEVANT SITE HISTORY

No relevant planning history

CONSULTATIONS

87 properties within the vicinity of the site were notified by letter of this proposal for a 21 day period on 20/09/2023 together with Barnhill Resident Association, with subsequent re-consultations on 28/04/2023 and 02/05/2023. A site notice was also erected on a lamp post at the entrance of Newland Court on 28/04/2023.

A total of 46 objections were received from individual persons (some of which submitted a number of objections) including Barry Gardiner MP and the Barn Hill Residents Association. A summary of the issues raised is discussed below:

Nature of Objection	Officer response
Trees, landscaping and ecology	
<u>Trees</u>	
<ul style="list-style-type: none"> • The trees are in conservation area and pruning needs permission and independent tree specialist report states that development would damage the trees in Conservation Area properties. • Independent Tree consultant comments are as below: • <i>G17 category C should be B category as they form an important boundary feature and have life expectancy in excess of 20 years</i> • <i>There needs to be certainty over the retaining wall which is key in protecting the trees in the rear gardens of 27-43 Grendon Gardens. The retaining wall must remain in situ and no alterations to the ground between the retaining wall and the boundary fence must take place.</i> • <i>These (G3, G4, G6, G13, T15, G17 and T19) groups of trees overhang the site by up to four metres in places and will require significant pruning in order to enable the construction of the proposed dwellings. Furthermore, the trees overhang the small private amenity spaces. The majority of the overhanging trees are lime (Tilia sp.) that are susceptible to honey dew, a sticky substance that is secreted by aphids feeding on the sap in the leaves. Honey dew is of a particular nuisance when hard surfaces are beneath the canopies of trees, as is shown on the proposed landscape plan. It is likely that the future residents will deem this unacceptable and wish to have the canopies regularly pruned back. Whilst it will be within their rights to do so, the trees are within a conservation area so the future residents will be obliged to submit a 211 notification every time they require the trees to be pruned, placing an administrative burden on the residents and the local authority.</i> • <i>The offsite boundary trees are also significant in height, especially those within G6. These trees will tower over the new dwellings and amenity spaces which future residents are likely to be threatened by, especially during inclement weather. This in turn has the potential to lead to future pressure to heavily prune or remove the trees and could lead to neighbourly disputes. The report shows T14 as removed (Table 7-1 Arboricultural Impact Assessment). However, upon review from within the rear garden of 29</i> 	<p>Please refer to paragraph 85-95 within the main report.</p> <p>It is noted that the tree officer has raised concerns with the impact of units 2 and 4 upon tree groups 4 and 6, due to the increased pressure to permit more regular lopping, topping or felling the trees within the rear gardens of Grendon Gardens, and the impact that this will have on both the visual amenity of the local area, and specifically the adjacent Barn Hill Conservation Area. Officers note the concerns raised by the tree officer, but acknowledge that the tree groups have already been subject to pruning works. Further works to the trees are likely to take place in the future even if the development did not go ahead, although they would be likely to be on a less frequency basis if the new homes were not provided in proximity to the trees. Whilst it is acknowledged that the more frequent pruning could result in the impacts of pruning on visual amenity and the wider Conservation Area being experienced more frequently than at present, the benefits of the scheme to deliver five family sized affordable homes would outweigh any identified harm.</p>

Grendon Gardens, it is clearly not within the site boundary and therefore cannot be removed without the consent of the owner.

- *In conclusion, per tree consultant comments the report does not fully assess the impacts of the proposed development on the trees growing within the rear gardens of 27-43 Grendon Gardens. If the above ground constraints the trees pose was truly assessed, it would be clear that the proposed development of the site would be unsustainable due to the need for regular tree surgery in order to make the dwellings habitable.*
- No trees to be removed within neighbouring lands as T1 and G7 are within No. 2 Corringham Road property. G7 tree is crucial in the screening of Newland Court Residents and No.2 CR property. T20 provides privacy to the front garden.
- The Arboricultural Impact Assessment gives a low 'C' grade to all of the self-sown ashes, sycamores etc which are scheduled for removal, but several of these (eg T1, T2, T9, T10, G7) are admitted to be perfectly healthy semi-mature trees, and they could continue (in my view, as a professional gardener) to grow there for decades. The removal of G7 (and to a lesser extent T1 and T2) would have an obvious and detrimental impact on the landscape.
- Procedural matters such as consultation and tree effects on cutting healthy trees within Conservation Area have to involve Government Environment Agencies and ministers and would have Wildlife and habitable impact Residents will be seeking an indemnity from Brent Council if building goes ahead against any claim for nuisance caused by the trees .Also expect compensation if the trees do not survive as a result of damage to roots or to the constant pruning on just one side of the trees.
- The Group G7 add greatly to the landscape value of the area for Newland Court residents and for the houses in Corringham Road and numbers 45 and 43 Grendon Gardens. In the earlier Waterman Report of September 2022, in the Schedule of Existing Trees (p 34), G7 is described as "Off-site", wording now omitted in their new report.
- The report states G4 is unlikely to have extended below the existing retaining wall, however this may not be the case and therefore tests should be carried out. This can be done by using Ground Penetrating Radar and no planning permission should be granted until this has been done. The same case has happened on 1 Morland Gardens, ref.20/0345 where from the findings a two metre wide root protection was incorporated into the development. As such it might not be possible to built this much housing without causing serious damage to number of groups within Barn Hill Conservation area.
- The canopy pruning of the lime trees G4, the

<p>loss of sunlight from the proposed buildings, the sticky residue from limes, the risk to the trees of too much pruning all put the life of the trees in some danger. The conclusion is that the site chosen to build is totally unsuitable for housing and amenity space.</p> <ul style="list-style-type: none"> The trees are to screen Newland Court from Grendon Gardens and are therapeutic to residents. The removal is reducing the urban greening space on site and how is this tackling climate crisis and health inequalities in the community. 	
<p>The BRE guideline doesn't make reference to the trees. A number of the houses will be affected by the overhang from the crown of the adjacent trees, which are growing in the protected Conservation Area. There will be a significant amount of pressure on the council to allow works to lop, top and fell trees, which are protected by virtue of growing within the Conservation Area boundary if this proposal go as planned.</p>	<p>Please refer to paragraph 36.</p>
<p>Air quality reduction with tree removal.</p>	<p>As the application is not a major development there is no requirement to submit an air quality neutral assessment.</p> <p>The application would propose a net increase in trees across the site, together with biodiversity enhancement measures.</p>
<p><u>Ecology</u></p> <ul style="list-style-type: none"> The trees are home to robins, magpies, parquets and even the occasional bats, squirrels that have been sighted by keen residential bird watchers which are protected species under the wildlife and countryside ACT 1981 and regulations ACT 1994. The Ecological survey is flawed because it was done more than two weeks after it should have been carried out to check whether there was any bat roost in the garage building they identified as a low possibility roost site. Furthermore, carrying out bat surveys when street lightning could influence an inaccurate reading as bats would only normally be seen in dark conditions as they are sensitive to bright lights. Ecological assessment took place in the daytime in October and previously February. As must be known to the ecologist, surveys in neither of these months will provide any bat activity, even if any part of the inspection took place as a monitoring at dusk or dawn. Pipistrelle bats fly in Barham Park. The authors of the survey recommended a larger survey including night-time observation for bats be undertaken unless that happens it cannot be 	<p>The site does not lie within any designated ecological site. Nevertheless, given the age and condition of the garages and the proximity to the trees and gardens along the northern boundary, an ecology assessment was carried out, which included consideration of protected species such as bats. This is discussed within remarks section below under paragraphs 100-107.</p> <p>A landscaping condition is attached to this application for further details on the vegetation and native planting to be proposed taking into account the recommendations within the Ecology report.</p>

<p>known for certain this important legally protected species being protected by Barham Park and the risk to them of such a development.</p> <ul style="list-style-type: none"> • From a practical perspective, the development clearly shows light from the side and rear of the new development but demolition will, of course eradicate the potential roost. • The proposal is contrary to BG1 of Brent Local plan to achieve net gain in biodiversity' and London Plan policy G5 requirement which would have adverse effect on the local biodiversity. The EES Bat survey carried out in incorrect time of the year and the new EES should be carried out between May and August 2023 	
<p>Urban Greening Factor</p> <p>The UGF Factor is short of 0.4 per policy BH4. Policy is set for a reason and repeated non-compliance cannot be brushed aside because of other 'significant enhancements which are no significant nor enhancement.</p>	<p>It is acknowledged that the site would not achieve an urban greening factor of 0.4. Nevertheless, the site is constraint and urban greening has been maximised. The overall benefits of the scheme including the delivery of five family sized affordable homes would outweigh the limited harm.</p>
<p>Design related matters</p>	
<p><u>Design:</u></p> <ul style="list-style-type: none"> • The 4 bed appears to have flat green roof, would this be used as it would overlook the properties and cause security risk. • Overcrowding - The houses are tiny, cramped and not of good standard and not fit for purpose for the amenity space. • The two storey houses are very high and even with the step down towards Grendon Gardens would have an overbearing nature on the neighbouring properties due to proximity of the scheme. Single storey design is more appropriate and reduction in number to four. • There is no guarantee that the obscured/unopenable windows in these properties remain obscured/unopenable for the lifetime of the property. • Pavements close to the blocks encroaching the legal minimum and ableist design ignoring residents with mobility issues and anyone with pram. • The scale of the proposed units is such that there is very minimal useable amenity space most of which will be overhung by tree canopies, as will most of the units.' While the plans submitted under the original and revised applications 22/3124 may look possible on paper, they would not work in practice, because of the proximity of the protected trees in the rear gardens of homes in Grendon Gardens. • The amenity space calculations fall short and contrary to BH13 and residents would incur charges for regular tree pruning. 	<p>Please refer to paragraphs 8-16 and 27-43 in relation to design, internal floorspace sizes and external amenity space.</p> <p>There is no access to the flat roofs of the houses and condition is attached for the windows towards Grendon Gardens at first floor to be obscured glazed and high opening.</p>

Impact on Barn Hill Conservation Area	
<p><u>Heritage impact:</u></p> <p>The boundary of the conservation area has been drawn differently in relation to the edge of Newland Court in the different documents on Brent website, and that the map that was included in the Design Guide shows the boundary to run along the edge of the Newlands Court carriageway, with the garages shown in the CA. However, other maps show the garages to be outside of the CA. Even with affordable homes its not an exceptional benefit to justify harm to the designated heritage asset contrary to Brent's policy BCH1. The development would cause harm Barn Hill CA by cutting the trees which is an important heritage asset.</p>	<p>The Newland Court garage site is not within the designated Barn Hill Conservation Area. However, due to a drafting error, it was shown as being within the conservation area within the Barn Hill Design Guide. The original boundary map is held as a Local Land Charge and this clearly shows the boundary and that the garage site is outside said boundary. One cannot change the boundary of a conservation area through the publication of a design guide, and the original designation map is the relevant source to ascertain the boundary of the conservation area.</p> <p>Nevertheless, as the proposal would be sited along the boundary with the Barn Hill Conservation Area, an assessment has been made as to whether any harm would arise to the Barn Hill Conservation Area as discussed within paragraphs 17-26 below.</p>
Parking and transport related matters	
<p><u>Parking and highways</u></p> <ul style="list-style-type: none"> • Parking has been reduced from 40 to 28 and at least 5 residents are disabled badge holders, several cab and delivery services and other self-employed car users. The parking is still short of 15 spaces. 2 of the existing residents have electric cars and no EV charging proposed. • Since 1988 and about 15 years ago Brent introduced parking restrictions and charged us £10 for permits and another £10 to have a visitors permit. Earlier this year the residents received letters from Wing Parking saying that they wouldn't be charged anymore for the permits. We still had to have them displayed or we would be ticketed. • 3 garages are still being used for cars and rented. One is used by disabled badge holder for parking car. The garage was damaged by council vehicle and repaired discovering that all garage roofs have asbestos. • Parking survey is flawed and inaccurate and conducted between 00.30 and 3:00 AM and no weekend survey conducted or impact of event days. 4 schools within metres of the site and as such the survey should have been conducted between 2:00 pm, and 4:00 PM weekdays. • The parking space is not 32 on Grendon gardens and only 15 to allow service vehicles to zig-zag between car parks of which 8 are occupied permanently by owners and only 7 available and the survey is a misrepresentation and miscalculation that puts lives at risk in an emergency. • The plans show that the pavement and parking spaces are moved to the right from where the 	<p>Please refer to paragraph 61-76.</p> <p>Transport officers have advised that they are satisfied that the proposed parking provision is likely to be sufficient to accommodate parking demand within the estate. The new homes would be car free with the right of future residents to not be entitled to parking permits. A car park management plan is also recommended to be secured through condition to ensure that the parking spaces within the estate continue to be available for existing residents. Enforcement of such parking restrictions would need to be enforced by the housing team as the estate access road is not adopted highway.</p> <p>There are no formally marked out disabled bays within Newland Court and given the size and age of the garages, any that are still used for parking, would not be suitable for disabled parking.</p> <p>Moreover, car park management plan as well as raised speed tables along the length is attached as a condition to the application. EV provision is also conditioned with this application.</p> <p>The partial loss of the grassed area to accommodate the parking has been discussed within the remarks section below.</p>

- grass starts taking away the green space.
- 12 parking spaces along the flats 49-20 by the barrier gate are moved from the south side by the pavement to North side which is against the shrubs and raised wall meaning that the cars have to let passengers such as elderly and kids on the road which is not safe. As such it is safer and more practical to have the cars parked on the south next to the pavement. The cars are also under the trees with constant sticky residue and bird poo damaging car paint works.
- Safety risks - Brent turning private road into a new one way public highways is a very dangerous move as it would be less than 5 metres wide and would encourage even more cars to use Newland Court as a cut through to avoid traffic on Forty Avenue which runs about 20 metres parallel with Newland Court. This would increase traffic flow and speeding vehicles.
- The pavements and swept path shown would reduce the parking space, access to bin collection, emergency services and security of properties on Grendon Gardens. The ambulances are regularly on the road and park between the garages. As such allocated car parking space is needed for emergency vehicles and refuse not to block the road.
- Will the parking spaces be pay and display or permit holders only each household for free as street permits are expensive and unfair on tenants.
- The application is in breach of Brent's Local plan BT2
- Road Maintenance, Road Marking - There is no mention to reassure the maintenance of Security Measures , Monitoring of Parking Space Use, Better Lighting , Camera monitoring and overall Road Safety at all times during the day and Night

Waste and bins

- Bins are reduced from existing 14 which is short for 60 flats and we want them away from our urban green space due to stench.
- The bin are going to replace the plants next to flats 49-60 and the welcoming entrance of Newland Court with stinking bins instead. Also the bins would be used by people on Barn Rise and fly tipping already occurring on site. As such the bins are placed in an unsuitable place.
- Bin storage location and accessibility concerns for residents with mobility issues

The four bin stores are located along Newland Court and are accessed from the street at ground level. The location of the bin stores is compliant with recommended travel distances from residents' properties to bin stores (maximum of 30m excluding vertical travel) as set out in BS 5906 'Waste management in buildings'. Additionally, the four small stores are located to minimise the visual impact to residents and would enhance the existing circumstances on site with bins location on the existing green communal space and entrances. The total provision of waste and bin would comply with BS 5906 'Waste management in buildings'.

Impact on neighbouring properties

Separation distances:

No consideration has been taken towards the existing residents of Newland Court as the 18m overlooking rule has been halved. Brent Council's new plans states the overlooking distance is 10m but we have measured several times and the 2 angled out buildings that are closest to the new

Please refer to remarks on paragraphs 44-48.

houses measure 7m, 8m and 9m from the windows. The Design and access statement on page 25 is not the same as page 16.

Flooding and Drainage

Flooding and drainage:

- There is an existing problem of flooding in wet weather due to poor drainage in the gardens of 33, 35 and 37 Grendon Gardens (and perhaps elsewhere in GG), and it seems reasonable to think that this will be exacerbated by building immediately below these gardens. So far as we can see, this has not been addressed in the Flood Risk Assessment or elsewhere.
- Building works need to remake exist points for the drainage holes and ensure they are drained from surface water that constantly gather in Grendon Garden and ensure this does not damage the amenity area of the proposed new houses. The proposal needs to state if it is planned to create a drainage ditch at the retaining wall to deal with these issues for the residents of Grendon Gardens.
- Due to rear gardens of Grendon Gardens suffering from flooding during rain episodes, the disturbance of the tree roots would bring water down on to this development. Barn Hill is suffering from increased water run off, all over, due to all the developments (extensions, etc) that take place.

This is discussed within remarks section below under paragraphs 79-84.

Other matters

General queries for up keeping of the estate

For years the residents have asked for:-
 1) New security gates installed at both entrances for the safety of residents, to stop drug pushers, drug users and to stop fly tipping.
 2) Proper security lighting and cameras installed for the safety of residents.
 3) Not reduced parking spaces but more made with at least 4 disabled parking bays.
 4) Bins situated away from the flats because of the stench. The bins have never been jet cleaned or disinfected and more bins not less to service 60 flats.
 5) Drainage sorted out because water accumulates when it rains heavily at the entrance of Newland Court.

The comment refers to Brent's Resident Services team and have been responded to via separate emails to the resident.

In relation to this planning application, the resolution of issues and improvements relating to the existing estate cannot be considered when evaluating this planning application.

Community engagement

The community involvement on 28th of July 2022 and letters later to enable residents to feed into the design was a waste of time and pen pushing procedure. The letters were not deliver to all flats and houses on Grendon Gardens and the consultation response stating that 42 residents were in support is false as 52 signatures of objections were collected on Newland Court.

As set out within the Planning Statement, the Community Communications Partnership, acting on behalf of the London Borough of Brent, carried out public consultation ahead of the planning application being submitted. This noted that the consultation received 42 responses with the majority of residents expressing support for the proposed development.

Brent's Statement of Community Involvement

	<p>encourage applicants to involve local communities at the pre-application stages. The Government's National Planning Policy Framework emphasises the importance of planning applicants carrying out community engagement on their emerging proposals.</p> <p>In relation to the planning application, public consultation was carried out in line with statutory requirements and Brent's Statement of Community Involvement.</p>
<p><u>Boundary</u></p> <ul style="list-style-type: none"> • The boundary wall should not be removed as it protects Grendon gardens from landslides. • It seems likely that all the land north of the retaining wall belongs to properties in Grendon Gardens; in the cases of T2, 9, 10, 11 & 12 there is an existing chain link boundary fence which separates these trees from Newland Court. These trees cannot be removed without the consent of the owners. • The Council has now accepted in writing that it does not own the land to the north of the retaining wall where almost all of the trees scheduled for removal are situated. The applicant would not be able to remove trees from land which it accepts it does not own. • None of the trees, except T20, are on Brent's land. In addition they lie within the Barn Hill Conservation Area. T9, T10, T11 all lie within the property of 41 Grendon Gardens. T2 and T12 both grow up in the land owned by 37 Grendon Gardens. They lean in part over the retaining wall but are not "growing on top of the wall" as described on page 35 of Waterman's report. T5 is entirely inside No.35 Grendon Gardens lying as it does to the North of the retaining wall. 	<p>Boundary disputes are not a planning matter, however the title deeds provided show that the retaining wall presents the boundary wall and the submitted drawings appear to be according to the Title Deeds boundary line.</p> <p>The tree survey that accompanies the arboricultural impact assessment sets out that Trees T2, 9, 10, 11 & 12 and sit within the application site. These are all category C trees and the tree officer has not raised any specific objections to the removal of these trees.</p>
<p><u>Equalities Act 2010</u></p> <ul style="list-style-type: none"> • The plans for the 'infill' of tiny new houses in Newland Court were made since 2020 yet the first the residents ever heard about it was the end of June 2022. • Brent Council have shown Systemic discrimination towards the residents of Newland Court. They have shown no empathy, been dismissive and ignored the thoughts and feelings to go ahead with this 'infill' contributing to a less favourable outcome for the residents (especially the elderly and disabled) of Newland Court who they are treating like nobodies or a minority group. • Race discrimination as English is not some residents' first language and cannot communicate in English . The consultation letters should have been sent out in numerous languages. 	<p>The houses have been designed to meet internal space standards, and are not considered to be under-sized. The applicant has undertaken pre-application engagement and consultation has also been undertaken for the application itself. Changes have been made to the scheme, and while the scheme may not be supported by a number of local residents and while those local residents do not feel that their comments have resulted in sufficient change, this in isolation does not mean that discrimination has taken place. Consultation is commonly undertaken in plain English. However, where requested, endeavours are made to ensure that resident for whom English is not a first language can understand the proposals and are able to engage. It is also noted that there are significant equalities benefits associated with the provision of the proposed affordable homes.</p>
<p><u>Anti social behaviour</u></p>	<p>The areas form the open space associated with the flats at present, and the proposed facilities have</p>

<p>The hardstanding playground proposed would create noise near the ground floor flats as well as encourage Anti-Social Behaviours within estates such as gang culture, drugs and alcohol misuse especially at night. This would create an unsafe environment and goes against article 3 'right to life' under the human rights act. There are few secondary schools where kids can use the space for antisocial behaviours. There is a serious lack of lighting within the blind spots in Newland Court and in the parking area. There are no security cameras as a deterrent to repeat offenders in any area of Newland Court.</p>	<p>been proposed within these areas. Use of these may increase due to the improvements. Whilst this is a benefit, some noise may occur. However, this is not considered to be unreasonable given the current status of the land and the location of the proposed improvements. There is no reason to believe that significant increases in ASB would result from the reasonable use of the facilities.</p>
<p><u>Construction impacts</u></p> <ul style="list-style-type: none"> • Impact on mental health and wellbeing due to construction noise, dirt, and dust. • During construction disabled people and residents would need access to the road safely to get into vehicles for transport and hospital appointments. • No accurate timeframe on how long the works would be. 	<p>Some impacts are inevitable. A condition is recommended in relation to construction management plan to minimise the construction impacts of the development upon residents.</p>
<p>The value of the flats would decrease.</p>	<p>This is not a planning matter.</p>
<p>Affordability - Is it social rent or London affordable rent as London affordable rent is significantly higher than social rent.</p>	<p>A condition has been recommended for the new homes to be no higher than London Affordable Rent levels or in the event that or in the event that the homes are not delivered at rent levels no higher than LAR, that a contribution of £250,000 is secured in line with the requirements of policy BH5.</p>
<p>No access or increase for local infrastructure such as GPs and surgeries, hospitals, school care support, youth services.</p>	<p>The potential need for infrastructure is identified by the Council within the Infrastructure Delivery Plan, with policies for the delivery of infrastructure included within the Local Plan. The scale of the development is such that the proposal is not considered likely to result in significant additional demand for infrastructure. Nevertheless, the delivery of infrastructure to support the significant development within the borough is being secured and delivered.</p>
<p>Cost of up keeping – no communication on the projected cost on leaseholders and tenants such as services charges on tenants with financial difficulties and maintenance of the new play equipment, landscaping, new road pavements etc...</p>	<p>This is not a material planning consideration.</p>
<p>It is not reasonable for Brent to have Civic Centre with massive empty atrium and Brent to sell large pieces of land to private developers and now build social housing on tiny strip and cramped area.</p>	<p>This is not a material planning consideration.</p> <p>All planning applications are required to be determined in accordance with the development plan, unless material considerations indicate otherwise. As discussed in the report, the new homes would meet an identified need for affordable housing in the borough.</p>

Internal consultation

Local Lead Flood Officer - no objections raised.

Environmental Health - no objections subject to conditions.

Ecology Officer - no objections raised subject to following recommendations within the ecology report.

POLICY CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan as is relevant to this proposal is comprised of the:

London Plan 2021
Brent Local Plan 2019-2041

Key policies include:

London Plan 2021

GG2: Making the best use of land
GG4: Delivering the homes Londoners need
D3 Optimising site capacity through the design-led approach
D4 Delivering good design
D6 Housing quality and standards
D7 Accessible housing
D12a – Fire Safety
H1 - Increasing housing supply
H2 – Small sites
HC1 Heritage conservation and growth
G5 Urban greening
G6 – Biodiversity and access to nature
G7 Trees and woodlands
SI 1 Improving air quality
SI5: Water infrastructure
SI 13 Sustainable drainage
T1: Strategic approach to transport
T4 Assessing and mitigating transport impacts
T5 Cycling
T6 Car parking
T6.1 Residential parking
T7 Deliveries, servicing and construction

Local Plan 2019-2041

DMP1 – Development Management General Policy
BD1 – Leading the way in good design
BH1 – Increasing Housing Supply in Brent
BH2 – Priority Areas for Additional Housing Provision within Brent
BH4 – Small Sites and Small Housing Developments in Brent
BH5 - Affordable Housing
BH6 - Housing Size Mix
BH13 – Residential Amenity Space
BHC1 – Brent's Heritage Assets
BGI1 – Green and Blue Infrastructure in Brent
BGI2 – Trees and Woodland
BSUI2 – Air Quality
BSUI3 – Managing Flood Risk
BSUI4 - On-Site Water Management and surface water Attenuation
BT1 – Sustainable Travel Choice
BT2 – Parking and Car Free Development
BT3 – Freight and Servicing
BT4 - Forming an Access on to a Road

The following are also relevant material considerations:

National Planning Policy Framework 2021
Brent Waste Planning Guide 2013
Brent's Design Guide – Supplementary Planning Document 1 2018
Brent's Planning Obligations SPD
Residential Amenity Space & Place Quality – SPD – 2023
Sustainable Environment & Development – SPD – 2023

DETAILED CONSIDERATIONS

Background

1. The proposed homes form a part of the Brent Council project that is aiming to deliver 5000 new homes over a five year period, 1000 of which are proposed to be delivered through the New Council Homes Programme. The aim of the New Council Homes Programme is to reduce the high housing waiting list and the number of residents living within temporary accommodation, by building new homes that meet the needs of Brent's residents. This site is one of the sites identified within the New Council Homes Programme to build on land already owned by the Council.

Principle of development

2. Brent's Housing targets have significantly increased as part of London Plan 2021, with the target

increasing to 2,325 dwellings per annum for the period 2019/20-2028/29 in Policy H1 of the London Plan recognising the increasing demand for delivery of new homes across London. Brent's local plan policy BH1 reflects this target as well.

3. Policy D3 of London Plan 2021 required developments to make the best use of land by following a design-led approach that optimises the capacity of the site, with development that is the most appropriate form and land use for the site, with the policy recognising that small sites make a significant contribution towards increasing housing supply within London. This is also set out in policy H2 of London Plan 2021.
4. In response to the strategic policy position above, within Brent's Local Plan, the Council has set out priority areas for new housing under policy BH2. This policy identifies that new housing would be prioritised for growth areas, site allocations, town centres, edge of town centre sites, areas with higher levels of public transport accessibility and intensification corridors.
5. The above position is reinforced in policy BH4 of Brent's Local Plan. This policy relates to small housing sites and recognises that such sites can assist in delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites. Such proposals will be considered where consistent with other policies in the development plan and within priority locations (i.e. PTAL 3-6, intensification corridors, or a town centre boundary). In these priority locations, the character of the existing area will be subject to change over the Local Plan period. Outside the priority locations greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easy accessible on foot when determining the intensity of development appropriate. The site lies within a priority area with a PTAL of 4 and therefore the principle of the redevelopment of the site for increase in residential home is acceptable. It should also be noted that the section of Forty Avenue in front of Newland Court is also within an Intensification Corridor and to the east of the site lies the boundary of Wembley Growth Area.

Mix of units and affordable housing

6. Policy BH6 of the Brent Local Plan seeks for 1 in 4 new homes in the borough to be family sized homes with 3 or more bedrooms. The proposal is for 2 x 4 bedroom / 7 person and 3 x 3 bedroom / 5 person, with all 5 houses to be provided as family sized homes and therefore complies with Brent's policy.
7. Policy BH5 requires developments of between 5-9 dwellings to make a financial contribution for the provision of affordable housing off-site. In this instance it is noted that the applicant is intending to provide the scheme to be 100% affordable with rent levels in line with London Affordable Rents. As such, the provision of affordable housing on site would offset the need to make a financial payment and sufficiently comply with policy. It is however recommended that a condition is secured for the new homes to be at no higher than London Affordable Rent levels to comply with policy BH5 or in the event that the homes are not delivered at rent levels no higher than LAR, that a contribution of £250,000 is secured in line with the requirements of policy BH5 and the Planning Obligation SPD.

Design and character

8. The NPPF (2021) requires "Planning Policies and decisions should ensure that developments...are visually attractive as a result of good architecture, layout, appropriate and effective landscaping...Permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions" (Paragraphs 127 and 130 of the NPPF, 2021)
9. Design should respond to contributing towards "a positive relationship between urban structure and natural landscape features..." Additional design guidance can be found in DMP1 ("Development Management General Policy") and within the Councils SPD1 ("Design Guide for New Development"). Policy BD1 of Brent's Local Plan reinforces the need for all new development must be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character but is also fit for the future.
10. Principle 3.1 of SPD1 requires new development to be of a "height, massing and façade design should generally respect the existing context and scale; facilitating good urban design". SPD 1 3.2 principle also states 'Development should ensure animated facades towards public routes and spaces, avoid blank walls and inactive frontage...

11. The existing 32 garages are of low architectural quality and provide areas with limited natural surveillance. The redevelopment of the garages would provide an active frontage facing the access road and would improve the appearance and natural surveillance of the area. The immediate context of the site is Newland Court to the south, a predominantly three storey flatted set of buildings with pitched roofs. Towards the North-West, the site abuts a line of private gardens that back onto a row of street-flanking two storey houses within Barn Hill Conservation Area.
12. Generally, the proposal is well designed in terms of urban design within the wider context of Brent. In terms of height and massing, the proposal is considered appropriate for the site, limiting the potential impact on neighbouring properties by satisfying the principles of SPD1 design guide. The development would introduce two-storey buildings in place of the existing garages, designed to appear as a group of mews-like dwellings. Each building has its own distinct character, yet all are easily read as part of a unified whole; each gives definition to a different part of what is a highly constrained and unusual site helping to maximise its potential. The scale and massing has been developed to be sympathetic to the surrounding houses.
13. The entrances are clearly defined and expressed within the wider streetscape, giving future residents a good sense of arrival. The buildings would be adjacent to the new improved pedestrian pavement creating a somewhat buffer zone from the main street with set-in main entrances. The main entrance doors and windows to the scheme are towards Newland Court creating an active and animated façade on to the street.
14. There would also be improvements with the external bin stores to be relocated to either side and between the proposed buildings incorporated in to the landscaping and enclosed space.
15. SPD1 highlights the importance of the use of durable and attractive materials is essential in order to create development that is appealing, robust and sustainable and fits in with local character. The Design and Access Statement outlines that the materials proposed would comprise of buff/brown brick, white for window edges and PPC standing seam roof in terracotta colour. Externally, the façade composition reflects the character of the surrounding brick area to some degree within what is a relatively compact form of development that creates a sophisticated proposal and as such the principle of the materials are acceptable.
16. The Urban Design Officer was satisfied with the materials and general design approach. Overall, the buildings would be of a high-quality design and contain elements of contemporary design creating positive architectural features. However, further details including samples of the external materials are recommended to be secured as a condition giving confidence that the scheme would deliver a high quality and robust building.

Relationship with Barn Hill Conservation Area

17. The site adjoins the Barn Hill Conservation Area and a conservation area is defined as a designated heritage asset.
18. Paragraph 194 of the National Planning Policy Framework (NPPF) 2021, states that when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the 'assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The NPPF goes on to say in paragraph 195 that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage' asset's conservation and any aspect of the proposal.
19. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In the case of where development leads to less than substantial harm to the significant of a designated heritage asset, paragraph 202 of the NPPF highlights this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Policy HC1 of the London Plan development proposals affecting heritage assets, and their

settings, should conserve their significance, by being sympathetic to the 'assets' significance and appreciation within their surroundings. Policy BHC1 of the Local Plan further re-emphasises the matters above. Policy BP1 further reveals the importance of conserving and enhancing heritage assets within this part of the Borough.

20. Given the proximity to the Barn Hill Conservation Area (a designated heritage asset) and Fryent Park (which is locally listed), a heritage statement (NPPF 194) has been submitted to assess and identify if there are any harm to the heritage assets.
21. The proposal would not be situated within the conservation area but on its boundary. The extent of the proposal would not easily be seen by a passer-by on any of the roads within the conservation area, except Corringham Road which is an entrance to the conservation area. The existing garages have a neutral and negative appearance on the setting of the conservation area currently.
22. New housing along the boundary, particularly one that relates to Newlands Court, could be seen as an improvement. However, the design, massing and height of the new development would have to be carefully considered so that it does not adversely harm the Barn Hill Conservation Area. Vantages from surrounding properties as well as the rear gardens also form views within the conservation area and therefore have a bearing on its overall quality.
23. The proposal would not readily or obviously be seen in views that would be harmful to the conservation area from Grendon Gardens. Glimpse views between the properties on Grendon Gardens will be limited to a 'backdrop' given the distance as well as the dense tree planting on their rear gardens which would remain. The significance of the heritage asset and its appreciation from the public realm would not be adversely affected or degraded by the presence of the proposed development.
24. Whilst it is acknowledged that views of the proposals would be very limited from within the wider conservation area, it nonetheless would be visible from the dwellings which are located in Grendon Gardens. Vantages from neighbouring properties as well as rear gardens also form views within the Barn Hill Conservation Area and therefore have a bearing on its overall quality. The Design and Access statement has provided perspective views from the rear gardens of Grendon Gardens. Given the design of the proposal and its scale and nature, views would be limited to that of brick facing or terracotta colour metal cladding. Should be noted that simply seeing something new is not the same as causing harm to the significance of the conservation area. The existing trees and vegetation along the boundary of the site provide a verdant appearance to the conservation area as well as from Newland Court, contributing positively to its character and appearance. Furthermore, the substantial belt of trees remaining along on the boundary edge of the designation prevent most views into and out of the land behind it.
25. During the course of this application one unit was considered to be uncharacteristically narrow modern dwelling at the end of the row of traditional interwar detached properties alongside No. 2 Corringham Road creating an inappropriate transition identified by Council's Heritage Officer. In response to these amendments were sought for removal of Unit 1 visible from the street alongside No. 2 Corringham Road and replaced by additional car park and landscaping area as a more welcoming entrance to the scheme and Newland Court.
26. In conclusion, in line with paragraph 202 of the NPPF, the Council's heritage officer has concluded that any minor perceived harm is mitigated by the public benefits resulting from the scheme including the delivery of five affordable homes.

Standard of accommodation

27. To improve the quality of new housing, new development must meet with or exceed the minimum internal space standards contained within the London Plan policy D6. It goes onto say that all new homes should be provided with adequate levels of outlook, daylight and natural ventilation, which is supported by Council's Design guide SPD 1 (2018).
28. The proposal would be 3 x 3 bedroom 5 person (3B5P) houses and 2 x 4 bedroom 7 person (4B7P) houses all on two floors requiring 93 sqm and 115 sqm of internal floor space respectively. The submitted drawings indicate that all the units would exceed the minimum space standards set out by the London Plan with the 3B5P homes having an internal floorspace of 100.9 sqm and the 4B7P homes having an internal floorspace of 122.4 sqm. The homes would have outlook on either three or four sides

(exceeding the requirement for dual aspect and would receive sufficient daylight and outlook. The quality of the accommodation would therefore be acceptable and compliant with policy D6 of London Plan.

29. The windows look mostly towards the service road on Newland Court with secondary high opening and obscured windows for units 2 and 3 to the rear towards the private gardens of Grendon Garden houses at first floor level. It should be noted that the land slopes from Grendon Gardens down to Newland Court and there is a retaining wall and fence between the properties of Conservation Area, restricting overlooking at ground floor level.
30. In terms of overlooking between the homes, SPD1 normally sets out that a 18m distance should be maintained between habitable rooms. In this instance there are two pinch points in front of Unit 3 and 4 where the buildings have less than 18 metres separation distance, however direct overlooking between habitable rooms are prevented by staggered window locations and that the existing blocks are at an angle approximately 45 degree to the street and not directly face one another. Should be noted that the existing block features secondary living room windows on the north side while primary windows face Forty Avenue mostly.
31. London Plan policy D6 specifies that at least 75% of the gross internal floorspace should have a minimum floor to ceiling height of 2.5m. The submission shows the internal floor to ceiling heights through section plans, demonstrating that the homes would achieve at least 75% of the internal to ceiling height at 2.5 m, in line with policy D6.

Daylight and sunlight of the proposal:

32. The updated 2022 BRE 209 guidance provides two methodologies for assessing the internal daylight amenity to new residential properties. These assessment methods are known as 'Daylight Illuminance' or 'Daylight Factor'. The illuminance is calculated across an assessment grid sat at the reference plane (usually desk height). The guidance provides target illuminance levels that should be achieved across at least half of the reference plane for half of the daylight hours within a year. The Daylight Factor is a ratio between internal and external illuminance expressed as a percentage.
33. Given the neighbouring context is predominantly between 2-3 storeys, the assessment focuses on internal daylight and sunlight assessments to the most constrained unit across the lowest level of the proposed accommodation (Unit 3). The results of the daylight illuminance assessment have shown that all 3 (100%) of the habitable rooms within Unit 3 exceed the median lux targets for their specific room use and therefore fully comply with the BRE guidelines.
34. In respect of direct sunlight, shows that the ground level Living room/kitchen will receive good levels of sunlight exposure, achieving 5.1 hours of direct sunlight on March 21st. As such, the proposed dwelling will significantly exceed the 1.5 hour target and comply with the BRE criteria for sunlight exposure.
35. Given the amenity levels will only improve to the remaining dwellings as sky visibility and outlook increases, the proposals are in line with the BRE guidelines for internal daylight / sunlight provision and will provide a high-quality living accommodation for the future residents.
36. There has been some degree of concerns over daylight and sunlight impacts for internal space of the scheme due to the trees and vegetation on the northern boundary. The consultants further established that the daylight/sunlight report confirms that the most constrained proposed unit will achieve excellent levels of internal amenity that comfortably exceed the daylight illuminance/sunlight exposure targets set by the BRE 2022 guidance without the trees in place. The proposal will receive good levels of internal daylight with sufficient margin to allow for the effects of the retained trees, particularly given that all proposed habitable rooms are either dual-aspect, benefit from multiple windows or face away from the existing trees. In terms of sunlight, the trees are situated to the north of the proposed main living spaces and thus will have no bearing on the sunlight exposure provision. As such, the internal daylight/sunlight amenity levels to the proposed accommodation will not be materially affected by the existing trees and are considered in line with the BRE targets.

Accessible Homes

37. In line with London Plan policy D7, the homes should all be delivered to an M4(2) level of fit out, as defined within Part M of the Building Regulations. This will ensure that step free access is provided between the street to all flats and that the flats meet the needs of occupants with differing needs,

including some older or disabled people and to allow adaptation of the dwelling to meet the changing needs of occupants over time.

38. The design and access statement confirms that the units would be in full compliance with British Building Regulations, Part M4(2). This has been achieved by step free level entrances and access to the patio gardens, doors and corridors compliant with the required widths, ground floor WCs, clear access zones within the bedrooms and other matters set out within the statement. As such the proposed units meet the D7 criteria of M4(2) and given the site constraints the proposal complies with above requirement.

External amenity space

39. Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 50 sqm for family homes located at ground floor level (three or more bedrooms) and 20sqm in all other cases.
40. The BH13 requirement for external private amenity space established through BH13 is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50 sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
41. With regard to quality of the space, the supporting text to policy BH13 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight, whilst Brent SPD1 specifies that the minimum depth and width of the space should be 1.5 m.
42. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and 1.5 m is reconfirmed in the policy. The Council adopted the Brent Residential Amenity Space and Place Quality Supplementary Planning Document on 12th of June 2023. The SPD provides guidance on planning matters related to the provision of residential amenity space and public realm within developments.
43. Unit 1,2 and 3 would have approximately 56, 67 and 68 sqm of private gardens respectively. Units 4 and 5 also have approximately 56 and 75 sqm of private gardens. The private gardens for each unit have been divided in two separate sections on each side of the buildings and it is noted that due to site limitations some parts of the gardens would have a depth of around 2.4 metre with a degree of boundary planting. However, they would have a sufficient size and shape to lay tables or chairs to make use of the space. Notwithstanding the depth limitations in some parts of the spaces, the overall amenity space is considered to be acceptable and adequate in terms of its quality and quantity. The proposal is considered to comply with Brent's policy BH13 and an adequate private amenity space would be provided for each home.

Neighbouring Amenity

44. According to SPD 1 the building envelope should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing properties which would face towards the development, measured from height of two metres above floor level. Where proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres. Moreover, directly facing habitable room windows will normally require a minimum separation distance of 18 m, except where the existing character of the area varies from this. A distance of 9m should be kept between gardens and habitable room windows or balconies which would look towards those gardens.
45. Due to level differences and slop from Grendon Gardens to Newland Court, the scheme would be at a lower level than the garden boundary fences. The proposal would also maintain the retaining wall and the fence along the North boundary which would prevent any overlooking at ground floor level. The proposed buildings are designed to mitigate overlooking towards properties along Grendon Gardens and as such, all units have primary windows facing into each of their own patios. Units 01, 04 and 05 have no windows to the North elevations at first floor level either. Only two units (Units 02 and Unit 03) have windows at

first floor level that are facing Grendon Gardens properties. These windows are non-openable and are obscured glazed to prevent any overlooking which are also conditioned within this application.

46. The massing of the properties has been stepped down towards the northern site boundary to ensure it meets the 45 degree rule. A separation distance of around 3 metre and sloped roofs have been maintained between the first floor elevations and the northern site boundary ensuring no overbearing impact on the properties to the north on Grendon Gardens. The proposal would also comply with the 30 degree rule between the scheme and existing properties to the rear or front of the site.
47. The proposal would comply with the 30 degree guidance in relation to the windows of Newland Court flats. While the 45 degree guidance is only applied to private gardens and the Newland Court gardens are communal, it is noted that the scheme would comply with the 45 degree guidance in any case. The distance between some windows and the proposed flats is below 18 m in some instances. However, the windows are set at an oblique angle to each other which mitigates the potential for overlooking.
48. Having regard to the above, it is considered that the proposed units would not have a material adverse impact on the existing residential amenity of the surrounding properties.

Daylight and sunlight

49. The methodology and criteria used for these assessments is provided by Building Research Establishment's (BRE) guidance 'Site layout planning for daylight and sunlight: A guide to good practice' (BRE 209 3rd edition, 2022).
50. In support of the application a Daylight and Sunlight Report has been submitted, which assesses the effect of the proposed development on surrounding properties as well as within the proposal itself (discussed above).
51. In terms of impacts on daylight and sunlight to neighbouring properties, BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Also existing daylight may be affected if levels of No-Sky Line (NSL) within rooms are reduced to less than 0.80 times their former values.
52. In respect of direct sunlight and overshadowing, the 2022 BRE guidance recommends that a space should receive a minimum of 1.5 hours of direct sunlight on a selected date between 1st of February and 21st of March with cloudless conditions. It is suggested that 21st March (equinox) be used for the assessment.
53. To assess impacts on sunlight to existing south facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months and that the amount of sunlight, following the proposed development, is reduced by more than 4%, to less than 0.80 times its former value.
54. The BRE guide defines criteria by which to assess the impact of a proposed development on open spaces using the sunlight amenity test. This test quantifies the area of each space that receives at least two hours of sunlight on the 21st of March, in both the existing and the proposed situations. The 21st of March is chosen as it represents the mid-point of the sun's position throughout the year (equinox). The guidance suggests that, for a space to appear adequately sunlit throughout the year, at least 50% of its area should receive two or more hours of sunlight on the 21st of March. If the space fails to meet the above, then the area receiving at least 2 hours of sunlight should not be reduced to less than 0.80 times its former area.
55. The assessment has considered all the closest neighbouring residential properties with windows overlooking the proposed development which are:
 - 2 Corringham Road
 - 31 Grendon Gardens
 - 1-12 Newland Court
 - 13-24 Newland Court
 - 25-36 Newland Court

- 37-48 Newland Court

Daylight neighbouring properties

56. In respect of the potential daylight effects to the neighbours, the Vertical Sky Component (VSC) results demonstrate that all of the neighbouring windows will retain at least 0.8 of their existing levels with the proposed in place in line with the BRE guidelines. In terms of daylight distribution to the rooms, the No-Sky Line (NSL) results confirm that the properties will remain virtually unchanged (limited to 0.96 times the former value) thus comfortably exceeding the 0.80 target under the BRE guidance. The neighbouring properties therefore demonstrate full compliance with the BRE recommendations in respect of VSC / NSL daylight to the neighbouring properties.

Sunlight neighbouring properties

57. With regards to the sunlight effects, the Annual Probable Sunlight Hours (APSH) assessments show that there will be no material shift in sunlight to the neighbouring properties. The properties either remain comfortably in excess of the BRE target of 25% for total annual sunlight levels / 5% for the winter months, within 0.80 times their former level or experience no change as a result of the scheme.
58. The limited effects of the scheme are verified by our VSC, NSL and APSH assessments where no material change is recorded in the daylight / sunlight to the neighbours as a result of the scheme. The proposed scheme therefore demonstrates full compliance with the BRE guidance in terms of the potential daylight and sunlight impacts to the neighbouring properties.

Overshadowing to neighbouring amenities

59. The assessment has considered 2 Corringham Road, 45 and 31 Grendon Gardens rear gardens. The results of the BRE 2-hour sun contour assessments indicate that the gardens of the properties would continue to receive at least 2 hours of sunlight to c.91-99% of their area in the proposed condition and therefore are materially in excess of the 50% target recommended by the BRE guidelines.

Summary

60. In conclusion, the proposals have been designed to respond appropriately to the neighbouring properties and minimise any amenity impacts and in line with BRE targets for existing and proposed scheme.

Highway and Transport:

Car Parking

61. The site is within PTAL rating of 4 (good) for public transport.
62. The proposals originally included 7 residential units and 12 car parking spaces. Revised documents have now been submitted showing just 5 residential units, with the two 2-bed houses at either end of the site removed from the previous proposal. An increased total of 28 marked car parking spaces are also shown retained (although the Lambeth parking survey methodology would assess the parking capacity at 33 spaces if individual spaces are not marked, as this methodology uses shorter parking bay lengths when assessing capacity).
63. In order to provide safe pedestrian access to the new houses, a 1.7m wide footway is proposed along the entire northern side of the access road fronting the development. This results in the reduction in width of the carriageway to 3.7m, with inset bays being created to retain a total of 28 car parking spaces.
64. Given the good PTAL rating, the maximum car parking allowance for residential units in accordance with Appendix 4 of the Local Plan (which uses Table 10.3 of London Plan Policy T6.2) is 0.75 spaces per unit.
65. The sizes of the 60 existing flats are not known, but they would in any case have a maximum parking standards of up to 45 spaces. The existing provision of 34 garages and about 36 spaces along the service road therefore exceeds current the maximum parking standards.

66. The five proposed new dwellings would have a parking allowance of 3.75 spaces, although it is generally assumed that parking demand for London Affordable Rented housing would be lower than for private housing.
67. Data from the 2011 Census was previously examined, which showed average car ownership for flats in the area at 0.52 cars/flat. However, the recent release of car ownership data from the 2021 Census showed that car ownership in the area has risen by 10% over the intervening period, to an average of 0.57 cars per flat. This would equate to about 34 cars for existing residents, which can still currently be accommodated along the existing service road.
68. Nevertheless, the applicant did previously submit an overnight car parking survey carried out over two nights in December 2021, which identified just 28 cars parking in Newlands Court overnight.
69. The overnight car parking survey also assessed the amount of available on-street parking in the vicinity of the site. This suggested that there was a demand for 75 car parking spaces in the area, with a spare capacity of 100 spaces. However, the capacity assessment included 52 spaces along Forty Avenue and although some stretches do not have overnight parking restrictions, the road does have extensive daytime parking restrictions starting at either 7am or 8am, which does not make the street appropriate for residents to use for parking and explains why the road is so lightly parked at night.
70. The only locations with reasonable parking capacity are Barn Rise and Grendon Gardens, but only limited stretches of these roads are within a 200 m walk from the development. As such, there is limited spare on-street capacity to accommodate displaced car parking from this development.
71. However, as long as the existing demand for Newland Court can still be broadly accommodated (i.e. 28 cars as per the parking survey in marked bays, or 34 cars as per Census data in unmarked bays), then only the demand from residents of the new houses might need to be accommodated elsewhere.
72. As discussed above, the maximum level of parking permissible for the five new houses is 3.75 spaces.
73. Nevertheless, the shortage of available on-street parking in the area does still give rise to some concern and to mitigate this, it is recommended that the five new homes are made subject to a 'car-free' agreement, removing the right of future residents to on-street parking permits in any existing or future Controlled Parking Zone. Whilst this would not be entirely effective at the present time (as the site does not lie within a year-round CPZ) residents' parking restrictions do apply on Wembley Stadium event days and this would provide a fairly significant deterrent from owning a car.
74. Residents of the five new homes should also be prevented from parking within Newlands Court and taking parking space along the access road away from existing residents. However, the access road is not an adopted highway and so parking restrictions cannot be enforced by the highway authority under highway regulations. A car parking management plan is therefore sought to deal with this issue.

Highway works along the access road

75. The proposed resurfacing of the access road in block paving is welcomed, helping to create a more attractive space that would encourage traffic to slow down. The design should also incorporate speed tables along the long straight length of the road.
76. It is not clear from the plans whether kerbs are to be provided between the carriageway and the footway and the proposed height of these. The preference would be to provide kerbs to provide guidance to partially sighted pedestrians and to deter cars from parking along the footways. However, this would restrict the carriageway width below the 4.1m required to allow two cars to pass one another. As such the access road is made one-way with swept paths showing adequate car manoeuvring with a condition for kerb rise details. Transport officers have also requested the installation of raised speed tables along the length of the service road.

Cycle Parking

77. The minimum cycle parking requirement in accordance with the London Plan is two spaces per 2+bed unit. Drawing Number P1001 indicates that each unit would have its own 2m x 1m cycle locker located in within their amenity space, all of which fronts the service road to provide easy access. This satisfies requirements.

Refuse

78. The minimum refuse storage requirement would be 240l of recyclable waste, 240l for residual waste and 23l for organic waste for each household. The proposals include bin stores directly accessible from the street with gates opening inwards away from the highway, as required under the 1980 Highways Act (although efficiencies could be provided by having sliding/roller shutter doors instead).

Flooding and Drainage Considerations

79. Policy BSUI3 highlights that proposals requiring a Flood Risk Assessment must demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water. The application is accompanied by a Flood Risk Assessment. It sets out that the site lies within Flood Zone 1 and would be at low/negligible risk of flooding from fluvial, tidal, sewer, infrastructure (reservoir) and ground water sources. It notes that the site is at some risk from surface water flooding with some areas at a low risk and others at a medium risk with parts of the site. The FRA sets out that the 'low' risk flooding is associated with an overland flow path which enters from the east of the Site and flows in a south westerly direction across Newland Court and discharges into the overland flow route along Corringham Road immediately west of the Site. The depth of flooding is less than 300mm across the 'low' risk overland flow path.
80. The 'medium' risk surface water flooding covers a small area along Newland Court towards the south west corner of the Site and the depth of flooding is less than 300mm. The FRA highlights that the topographic survey show that levels naturally fall from east to west across the Site, hence surface water would naturally drain across Newland Court towards Corringham Road.
81. The FRA confirms that the proposed residential development lies outside of all of the surface water flood extents on Site. Road levels are proposed to remain as existing, therefore, the 'medium' risk surface water flooding would not be impeded on site and will follow its natural route along Newland Court. There would be no impact on flood conveyance routes or net loss of floodplain storage on site as a result of the proposed development. Reference to the online mapping for the West London SFRA identifies that there are no historic records of flooding from surface water in the area where the Site is located. Taking the above into consideration, the proposed development would not increase the risk of surface water flooding offsite and is considered that the risk of flooding from surface water is low, and the proposal would be in accordance with policy BSUI3.
82. Policy SI13 of London Plan sets out that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for green over grey features, in line with the drainage hierarchy. Policy BSUI4 relates to on site water management and surface water attenuation. It requires proposals for minor developments to make use of sustainable drainage measures wherever feasible and must ensure separation of surface and foul water systems.
83. The application has been accompanied by a drainage strategy. It notes that the scheme would be proposing to discharge the site to greenfield runoff rates with an outflow rate of 0.7 l/s for the 1 in 1 year event, 1.9 l/s for the 1 in 30 year event and 2.6 l/s for the 1 in 100 year event. This would be achieved through a number of sustainable drainage measures including surface water attenuation (with a storage tank of 183m³) and permeable paving within the footways and parking bays. In addition to permeable paving, small rain gardens would be proposed to be incorporated into the landscaping where possible to provide additional amenity, water quality and biodiversity benefits. As the existing Site is 100% impermeable, the combination of permeable paving and bioretention would slow reduce the existing peak runoff on Site in line with policy. The use of water butts for irrigation will allow runoff from the roof to be re-use and reduce the reliance of the scheme on potable water.
84. Confirmation has been provided the surface and foul water would be separated, and that the sustainable drainage measures would managed and maintained for the lifetime of the development by an appropriate managing body. It is considered that the sustainable drainage measures are accept and in accordance with policy BSUI4. The Local Lead Flood Authority has also confirmed that the details would be acceptable. Such details are recommended to be conditioned to any forthcoming consent.

Trees

85. The existing site has seven garage blocks to the rear of Newland Court which lie generally perpendicular to the rear access road. To the rear of these garage blocks is a retaining wall of between 700mm in height to the eastern end and 1000mm height in the west and behind this are the rear gardens of properties in Grendon Gardens. There is a significant linear feature of trees growing adjacent to the boundary of these properties. These are quite an important feature to the Barn Hill Conservation Area, as the site falls within the immediate setting of the Conservation Area.
86. Policy BGI2 of the Local Plan 2019-2041 stipulates that development with either existing trees on site or adjoining that could affect trees will require the submission of a BS5837 or equivalent tree survey detailing all tree(s) that are on, or adjoining the development site.
87. A number of the proposed units will be affected by overhang from the crown of adjacent trees, which are growing within the designated Conservation Area. These cannot be pruned without serving notice on the Council under s.211 of the Town and Country Planning Act.
88. The proposed properties fall within what would normally be the Root Protection Area of these trees, however, there is much less likelihood of roots being affected by the proposals/construction process due to the impact of the retaining wall along the boundary of the development site and the impact this would have had on the rooting pattern of the trees. It is possible that there may be roots within the area of construction, however this is likely to be much less due to the fact that the majority of the rooting system is normally expected to be within the top 600mm of topsoil.
89. The initial seven unit proposal has been reduced to five in due to tree canopy concerns and in response the reduced units are placed in optimum locations to minimise maintenance of trees while also providing better outlook for these units. The total number of trees and tree groups proposed for removal to accommodate the proposals has been reduced from thirteen to eight trees and tree groups.
90. The Arboricultural Impact Assessment (AIA) has been updated to support the revised application assessing 23 individual trees and groups of trees which identified three of these as being a category B features, two of which are G4 (approx. 11 Limes) and G6 (approx. 8 Limes) all of which run to the immediate rear of the proposed development site and overhang the proposed dwellings. The third category B tree is a Pine tree (T21) growing in proximity of Newland Court building. The remaining 20 trees and tree groups were awarded category C status, with 8 of these growing within the development site. All remaining category C trees are growing outside of the site.
91. The AIA has identified that 8 trees and group of trees (T2, T5, G7, T9, T10, T11, T12 and T20) would need to be removed. These are all category C trees and lie within the application site. Five tree and tree group (including T21, T16, G18, T22 and T23) would be retained but would require additional protection, with the remaining 10 trees and tree groups (including G4 and G6) being unaffected by the development proposal. 14 replacement trees are proposed within the application site to mitigate for the loss of the 8 trees identified above.
92. In general, the council's tree officer has reviewed the revised AIA dated March 2023 submitted. This includes the additional three trees T21, T22 and T23 which were not previously identified as they were previously considered to be outside of the site. T21 has some minor intrusion into its RPA which would need further consideration through an Arboricultural Method statement. With regards to T22 and T23 the council would ensure that should they die following on from transplanting, that there will be provision for them to be replaced.
93. However, while the amended scheme and reduction in units from seven to five have improved the impact on trees protected within the adjacent Conservation Area, there continues to be some concerns relating to the impact that this development will have on the future management of these protected trees sited within the Conservation Area and the increased pressure exerted to undertake repeated pruning to trees whose canopies would overhang the proposed units 02, 03 (including when canopies regrow), 04 and 05.
94. Notwithstanding the above, further evidence was provided in regards to G3, G4, and G6 which have all been heavily reduced in the recent past. In the case of G3, they were only 'topped' shortly before the trees were surveyed in October 2021. In the case of G4 and G6, these trees have also been topped (in some cases more than once, as confirmed by pruning points at various heights) by the relatively small diameter of the regrowth. The pruning works undertaken to these trees in the past were not compliant with best practice and likely to result in weakly attached branches and significant stem decay. As a result of these historical works, it is inevitable that further works would be required to manage the risk of branch

failure irrespective of any development proposals. As such, the council's tree officer confirms that it would be likely that re-pollarding of the groups of Limes G4 and G6 (and G3 though this has already happened more recently), would be permitted at regular frequencies of between 5 and 10 years. This is because they have been pollarded in the past and that it is good practice to repeat such work to avoid any branch failures from the previous points of reduction. However, given the proximity of the proposed buildings in such closeness to these trees would mean that there may be pressure to undertake crown re-reduction works where they overhang the site more frequently than this. Nevertheless, as the trees are located within the boundary of the Barn Hill Conservation Area, consent would be required by the Local Planning Authority to carry out any crown re-reduction works, to ensure that the impact on such trees would be minimised.

95. On balance, whilst there are concerns for the potential increased frequency of future pollarding and crown reduction of the overhang trees, in the interest of planning balance taking on board the overarching benefits of the proposal providing five affordable family dwellings, the proposal is considered to be acceptable, and the overall benefits outweighing the potential harm in this instance.

Landscape

96. Brent Local Plan Policy BH4 requires all minor development proposals to achieve an UGF score of 0.4 on site. This score needs to be demonstrated through a landscape masterplan that incorporates green cover into the design proposal. It should be accompanied by a score table measuring the UGF leading to better quality green cover on site.
97. The existing site to the rear of the Newland Court apartments are shared green spaces and the road and garages are hardstanding concrete paving which currently are not considered of high quality amenity space. As part of the development there would be a loss of approx. 270 sqm of landscaping to the rear of the apartments on the edge of the communal open space to provide car parking spaces for existing occupiers of the blocks and pedestrian pavement. Moreover, eight low Grade C trees and tree groups would be removed to facilitate the development.
98. The loss of the landscaped areas would be mitigated with 14 new tree planting and enhancement of existing hard and soft landscaping on site and the benefit of the scheme as a whole would outweigh these minor landscape losses. The proposals also includes a number of landscaping improvements to the existing triangular shared green spaces and entrance to the street. The proposed landscaping includes play facilities for children and seating areas with adequate natural surveillance. The rear gardens of the proposed developments would also be permeable paving with perimeter planter stretching along the majority of the boundary aiming to provide high level of amenity for future residents. Moreover, as part of recreation of the parking spaces, the edges of the existing green space (270sqm) to the rear of the courts would be lost. Any loss of communal amenity space for the existing residents of Newland Court has been weighed up against opportunities to replan and enhance the existing communal garden facilities for both existing and proposed resident as discussed above.
99. Based on the submitted Landscape Design Report, the UGF score of 0.225 is achieved short of Brent Local Plan policy BH4 target. However, the significant planning benefits in delivering additional family housings within the Borough in buildings of high quality design with landscaping is considered to outweigh the non-compliance with this particular policy. The scheme has sought to maximise the amount of soft landscaping within this constrained site.

Ecological assessment

100. Policy G6 of London Plan highlights that where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:
- 1) avoid damaging the significant ecological features of the site
 - 2) minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site
 - 3) deliver off-site compensation of better biodiversity value.
101. It goes onto to state that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and

addressed from the start of the development process.

102. The above position is reinforced within policy BGI1 of Brent's Local Plan which highlights that all developments should achieve a net gain in biodiversity and avoid any detrimental impact on the geodiversity of an area;
103. The application site does not lie within any designated site of importance for nature conservation. Nevertheless, an Ecological Impact Assessment has been submitted with the application to demonstrate that the proposal would not have a material impact on ecology and nature, including an assessment of impact on protected species and any mitigation measures that are required and proposed. The Ecological Impact Assessment was prepared by ecologists of Waterman dated February 2023.
104. The report highlights that the application site itself predominantly contains hardstanding and garage blocks with a few self sown trees. Such habitat would be of low ecological value. However, it does recognise that the line of semi-mature to mature trees to the northern and eastern boundaries of the site, largely associated with adjacent residential gardens, would be ecologically valuable, providing connective corridors for species movement.
105. The report has also considered that the impacted on protected species. A Preliminary Roosting Assessment of the garage for bats was carried out which identified that one garage block (B5) had low suitability for supporting roosting bats, due to a gap at the top of a dividing wall between two garages and a gap with flashing. A subsequent evening emergence survey was carried out for this garage block, with no bats recorded emerging from this garage block during this survey. Despite no roosts being observed, the line of trees to the north and east of the site was also considered to have low potential for roosting bats, given their age and species composition. The evening emergence survey did record low levels of activity by common and soprano pipistrelle bats, suggesting that the site and immediately adjacent habitats, in particular the line of trees to the north, are likely to be used for foraging and commuting by low numbers of common bat species which are adapted to urban environments. However, given the extent of suitable habitats present on Site and the presence of street lighting along the southern site boundary, utilisation of the site itself by bats is unlikely to be significant.
106. In relation to birds, whilst no evidence of nesting was recorded at the time of the Field Survey, habitats present on Site in the form of the garage blocks and adjacent line of trees and scattered shrub and scrub vegetation have the potential to support nesting species of urban bird. The line of trees and scattered shrub and scrub vegetation also provide suitable, foraging opportunities. Likewise, the site is considered to provide limited opportunities for common invertebrate species only, with no significant populations or assemblages of notable invertebrate species likely to be present. Notwithstanding the above, adjacent habitats predominantly in the form of the line of trees is likely to provide suitable habitat for a number of common invertebrate species. The Ecology Assessment has set out a number of mitigation and enhancement measures. This includes the requirements for a Construction Environmental Management Plan (CEMP) during construction works to minimise any direct and indirect impacts during Site preparation and construction activities including from works encroachment and increased levels of noise, vibration, lighting, dust arisings and disturbance. A number of measures to enhance the biodiversity of the site are also recommended such as native planting and those that benefit wildlife. In relation to protected species, the report recommends an update PRA and further evening emergence / pre-dawn re-entry surveys for bats if works commence 18 months after 16th September 2022. In relation to the semi-mature and mature trees, it highlights that whilst in accordance with current best practice guidelines (Collins, 2016) no further survey is required to be undertaken upon these trees, should any of these trees be required to be removed to facilitate the proposed development, this would be undertaken using soft felling techniques. The removal of any habitats of value to nesting birds including garages, trees and shrubs/ scrub is also recommended to be undertaken outside of the breeding bird season (March to August inclusive). Bat boxes, bird boxes and insect nest boxes are also recommended to enhance the site for protected species.
107. The above mitigation measures are recommended to be conditioned to any forthcoming consent. Overall, whilst figures on a net gain in biodiversity has not been set out, given that the site predominantly contains hardstanding, the proposal does have the opportunity to enhance the biodiversity of the site, in accordance with policy BGI1 of Brent's Local Plan 2019-2041.

Fire Safety

108. Policy D12A of the London Plan now requires all minor development proposals to achieve the highest

standard of fire safety and requires submissions to demonstrate that they:

- 1) *identify suitably positioned unobstructed outside space:*
 - a) *for fire appliances to be positioned on*
 - b) *appropriate for use as an evacuation assembly point*
- 2) *are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures*
- 3) *are constructed in an appropriate way to minimise the risk of fire spread*
- 4) *provide suitable and convenient means of escape, and associated evacuation strategy for all building users*
- 5) *develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in*
- 6) *provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.*

109. In support of the application a Fire Statement has been prepared by Elementa. The report outlines the fire safety strategy proposals for the Newland Court site of the Brent Infill project and seeks to demonstrate compliance with the Building Regulations (generally in the form of the recommendations of ADB). The designs of the residential houses, such as internal travel distances or protected hallway etc, are compliant with ADB. Access and facilities for the fire service are also compliant. Sprinkler coverage isn't provided to the residential apartments as the height is under 11m. The report provided would sufficiently outline the requirement of D12a policy above.

Environmental impact, sustainability and energy

110. The site is located within an Air Quality Management Area. A construction management plan to address the impact on air quality as a result of demolition works, together with the management of the site during construction is conditioned this consent.
111. The Environmental Health officer has requested that an air quality neutral assessment is undertaken. However, given that the site is minor development less than 9 units, is not required by planning to submit an Air Quality Neutral Assessment as set out within policy BSUI2.
112. Given that this is not a major development there is no requirement for the development to be net zero-carbon.
113. Minor developments should seek to reduce potential overheating and reliance on air conditioning system through good design which the proposals are all at least triple access and provide natural ventilation.
114. For residential development, a Water Efficiency Assessment will be required providing evidence the development will need the target of 105 litres or less per head per day, excluding an allowance of 5 litres of less per head per day for external water use. A condition would be secured to target mains water consumption of 105 litres or less per person per day in line with policy BSUI4

Construction Environmental Management Plan

115. Details and specifications for practical measures intended to avoid or minimise adverse effects on biodiversity during the construction process is required which is attached to this application. A CEMP would be produced and implemented to allow the proposed Development to be constructed whilst minimising impacts on any retained habitats on Site and within the local area.

Equalities

116. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

Conclusion

117. Whilst the proposal does not meet the 0.4 target for the Urban Greening Factor as set out within policy BH4 and is likely to result in the trees along the northern boundary within the conservation area to require more frequent re-crowning as a result of the development, the scheme would deliver significant benefits including the provision of five affordable family sized homes. Officers consider that taking the development plan as a whole, the proposal is considered to accord broadly with the development plan, and having regard to all material planning considerations, and that the application should be approved subject to conditions. The proposal would deliver five family sized homes that would help to meet the Council's housing needs, and the limited conflict with policy would be outweighed by the planning benefits. The benefits of the scheme are considered to outweigh the impacts associated with the potential higher frequency of work to the trees within the gardens of Barn Hill Conservation Area and the less than substantial harm to the conservation area that may occur.



Application No: 22/3124

To: Farren
Maddox and Associates Ltd
33 Broadwick Street
London
W1F 0DQ

I refer to your application dated **07/09/2022** proposing the following:

Demolition of all garages on site to provide five new homes with associated cycle and refuse storage, resurfacing of Newland Court to provide shared vehicular and pedestrian surface, provision of on-street car parking along Newland Court, new refuse storage facilities to serve existing residents at Newland Court and all associated landscaping works (revised scheme)

and accompanied by plans or documents listed here:
Please refer to condition 2

at **Newland Court Garages, Forty Avenue, Wembley**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 07/11/2023

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-

National Planning Policy Framework 2021
London Plan 2021
Brent's Local Plan 2019-2021

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

1189-09-P-0001-A - Site Location Plan
1189-09-P-0010 - Existing site Plan
1189-09-P-0201 - Existing North-East Elevation
1189-09-P-0200 - Existing South- West and North West Elevation
1189-09-P-1002-A - Proposed first floor plan
1189-09-P-1003_A - Proposed roof plan
1189-09-P-2000_A - Proposed main context elevation
1189-09-P-2001 - Proposed context rear elevations
1189-09-P-2110 - Proposed main and rear elevation house type 1 (unit 1,04 and 05)
1189-09-P-2111 -Proposed courtyard elevation house type 1 (unit 01,04 and 05)
1189-09-P-2110 - Proposed main and rear elevation house type 2 (unit 02,03)
1189-09-P-2111 -Proposed courtyard elevation house type 02 (unit 02,03)
1189-09-P-3000_A - Proposed context elevation
1189-09-P-3110 - Proposed section unit 01 (3b5p)
1189-09-P-3120 - Proposed section unit 02 (4b7p)
1189-09-P-3130 - Proposed Section 03 (4b7p)
1189-09-P-3140 - Proposed section unit 04 (3b5p)
1189-09-P-3150 - Proposed section unit 05 (3b5p)
1189-09-P-4110_A - Proposed floor plan house type 01 (unit 1,04 and 05)
1189-09-P-4120_A Proposed floor plan house type 02 (unit 02,03)
WIE-18009-SA-95-019-A01 - Swept Paths
LN00688 - L-100 -P03 - Proposed general arrangement ground floor plan

Supporting documents

WIE18009-105-R-20-3-1-AIA - Arboricultural Impact Assessment
WIE18009-102-R-10-1-8-ECIA - Ecological Impact Assessment
WIE18009-100-R-9-6-1 - SUDS Report
Revision 003 - Landscape Design report

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 A Memorandum of Understanding shall be entered into prior to the occupation of the dwellings hereby approved to make provision for a financial contribution of £250,000 to the Local Planning Authority towards the provision of Affordable Housing within the borough unless all of the dwellings hereby approved are provided as affordable housing in perpetuity, and shall be delivered at rent levels no higher than London Affordable Rented units, with rents set as follows:

- (a) Up to 80% of the local Open Market Rent (including Service Charges where applicable); and
(b) Excluding Service Charges, no higher than the benchmark rents published by the GLA

annually in accordance with the Mayor's Funding Guidance.

The London Borough of Brent will have 100% nomination rights in perpetuity. In addition, the Owner shall enter into a Nomination Agreement with the London Borough of Brent prior to occupation of the affordable housing units.

Reason: To ensure the delivery of affordable housing within the development and to comply with Policy BH5.

- 4 No extensions or buildings shall be constructed within the curtilage of the dwellinghouses subject of this application, notwithstanding the provisions of Classes A, B, D, E & F of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015, as (amended), (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: To prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- 5 The building shall be designed so that mains water consumption does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations 2010.

Reason: In order to ensure a sustainable development by minimising water consumption.

- 6 The windows on the north elevation of units 02 and 03 shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.7m above floor level) and shall be permanently returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- 7 The works shall be carried out in accordance with the approved Drainage Strategy (WIE18009-100-R-9-6-1) prior to occupation of the development unless an alternative strategy is submitted to and approved in writing by the Council and thereafter implemented in full.

Reason: To ensure that risks from flooding are effectively mitigated

- 8 The measures and recommendations set out in the 'WIE18009-102-R-10-1-8-ECIA – Ecological Impact Assessment (Dated February 2023)' shall be implemented in full throughout the construction of the development.

Reason: In order to ensure that any potential effects on protected species are adequately mitigated.

- 9 The development hereby approved shall not be occupied unless the car parking spaces, cycle storage and refuse stores have been completed in full accordance with the approved drawings and made available to residents of the development and shall not be used other than for purposes ancillary to the flats hereby approved.

Reason: To ensure a satisfactory standard of accommodation.

- 10 The development hereby approved shall not be occupied unless the external amenity spaces

(proposed new spaces and enhancements to existing spaces) have been completed in full accordance with the approved drawings and those spaces shall thereafter be made available to residents of the development and shall not be used other than for purposes ancillary to the units hereby approved.

Reason: To ensure a satisfactory standard of accommodation.

- 11 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance, unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/> "

Reason: To protect local amenity and air quality.

- 12 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development.

On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

The owner is required to inform any future occupant that they won't be entitled to a Residents Parking Permit or Visitors Parking Permit.

Any Parking Permit issued in error by the Council shall be surrendered should the Council request it.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 13 Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

Reason for pre-commencement condition: Impacts arising from the construction process occur as soon as development commences and adequate controls need to be in place from this time.

- 14 Prior to development commencing, a Construction Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority, setting out how the construction process will be managed so as to protect the existing ecology of the site and off-site receptors, in accordance with the recommendations of the approved Preliminary Ecological Impact Assessment. All recommendations within the approved CEMP shall be carried out throughout the construction of the development.

Reason: In order to ensure that the development results in no net loss to biodiversity and impact

upon wildlife.

Reason for pre-commencement condition: Impacts arising from the construction process occur as soon as development commences and adequate controls need to be in place from this time.

- 15 Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of retained trees in accordance with BS5837: 2012 including a Tree Protection Plan (TPP, at para. 5.5 BS 5837) and an Arboricultural Method Statement (AMS, at para. 6.1 BS 5837) shall be submitted to and approved in writing by the local planning authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/utilities/drainage
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA that may impact on the retained trees
- d) A full specification for the installation of boundary treatment works
- e) A full specification for the construction of any roads, parking areas and driveways to be constructed using a no-dig specification including the extent. Details shall include relevant sections through them.
- f) Detailed levels and cross sections to show that the raised levels or surfacing, where the installation of no-dig surfacing within the RPA is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction activities in this area clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires.
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of root pruning
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- n) Reporting of inspection and supervision.
- o) Methods to improve the rooting environment for retained trees and landscaping
- p) Veteran and ancient tree protection and management.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with DMP1 and BGI 2.

Reason for pre-commencement condition: Impacts arising from the construction process occur as soon as development commences and adequate controls need to be in place from this time.

- 16 Details of materials for all external work, including samples which shall be made available for viewing on site or in an agreed location, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding any demolition, site clearance and the laying of foundations).

The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- 17 Details of the hard and soft landscaping within the site shall be submitted to and approved in

writing by the Local Planning Authority prior to the commencement of the development (excluding any demolition, site clearance and the laying of foundations), Such details shall include:

- I. A scaled plan showing vegetation to be retained and trees and plants to be planted, which shall include a minimum of 13 trees
- II. A schedule detailing sizes and numbers of all proposed trees and use of native and/or wildlife attracting species as per the recommendations made within the Ecological Impact Assessment
- III. Sufficient specification to ensure successful establishment and survival of new planting
- IV. Details of all proposed hardstanding
- V. Details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights)
- VI. Details of wildlife enhancements within the site as per the recommendation sets out within Ecological Impact Assessment, including the use of insect nest boxes/ dead wood piles, nest boxes for bird species on the building facade as well as on the retained and planted trees and bat boxes in areas of minimal light spill
- VII. Details of specific infrastructure and/or apparatus forming the play spaces, within the communal open space
- VIII. The provision of 28 car parking spaces, including the size and siting of the parking area, defined points of access and the surfacing materials to be used,
- IX. Details of resurfacing of the access road in block paving as shown, along with raised kerbs between the carriageway and footways, including the installation of raised speed tables along its length and the implementation of a one-way system.
- X. Details of cycle storage through the provision of secure, weatherproof cycle storage facility
- XI. The provision of 20% active electric vehicle charging points and passive provision of the remaining car parking spaces
- XII. A schedule of landscape maintenance for a period of 5 years. which shall include details of the arrangements for its implementation and sufficient specification to ensure successful establishment and survival of new planting.

The hard and soft landscape works shall be carried out in full accordance with the approved details prior to the use of the dwellings hereby approved, unless alternative timescales have been submitted to and approved to be agreed in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved timescales.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new trees(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning authority gives its written consent to any variation).

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policies DMP1 and BGI 2

- 18 Prior to the first occupation of the development hereby approved, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be adhered to in full.

Reason: To ensure an appropriate parking arrangement and system of parking management for the development.

- 19 Prior to the installation of any external lighting, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. This shall include, but is not limited to,

details of the lighting fixtures, luminance levels within and adjoining the site, as well as ecological sensitivity measures that form a part of the lighting strategy. The lighting shall not be installed other than in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of safety and the amenities of the area.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 3 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 4 Given the age of the buildings to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials.
- 5 The submission of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.
- 6 Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

Monday to Fridays 08:00 to 18:00

Saturday 08:00 to 13:00

At no time on Sundays or Bank Holidays
- 7 It is important that the workers are vigilant for signs of potential contamination in the soil during excavation works. This may include obvious residues, odours, fuel or oil stains, asbestos, buried drums, buried waste, drains, interceptors, tanks or any other unexpected hazards that may be discovered during site works. If any unforeseen contamination is found during works Regulatory Services must be notified immediately. Tel: 020 8937 5252. Email: ens.monitoring@brent.gov.uk

Any person wishing to inspect the above papers should contact Nicola Blake, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5149